



Nunavut's child welfare system¹

Pamela Gough

An overview of child welfare in Canada

The main responsibility for the well-being of children in Canada rests with parents. It is recognized, however, that there are times when others must intervene. Child maltreatment is one such circumstance. The *Constitution Act*² grants provinces and territories the authority to operate child welfare systems to intervene, when necessary, and to set legislation to govern those systems. The purpose of provincial and territorial child welfare systems is to protect the safety and well-being of children.

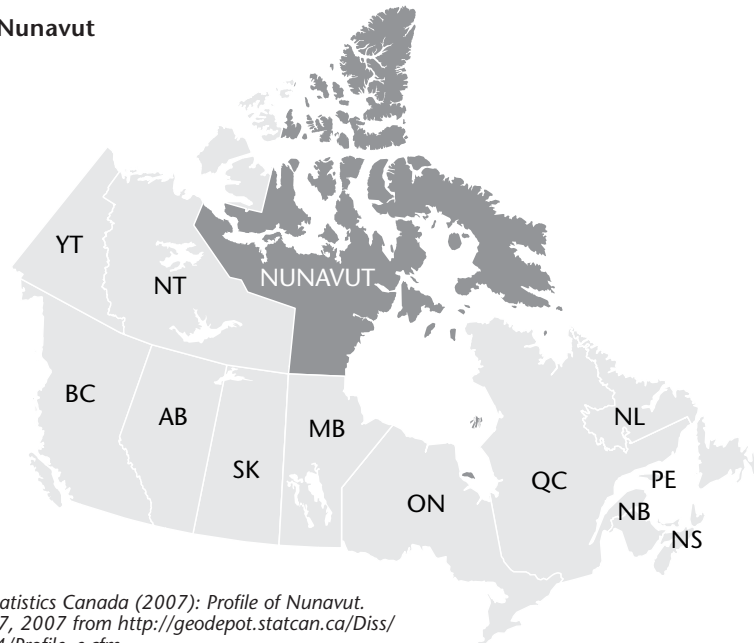
How do territorial child welfare systems differ from provincial ones?

Although they are large in size, Canada's three northern territories are more sparsely populated than the provinces and have a

much higher proportion of Aboriginal people in their populations. Nunavut is the northernmost of Canada's three territories and was formed in 1999. Nunavut's land mass of 1.9 million square kilometers³ makes it the largest jurisdiction within Canada (see Figure 1). It had a 2001 population of 26,745,⁴ or one person per 72 square kilometres. Eighty-five percent of Nunavut's population are Inuit.⁵ Nunavut's Inuit population is much younger than the population average across Canada, with a median age of 19.1 years.⁶ Nunavut is also one of the fastest growing regions in Canada, with a 2005/06 population growth rate of 2.5%.⁷

Because of the relatively small populations, social workers in the territories tend to play a much more general role than their southern counterparts. In many communities, social workers and supervisors are responsible for providing not only child protection

Figure 1. Map of Nunavut



Source: Adapted from Statistics Canada (2007): Profile of Nunavut. Retrieved June 27, 2007 from http://geodepot.statcan.ca/Diss/Highlights/Page4/Profile_e.cfm

and family services, but also a wide range of other social services, including home support and care services, referrals to mental health and community corrections programs, and services for seniors and persons with disabilities.

What do we mean by child maltreatment?

Child maltreatment refers to the abuse (violence, harm, mistreatment) or neglect of a child or youth while in the care of someone the child trusts or depends upon, such as a parent, caregiver, teacher, or coach. Nunavut's *Child and Family Services Act* (CFSA)⁸ and Canada's *Criminal Code* define when it is necessary to intervene in order to protect the well-being of children. This includes situations resulting in a child experiencing or being at risk of experiencing physical injury, emotional harm, or sexual exploitation. Maltreatment includes neglect causing harm, inadequate nutrition, exposure to repeated domestic violence resulting in the risk of physical or emotional harm, and exposure to harmful substances such as alcohol, solvents, and drugs. Intervention is also required if a child under age 12 has killed or seriously injured another person or persisted in injuring others or causing damage to the property of others, and the child's parent does not, or is unable to, provide treatment or healing processes.

