

AFTER YOUR HEARING

WHEN WILL I GET MY DECISION?

Sometimes a decision can be made at the end of the hearing. This can happen if all the necessary documents have been provided and there are no complications, and if you have a lawyer. If a decision was made at the end of your hearing and you signed a "Short Form Decision," you should receive your copy of the decision within two or three weeks.

But in most cases, the decision comes later. If you are waiting for your decision it is probably because one or more of the steps listed here is being taken, to complete your claim.

MORE DOCUMENTS

If your lawyer or support officer has to collect more medical records or other documents after your hearing, or if Canada needs to do further research, this can take a few weeks or even several months.

EXPERT ASSESSMENT

If you are claiming a physical injury (for example, hearing loss) you may be sent to a doctor for an examination. If you are claiming certain types of psychological harms, you may be sent to meet with a psychologist. The doctor or psychologist will do a report that can help the adjudicator to decide your claim. This can take three to four months.

TESTIMONY BY AN ALLEGED PERPETRATOR OR WITNESS

In some cases, another person will testify after your hearing. This could be the person you accuse of abusing you (the "alleged perpetrator") or it might be a witness. Your lawyer or support officer will tell you if anyone else will be testifying. This can take several months.

CONTINUATION HEARING

Most hearings take one day or less, but occasionally a claimant is asked to come back to finish testifying another day. This might be several months later.

FINAL SUBMISSIONS

Some cases are more complicated than others. Your lawyer, if you have one, and Canada's representative may need to take some time to prepare what they want to say to the adjudicator about your claim. The adjudicator may also need time to think about it.

Once the adjudicator has everything that's needed, it will be time for final submissions. This is when you or your lawyer, if you have one, and Canada's representative, (and the Church representative, if participating) will tell the adjudicator how they think your claim should be decided. If final submissions are not done on the hearing day when everyone is together, they will be done by telephone conference.

THE DECISION

After final submissions the adjudicator will write your decision. The Secretariat will send a copy of the decision to your lawyer if you have one. If you do not have a lawyer, it will be sent to you by mail, and to your support officer. It usually takes about two months to get the decision, after final submissions are done.

If you think the adjudicator made a mistake and you want another adjudicator to review your decision, your lawyer or your support officer can tell you what to do. You have 30 days from the date your decision was sent to you, to ask for a review. The government and the church also have 30 days to ask for a review by another adjudicator.

WHAT ABOUT MY LEGAL FEES?

If you are awarded compensation, and if you have a lawyer, you will also receive a form in the mail with your decision, asking if you want the adjudicator to examine the fee your lawyer is charging. If your lawyer is suggesting a fee that is higher than the 15% that Canada will pay, and if you return this form, the adjudicator will make sure the fee is both legal, and fair. If it is not, the adjudicator can reduce the amount that the lawyer can charge you.

Even if you do not return the form, the adjudicator will still have a look to make sure the fee seems appropriate.

www.iap-pei.ca

Information Line: 1-877-635-2648

National Crisis Line: 1-866-925-4419

Disponible en français

WHEN WILL I GET MY COMPENSATION?

If the adjudicator decides that you will receive compensation, the government will send an award package to you or to your lawyer, if you have one. The package includes:

- legal documents that need to be signed with the advice of a lawyer; and
- information on how to find a lawyer, if you don't have one.

A lawyer is absolutely required at this stage, and Canada will pay the lawyer for this service. When the government receives the completed legal documents from you, it will begin processing the compensation cheque, which will be sent to your lawyer. This takes four to six weeks.

If you don't have a bank account you may want to open one, to deposit your compensation cheque. Most banks will not charge a fee to deposit your cheque into your own account but they may charge to take money out. When you choose your bank, ask about fees and your best options.

If you have a question about your cheque, please contact your lawyer or your support officer. They will be able to contact the government for information.

WHAT IF I WANT A TRANSCRIPT OF MY TESTIMONY?

You may remember that the adjudicator recorded your testimony. The hearing was confidential, but you are entitled to a transcript of your testimony, if you would like one. (The names and other identifying information about anyone other than you will be removed, to respect their privacy.) If you request your transcript, you may do whatever you like with it. Some claimants choose to keep it to hand down to children or grandchildren; some may perform a ceremonial burning; others may choose to publish the transcript.

You may also choose to give your transcript to The National Research Centre for Truth and Reconciliation or to another historical archive of your choice. The Centre has been created to receive and keep transcripts of claimants' testimony, to preserve forever the memory of Canada's residential school system. Deposit of your transcript with the Centre is an important option to consider, but your hearing testimony belongs to you, so the choice is yours to make. You may find more information about the Centre at: <http://umanitoba.ca/centres/nrctr/index.html>

If you want a transcript of your testimony, ask your lawyer or your support officer to request it for you. Or, make your own request to the Secretariat for a "memorialization transcript." You can do this by:

Mail: 2010 – 12th Avenue, 9th Floor
Regina, SK S4P 0M3
Fax: (306) 790-4635
Email: IAPS.Post.Hearingunit@irsad-sapi.gc.ca

It usually takes two to three months to receive your transcript, but this will not delay your claim.

WHERE CAN I FIND HEALTH SUPPORTS?

Health supports are available. Most health support workers are Aboriginal and they are available to you during all stages of the IAP, including after the hearing. They can provide not only emotional support, but also cultural support services by elders or traditional healers, and professional counselling by psychologists or social workers. For more information about the IRS Resolution Health Support Program please contact the office in your region:

British Columbia

1-877-477-0775

Alberta

1-888-495-6588

Saskatchewan

1-866-250-1529

Manitoba

1-866-818-3505

Ontario

1-888-301-6426

Quebec

1-877-583-2965

Nova Scotia, New Brunswick, Newfoundland and Labrador, and Prince Edward Island

1-866-414-8111

Yukon, Northwest Territories, and Nunavut

1-800-464-8106

WHAT IF I STILL HAVE QUESTIONS?

- Contact your lawyer, or call our toll-free Information line at 1-877-635-2648.
- You can find information on the Internet, at www.iap-pei.ca.
- If you need emotional help, call the National Crisis Line any time at 1-866-925-4419.