

Nunavut Child Abuse and Neglect Response Agreement





Surusinut Ikajuqtigiit

“A group helping children”

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Glossary

Abuse – It is defined as neglect or emotional, psychological, physical or sexual abuse.

Apprehended – It is the act of a child being temporarily taken by child protection authorities into the care of the Director of Child and Family Services. This can happen when a child protection worker, peace officer or authorized person has concern for the child's safety or well-being, or if the child is in immediate danger due to factors not limited to neglect, harm, or abuse, including other circumstances that pose a risk to the child's health or safety.

Child – A person who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years, and a person in respect of whom an order has been made under the *Child and Family Services Act*.

Child Abuse – For the purposes of this Agreement, child abuse includes youth abuse addressing infants from birth to youth aged 19.

Community Social Services Worker (CSSW) – A professional who provides social services and support to individuals and families within a specific community.

Child Protection Worker – A CSSW who has been appointed by the Director of Child and Family Services under the *Child and Family Services Act*.

Emotional or Psychological Abuse – Any act or series of acts that causes or is likely to cause emotional or psychological harm to a child, such as verbal abuse, humiliation, or threats.

Family Resource Worker (FRW) – This position builds partnerships and coordinates efforts in Nunavut's communities to promote and enrich the well-being of children, youth, and families.

Inuit Qaujimajatuqangit – Traditional Inuit knowledge, values, and cultural practices that guide decision-making and behaviour within Inuit communities.

Inuit Societal Values – Core principles and beliefs held by Inuit communities, shaping social norms, relationships, and governance structures.

Neglect – Failure to provide for a child's basic needs, including shelter, food, medical care, education, and emotional support, to the extent that it impacts the child's health or well-being.

Physical Abuse – Any act or series of acts of physical violence that causes or is likely to cause harm or injury to a child.

Partner Agencies – Various Government of Nunavut (GN) departments, RCMP, Arctic Child and Youth Foundation, Representative for Children and Youth, Public Prosecution Services Canada, schools, licenced child care facilities and other organizations committed to preventing child abuse, harm and neglect in Nunavut. Some Partner Agencies are signatories to this Agreement, while others are collaborators. Partner Agencies may also be referred to as Stakeholders.

Sexual Abuse – Any act or series of acts including touching, behaviour or remarks of a sexual nature or sexual exploitation or manipulation that, for the purpose of this document, is directed towards a child.

Youth – Defined in the *Child and Family Services Act* as a person who has attained the age of 16 years but has not attained the age of majority (19 years).

01

Our Commitment to Children and Youth

Surusitut Ikajuqtigiit, the Nunavut Child Abuse and Neglect Response Agreement, demonstrates a commitment by all Stakeholders in Nunavut to ensure that efforts to protect children from abuse, harm and neglect are integrated, effective, culturally appropriate, and sensitive to the needs of children. To achieve this goal, all parties to this Agreement will work together to detect, report, investigate, and prosecute cases of child and youth abuse while ensuring supportive services for victims and families are culturally and trauma informed.

Child and youth abuse is a serious issue that requires a community response, and the cooperation of service providers and the public. This Agreement recognizes that collaboration among all signatory partners will enhance support for the protection of children and youth from abuse, harm and neglect. All references to child or children in this Agreement includes infants, from birth, to youth aged 19.

The United Nations Convention on the Rights of the Child (UNCRC) identifies universal standards regarding child rights, including government's responsibility to protect and promote those rights. Among those, Article 19 of the UNCRC states:

1. *States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.*
2. *Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.*

By coordinating efforts, all Stakeholders will prioritize the best interests of children to better:

- Protect children from abuse, harm and neglect;
- Recognize and refer incidents of child abuse;
- Respond to and investigate reports of child abuse;
- Document statements and collect evidence related to allegations of child abuse;
- Hold persons accountable for violation of criminal laws prohibiting child abuse;
- Provide treatment and support to optimize the physical, emotional and psychological well-being of child victims, their siblings, and non-offending parents or guardians;
- Promote collaboration and integrated inter-agency investigation and case management;
- Reduce emotional trauma to the victims who experience repeat interviews, court appearances, medical and psychological examinations and other human service interventions; and
- Apply the UNCRC principles to guide policy development, intervention and follow up services to children and families.

The Department of Family Services, Family Wellness Division would like to thank the committee members and contributing partners for their collaborative input into this Agreement as well as their commitment to upholding the following Inuit Qaujimajatuqangit:

1. Tunnganarniq, fostering good spirit by being open, welcoming and inclusive;
2. Aajiiqatigiinni, decision-making through discussion and consensus; and
3. Piliriqatigiinni or Ikajuqtigiinni, working together for a common cause.

02 Inuit Qaujimajatuqangit

The Nunavut *Child and Family Services Act (CFSA)* and this Agreement are administered and interpreted with a foundation of the following Inuit Qaujimajatuqangit and Inuit Societal Values:



Tunnganarniq

fostering good spirit by being open, welcoming, and inclusive;



Inuuqatigiitsiarniq

respecting others, relationships and caring for people;



Pijitsirniq

serving and providing for family or community, or both;



Aajiiqatigiinni

decision-making through discussion and consensus;



Qanuqtuurniq

being innovative and resourceful;



Piliriqatigiinniq or Ikajuqtigiinniq,

working together for a common cause;



Avatiptinnik Kamatsiarniq

respect and care for the land,
animals, and environment.

