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 Building *Nunavut* Together
Nunavut iᓂᓂᓂᓂᓂᓂᓂᓂᓂᓂ
 Bâtir le *Nunavut* ensemble

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 Minister of Family Services
 Ministre des Services à la famille
 Ministauyuq Qatan'ngutiliqiyikkut

September 8, 2017

Chairperson Pat Angnakak
 Standing Committee on Public Accounts, Independent Officers and Other Entities

Re: Update on the *Report on the Review of the 2014-2015 Annual Report of the Information and Privacy Commissioner of Nunavut*

Dear Ms. Angnakak,

The Department of Family Services is pleased to update you on developments regarding the Protocol for Handling Personal Information Provided to Inuit Associations Under the *Adoption Act* and the *Child and Family Services Act* (the Protocol). In collaboration with the RIAs and the Information and Privacy Commissioner, the Department has completed the Protocol. The Protocol is the first step in addressing the privacy concerns raised by the Auditor General and the Standing Committee. It provides a framework for consistent communication and clarifies information sharing processes between the Department and RIAs, to ensure safeguards are in place for the protection of personal information.

The Department of Family Services believes the Protocol meets the recommendation of the Standing Committee in its report on the 2011-2012 annual report of the Information and Privacy Commissioner. The Standing Committee recommended that the Department “develop appropriate guidelines to ensure that safeguards are in place with respect to personal information that is provided concerning matters arising under the *Adoption Act* and the *Child and Family Services Act*.”

Throughout the drafting of the Protocol, RIAs were offered opportunities to discuss the Protocol during teleconferences coordinated by the Department. Additionally, draft versions of the Protocol were circulated to RIAs for comment. The Department is grateful for the valuable feedback provided by the Qikiqtani Inuit Association during the drafting of the Protocol. Although this draft of the Protocol is complete, the Protocol has mechanisms in it to facilitate future reviews in consultation with the RIAs.

The Department is also grateful for the feedback provided by the Information and Privacy Commissioner during the drafting of the Protocol. The Department incorporated a number of the Commissioner's suggestions in order to strengthen the Protocol and clarify its' purpose.

The Department looks forward to continuing to engage with the RIAs to ensure compliance with the Protocol and address the broader concerns raised by the Information and Privacy Commissioner



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Minister of Family Services
Ministre des Services à la famille
Ministauyuq Qatan'ngutiliqiyikkut

with respect to the *Adoption Act* and *Child and Family Services Act*. As noted in the Protocol, the Department recognizes that matters under the Acts warrant meaningful consideration and engagement. The Department is aware that the current legislation does not facilitate such consideration and engagement. However, until such time the legislation can be reviewed and the concerns raised by the Information and Privacy Commissioner addressed, the Protocol will facilitate information and privacy management between the Department and RIAs, and subsequently meet the recommendation of the Standing Committee.

We appreciate your ongoing attention to this matter and are grateful for your support and that of the members of the committee.

We trust you will find this information helpful. If you have any additional questions or concerns, please do not hesitate to contact me or my Department.

Sincerely,

Hon. Johnny Mike
Minister of Family Services

cc: Rebekah Williams, Deputy Minister, Department of Family Services

Members of the Committee:

MLA Alexander Sammurtok
MLA Tony Akoak
MLA Joe Enook
MLA David Joanasie
MLA Pauloosie Keyootak
MLA Steve Magsalak
MLA Simeon Mikkungwak
MLA Paul Okalik
MLA Emiliano Qirngnuq
MLA Allan Rumbolt
MLA Tom Sammurtok
MLA Isaac Shooyook

Committee Clerk: John Quirke

**Protocol for Handling Personal Information Provided to Inuit
Associations Under the *Adoption Act* and *Child and Family
Services Act***

The participants to this agreement are:

Government of Nunavut

As represented by:

The Department of Family Services

and the

Kitikmeot Inuit Association

Qikiqtani Inuit Association

Kivalliq Inuit Association

September 2017

INTRODUCTION

As per the *Child and Family Services Act* and *Adoption Act*, the Department of Family Services is mandated to serve Regional Inuit Associations (RIAs) with child protection Court documents and, where the parent(s) consent, to consult with RIAs in ***adoption***¹ matters. This Protocol provides a framework for consistent communication and consultation between the Department and RIAs, to ensure safeguards are in place for the ***protection of personal information***.

The Protocol demonstrates the desire of the Department and RIAs to consult and communicate with each other on matters arising under the *Acts* where confidential information is exchanged. It is based on the principle that respecting and maintaining the privacy of children and families is a priority in all decisions and services.

