

Federal Court



Cour fédérale

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F I L E D	FEDERAL COURT COUR FÉDÉRALE		D É P O S É
	Date: 20260630		
	Docket: 2026-19		
	June 30, 2026 30 juin 2026		
	T-141-20 T-1120-21		
Alexander Petranski			
OTT		324	

Ottawa, Ontario, June 30, 2026

PRESENT: The Honourable Madam Justice Aylen

CLASS PROCEEDING

BETWEEN:

**XAVIER MOUSHOOM, JEREMY
MEAWASIGE (BY HIS LITIGATION
GUARDIAN, JONAVON JOSEPH
MEAWASIGE) AND JONAVON JOSEPH
MEAWASIGE**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

Docket: T-141-20

AND BETWEEN:

**ASSEMBLY OF FIRST NATIONS, ASHLEY
DAWN LOUISE BACH, KAREN OSACHOFF,
MELISSA WALTERSON, NOAH BUFFALO-
JACKSON (BY HIS LITIGATION GUARDIAN,
CAROLYN BUFFALO), CAROLYN BUFFALO
AND DICK EUGENE JACKSON ALSO
KNOWN AS RICHARD JACKSON**

Plaintiffs

and

**HIS MAJESTY THE KING AS
REPRESENTED BY THE ATTORNEY
GENERAL OF CANADA**

Defendant

Docket: T-1120-21

AND BETWEEN:

**ASSEMBLY OF FIRST NATIONS AND
ZACHEUS JOSEPH TROUT**

Plaintiffs

and

THE ATTORNEY GENERAL OF CANADA

Defendant

ORDER

UPON INFORMAL MOTION of the Settlement Implementation Committee [SIC], by letter dated June 25, 2026, for:

- (a) An order approval a protocol for the substantiation of provincial, territorial and custom adoptions under the Final Settlement Agreement, as amended, and as approved by this Court on October 24, 2023, and further amended by Order of this Court dated December 12 2024 [Final Settlement Agreement];

CONSIDERING that the Administrator was appointed by Order of this Court on August 11, 2022;

AND CONSIDERING the materials filed, including the proposed process titled “Adoptions – Acceptable Evidence of Provincial, Territorial and Custom Adoptions Process” [Adoptions Process], the Affidavit of Joelle Gott, affirmed June 23, 2026, and the submissions of counsel by letter dated June 25, 2026;

AND CONSIDERING that I am satisfied that the Adoptions Process is necessary for the proper implementation of the Final Settlement Agreement;

AND CONSIDERING that I am satisfied that the Adoptions Process is fair and reasonable and in the interests of the class;

AND CONSIDERING that Canada consents to the relief sought;

AND CONSIDERING that the Court is satisfied that the requested relief should be granted;

AND CONSIDERING that all defined terms in this Order shall have the same meaning as in the Final Settlement Agreement;

THIS COURT ORDERS that:

1. The “Adoptions – Acceptable Evidence of Provincial, Territorial and Custom Adoptions Process”, enclosed hereto as Schedule “A”, is approved.

2. There shall be no costs of this motion.

“Mandy Aylen”

Judge

Schedule “A”

First Nations Child and Family Services, Jordan’s Principle, and Trout Class Final Settlement Agreement

Adoptions – Acceptable Evidence of Provincial, Territorial and Custom Adoptions Process

1. General

This Adoptions – Acceptable Evidence of Provincial, Territorial and Custom Adoptions Process must be read and interpreted in conjunction with:

- a) the First Nations Child and Family Services, Jordan’s Principle, and Trout Class Final Settlement Agreement dated April 19, 2023, as amended by way of Addendum dated October 10, 2023, and Second Addendum dated November 26, 2024, and approved by the Federal Court on October 24, 2023 (“**Final Settlement Agreement**” or “**FSA**”); and
- b) the Claims Process for Removed Child Class and Removed Child Family Class approved by the Federal Court on June 20, 2024, and all future claims processes for other Classes contemplated by the FSA (“**Claims Process**”). Both the FSA and the Claims Process(es) may be found online at the First Nations Child and Family Services and Jordan’s Principle Settlement website <https://fnchildclaims.ca/documents/>.