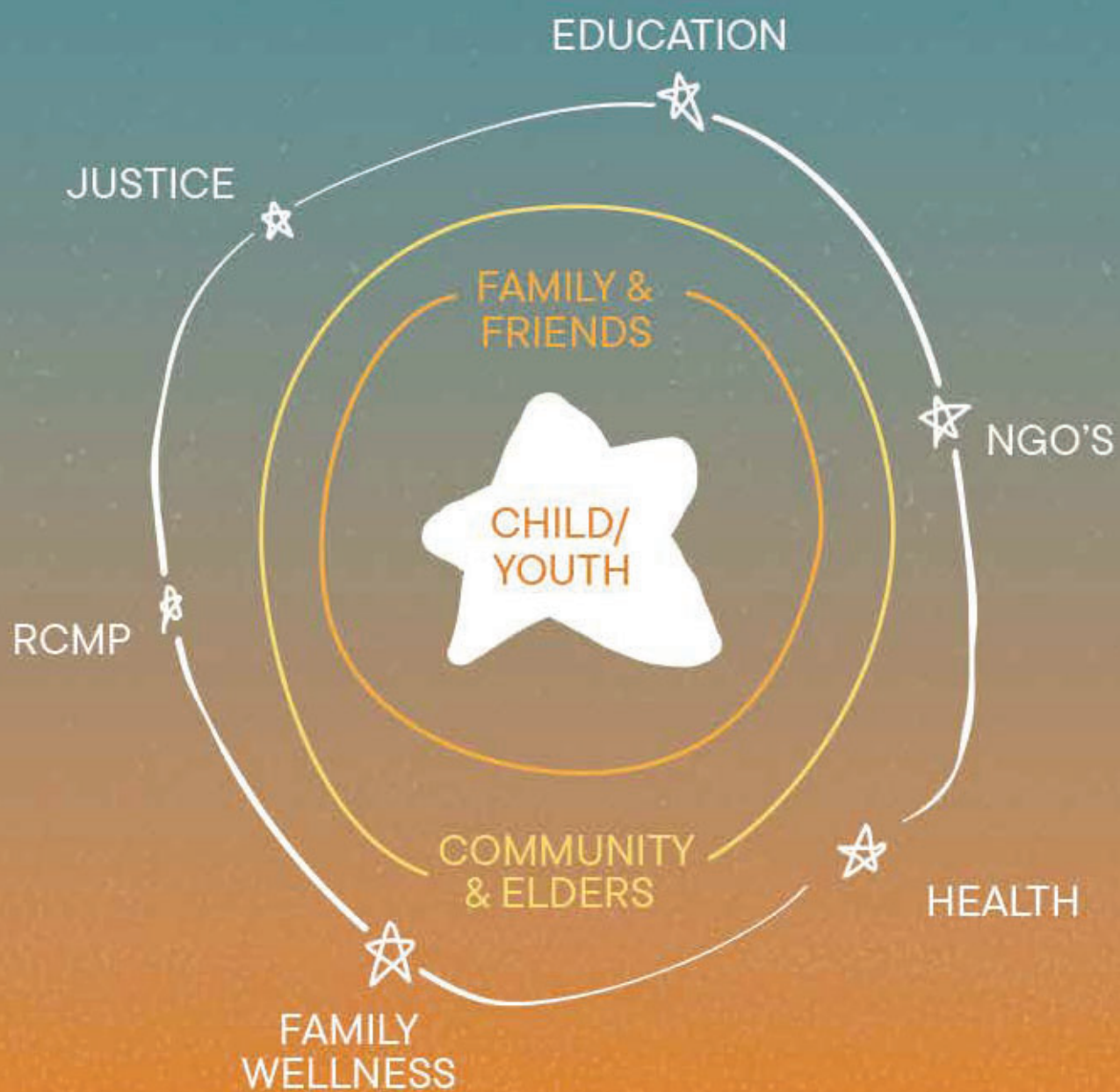


Pilimmaksarniq/ Pijariursarniq

development through observation,
mentoring, practice & effort; and

In addition to the Inuit Societal Values named in section 2(2) of the CFSA, the following Inuit Societal Values, found in section 2(3) of the CFSA, are also used or incorporated in the administration or interpretation of the Agreement:

- Inunguqsainiq, nurturing or raising an individual to be a productive member of society;
- Inuttiavaunasuaqniq, working towards a good or problem-free life; and
- Pijutingani qiniriaqaqtuqu, the importance of assessing and addressing the root cause of undesirable behaviour or circumstances.



03

Intended Purposes and Principles

Children depend on parents and caregivers for their well-being and safety. Community Social Services Workers (CSSWs), the RCMP, childcare providers, medical staff, mental health workers, education providers, lawyers, community justice staff, and other professional workers recognize the need to protect children and are committed to working collaboratively to reduce and respond to abuse.

3.1 Intended Purposes

The goals and objectives of this Agreement are to:

1. Confirm every individual's "Duty to Report" all suspicions of child abuse, harm, maltreatment or neglect;
2. Define child abuse and explain procedures and responses of signatory government departments and Partner Agencies in cases of suspected child abuse;
3. Establish multidisciplinary, collaborative and responsive practices amongst all professionals involved in a suspected child abuse investigation to enhance the safety and well-being of any child who may be in need of protection;
4. Ensure children are situated at the center of investigations and support services to reduce the likelihood of further traumatizing a child. The child's best interests are paramount and gathering of any relevant information is done in the least disruptive manner to the child;
5. Understand how and when information sharing can occur among professionals and agencies towards a common goal of responding effectively to suspected child abuse; and
6. Promote training and information for all government departments, Partner Agencies and communities to improve the safety and well-being of children as it pertains to child abuse, harm and neglect.

Inunguqsainiq -
nurturing or raising
an individual to
be a productive
member of society.

In Nunavut, it is everyone's
legal obligation to protect
children by reporting
suspected child abuse.

3.2 Statement of Principles

These principles should be respected by all Nunavummiut:

- Suspected child abuse, harm or neglect must be treated seriously. A person who has information or reasonable grounds to believe that a child needs protection must report it to the Department of Family Services, Child Protection Team or a peace officer if a CSSW is not available, in accordance with section 8 of the CFSA.

**Piliriqatigiinniq/
Ikajuqtigiinniq** -
working together for a
common cause.

Qanuqtuurniq -
being innovative or
resourceful.

