



Northwest Territories' child welfare system¹

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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. For example, the Northwest Territories' (NWT) population in 2005 was 42,982, and approximately half (21,413) were Aboriginal people.³

Because of the relatively small populations, social workers in the territories also tend to play a much more general role than their southern counterparts. In many communities, child protection workers and supervisors are also responsible for providing social services to 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 some-

one the child trusts or depends upon, such as a parent, caregiver, teacher, or coach. The NWT's *Child and Family Services Act* (CFSA)⁴ and Canada's *Criminal Code* define when it is necessary to intervene in order to protect the well-being of children within the territory. This includes situations resulting in a child experiencing or being at risk of experiencing physical injury, emotional harm, or sexual exploitation. This definition 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 the Northwest Territories

Four main statutes govern child welfare in the Northwest Territories. The *Adoption Act*, the *Intercountry Adoption Act* and the *Aboriginal Custom Adoption Recognition Act* regulate the terms and conditions for the adoption of children. The *Child and Family Services Act* is the primary legislation providing for the protection and well-being of children. The CFSA provides for the delivery of both prevention and 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 the NWT, child protection covers children and youth up to age 16. The CFSA also provides a framework of support for youth in permanent custody to extend services up to age 19.

Any concerns about child abuse or neglect must be reported to the local Health and Social Services Authority or, in an emergency, to the local 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 NWT 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 Department provides services through seven regional Health and Social Service Authorities (HSSAs) and the territorial hospital based in Yellowknife (which is also an Authority). The seven regional Authorities each have a central office location, and some Authorities also have several local offices. A board of trustees for each HSSA provides residents with the opportunity to shape priorities and service delivery for their community and region. A Chief Executive Officer oversees and manages each Authority, which is staffed by employees of the Government of the Northwest Territories.

The Department of Health and Social Services also contracts non-governmental organizations and professionals to provide social services through agreements with the Department and/or Authorities. There are approximately 70 front-line workers and supervisors assigned to child protection duties.⁵

The responsibilities of the central office of the Department of Health and Social Services 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 both the child protection and adoption services programs;
- providing consultation, mentoring, and support to field level staff; and
- providing legal and information technology services.

The regional/local offices provide a range of social service programs, including early intervention and support to families and children, child protection services, adoption services, family violence prevention, and services for mental health and addictions.

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;
- 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 permanent care;
- providing families with supports 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 by the local Health and Social Services Authority, the social 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 social worker will take action to ensure the child's safety, including apprehension of the child if needed and only as a last resort.

Social 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 social worker will collaborate with the family and may enter into a voluntary plan of care agreement to address those concerns. If required, the social worker may request the Court to order supervision of the child in the family home or to place the child in temporary or permanent custody of the Director of Child and Family Services.

If a parent or guardian asks the local Health and Social Services Authority for support services, the social 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, alcohol and drug treatment, 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 18, in order to assist them and encourage family preservation. When youth 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 the Northwest Territories

The number of children and families receiving both voluntary and obligatory child and family services in the Northwest Territories increased slowly between 2000/01 and 2004/05, as shown in Table 1.

An analysis of data collected for the 2003 Canadian Incidence Study of Reported Child Abuse and Neglect (CIS-2003)⁶ estimates that 1,516 child maltreatment investigations involving children aged 15 and younger took place in NWT, a rate of 141.48 investigations per 1,000 children. Of these, 47% (706) were substantiated.⁷ As shown in Table 2, the primary categories of substantiated child maltreatment in the Northwest Territories in 2003 were neglect (51%), exposure to domestic violence (27%), physical abuse (11%), emotional maltreatment (6%), and sexual abuse (5%).

The Northwest Territories follows most trends identified in the 2003 Canadian Incidence Study. The top three categories of substantiated child maltreatment in both NWT and nationally were neglect, exposure to domestic violence, and physical abuse. However, one major difference related to neglect: the NWT rate was 51% compared with the national rate of 30%.