1.1 This document serves to define the type of information or documentation the Administrator may accept to validate a “verifiable provincial, territorial, or custom adoption” under the FSA where evidence is required of adoptive relationships under the Claims Process.

2. Background

2.1 As part of the Claims Process, Caregiving Parents or Caregiving Grandparents must provide evidence of their relationship to a member of Jordan’s Principle Class, Removed Child Class, Trout Child Class, or Kith Child Class, or (“**Related Child**”). If they are not the biological parent or biological grandparent of the Related Child (FSA s.5.5), the parental relationship cannot be confirmed by the Indian Registry or documents such as long form birth certificates. Similarly, where there is no Grant of Authority, Representatives of Deceased Removed Children and Deceased Caregiving Parents or Caregiving Grandparents who do not have a biological relationship to the Deceased must provide evidence of the adoptive relationship to the Caregiving Parents or Caregiving Grandparents if the claimed relationship is adoption (Sections 11.4.7; 11.5.2 C.iv).

2.2 For adoptive Caregiving Parents or adoptive Caregiving Grandparents of a Child in accordance with the FSA and Claim Form, the Administrator must require evidence of a verifiable provincial, territorial or custom adoption. This requirement is reflected in the Final Settlement Agreement in the definitions of “Caregiving Parents” and “Caregiving

Grandparents”. Both definitions state that “an adoption [...] means a verifiable provincial, territorial or custom adoption” (FSA 1.01).

3. Process

- 3.1 In order for adoptive Caregiving Parents or adoptive Caregiving Grandparents to establish an adoptive relationship with a Child Claimant or grandchild under the FSA, they must provide, as part of their Claim Form, evidence of a verifiable provincial, territorial or custom adoption provided to the Administrator, satisfactory to the Administrator. Such documentary evidence is outlined in the sections below and attached Appendices.
- 3.2 The Administrator will review documents submitted by the adoptive Caregiving Parents or adoptive Caregiving Grandparents, to determine whether they may be accepted as reasonable evidence of a provincial, territorial or custom adoption.
- 3.3 The Administrator may perform public checks on the author of the document and at the Administrator’s discretion verify their identity and may contact them directly.
- 3.4 As with other claims, in accordance with FSA Section 3.02(1)(h), the Administrator may report to the Settlement Implementation Committee any suspected or potential irregular or fraudulent Claims.

4. Acceptable Documents of Provincial or Territorial Adoptions

- 4.1 The Administrator may accept an Adoption Order, Order of Adoption or Court Order granted by the Courts (as listed in Appendix A) as evidence of a verifiable provincial/territorial adoption.
- 4.2 A detailed summary of Court documents is required to be provided as issued by the relevant province and territory can be found in Appendix A and will be relied upon by the Administrator to establish relevant documentation to determine whether there is a verifiable provincial or territorial adoption.
- 4.3 The adoptive Caregiving Parents or adoptive Caregiving Grandparents will indicate the type of adoption in their Claim Form, which will be relied upon by the Administrator.
- 4.4 The Administrator may not accept other supporting documents (e.g., letters, statutory declarations, etc.) in cases where a provincial/territorial adoption has occurred and is represented by the adoptive parent/grandparent. In these cases, if other supporting documents are provided to the Administrator other than those issued by the Court of the province/territory as identified in Appendix A, it will not be accepted as proof of adoption, and the documentation will be treated as Missing Information and will follow the Missing Information process outlined in Section 2 of the Claims Process.

5. Acceptable Documents of Custom Adoptions

A. Provinces with Judicial Recognition of Custom Adoptions

- 5.1 For a custom adoption, the Administrator may accept an Adoption Order or Certificate upon Completion of the Adoption as documents which support a verifiable custom adoption for the six (6) provincial and territorial jurisdictions (British Columbia, Nova Scotia, Quebec, Northwest Territories, Nunavut and Yukon) that recognize custom adoptions.
- 5.2 If a Claimant in British Columbia, Nova Scotia, Quebec, Northwest Territories, Nunavut or Yukon does not possess the supporting documentation identified in Appendix B, the Claimant may alternatively provide the Alternate Documents identified in Part 5.B below to establish a custom adoption.