Child welfare legislation in Nunavut

Four main statutes govern child welfare in Nunavut: the *Adoptions Act*, the *Guardianship and Trusteeship Act*, the *Aboriginal Custom Adoption Recognition Act*, and the *Child and Family Services Act*. The *Child and Family Services Act* is the primary legislation providing for the protection and well-being of children and the delivery of intervention services to children, youth, and their families.

The following are the main themes of the *Child and Family Services Act*:

- The family is the basic unit of society and its well-being should be supported and promoted.
- Children are entitled to protection from abuse, harm, and neglect.
- Children are entitled to be informed of their rights and involved in decisions affecting those rights and their lives.
- Families are entitled to be informed of their rights and to participate in decisions affecting those rights.

- Decisions concerning children should be made in accordance with their best interests, recognizing that differing cultural values and practices must be respected in those determinations.
- Each community has a role in supporting and promoting the best interests of children and the well-being of families in the community.
- Matters concerning children should be resolved in a timely manner.

In Nunavut, child protection covers children and youth up to age 16. The CFSA also provides a framework of support for youth to extend services up to age 19.

Any concerns about child abuse or neglect must be reported to:

- the local child protection worker in Health and Social Services, or
- the child protection worker's supervisor, or
- the Director of Child and Family Services for Nunavut, or
- in an emergency, the RCMP.

Individuals making a report are protected from civil action as long as the report was not purposely false. Failure to report is punishable by a prison term of not more than six months, a maximum fine of \$5,000, or both.

How does Nunavut administer child protection services?

The Department of Health and Social Services is responsible for the quality and delivery of health and social services, including child welfare services. The Territory is divided into three administrative regions: Baffin, Kivalliq, and Kitikmeot. Each community has at least one social worker assigned to investigate child protection concerns and deliver social programs. Since there are no treatment facilities for mental health problems or addictions in Nunavut, social workers refer clients to contracted treatment facility providers in Saskatchewan, Alberta, and Ontario for these services.

The responsibilities of the central office of the Department of Health and Social Services, based in Iqaluit, include:

- overseeing the quality and delivery of child protection services;
- interpreting legislation and developing programs, policies, and procedures;
- setting priorities and providing leadership for child and family services on a territorial basis;

- providing statutory training for child protection and adoption services programs;
- providing consultation, mentoring, and support to field-level staff; and
- providing legal and information technology services.

Community social workers provide a range of programs in addition to child protection, including early intervention and support to families and children, adoption services, and family violence prevention.⁹

What is the role of the child protection worker?

The role of the child protection worker is to act in the best interests of children by:

- protecting children from harm or risk of future harm;
- investigating allegations or evidence that children may be in need of protection;
- providing for the care of children who cannot safely live at home;
- supervising children assigned to child protection under the *Child and Family Services Act*;
- providing comprehensive planning for children in care;
- providing families with counselling and services to promote their health and integrity, being mindful of the importance of preserving the cultural, spiritual, religious, and linguistic heritage of children and their families; and
- providing adoption services and placing children for adoption.

What happens after child maltreatment is reported?

When a report of suspected child abuse or neglect is received, the child protection worker conducts an assessment to determine whether the child is being, or is at risk of being, maltreated. If a child's safety or well-being is in immediate danger, the worker will take action to ensure the child's safety, including apprehension of the child if needed, but only as a last resort.

Child protection workers focus on keeping families together using the least intrusive methods possible to ensure a child's safety. If the investigation indicates that there are child protection concerns, the worker will collaborate with the family and may

enter into a plan of care agreement to address those concerns. If required, the child protection worker may request court-ordered supervision of the child in the family home or placement in temporary or permanent custody of the Director of Child and Family Services.

If a parent or guardian asks Health and Social Services for support services, the child protection worker will conduct an assessment and may enter into a voluntary agreement with the family to provide counselling, in-home support, respite care, parenting programs, mediation services, support services to youth, referrals to other agencies, or other services to assist the family in caring for the child.

Similar voluntary agreements are also available upon request for youth aged 16 to 19, who are unable to safely reside with their parents. Voluntary agreements are available to support youth to develop the skills needed for independence.