This Protocol deals specifically with information and privacy management.

Definitions

In this agreement:

- a) “Minister” refers to the Minister of Family Services;
- b) “Department” refers to the Department of Family Services;
- c) The “***Director of Adoptions***” is appointed under subsection 69(1) of the *Adoption Act*;
- d) The “***Deputy Director of Adoptions***” may exercise all of the duties and powers of the Director of Adoptions;
- e) “*Acts*” refers to both the *Child and Family Services Act* and *Adoption Act*;
- f) For the purposes of this agreement, the terms “Inuit organization”, “applicable aboriginal organization”, as used by the *Child and Family Services Act* and *Adoption Act*, respectively, and RIA, refer to the Regional Inuit Associations of Nunavut:
 - i. Kitikmeot Inuit Association;
 - ii. Kivalliq Inuit Association; and
 - iii. Qikiqtani Inuit Association.
- g) For the purposes of this agreement, “applicable aboriginal organization” refers to the RIA, of which the child, or the mother or father of the child, is or is eligible to be a member;
- h) For the purposes of this agreement, the terms “Inuk child”, as used by the *Child and Family Services Act*, and the term “aboriginal child”, as used by the *Adoption Act*, are deemed to be equivalent;
- i) For the purposes of this agreement, “appropriate consent” means the consent of:
 - i. The child, if the child is 12 years of age or older, as well as;
 - ii. The parent or parents, as the case may be. For greater clarity where there is more than one parent all parents must provide consent.

¹ All key concepts, identified in italic/bold, are defined in Appendix I, Glossary of Key Concepts.

1. AUTHORITY

Adoption Act

- a) The Director may consult with an RIA with respect to adoption under the *Adoption Act* only with appropriate consent(s). Unless the Director has the consent of all parents, and any affected child 12 years of age or older, the Director shall not consult with the RIA.
- b) Under section 7(7) of the *Adoption Act*, where the Director has reason to believe that the child who is to be placed is or will be an aboriginal child, and where the Director has the appropriate consent(s), the Director shall, before making a decision in respect of the proposed private placement, consult with the applicable aboriginal organization.
- c) Under section 18(6), where the Director has reason to believe that a child may be an aboriginal child, and where the Director has the appropriate consent(s), the Director shall, before placing the child with an approved applicant for a departmental adoption, consult with the applicable aboriginal organization.
- d) The *Adoption Act* directs the Minister to appoint the Director of Adoptions, who is responsible for performing the duties imposed by the *Act* and regulations.
- e) This agreement does not apply to the independent disclosure of registry information to an RIA for the purposes described in section 67 of the *Adoption Act*.

Child and Family Services Act

- f) Under section 25 of the *Child and Family Services Act*, a **Child Protection Worker** must serve a copy of the **originating notice**² commencing a child protection application and an **affidavit in support** to Inuit organizations if the child, or the mother or father of the child, is or is eligible to be a member of an Inuit organization.
- g) The *Child and Family Services Act* directs the Minister to appoint the **Director of Child and Family Services**, who is responsible for appointing employees of the Government of Nunavut as Child Protection Workers. Child Protection Workers are responsible for the powers conferred and duties imposed upon them by this *Act*.
- h) Where an RIA has entered into a 'community agreement' with the Minister pursuant to section 58.1 of the *Act*, the 'community agreement' shall dictate to the extent of any inconsistency between it and this agreement.

² Child protection court documents (Originating Notice and Affidavit) can be found in Appendix III. These are court forms, attached for information only.

2. INFORMATION SHARING

- a) As per the *Adoption Act*, the Director of Adoptions cannot consult an aboriginal organization without first obtaining appropriate consent(s). The information shared for the purposes of consultation allows an RIA to determine whether the child, or the mother or father of the child, is or is eligible to be a member. With the appropriate consent(s), the information collected and shared includes: the child's name; the child's date of birth/expected date of birth; the parent(s) name(s); and the parent(s) community.
- b) The *Child and Family Services Act* mandates a Child Protection Worker to serve Inuit organizations with sensitive Court documents without requiring the consent of the child or the parent(s) of the child. However, when possible, it is advisable that the parent(s) are notified that the Inuit organization the child, or the parent(s) is or is eligible to be a member of, will be served Court documents, for the purpose of responding to the Department with an **alternative plan** for the child.
- c) Section 48(u) of the *Access to Information and Protection of Privacy Act (ATIPP)* states that a public body may disclose personal information for any purpose in accordance with any Act that authorizes or requires the disclosure. Thus, the requirement to consult RIAs under the *Child and Family Services Act* does not breach the privacy provisions of the *ATIPP Act*.