Table 1: Number of children receiving child and family services in NWT

Fiscal year	2000/01	2001/02	2002/03	2003/04	2004/05
NWT population by calendar year	40,822	41,489	42,240	42,851	42,982
NWT child population up to age 18	13,427	13,428	13,415	13,413	13,298
Number of children receiving services (voluntary and obligatory)	825	974	970	998	1,075
Percentage of child population receiving services	6.1%	7.3%	7.3%	7.4%	8.1%

Source: Department of Health and Social Services, Government of Northwest Territories

Table 2: Primary Category of Substantiated Child Maltreatment, NWT (2003)

	Physical abuse	Sexual abuse	Neglect	Emotional maltreatment	Exposure to domestic violence	Total
Substantiated investigations*	82	34	358	44	188	706
Incidence per 1,000 children	7.65	3.17	33.41	4.11	17.55	65.89
Percentage	11%	5%	51%	6%	27%	100%

*Based on a sample of 178 substantiated child maltreatment investigations.

Source: MacLaurin, B., Trocmé, N., Fallon, B., Pitman, L. & McCormack, M. (2005). *Northwest Territories incidence study of reported child abuse and neglect, NWTIS-2003: Major findings*. Calgary: University of Calgary.

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

Federally, the *Constitution Act*, the *Indian Act*, and the *Canadian Charter of Rights and Freedoms* recognize the special legal status and rights of Canada's Aboriginal peoples in matters of child welfare and in other situations. First Nations children in Canada are not only considered to be members of their families, but also members of their First Nations.

Unlike many provincial jurisdictions in Canada, the NWT does not currently have a separate child and family services program for the Aboriginal population or receive specific federal funding for separate Aboriginal child and family service agencies. The only reserve in the NWT is the Hay River Reserve, and child and family services there are delivered by the Hay River Health and Social Services Authority.

NWT's *Child and Family Services Act* states that the best interests of the child must include consideration of the child's cultural, linguistic, and spiritual or religious upbringing and ties. If a child is Aboriginal, the child's Aboriginal community must be notified of any application for a child protection court order, under the CFSA.

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)⁸ 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 articulates "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."^{9,10}

- 1 This information sheet has been reviewed by child welfare experts. Thanks are extended to Simone Fournel, Children and Family Service Practice Specialist, Quality Assurance/Clinical Practice; and Robert Hopkins, Manager, Children and Family Services; Government of the Northwest Territories.
- 2 *Constitution Act*, 1982, being Schedule B of the Canada Act, 1982 (U.K.), 1982.
- 3 NWT Bureau of Statistics, 2006. Retrieved June 7, 2007, from http://www.stats.gov.nt.ca/Profile/Sum_ofNWTCommunity%20Stats.pdf
- 4 The *Child and Family Services Act*, S.N.W.T. 1997, c. 13. Retrieved May 1, 2007, from: <http://www.canlii.org/nt/laws/sta/1997c.13/20070329/whole.html>
- 5 Personal communication with Simone Fournel, NWT Department of Health and Social Services, May 17, 2007.
- 6 Trocmé, N., Fallon, B., MacLaurin, B., Daciuk, J., Felstiner, C., Black, T., et al., (2005). *Canadian incidence study of reported child abuse and neglect – 2003: Major findings*. Ottawa, ON: Minister of Public Works and Government Services Canada.
- 7 MacLaurin, B., Trocmé, N., Fallon, B., Pitman, L., & McCormack, M. (2005). *Northwest Territories incidence study of reported child abuse and neglect, NWTIS-2003: Major findings*. Calgary, AB: University of Calgary. Available at: http://www.hlthss.gov.nt.ca/pdf/reports/children_and_youth/2006/english/nwt_incidence_study_of_reported_child_abuse_and_neglect.pdf
- 8 *Aboriginal Custom Adoption Recognition Act*, S.N.W.T. 1994, c. 26. Retrieved May 1, 2007, from: http://www.justice.gov.nt.ca/PDF/ACTS/Abo_Custom_Adopt.pdf
- 9 Ibid.
- 10 For more information on Aboriginal custom adoption, see: http://www.hlthss.gov.nt.ca/pdf/brochures_and_fact_sheets/children_and_youth/2002/custom_adoption.pdf

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