B. Any Province or Territory – including those without Judicial Recognition of Custom Adoptions

- 5.3 For any province or territory, the Administrator may accept one or more of the following alternate documents to validate an adoptive relationship (“**Alternate Documents**”):
- A) Letter from the First Nation whose customs the adoptive parent(s) followed at the time of the custom adoption;
 - B) Statutory declaration from a birth parent of the Related Child;
 - C) Statutory declaration signed by the Band Council of the First Nation whose customs the adoptive parent(s) followed at the time of the custom adoption;
 - D) Affidavit(s) by the adoptive parent(s) of the Related Child; and/or
 - E) Certain other contemporaneous government documents.
- 5.4 In all instances, the Alternate Document(s) must include, and the Administrator shall review the Alternate Document(s) that the Claimant has provided to verify the following information, all of which information must be substantiated through one or more Alternate Documents in order to establish a custom adoption of the Related Child:
- A) the identity of the Related Child;
 - B) the identity of the adoptive parent(s);
 - C) the First Nation under whose custom(s) the custom adoption took place;
 - D) that the First Nation has, or had at the time of the event, a custom for adoption;
 - E) that the Related Child was adopted in accordance with that custom;

F) timelines that would support the adoption claimed by the individual (e.g., adoption was in effect at the time of Removal, Kith Placement, or the Delay, Denial or Service Gap faced by the Related Child, as the case may be); and

G) the identity and full contact information of the individual(s) providing the Alternate Document.

5.5 The Administrator may create such forms as may facilitate the provision of the information listed in paragraph 5.4, and the Administrator may directly contact the source of the Alternate Document(s) to verify the information provided.

5.6 A more detailed summary of the required content of these Alternate Documents that may be accepted by the Administrator to validate a custom adoption is outlined below.

Letter from First Nation

5.7 The Administrator may accept a letter from a First Nation attesting to the custom adoption.

5.8 For the Administrator to validate the custom adoption, the letter issued by the Related Child's First Nation must be in the following form:

A) Some or all of the information in paragraph 5.4 (depending on whether this document is the only Alternate Document provided or if additional Alternate Documents are provided, to collectively establish all the information in paragraph 5.4);

B) Issued on First Nation Letterhead; and

C) Signed by an elected Chief, Councillor or Indian Registration Administrator ("IRA")¹ of the First Nation, or an individual with equivalent level of authority of the Band Office of the First Nation.

Statutory Declaration from the Biological Parent of Adoptee

5.9 The Administrator may accept a statutory declaration signed by the biological parent of the Related Child.

5.10 For the Administrator to validate the custom adoption, the statutory declaration from the biological parent must include the following:

A) Some or all of the information in paragraph 5.4 (depending on whether this document is the only Alternate Document provided or if additional Alternate Documents are provided, to collectively establish all the information in paragraph 5.4);

¹ IRAs are First Nation employees on reserves that work with registration administration on behalf of Indigenous Services Canada (ISC) and are a trusted source for registration and status cards, making them knowledgeable of the First Nations membership. [About Indian Registration Administrators](#)

- B) The statutory declaration must state that the biological parent placed the Related Child for adoption; and,
- C) The statutory declaration must be dated and signed by the biological parent;
- D) Include a copy of the biological parent's government-issued ID; and
- E) Include a copy of the long-form birth certificate confirming biological relationship to the Related Child.

Statutory Declaration(s) by One or More First Nation Elders

5.11 The Administrator may also accept a statutory declaration(s) signed by one or more First Nation Elders.

5.12 For the Administrator to validate the custom adoption, the statutory declaration(s) must include the following:

- A) Some or all of the information in paragraph 5.4 (depending on whether this document is the only Alternate Document provided or if additional Alternate Documents are provided, to collectively establish all the information in paragraph 5.4);
- B) The individual(s) completing the statutory declaration(s) should state that they are elder(s) of the named First Nation and should also indicate their band number and full contact information for identification purposes. In addition, the elder(s) should also confirm if the Related Child and the adoptive parent(s) are/were generally known in the community, whether or not the adoptive parent(s) followed the customs of the First Nation at the time of the adoption, if the birth parent(s) remained a parent following the custom adoption, and how the elders came about this knowledge.