3. SERVICE DELIVERY

Adoption Act

The Director of Adoptions agrees to:

- a) Provide RIAs with the most current copy of the *Act* that governs the activities of the Director.
- b) Advise RIAs, in writing, of any change to the Director of Adoptions or the Deputy Director of Adoptions.
- c) Provide assistance and advice as necessary to RIAs to promote compliance with this Protocol. This shall include providing the Government of Nunavut's ATIPP manual and making training available to RIAs.
- d) When the Director has appropriate written consent(s), provide notification to RIAs before making a decision with respect to the proposed private adoption of an Inuk child. The notification will be provided to RIAs through the *Notice to the Inuit Association of the Intention to Place a Child for Adoption*, with a copy of the *Consent Form to Consult with Inuit Associations*³.

³ Adoption forms (*Notice to the Inuit Association*, *Consent Form to Consult*, and *Response to the Notice*) can be found in Appendix II. These are internal GN forms, appended to this Protocol for information only.

- e) When the Director has appropriate written consent(s), provide notification to RIAs before an Inuk child is placed with an approved applicant for a departmental adoption. The notification will be provided to RIAs through the *Notice to the Inuit Association of the Intention to Place a Child for Adoption*, with a copy of the *Consent Form to Consult with Inuit Associations*.
- f) Adoption notifications will be delivered electronically through secure email to the specific address designated in writing by the RIA.

The RIAs agree to:

- g) Protect personal information received by it pursuant to this Protocol by making reasonable security arrangements against such risks as unauthorized access, use, disclosure, or disposal of such information.
- h) Take reasonable steps to ensure **confidentiality** of the information provided to them under this Protocol; as well as provide for the secure destruction of information when it is no longer necessary. If there is a suspected or confirmed **privacy breach** the RIA shall notify the Government of Nunavut and cooperate with any investigation.
- i) Provide reasonable assistance and advice to the Government of Nunavut to promote compliance with the Protocol.
- j) Provide the Director with the most current copy of their information management standards, and/or privacy measures/policies.
- k) Respond to the Director for all adoption notifications through the *Response to the Notice to the Inuit Association of the Intention to Place a Child for Adoption*.
- l) Adoption responses will be delivered through secure email to the Deputy Director of Adoptions, or through registered mail to:

Deputy Director of Adoptions
CONFIDENTIAL INFORMATION
Department of Family Services
PO Box 1000 Station 1240
Iqaluit, NU, X0A 0H0

Child and Family Services Act

The Director of Child and Family Services agrees to:

- m) Provide RIAs with the most current copy of the *Act* that governs the activities of the Director.
- n) Advise RIAs, in writing, of any change to the Director of Child and Family Services.
- o) Provide assistance and advice as necessary to RIAs to promote compliance with this Protocol. This shall include providing the Government of Nunavut's ATIPP manual and making training available to RIAs.

- p) Serve Court documents to RIAs for matters arising under the *Child and Family Services Act* including an:
 - i. Originating notice commencing an application for a child protection application; and
 - ii. Affidavit in support of the application.
- q) Court documents will be delivered electronically through secure email by legal counsel for the Director to one central email address which is provided by each RIA. If the RIA wishes, Court documents may also be served by another secure method.

The RIAs agree to:

- r) Protect personal information received by it pursuant to this Protocol by making reasonable security arrangements against such risks as unauthorized access, use, disclosure, or disposal of such information.
- s) Take reasonable steps to ensure confidentiality of the information provided to them under this Protocol; as well as provide for the secure destruction of information when it is no longer necessary. If there is a suspected or confirmed privacy breach the RIA shall notify the Government of Nunavut and cooperate with any investigation.
- t) Provide reasonable assistance and advice to the Government of Nunavut to promote compliance with the Protocol.
- u) Provide the Director with the most current copy of their information management standards, and/or privacy measures/policies.
- v) Provide the Director, through legal counsel, with an email address and central contact person for each RIA for the service of Court documents.
- w) Accept Court documents served by the Director of Child and Family Services by providing written confirmation of the receipt of the Court documents to the Director.

