



Community Justice Division
Department of Justice
Government of Nunavut

Family Abuse Intervention Act (FAIA)

Annual Report

2021-2022

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Family Abuse Intervention Act (FAIA)

In November 2006, after extensive consultations with Nunavut communities, the Legislative Assembly unanimously passed the *Family Abuse Intervention Act (FAIA)*. *FAIA* came into force on March 1, 2008. The intent of the legislation is to provide Nunavummiut with tools to holistically intervene and prevent abuse by focusing on the immediate need for safety, with simple and efficient processes that are consistent with Inuit values. The spirit and intent of *FAIA* is to prevent abuse and decrease the escalation of abuse.

Under *FAIA* there are four remedies available: Emergency Protection Orders (EPOs), Community Intervention Orders (CIOs), Assistance Orders and Compensation Orders. Additionally, *FAIA* also provides protection from stalking by allowing an Emergency Protection Order or Assistance Order to be used by the victim.

The Community Justice Division of the Department of Justice is responsible for ensuring that Nunavummiut can access EPOs and CIOs in each community across Nunavut. Community Justice Outreach Workers (CJOWs) and Community Justice Specialists are the personnel responsible for the assistance and support of these remedies. Justices of the Peace (JPs) specifically designated as *FAIA* JPs, hold the initial *FAIA* hearings and applications to determine provisions of the EPO and/or CIO. A Community Justice Specialist and a designated Justice of the Peace is on call to assist with emergency protection orders after hours.

Terms and Definitions:

Emergency Protection Order (EPO): An order granted under subsection 7 of the *Family Abuse Intervention Act (FAIA)* when a JP is satisfied that:

- a) Family abuse has occurred.
- b) There is a reasonable likelihood that the family abuse will continue, resume, or be repeated.
- c) By reason of seriousness or urgency, it is necessary for the immediate protection of a person.
- d) A family relationship exists.

EPOs are meant to provide applicants with immediate protection from family abuse in situations where the need is urgent, and the risks are imminent.

Community Intervention Order (CIO): An order granted under subsection 17 of *FAIA* when a Justice of the Peace (JP) is satisfied that:

- a) Family abuse has occurred.
- b) It is appropriate to make the order.
- c) A family relationship exists.

CIOs can be applied for by people who are experiencing family abuse but wish to remain in the relationship. CIOs are applied to non-emergency situations so people can address the root causes of the abuse and undergo counseling and/or education. Both the applicant and respondent will see their chosen respective counsellor as outlined in the CIO. Both can choose a traditional counsellor, an Elder, a professional counsellor, or a Justice Committee member.

Traditional Counselor: An Elder or a specified respected member of the community.

Variation of Order: If there has been a material change in circumstances for the applicant and/or the respondent, an application to vary (change) the EPO can be submitted to the designated Justice of Peace. The variation of one or more provisions of an order does not affect the other provisions in the order.

Revocation of Order: If there has been a material change in circumstances for the applicant and/or the respondent and the applicant feels there is no longer a need for the EPO, an application to revoke (cancel) the EPO may be submitted to the designated Justice of the Peace .

Challenging an Emergency Protection Order: A respondent against whom an EPO is granted may within 21 days after being given notice of the order, apply to have the EPO revoked. A respondent has the right to obtain the affidavit (Form 5) from the Nunavut Court of Justice (NCJ) having been submitted to the designated JP prior to the ex-parte hearing. Once the respondent obtains the affidavit, an application to challenge the EPO may be submitted to the Civil Registry of the NCJ. Community Justice Outreach Workers (CJOWs) and/or Community Justice Specialists are available to assist respondents with this process. Once the application is received at the NCJ, a clerk gives notice to the respondent and applicant of the scheduled hearing date. Applications to challenge an EPO are then heard before a Judge of the Nunavut Court of Justice.