Statutory Declaration Signed by the Band Council of the First Nation

5.13 The Administrator may also accept a statutory declaration signed by the Band Council of the First Nation whose customs the adoptive parent(s) followed at the time of the custom adoption.

5.14 For the Administrator to validate the custom adoption, the statutory declaration(s) must include the following:

- A) Some or all of the information in paragraph 5.4 (depending on whether this document is the only Alternate Document provided or if additional Alternate Documents are provided, to collectively establish all the information in paragraph 5.4);
- B) The declaration must indicate the name(s) of the adoptive parent(s), their registry numbers, if applicable, when the adoption took place and if the birth parent remained a parent following the adoption. In addition, the Band Council should also confirm if the Related

Child and the adoptive parent(s) are/were generally known in the community and whether or not the adoptive parent(s) followed the customs of the First Nation at the time of the adoption.

5.15 This document may also be in the form of a Band Council Resolution. The content, however, would remain the same and the established quorum for the First Nation must be fully satisfied.

Affidavit by the Adoptive Parent

5.16 The Administrator will also accept an affidavit by the adoptive parent.

5.17 For the Administrator to validate the custom adoption, the affidavit must include the following:

- A) Some or all of the information in paragraph 5.4 (depending on whether this document is the only Alternate Document provided or if additional Alternate Documents are provided, to collectively establish all the information in paragraph 5.4);
- B) The affidavit must also indicate the name(s) of the adoptive parent(s), their registry number(s), if applicable, when the adoption took place and if the birth parent remained a parent following the adoption, if applicable. The individuals completing the affidavit should also indicate their relationship to the Related Child;
- C) Be signed and dated by the adoptive parent; and
- D) Must be witnessed and signed/sealed by a Commissioner of Oaths or Notary.

Certain Contemporaneous Government Records

5.18 The Administrator may also accept contemporaneous government documents.

5.19 For the Administrator to validate the custom adoption, such documents must include the following:

- A) Some or all of the information in paragraph 5.4 (depending on whether this document is the only Alternate Document provided or if additional Alternate Documents are provided, to collectively establish all the information in paragraph 5.4);
- B) Be of a nature that indicates a parental relationship such as Family Allowance payments made out to the adoptive parent(s), or school records or reports of the Related Child on school letterhead that are addressed to the adoptive parent(s).

C. Jurisdiction(s) Later Transitioning to Judicial Recognition of Custom Adoptions

- 5.20 If in the future any of the provinces of Alberta, Saskatchewan, Manitoba, Ontario, Prince Edward Island, New Brunswick, or Newfoundland transition to a system of judicial recognition of custom adoptions, they remain the subject of part 5.A and 5.B herein, with any necessary transitional modifications that may be required.

Appendix A

Acceptable Evidence of Provincial/Territorial Adoption Documentation in Canada

Province/Territory	Documents Issued Upon Completion of Adoption
Alberta	An Adoption Order granted by the provincial Court of King's Bench. ²
British Columbia	An Adoption Order granted by the provincial Supreme Court. ³
Manitoba	An Adoption Order granted by the provincial Court of King's Bench. ⁴
New Brunswick	An Adoption Order granted by the provincial Court of King's Bench. ⁵
Newfoundland and Labrador	An Adoption Order from the provincial Supreme Court - Family Division or the Provincial Court. ⁶
Northwest Territories	An Adoption Order from the Supreme Court of Northwest Territories. ⁷
Nova Scotia	An Adoption Order granted by the provincial Supreme Court. ⁸
Nunavut	An Adoption Order from the Nunavut Court of Justice. ⁹
Ontario	An Adoption Order granted by the Ontario Court of Justice or the Family Court of the Superior Court of Justice. ¹⁰
Prince Edward Island	Family Court Order from the provincial Family Section of the Supreme Court. ^{11,12,13}

² Adoption Regulation, Alta Reg 187/2004, <https://canlii.ca/t/561sf>.