Child welfare statistics in Nunavut

In June 2007, approximately 340 children were in care throughout Nunavut—a decline of 18% since September 2005, when 415 children were in care.¹⁰ Approximately 55 of the total 340 children were in permanent custody, as Crown wards. The rest were in temporary custody, plan of care agreements, or voluntary support agreements and a small number were under supervision orders.¹¹

Approximately 85 of the total 340 were in care in Iqaluit, the territorial capital, while the others were living in one of 25 small hamlets and communities throughout the territory. The breakdown by administrative region was 180 in Baffin, 62 in Kivalliq, and 98 in Kitikmeot. Approximately 37 children were in out-of-territory placements, generally for medical, psychological, or behavioural treatment.¹²

How does Nunavut's child welfare system work for Aboriginal children?

Inuit people represent the majority of Nunavut's population, and there is no separate child and family service system or specific federal funding for Aboriginal child and family service agencies. Traditional Inuit beliefs, values, and practices are widely understood and respected and the territorial government is committed to integrating Inuit societal values (Inuit Qaujimagatuquangit) into its programs and services.¹³

Aboriginal community councils (councils of municipal corporation or settlement corporations)

and Aboriginal not-for-profit corporate bodies can enter into an agreement with the Minister of Health and Social Services to form a Child and Family Services Committee. These committees are made up of appointed community volunteers who participate in the case planning for Aboriginal children and families involved with child and family services. The provisions of these agreements vary, but may include the establishment of community standards for determining the level of care adequate to meet a child's needs and when a child needs protection.

The *Aboriginal Custom Adoption Recognition Act* (ACARA)¹⁴ specifically provides for the well-being and adoption of Aboriginal children in a manner that respects cultural traditions. Custom adoption is a privately arranged adoption between two Aboriginal families, without the involvement of social workers and lawyers. The ACARA legislation defines itself as "a simple procedure by which a custom adoption may be respected and recognized and a certificate recognizing the adoption... having the effect of an order of a court of competent jurisdiction in the Territories."

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- 1 This information sheet has been reviewed by child welfare experts. Thanks are extended to Ambrose Ojah, Children and Family Services Specialist, Nunavut Department of Health and Social Services, and Norm Murray, Director of Child and Family Services, Government of Nunavut.
 - 2 *Constitution Act*, 1982, being Schedule B of the Canada Act, 1982 (U.K.), 1982.
 - 3 Statistics Canada. Highlights from the 2001 census of population: Profile of Nunavut. Retrieved June 11, 2007, from http://geodepot.statcan.ca/Diss/Highlights/Page4/Profile_e.cfm
 - 4 Ibid.
 - 5 Statistics Canada. Population reporting an Aboriginal identity, 2001 Census. Retrieved June 11, 2007, from <http://www40.statcan.ca/101/cst01/demo38d.htm>

- 6 Statistics Canada. Highlights from the 2001 census of population: Aboriginal peoples of Canada. Retrieved June 25, 2007, from <http://www12.statcan.ca/english/census01/products/analytic/companion/abor/groups3.cfm>
- 7 Personal communication with Ambrose Ojah, Nunavut Department of Health and Social Services, June 11, 2007.
- 8 *The Child and Family Services Act*, S.N.W.T. 1997, c. 13. Retrieved June 5, 2007, from: <http://www.canlii.org/nu/laws/sta/1997c.13/20061207/whole.html>
- 9 Nunavut Department of Health and Social Services (2007). *Social services within Nunavut*. Retrieved June 11, 2007, from <http://www.gov.nu.ca/hsssite/ssw.pdf>
- 10 Personal communication with Ambrose Ojah, Nunavut Department of Health and Social Services, June 11, 2007.
- 11 Ibid.
- 12 Ibid.
- 13 Government of Nunavut. (2004). *Pinasuaqtavut 2004-2009: Our commitment to building Nunavut's future*. Iqaluit, NU: Author. Available from <http://www.gov.nu.ca/Nunavut/pinasuaqtavut/engcover.pdf>
- 14 *Aboriginal Custom Adoption Recognition Act*, S.N.W.T. 1994, c. 26. Retrieved June 13, 2007, from: <http://www.canlii.org/nu/laws/sta/1994c.26/20061207/whole.html>

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