- When a child discloses abuse, harm or neglect, particular care will be taken to ensure the child is provided with support.
- A child's disclosure of abuse, harm or neglect will be investigated with the same concern as an adult's complaint under both the *Criminal Code of Canada* and the *CFSA*.
- Responses to disclosures or allegations of child abuse, harm or neglect require particular attention to the level of risk and vulnerability of the child.
- Reports of child abuse, harm or neglect require a coordinated response to investigation and a multi-disciplinary response to assessment, intervention, treatment and follow-up. Appropriate information sharing is essential to support decisions about the protection, safety and well-being of the child, and the protection of the public.
- Treatment and support services for victims, their families, and offenders are components of an effective multidisciplinary response.

Everyone has a "Duty to Report" suspicions of child abuse, harm or neglect. Failure by any person to report suspected child abuse, harm or neglect may result in legal or professional consequences.



04

Guiding Legislation

Nunavut Child and Family Services Act

The CFSA is the legislative authority for child protection in Nunavut. Its fundamental guiding principle is the safety and well-being of children and youth. Former youth in care can receive services voluntarily between the ages of 19 and 26. The CFSA outlines intervention, support, and services for the needs of children and youth at risk of neglect, harm or abuse. This legislation emphasizes the importance of supporting families facing challenges by promoting Nunavut's resources, counselling, and parenting programs. It also aims to assist in strengthening families, ensuring stability and well-being.



The CFSA is available online at:

<https://www.nunavutlegislation.ca/en/consolidated-law/child-and-family-services-act-official-consolidation>

Criminal Code of Canada

The *Criminal Code of Canada* (*Criminal Code*) is another statute that plays an essential role in ensuring the safety and well-being of children and youth across the country. The *Criminal Code* provides the justice system with the legal authority to enforce criminal law as it applies to the abuse, harm and neglect of children and youth. It establishes criminal offences, procedures for investigation, and prosecution and sanctions for offenders. It is important to note that under the *Criminal Code*, a child is considered to be any person under the age of 18.



The *Criminal Code* is available online at:

<https://laws-lois.justice.gc.ca/eng/acts/C-46/>

Family Abuse Intervention Act (FAIA)

The Community Justice Division ensures that Nunavummiut can access two FAIA remedies in each community within Nunavut: Emergency Protection Orders and Community Intervention Orders. Community Justice Outreach Workers (CJOWs) and Community Justice Specialists assist and support Nunavummiut with accessing these remedies. Justices of the Peace (JPs), specifically designated as FAIA JPs, hold the initial hearings and applications to vary the provisions. A judge may hear appeals of the JPs' decisions of the Nunavut Court of Justice.



The FAIA is available online at:

<https://www.nunavutlegislation.ca/en/consolidated-law/family-abuse-intervention-act-consolidation>

An Act Respecting First Nations, Inuit and Métis Children, Youth and Families

An Act Respecting First Nations, Inuit and Métis Children, Youth and Families provides national standards to guide the provision of child and family services in relation to Indigenous children and youth.



The Act can be found online at:
<https://laws.justice.gc.ca/eng/acts/f-11.73/index.html>

Victims of Crime Act

The *Victims of Crime Act* establishes the Nunavut Victims Assistance Fund to compensate victims of criminal acts. The Act also creates the 3-member Victims Assistance Committee to allocate the funds.



The Act is available online at: <https://www.nunavutlegislation.ca/en/consolidated-law/victims-crime-act-consolidation>

Youth Criminal Justice Act (YCJA)

All child and youth service providers are subject to the federal YCJA requirements, especially sections 110-112, to refrain from making public any information that could identify a young person dealt with under the YCJA. The common dictionary meaning of “publish” is “to make public, to make generally known, and to disseminate to the public”.



The YCJA can be found online at:
<https://laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>

Access to Information and Privacy Act (ATIPP)

The purpose of the *Access to Information and Protection of Privacy Act* is to make public bodies more accountable to the public and to protect personal privacy. It gives the public a right of access to records held by the Government of Nunavut and other public bodies. It also ensures that the GN prevents the unauthorized collection, use or disclosure of personal information held by departments, agencies, commissions, corporations, or offices, also known as public bodies.



The ATIPP is available online at:
<https://www.nunavutlegislation.ca/en/consolidated-law/access-information-and-protection-privacy-act-official-consolidation>

Privacy Legislation

Any information shared in fulfilling the goal of this Agreement must be administered, maintained, and disposed of in accordance with the laws that apply to records retention and personal information and all applicable policies and guidelines applicable to each Partner Agency. This includes the *Privacy Act* (Canada), the *Personal Information Protection and Electronic Documents Act* (Canada), the *Access to Information Act* (Canada), the ATIPP, and the *Library and Archives of Canada Act*.

05

Information for Administrators

Each Partner Agency is responsible for administering this Agreement. The Department of Family Services is the primary guardian of this document, providing updates as needed.

5.1 Continuous Monitoring and Program Evaluation

The effectiveness of the Agreement will be evaluated on a regular basis. The Family Services Quality Assurance Team will ensure transparency in assessing the effectiveness of the Agreement, gathering comprehensive data to measure outcomes across demographics and over time. This focus on accurate data collection and continuous program evaluation will ensure quality services that maintain high standards of practice.

5.2 Training and Development

The Department of Family Services, Family Wellness Division has created a series of online training modules for child and youth service providers. These modules have been developed in collaboration with subject matter experts and will be updated on a regular basis.

Learning modules include the most current regulatory framework governing front-line service providers, including the *CFSA*. Other topics include family counselling, child protection, and trauma-informed care. The Department of Family Services is committed to delivering core training as part of new staff orientation and ensuring education and case-based learning continues as staff get settled into their job.

06

Duty to Report Child in Need of Protection

Time is of the essence in ensuring the safety and well-being of children.

Child abuse is not a private matter. Any person who has information or reasonably believes that a child may need protection is legally required to immediately report the information to a CSSW or the RCMP. Any peace officer with reasonable grounds to believe that a child may require protection must immediately report the information to a CSSW.