FAIA Program Personnel

The *FAIA* program, housed under the Community Justice Division is organized into six regions to better support Community Justice Outreach Workers in each community to assist Nunavummiut. A summary of current Community Justice Specialist positions held within the Community Justice Division is outlined below:

Community Justice Manager

The Community Justice Manager position is located in Iqaluit. Community Justice Manager coordinates and supports the implementation of Family Abuse Intervention Act in Nunavut. The position supervises Community Justice Specialists, trains, and assists them to develop capacity. The Community Justice Manager works in collaboration with other interdepartmental and intergovernmental working groups on issues that are closely related such as crime prevention, violence against women, mental health, addictions, poverty reduction, sexual

abuse and suicide prevention. Community Justice Manager chairs the Family Abuse Intervention Act Working Group to address the gaps in legislation, regulations, policies and procedures to address the root causes of family abuse in Nunavut.

Community Justice Specialists

The Community Justice Specialists are responsible for administering community-based justice programming and the FAIA program within their respective regions. Every region in Nunavut has a Justice Specialist who oversees the program and the work of 25 Community Justice Outreach Workers (CJOWs). Community Justice Specialists supervise, monitor, and support the government's delivery of the FAIA program. Community Justice Specialists organize and facilitate training events and workshops for Community Justice Outreach Workers to ensure CJOWs can assist with FAIA. Community Justice Specialists also train RCMP members to assist community members with EPOs should a CJOW be unavailable.

Community Justice Specialists are the link between CJOWs, the RCMP, JP's, Civil Court programs and various community resources. Community Justice Specialists are also responsible for providing presentations and outreach to community groups and service providers regarding FAIA. Community Justice Specialists review all EPO and CIO applications, as well as applications to vary, revoke, or challenge an order. The Community Justice Specialists operate a 24/7 on-call number to assist with after hour EPO applications across the territory.

Community Justice Outreach Workers

Community Justice Outreach Workers (CJOWs) help carry out programs, activities, and services related to FAIA. CJOWs assist with the Emergency Protection Order (EPO) and the Community Intervention Order (CIO) application process, which includes filling out forms, facilitating hearings with a FAIA Justice of the Peace, and assisting with applications to vary, revoke, or challenge orders. CJOWs answers questions regarding orders and connect respondents with referrals for counselling services. They also provide safety planning, after-care, and other referrals to health centers, Family Services, and Nunavut Victim Services as needed.

Justice of the Peace

Designated Justices of the Peace (JP) conduct hearings for Emergency Protection Orders and Community Intervention Orders. There are three full time Justices of the Peace in Iqaluit, at the Nunavut Court of Justice as well as three Justices of the Peace who remain on call to conduct Emergency Protection Order hearings after work hours and on weekends. On call Justices of the Peace are in Iqaluit, Pond Inlet and Grise Fiord. JPs are responsible for conducting hearings, drafting orders and if granted, send orders to RCMP detachments. The Justice of the Peace program provides ongoing training and support for on call JPs. JPs also participate in FAIA working group meetings to discuss various concerns regarding FAIA. They regularly meet with Community Justice personnel to discuss their concerns and improve services.

- The Kitikmeot Regional Community Justice Specialist is based in Cambridge Bay.
- The Kivalliq Regional Community Justice Specialist is based in Rankin Inlet.
- The North Baffin Regional Community Justice Specialist is based in Pond Inlet.
- The South Baffin Regional Community Justice Specialist is based in Kinngait.
- Second South Baffin Regional Community Justice Specialist is based in Pangnirtung.
- The Headquarters Community Justice Specialist is based in Iqaluit.

2021-2022 FAIA Training & Conferences

The Community Justice Specialist from Cambridge Bay attended the Justice of the Peace (JP) training in Arctic Bay. Community Justice Specialist presented to the Justices of the Peace in training with information about *Family Abuse Intervention Act*, especially from operational perspective. A knowledge exchange about FAIA and discussion on how to increase Community Intervention Orders also took place amongst participants. Upon return, the Community Justice Specialist revised the application and affidavits submitted for orders under FAIA. A training to use revised forms was provided to the rest of Community Justice staff.