³ Adoption Act, RSBC 1996, c 5, <https://canlii.ca/t/561js>.

⁴ The Adoption Act, CCSM c A2, <https://canlii.ca/t/5641w>.

⁵ Family Services Act, SNB 1980, c F-2.2, <https://canlii.ca/t/56482>.

⁶ Adoption Act, 2013, SNL 2013, c A-3.1, <https://canlii.ca/t/55m0x>.

⁷ Adoption Act, SNWT 1998, c 9, <https://canlii.ca/t/5622v>.

⁸ Children and Family Services Act, SNS 1990, c 5, <https://canlii.ca/t/55mlb>.

⁹ Adoption Act, SNWT (Nu) 1998, c 9, <https://canlii.ca/t/51wcf>.

¹⁰ Child, Youth and Family Services Act, 2017, SO 2017, c 14, Sch 1, <https://canlii.ca/t/55xpr>.

¹¹ Adoption Act Regulations, PEI reg EC526/93, <https://canlii.ca/t/54x0v>.

¹² The Adoption Program of Family and Human Services. Prince Edward Island Family and Human Services (n.d.). https://www.princeedwardisland.ca/sites/default/files/publications/adoption_program-kaylee_1.pdf Adoption Act Regulations, PEI Reg EC526/93, <https://canlii.ca/t/54x0v>.

¹³ Adoption Act, Prince Edward Island, 2024. Retrieved on July 2, 2025. Adoption Act Regulations, PEI Reg EC526/93, <https://canlii.ca/t/54x0v>.

Province/Territory	Documents Issued Upon Completion of Adoption
Quebec	An Adoption Order from the Youth Division Court of Quebec. ^{14,15}
Saskatchewan	An Adoption Order from the provincial Court of King's Bench. ^{16,17}
Yukon	An Adoption Order from the Supreme Court of Yukon. ¹⁸

¹⁴ [About adoption in Québec | Gouvernement du Québec.](#)

¹⁵ [Youth Division | Court of Québec – courduquebec.ca.](#)

¹⁶ *The Adoption Act, 1998*, SS 1998, c A-5.2, <https://canlii.ca/t/5629m>.

¹⁷ Courts of Saskatchewan, Family Law, Court of King's Bench [FAMILY LAW - Saskatchewan Courts](#)

¹⁸ *Child and Family Services Act*, SY 2008, c 1, <https://canlii.ca/t/55p6p>.

Appendix B

Acceptable Evidence of Custom Adoption Documentation

Province/Territory	Custom/Traditional Adoption
Alberta	Alternate Document(s)
British Columbia	Adoption Order granted by the Supreme Court or Alternate Document(s)
Manitoba	Alternate Document(s)
New Brunswick	Alternate Document(s)
Newfoundland & Labrador	Alternate Document(s)
Northwest Territories	Certificate recognizing the adoption issued by the Adoption Commissioner or Alternate Document(s)
Nova Scotia	Adoption Order granted by the Supreme Court or Alternate Document(s)
Nunavut	Custom Adoption Certificate or Alternate Document(s)
Ontario	Alternate Document(s)
Prince Edward Island	Alternate Document(s)
Quebec	Aboriginal Customary Adoption Certificate or Alternate Document(s)
Saskatchewan	Alternate Document(s)
Yukon	An Adoption Order from the Supreme Court of Yukon or Alternate Document(s)

Alternate Documents - Documentation that may be accepted by the Administrator as acceptable “Alternate Documents” of a valid custom adoption, includes that described in 5 B., including the following options:

- A) Letter from First Nation whose customs the adoptive parent(s) followed at the time of the custom adoption;

- B) Statutory declaration from a birth parent of the Related Child;
- C) Statutory declaration(s) signed by one or more First Nation Elders;
- D) Statutory declaration signed by the Band Council of the First Nation whose customs the adoptive parent(s) followed at the time of the custom adoption;
- E) Affidavit(s) by the adoptive parent(s); and/or
- F) Certain contemporaneous government records.