Under section 8 of the *CFSA*, the duty to report a child needing protection specifies that:

1. Anyone who has information or reasonably believes a child requires protection must immediately make a report to a CSSW or a peace officer.
2. Duty to report includes confidential and privileged information, except for anything covered by solicitor-client privilege.
3. No legal action can be taken against the reporter unless the report is malicious.
4. Anyone violating the *CFSA* may be fined up to \$5,000 and/or imprisoned for 6 months.

CSSWs and the RCMP can maintain joint responsibility for the investigation of a reported case of child abuse. This means:

- CSSWs will investigate to determine if there are grounds to find the child is in need of protection.
- The RCMP will fulfill its duties at common law and under the *RCMP Act* to investigate whether there are reasonable grounds to lay criminal charges under the *Criminal Code*.
- All individuals have a “Duty to Report” suspected child abuse. Failure by any person to report suspected child abuse may result in legal consequences.

6.1 Reporting Requirements and Contacts

If a community member or stakeholder witnesses signs which lead them to reasonably suspect that child abuse is occurring, they are to contact the Department of Family Services. A staff member will help them determine if a child may be at risk.

Community Member/Stakeholder Child Abuse Report should include:

- Your name, telephone number and relationship to the child;
- Your immediate concerns about the child's safety;
- The child's name, age, sex, language, and location;
- Information about the situation;
- Information about the family, caregivers, and alleged offenders, such as name, address, telephone number, or any other identifying information;
- Other children who may be affected; and
- Any other relevant information like the school the child attends, whether the child knows you are reporting, your own observations, and the child's condition.

Your personal information is confidential, and you may provide it anonymously; however, if the case proceeds to court, you may be subpoenaed.

Note:

- "Duty to Report" is personal; you cannot delegate it to another individual.
- You are not required to prove abuse, harm or neglect. That will be investigated by the CSSW.
- No person can be sued for reporting honest concerns, even if the CSSW finds there are no protection concerns.
- Failing to report information indicating that a child requires protection can result in charges and fines.



**If you suspect a child is being harmed,
neglected or abused, you must immediately
report it by contacting:**

RCMP
(867) 979-1111

Department of Family Services Headquarters
(867) 975-5200
844-FWCHILD (844-392-4453)

**For further information, contact
your region's Family Wellness Office.**

Kitikmeot:

Office hours: (867) 983-4071
Emergency: (867) 983-5199

Kivalliq:

Office hours: (867) 645-8560
Emergency:

Arviat: (867) 857-6871

Baker Lake, Chesterfield Inlet, Whale Cove:
(867) 793-5126

Coral Harbour: (867) 645-6756

Rankin Inlet, Nauyasat: (867) 645-7608

Sanikiluaq: (867) 522-0107

South Qikiqtaaluk

(Iqaluit, Kimmirut, Kinngait):

Office hours: (867) 975-5777
Emergency: (867) 979-5650

North Qikiqtaaluk

**(Arctic Bay, Clyde River, Grise Fiord,
Igloolik, Pangnirtung, Pond Inlet,
Qikiqtarjuaq, Resolute Bay, Sanirajak):**

Office hours: (867) 473-8944
Emergency: (867) 473-1923



**IN AN EMERGENCY,
CALL THE RCMP OFFICE IN
YOUR COMMUNITY.**

07

Child Protection Referral Intake, Interviews and Investigation

7.1 Child Protection Referral Intake

After a report of possible harm, neglect or emotional, sexual or physical abuse is received, CSSWs are required to investigate to determine whether the child is in need of protection.

Any report of severe harm, neglect, or physical or sexual abuse is reported by the CSSW to the RCMP to determine what steps to take to investigate the report. Similarly, if a report is made to the RCMP, they must report it to the CSSW.

CSSWs investigate reports to determine whether the child is in need of protection. RCMP members investigate to determine if a criminal offence has been committed and if there are reasonable grounds to lay charges. The investigations, including child interviews, occur simultaneously.


7.2 Interviews and Investigation

Partner Agencies agree that it is generally contrary to the best interests of a child to be subjected to multiple interviews unnecessarily. Interviews to investigate suspected child abuse, harm or neglect should not be attempted by anyone other than a CSSW or peace officer. Inuktitut and English interpretive services must be available as needed to allow the child to be interviewed in the language of their choice.

RCMP has a national Operations Manual chapter dedicated to the topic of Child Abuse and Crimes Against Young Persons that includes sections concerning investigative interviews of children and young persons by RCMP.

The CSSW and investigating RCMP member may conduct a joint investigation of suspected child abuse, develop a mutually agreed upon plan for interviewing child witnesses, preferably including videotaping interviews, and ensure that adequate interpretation services are available.

The CSSW and RCMP may, if deemed necessary, permit the presence of an adult support person during the interview of the child. The decision whether to permit the presence of a support person should take into account the child's wishes, the age of the child, the nature of the relationship between the child and



the proposed support person, whether this person understands the role and responsibility of a support person, and any other policies of either agency on interviewing vulnerable persons, including children.

Where there is an allegation of criminality, the RCMP will determine whether a support person is appropriate based on RCMP policies and the best interests of the investigation and the involved individuals.

Where the CSSW and RCMP decide to permit the presence of an adult support person during the interview of the child, the role that the support person will have during the interview will be clearly explained to and accepted by the proposed support person.

The role of the support person will be to:

- Ensure the child is comfortable and secure;
- Listen to and be present for the child; and
- Refrain from taking notes, asking or answering questions or participating in the interview or leading the child's answers in any way.

It should be clearly explained to the support person that they may be compellable to testify in subsequent criminal or *CFSA* proceedings as a result of this role.

The CSSW and RCMP may conduct additional interviews, including with caregivers, family members, persons suspected of offending behaviour and other individuals to aid the investigation.

A medical examination is necessary to ensure the health and safety of the child and to gather evidence for a possible criminal case against the person accused of offending behaviour. The examination must be conducted by a pediatrician or health care service provider trained in conducting medical exams to investigate child abuse, harm or neglect. Examinations are conducted in a safe place, ideally a child advocacy centre, such as the Umingmak Centre in Iqaluit, run by the Arctic Child & Youth Foundation.