In November 2021, a few Community Justice Specialists and Community Justice Outreach Workers took part in a one-day training provided by Justice of the Peace office. This training was for Community Justice staff to better understand the operations of the Justice of the Peace office and to enhance legal knowledge and interpretation of the *Family Abuse Intervention Act*.

During 2021-2022 Community Justice Specialists travelled to and gave *FAIA* training to CJOWs in the following communities: Whale Cove, Pond Inlet, Igloolik, Clyde River, Kimmirut and Arctic Bay. Additionally, Community Justice Specialists residing in Cambridge Bay, Rankin Inlet, Iqaluit, Coral Harbour and Kinngait meet with RCMP and other stakeholders to provide continued *FAIA* support.

During community visits, CJOWs were trained to assist clients with EPOs and CIOs. Community Justice Specialist provided CJOWs with specialized training on the EPO and CIO application process. Training included: interview/assessment skills, drafting applications/affidavits, varying, revoking, and challenging orders, submitting application packages, communicating with Justices of the Peace, conducting hearings, follow-up processes, respondent support and properly documenting files for statistical purposes. CJOWs were also trained in confidentiality and the importance of the Duty to Report under the *Child and Family Act*.

Community Justice Specialists also provided *FAIA* training to RCMP officers, Social Services, and Community/Mental Health Nurses. Community Justice Specialists also met with RCMP officers, Family Services, Health Centers,

Government Liaison Officers, Housing Associations, and other front-line service providers to give presentations on remedies available under FAIA, provide pamphlets, establish communication with them and provide resources.

In 2021-2022, due to the Covid-19 pandemic, various lockdowns and travel restrictions, Community Justice Specialists and Community Justice Outreach Workers utilize Microsoft Teams, teleconference and other technology for trainings and workshops.

2021-2022 Statistical Information

In 2021-22 fiscal year, Community Justice division assisted with 96 Emergency Protection Order applications which is an increase from previous year's total number of 78. The increase can be attributed to many factors, such as increased awareness of orders available under FAIA because of the outreach and consultations that took place during the FAIA legislative review, and participation in the Family Abuse Prevention Awareness Campaign by Pauktuutit Women of Canada and Law Society of Nunavut, Most importantly, the increase in numbers also contribute to the quality and consistency of services provided by the Community Justice Outreach Workers and Community Justice Specialists in removing barriers to access to justice for Nunavummiut experiencing family abuse.

The Emergency Protection Order (EPO) is the most frequently used order under FAIA (see Appendix). The original intent of FAIA saw Community Intervention Orders (CIOs) used more often than EPOs. Recognizing this has not been the case, Community Justice Specialists and CJOWs continue to promote and encourage the use of CIOs. There are several factors contributing to the low numbers of CIO applications (see Appendix). As a voluntary process, both applicant and respondent must be willing to attend counselling to improve their relationship and decrease the likelihood of family abuse.

Often, Community Justice Outreach Workers do not receive referrals for families experiencing family abuse until it has become a crisis and emergency intervention is required. CJOWs ask traditional counselors to provide counselling services to the applicant and respondent when they are interested. Clients may often inquire about CIOs and choose to voluntarily start counselling sessions without going through an official CIO process. Since CIOs require the voluntary participation of both the applicant and respondent, the respondent often declines to participate. If however, both applicant and respondent decide to participate and are actively engaged in setting up counselling services, the participants often decline to attend a hearing because there is already a mutually agreed upon plan for counselling. As a result, the CIO is not issued.

To increase the use of CIOs, the Community Justice Division has continued to collaborate and provide training to RCMP, Family Services and Health Center staff in order to identify families who may benefit from a CIO. CJOWs

continue to increase awareness of community service providers to enhance their ability to identify at-risk families. CJOWs also speak with EPO applicants when the EPO is nearing an end to give the option of transitioning into a CIO, in order to better support families that wish to maintain their relationships moving forward. Community Justice Specialists deliver presentations and information sessions when doing community visits to ensure that all relevant service providers are aware of EPOs/CIOs so they can make the proper referrals.