After the interviews and throughout the investigation, the child and/or legal non-offending guardians will be given appropriate information about the status and next steps anticipated in the investigation.

To ensure the best course of action is taken in every case, mutual sharing of all relevant information by Partner Agencies, third parties, and professionals involved in the investigation process is required.

7.3 Response

If the investigation finds reasonable grounds to believe the child is in need of protection, the CSSW may:

- Offer services to the child or family which may keep the child safe within the family home;
- Develop a plan of care for the child;
- Apply to the Nunavut Court of Justice for a declaration that the child needs protection; and
- Apprehend the child where necessary to prevent serious risk of harm.

For a child in care, the CSSW:

- Is the case manager and may act as a liaison in criminal cases;
- Acts as a support person for the child and a liaison with the RCMP during RCMP interviews of the child and/or interviews with Crown counsel or Victim Services for court proceedings;
- Liaises with the child's school, provides necessary consents and discloses appropriate information, including informing the school principal of any changes in guardianship; and
- May provide or arrange for necessary therapeutic counseling and may call other appropriate community support persons or elders together to plan a coordinated effort to help the child and their family.

For a child not in care, the CSSW:

- May act as a support person for a child during RCMP interviews of the child, with the consent of the legal guardian and the child; and
- Will inform the legal guardian and/or child, where appropriate, of the available counseling and support services and assist in making referrals to those services as appropriate.

If the investigation finds sufficient evidence of child abuse, harm or neglect under the *Criminal Code*, the RCMP will lay charges and provide Crown counsel with all information and evidence as required by law.

7.4. DISCLOSURE REFERRAL ROADMAP



We ask that when a community member discloses a concern to a professional, both the community member and the professional make a report to the CSSW.

NOTES

08

Roles and Responsibilities

Child abuse is a serious issue that requires a community response and the cooperation of service providers and the public. All Stakeholders will work toward making the applicable terms of this Agreement an essential part of their regular operations and training.

Stakeholders further agree to:

- Make a report to the CSSW or RCMP when they receive a disclosure or report, observe, or have reason to suspect a child is being abused;
- Share information with other service providers as permitted by law in order to support the child's best interests;
- Review this Agreement at least every 3 years;
- Adhere to the Conflict Resolution Process as outlined in this Agreement; and
- Ensure all staff have training on signs of abuse, duty to report, and the applicable terms of this Agreement.

8.1 Department of Family Services

The Department of Family Services, Family Wellness Division will:

- Receive referrals, investigate child abuse, harm and neglect concerns, and provide support and services to children/youth and families following Family Wellness policies, procedures, and the CFSA;
- Collaborate with RCMP to determine if a joint or parallel investigation is required;
- Provide support services to children and families which may allow for the child to remain safely in the family home where it is safe to do so;
- Provide out-of-home care when support services to the family cannot maintain the child's safety in the family home; and
- Ensure that the child has access to medical support and services through referrals.

8.2 Royal Canadian Mounted Police (RCMP)

The RCMP and its members, subject to police operational discretion, will:

- Promote a coordinated investigative response with the Department of Family Services to reports of suspected child abuse;
- Where no CSSW is immediately available, determine whether there are reasonable grounds to believe there exists a serious risk of harm to the child;
- In circumstances where, during or as a result of an investigation and whether or not a report is made to the RCMP, the RCMP investigator has reasonable grounds to believe a child needs protection and the requirements exist for an apprehension, and no CSSW is immediately available, the RCMP will take the necessary steps available at law to ensure the health and safety of the child, including but not limited to exercising the discretion to act pursuant to sections 10 and 11 of the *CPSA*;
- Report the allegation and, where applicable, the apprehension to a CSSW without delay, through personal or telephone contact, confirmed in writing;
- Investigate alleged offences under the *Criminal Code* concerning complaints of child abuse or sexual abuse;
- Where appropriate, conduct a criminal investigation in collaboration with the local Child Advocacy Centre (or other available Territorial services), which may include, but is not limited to, taking statements from alleged victim(s);
- Notify Victim Services in cases of child abuse;
- Inform the victim and their legal guardian of the ongoing status of the investigation; and
- When a charge is laid, provide Crown counsel with all relevant information and evidence as required by law.

8.3 Department of Justice

The Department of Justice, Legal Counsel will:

- Provide advice about when and how to respond to a request for disclosure of records and the restrictions upon these records;
- Assist in interpreting the *CFSA*; and
- Provide legal advice or representation in Court where required.

The Community Justice Division commits to:

- Provide support and information for victims going through the court system, including court preparation and/or accompaniment, victim impact statements, and federal victim registration;
- Assist with the Emergency Protection Order and the Community Intervention Order applications under the *Family Abuse Intervention Act*;
- Assist with Peace Bond applications under the *Criminal Code*; and
- Report any disclosure of any form of child abuse to CSSW or the RCMP in absence of CSSW in the community.

8.4 Department of Health

The Department of Health (including but not limited to health professionals, physicians, nurses, medical social workers, mental health professionals, addictions workers, and public health nurses) commits to:

- Gather medical evidence to support investigations;
- Collaborate with CSSWs and the RCMP by providing information about the physical, psychological, and behavioural indicators of abuse;
- Assess, diagnose, and treat any condition associated with abuse or neglect, including providing referrals for subsequent medical care, counselling, treatment, or support;
- Provide physical and mental health treatment and consultation to children or youth, and their families; and
- Provide medical documentation and expert opinion in court proceedings.

Aajiiqatigiinniq -
decision-making through
discussion and consensus.

8.5 Department of Education

The Department of Education (including but not limited to principals, teachers, student support teachers, learning coaches, Ilinniarvimmi Inuusilirjiit, student support assistants, Inuksiutiliriji, custodians, volunteers and others working in a school setting) commits to:

- Ensure a private area is available to interview the child at the school with a CSSW and/or the RCMP;
- Provide academic, social, and emotional support to the child; and
- Provide evidence and documentation in court proceedings if required.

8.6 Arctic Child & Youth Foundation

The Arctic Child & Youth Foundation, Umingmak Centre commits to:

- Coordinate with CSSW and the RCMP when a joint child interview is required;
- Coordinate with the pediatrician to collect physical evidence or a reassurance exam, as necessary; and
- Provide support services such as therapy to the child/youth, and their non-offending caregiver.

NOTES

09

Confidentiality and Information Sharing

Pijjutingani qiniriaqaqtuq - the importance of assessing and addressing the root cause of undesirable behaviour or circumstances.

Inuuqatigiitsiarniq - respecting others, relationships and caring for people.

Tunnganarniq - fostering good spirit by being open, welcoming, and inclusive.

Aajiiqatigiinniq - decision-making through discussion and consensus.

Piliriqatigiinniq/ Ikajuqtiigiinniq - working together for a common cause.

The critical importance of information sharing is recognized in enabling informed decision-making regarding the protection, safety, and well-being of children and youth. Each Partner Agency has a specific role to play to protect children from abuse, harm and neglect. The lack of information sharing has been frequently cited as a core problem contributing to the death or serious injury of children under agency supervision. To ensure the best course of action is taken in every case, at each step, protocol compliance and mutual sharing of all relevant information by Partner Agencies, third parties, and professionals involved in the child protection process is ideal.

In accordance with section 71 of the *CFSA*, the duty to disclose or communicate any information to protect a child from abuse, harm or neglect overrides any duty of confidentiality in any other legislation, with the exception of information that is solicitor-client privileged. This section of the *CFSA* authorizes healthcare providers, school staff, and other service providers to disclose information about children and their families to assist during child protection investigations, provisions of care (including medical care), counselling, or the child's education.

Section 74 of the *CFSA* authorizes the Director of Child Services or appointed delegate (CSSW) to disclose information to another person or agency in order to provide services to protect a child. The disclosed information shall be used only for the purpose for which it was disclosed and shall not be disclosed further.

A CSSW should share information to support protection of a child, especially with the school principal, including:

- The fact that the child has been taken into care;
- Any change of the child's address or legal guardian information;
- The name and physical description of any person who is prohibited to be in contact with the child; and
- Notification when a child will be absent from school for a medical appointment or when the child is being relocated.

Special care is required when responding to requests to disclose medical or education records following an abuse allegation. The *Access to Information and Protection of Privacy Act* allows GN agency records to be disclosed for investigation purposes, upon written request to a CSSW, GN Legal Counsel, or an RCMP member. Otherwise, the child's medical and school records are protected by the *CFSA*, *ATIPP* and other program statutes.

To ensure the best course of action is taken in every case, mutual sharing of all relevant information by agencies, third parties, and professionals involved in the investigation process is ideal.

10

Interagency Coordination, Committee & Conflict Resolution

10.1 Interagency Coordination

The CANRA Committee is responsible for guiding the implementation, monitoring and continuous improvement of the Nunavut Child Abuse and Neglect Response Agreement. The committee is composed of representatives from each signatory agency and other key stakeholders including:

- Department of Family Services, Family Wellness Division
- Royal Canadian Mounted Police (RCMP)
- Department of Justice
- Department of Health
- Department of Education
- Arctic Child & Youth Foundation

Ad hoc members

- Nunavut Tunngavik Inc. (NTI)
- Representative for Children and Youth
- Licensed Childcare Facilities
- Public Prosecution Services Canada

The committee, chaired by the representatives of the Department of Family Services, Family Wellness Division, engages in the following activities to fulfill its purpose and responsibilities:

- **Monitoring Implementation:** The committee oversees the implementation of the Agreement across all involved agencies and communities, ensuring that its provisions and processes are applied effectively and consistently.
- **Reviewing the Agreement:** The committee regularly reviews the Agreement and its application to identify areas for improvement and propose amendments as necessary. This includes ensuring the Agreement aligns with current best practices and Inuit Qaujimajatuqangit.

- Promoting Interagency Coordination: The committee facilitates collaboration and coordination between various agencies, organizations, and community partners involved in child protection and welfare through information sharing, training and capacity building to enhance the effectiveness of the Agreement.

10.2 Child Abuse and Neglect Response Agreement Committee – Membership Expectations

1. Commitment to the Purpose and Mandate

- Members of the committee are expected to understand and adhere to the purpose, goals, and mandate of the committee. This includes a commitment to advancing the welfare and protection of children and families in the community, and upholding the principles outlined in relevant legislation and policies.

2. Active Participation

- Committee members are expected to actively participate in all meetings and discussions. This includes preparing for meetings by reviewing relevant materials, contributing constructively to discussions, and engaging in decision-making processes. Regular attendance is essential to maintain the effectiveness of the committee.

3. Collaboration and Respect

- Members must work collaboratively with fellow committee members, respecting diverse viewpoints and expertise. Constructive dialogue, open communication, and mutual respect are fundamental to achieving the committee's objectives and maintaining a positive working environment.

4. Confidentiality

- Committee members are expected to maintain strict confidentiality regarding sensitive information discussed in meetings. This includes respecting the privacy of children, families, and any other individuals involved in cases brought before the committee. Breaching confidentiality could undermine trust in the committee and potentially violate legal or ethical standards.

5. Conflict of Interest

- Members must disclose any potential conflicts of interest and recuse themselves from discussions or decisions where a conflict may exist. Conflicts of interest may arise when personal, professional, or financial interests could influence a member's impartiality.

**Piliriqatigiinniq/
Ikajuqtigiinniq** –
working together for a
common cause.

6. Ethical Standards and Professionalism

- Members are expected to uphold high ethical standards and always demonstrate professionalism. This includes ensuring that their actions align with the committee's mission, legal requirements, and relevant ethical guidelines. Any behavior or actions that undermine the integrity of the committee will be addressed accordingly.