***FAIA* Legislative Review**

FAIA came into force in 2008 and was created to protect Nunavummiut from family violence and assist by creating plans to support healing within families. The *Family Abuse Intervention Act* is an important part of Community Justice's role in promoting awareness about the harms of family abuse, the methods of prevention and the availability of assistance for those who are experiencing abuse. Community Justice has continued to strive to ensure that Nunavummiut who are victims of family abuse are supported and directed to appropriate remedies through *FAIA*.

Although *FAIA* has helped families across the territory in times of crisis, there is need to review legislation and ensure it meets its original mandate. *FAIA* legislative review process began in May 2020. Policy and Planning Division of the Department of Justice facilitated community visits and engagement sessions.

The goal of the *Family Abuse Intervention Act (FAIA)* community consultations is to ensure that community members are aware of and in support of a review on *FAIA*. Community consultations allow for community concerns to be heard and provide feedback on *FAIA*. Community consultations with stakeholders ensures that front-line services are providing input on *FAIA* with culturally specific and community-based approaches when responding to the needs of survivors of abuse, victims of crime, their families, and the community.

The Department of Justice was able to travel to eight communities for *FAIA* community consultations which are now complete. Communities that were visited are as follows: Iqaluit, Pond Inlet, Igloolik, Sanirajak, Cambridge Bay, Gjoa Haven, Rankin Inlet, and Nauyasat. Several concerns were raised during consultations by various entities responsible for delivering portions of *FAIA*.

One area of concern is that Community Intervention Orders are underutilized by Nunavummiut. When the Act was first created, Community Intervention Orders were intended to be used most often, however Emergency Protection Orders remain the most frequently used remedy among community members.

Community Intervention Orders were created with the intent to address family abuse using community-based healing and recognizing the importance of *Inuit Qaujimajatuqangit* to create solutions for family abuse. Considering the positive support from community organizations and the support of a violence-free Nunavut, it is now more

important than ever for *FAIA* to fulfil its stated purpose of preventing and decreasing family abuse. A Community consultation report is in development that will inform any future amendments to the *Family Abuse Intervention Act*

Appendix: 2021-2022 Statistics

Application for Orders Under the Family Abuse Intervention Act (FAIA) Qikiqtaaluk Region						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Sanikiluaq	3	3	0	0	0	0
Kinngait	0	0	0	0	0	0
Clyde River	2	2	0	0	0	0
Iqaluit	16	16	0	1	0	0
Kimmirut	1	1	0	0	0	0
Qikiqtarjuaq	0	0	0	0	0	0
Pangnirtung	3	3	0	1	0	0
Arctic Bay	6	6	0	0	0	0
Pond Inlet	4	4	0	0	0	0
Igloolik	6	6	0	1	0	0
Sanirajak	3	3	0	0	0	0
Grise Fiord	0	0	0	0	0	0
Resolute Bay	0	0	0	0	0	0
Total	44	44	0	1	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kivalliq Region						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Rankin Inlet	17	17	1	3	0	0
Arviat	3	3	0	0	0	0
Whale Cove	3	3	0	0	0	0
Coral Harbour	2	2	0	0	0	0
Baker Lake	5	5	0	0	0	0
Chesterfield Inlet	1	1	0	0	0	0
Nauyasat	4	4	0	1	0	0
Total	35	35	1	4	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kitikmeot Region						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Gjoa Haven	3	2	0	0	0	0
Kugluktuk	1	1	0	0	0	0
Cambridge Bay	12	10	0	0	0	0
Taloyoak	0	0	0	0	0	0
Kugaaruk	1	1	0	0	0	0
Total	17	14	0	0	0	0
Nunavut Total	96	93	1	5	0	0