7. Ongoing Learning and Development

- Committee members are encouraged to participate in ongoing education and training related to child protection, family services, and the legal frameworks that govern these areas. Staying informed about best practices, emerging issues, and evolving policies will enhance the committee's effectiveness. Sharing resources among members is highly encouraged.

8. Accountability and Responsibility

- Each member is accountable for their contributions and the impact of the committee's work. Members must take responsibility for following through on assigned tasks, meeting deadlines, and ensuring that the committee operates efficiently and in line with its objectives.

9. Decision-Making and Consensus Building

- The committee strives to make decisions by consensus wherever possible. Members should be prepared to support collective decisions, even if they may not fully agree with every aspect of a decision. If consensus cannot be reached, decisions may be made by a majority vote, in accordance with the committee's established processes.

10. Term and Reappointment

- Committee members are appointed for a defined term, with the possibility of reappointment based on performance, availability, and the ongoing needs of the committee. Members should be open to feedback regarding their performance and demonstrate a willingness to step down if they can no longer meet the expectations of the role.

Signatory departments/agencies must commit to embracing a decision-making process that is grounded in Inuit Qaujimajatuqangit and upholds best interests of children.

Katujjiqatigiingniq -
to work together.

10.3 Dispute Resolution

NO CONFLICT RESOLUTION PROCESS WILL CAUSE DELAY TO A CHILD, YOUTH OR FAMILY'S ACCESS TO SERVICES OR SUPPORTS.

If a dispute or claim is made about the Agreement or its process, the committee agrees to the following:

- All Partner Agencies staff will make their best efforts to resolve a dispute. If a dispute cannot be resolved, then the matter will be referred to their respective supervisors to try to resolve the dispute.
- Inability to resolve this dispute will be escalated to managers of the Partner Agencies and subsequently senior representatives of this committee will be consulted.
- In the event a conflict remains unresolved, the senior representative will approach the lead agency, Department of Family Services, with a request to convene a committee meeting to discuss the conflict and map out the best course of action.
- The Partner Agencies acknowledge their commitment to working together and avoiding disputes through agency-to-agency information exchange, advance notice, early consultation, discussion, clarification, and resolution of issues, as they arise.

10.4 Cross Cultural Understanding

Although Nunavut is a part of Canada, has a unique and distinct culture that differs in some ways from settler culture. These differences must be considered during investigations.

Each Nunavut community has its own specific cultural customs and values. It is important to respect and adapt to these ways when working within a particular Nunavut community. The CFSA ensures that culturally appropriate approaches to child safety remain central to interventions, guided by Inuit Societal Values as outlined in section 2. Inuit traditions and practices are crucial to Inuit children's identity and well-being in Nunavut. This culturally sensitive approach has a positive outlook for raising awareness of the conditions of children and youth leading to action by the community and Nunavut's policy makers.

There are also practical reasons for ensuring culturally appropriate responses. Language is an important factor, not only for speaking but for understanding and expressing. Many children in smaller communities speak Inuktitut as their first language, which may affect expression and comprehension during interviews. Efforts should be made to involve Inuit in the process as early as possible, and ensure a translator is present if needed.

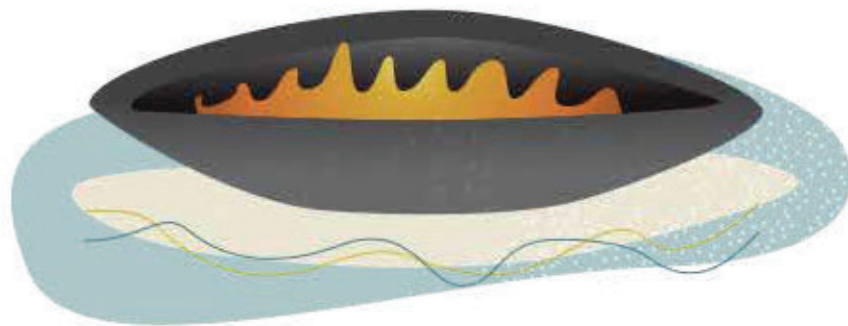
The Department of Family Services continues to rely on Inuit organizations to explore culturally appropriate ways of learning when it comes to training staff so that front-line workers are equipped with the cultural knowledge that informs the situation. Although it is expensive to travel across Nunavut, community visits are essential for providing insight into each community's unique needs. This collaborative approach is guided by the Inuit Qaujimajatuqangit principle of collective effort.

The CFSA supports interventions that keep families together and make sure that culturally appropriate practices are used in each child's support plan, creating opportunities for the best outcome for children and their families.

10.5 Taking Care of Yourself, the Service Provider

Working with vulnerable individuals as a service provider can take a toll on your own health. You often face difficult situations that may have no easy solutions, which can sometimes lead to feelings of helplessness. Remember, however, that your work plays an important role in ensuring the safety of children, even though it can be challenging.

Each Partner Agency has internal Employee Assistance Programming and is committed to ensuring the well-being of their employees and will provide necessary resources.



11

Agreement Signatories

The Partners acknowledge this Agreement and agree to consider its purpose within our organizations. We commit to working together to fulfill our ongoing responsibilities to all children and youth in Nunavut.

This Agreement will be reviewed every three years by the Child Abuse and Neglect Response Agreement Committee.

11.1 Limitations

Nothing in this Agreement replaces or amends any obligation imposed upon a participant by operation of law, including the *Criminal Code* and the *Canadian Charter of Rights and Freedoms*.

Nothing in this Agreement conflicts with or derogates from any act of the Parliament of Canada or Nunavut Legislature. This Agreement shall be interpreted in all respects as subject to those statutes.

Nothing in this Agreement derogates from the responsibilities and obligations of the RCMP under the current version of the Territorial Police Service Agreement.

11.2 Term

This Agreement will be in effect for three years:

Effective Date: **On the Date of Signature**

Termination Date: March 31, 2028

The Partner Agencies will informally review this Agreement annually before the anniversary of the effective date of each year that this Agreement is in effect.

This Agreement may be extended by mutual consent at the end of this term.

11.3 Termination

Any Partner Agency can terminate participation in the Agreement at any time, for any reason, upon providing the other participants with 90 days' written notice.

11.4 Legal Liability

The parties acknowledge that this Agreement is not legally binding and does not constitute a contract.

Agreement Signatories

Jonathan Ellsworth

Deputy Minister

Nunavut Department of Family Services

Christine Ellsworth

Deputy Minister

Nunavut Department of Justice

Megan Hunt

Deputy Minister

Nunavut Department of Health

Rebecca Hainnu

Deputy Minister

Nunavut Department of Education

Andrew Blackadar

RCMP Commanding Officer

"V" Division

Taya Tootoo

Executive Director

Arctic Child & Youth Foundation

A

Appendix A

Best Interests of the Child

Section 3 of the *CFSA* defines the best interest of the child:

All relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination:

- a. the child's safety;
- b. the child's physical, mental and emotional level of development and needs, and the appropriate care or treatment to meet those needs;
- c. the child's cultural, linguistic and spiritual or religious upbringing and ties;
- d. the importance for the child's development of a positive relationship with his or her parent, a secure place as a wanted and needed member of the family, and a stable environment;
- e. the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity;
- f. the risk that the child may suffer harm through being removed from, kept away from, returned to, or allowed to remain in, the care of a parent;
- g. the merits of any proposed plan of care for the child;
- h. the child's relationship by blood or through adoption;
- i. the child's views and preferences, if they can be reasonably ascertained; and
- j. the effects on the child of a delay in making a decision.

B

Appendix B

When is a Child in Need of Protection?

Section 7(3) of the *CFSA* explains when a child is in need of protection:

A child needs protection where:

- a. the child has suffered physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;
- b. there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;
- c. the child has been sexually molested or sexually exploited, including by exposure to or involvement in child pornography, by the child's parent or by another person where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child;
- d. there is a substantial risk that the child will be sexually molested or sexually exploited by the child's parent or by another person where the child's parent knows or should know of the possibility of sexual molestation or sexual exploitation and is unwilling or unable to protect the child;
- e. the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm;
- f. there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm;
- g. the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;

- h. the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, other drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child;
- i. there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, other drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child;
- j. the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the treatment;
- k. the child suffers from malnutrition of a degree that, if not immediately remedied, could seriously impair the child's growth or development or result in permanent injury or death;
- l. the child has been abandoned by the child's parent without the child's parent having made adequate provision for the child's care or custody and the child's extended family has not made adequate provision for the child's care or custody;
- m. the child's parents have died without making adequate provision for the child's care or custody and the child's extended family has not made adequate provision for the child's care or custody;
- n. the child's parent is unavailable or unable or unwilling to properly care for the child and the child's extended family has not made adequate provision for the child's care;
- o. the child is less than 12 years of age and has killed or seriously injured another person or has persisted in injuring others or causing damage to the property of others, and services, treatment or healing processes are necessary to prevent a recurrence and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the services, treatment or healing processes;
- p. the child is repeatedly exposed to family violence and the child's parent is unwilling or unable to stop such exposure;
- q. the child is repeatedly exposed to pornography and the child's parent is unwilling or unable to stop such exposure; or
- r. the child is in significant contact with a person who possesses child pornography and the child's parent is unwilling or unable to prevent such contact.



Appendix C

Nunavut Child Welfare Contact Information

RCMP: (867) 979-1111

Department of Family Services Headquarters:

(867) 975-5200

844-FWCHILD (844-392-4453)

Department of Family Services Regional Offices:

Kitikmeot:

Office hours: (867) 983-4071

Emergency: (867) 983-5199

Kivalliq:

Office hours: (867) 645-8560

Emergency:

- Arviat: (867) 857-6871
- Baker Lake, Chesterfield Inlet, Whale Cove: (867) 793-5126
- Coral Harbour: (867) 645-6756
- Rankin Inlet, Nauyasat: (867) 645-7608
- Sanikiluaq: (867) 522-0107

South Qikiqtaaluk (Iqaluit, Kimmirut, Kinngait):

Office hours: (867) 975-5777

Emergency: (867) 979-5650

North Qikiqtaaluk (Arctic Bay, Clyde River, Grise Fiord, Igloolik, Pangnirtung, Pond Inlet, Qikiqtarjuaq, Resolute Bay, Sanirajak):

Office hours: (867) 473-8944

Emergency: (867) 473-1923

D

Appendix D

Roles and Responsibilities of Non-Signatory Partner Agencies

Various organizations which are not signatories to this Agreement have committed to addressing child abuse and neglect in Nunavut in collaboration with the signatories. Below is a list of the non-signatory Partner Agencies and their roles and responsibilities.

Public Prosecution Service of Canada

The Public Prosecution Service of Canada (PPSC) is a federal department responsible for prosecuting all *Criminal Code* offences in Nunavut. The PPSC commits to:

- Work with the RCMP to provide advice regarding investigations pursuant to the PPSC mandate;
- Support and assist witnesses for court appearances to ensure the best evidence available is presented to the court; and
- Work collaboratively with relevant parties, such as the Department of Family Services, to ensure that decisions and actions taken are in the best interest of the child witness.

Licensed Child Care Facilities

Licensed Child Care Facilities are licensed by the Department of Education under the Child Day Care Act. This includes but is not limited to daycare staff, teachers, support persons and others working in a childcare setting. Licensed Child Care Facilities commit to:

- Ensure a private area is available to interview the child at the center with a CSSW and/or the RCMP;
- Provide academic, social, and emotional support to the child; and
- Provide evidence and documentation in court proceedings if required.

Representative for Children and Youth

The Representative for Children and Youth Office commits to:

- Provide general information about child rights and/or government services;
- Work directly with the child/youth, their family, and service providers to express concerns and assist in resolving issues; and
- Provide advice and recommendations to the GN on how to enhance programs, services, laws, and policies to create better outcomes for children and youth in Nunavut.