4. COMMUNICATION

- a) The purpose of communication between the Director and RIAs is to notify RIAs:
 - i. Before a decision is made with respect to the proposed private adoption of an Inuk child;
 - ii. Before placing an Inuk child with an approved applicant for a departmental adoption; or
 - iii. When an Inuk child is being **apprehended**.
- b) Following notification, the applicable RIA has an opportunity to respond to the Department with an alternative plan for the child.
- c) The Department of Family Services recognizes that matters arising under the *Adoption Act* and *Child and Family Services Act* are often influenced by a number of complex factors that warrant meaningful consideration and engagement. The Department recognizes that the current provisions as mandated by the *Acts* do not facilitate such consideration.

- d) To this end, the parties to this Protocol agree to engage in appropriate, good faith consultation to address the broader factors that influence matters arising under the *Acts*. The Department acknowledges the importance of Inuit societal values and shall administer and interpret the *Child and Family Services Act* in accordance with those values defined in subsection 2(2) of the *Act*; and may administer or interpret the *Act* in accordance with the values defined in subsection 2(3) of the *Act*.
- e) The Department of Family Services will include information in its Director of Child and Family Services' Annual Report, which is required under the *Child and Family Services Act*, and which is publicly available, on the number of Court documents served to RIAs under the *Child and Family Services Act* and the number of consultations with RIAs under the *Adoption Act*.

5. CONFIDENTIALITY AND USE OF PERSONAL INFORMATION

- a) Personal information will be treated with the utmost respect and confidentiality and in accordance with all pertinent legal/ethical obligations of collaborating professions (privacy legislation, professional codes of ethics, etc.).
- b) All participants will take reasonable measures to preserve confidentiality and the integrity of all personal information exchanged pursuant to this Protocol, and take reasonable measures to prevent privacy breaches.
- c) Personal information will not be disseminated to any other third party without prior written appropriate consent and the written consent of the party providing the confidential information or, in the case of the Director, where the Director has a legal obligation to provide the personal information to third parties, or in the case of an RIA, the disclosure is required by Order of a Court of competent jurisdiction or the disclosure is otherwise required by law. RIAs may share personal information with their professional advisors, where required, to assist them in the performance of their obligations pursuant to this agreement, and to facilitate the purposes for which the information is received, provided such advisors are bound by legal privilege or duties of confidentiality not to disclose such information.
- d) As per section 43 of the *ATIPP Act*, the GN will use personal information only for the purpose for which the information was collected or compiled, or for a use consistent with that purpose. All participants agree that any personal information shared by participating agencies will be used solely for the purposes outlined in this Protocol and in accordance with the guidelines in Section 3.

6. INFORMATION MANAGEMENT AND PRIVACY ACCESS

- a) Each RIA will maintain its own agency-specific records pertaining to its involvement in matters arising under the *Acts* in accordance with its own information management policies, standards, and processes/legislated responsibilities.
- b) Each RIA will ensure electronic communication is secure through password-protected emails.

- c) Interagency meeting minutes and/or related committee documentation will contain no personal identifiers.
- d) The participants to this agreement acknowledge the *ATIPP Act* (Nunavut) and the *Personal Information Protection and Electronic Documents Act* (Canada) and acknowledge that the Acts are binding upon the GN.

7. ADDITIONAL REQUIREMENTS

- a) The Department of Family Services intends to review this Protocol every three years. As part of the review process, the Department shall solicit input from RIAs. Any amendments to this Protocol shall require the written consent of the Department and RIAs. The Adoption Forms found in Appendix II will be reviewed by the Department on an annual basis. Any changes to the forms will be approved by the Department of Family Services and RIAs.

APPENDIX I

Glossary of Key Concepts

This glossary of key concepts does not offer formal definitions of terms but rather identifies areas of consideration drawn from various professional and legal doctrines for reflection and/or discussion when interpreting the Protocol.

Access to Information and Protection of Privacy (ATIPP) Act, available at:

<http://www.atipp.gov.nu.ca/pdf/ATIPP%20Act.pdf>

Adoption: when used in reference to an adoption under the *Adoption Act*, means a step-parent adoption, a *private adoption* or a *departmental adoption*.

Affidavit in Support: an affidavit which supports an application for a Court order; typically sworn by Child Protection Workers.

Alternative Plan: for the purposes of this Protocol, an alternative plan refers to considerations offered by the RIA. These considerations may include considerations to support a child or youth maintain belonging, where possible, with family, extended family, community, and culture, and support the emotional, social, cognitive, cultural, and spiritual wellbeing of the child or youth.

Apprehended: means apprehended under the *Child and Family Services Act*.

Child Protection Worker: means a Child Protection Worker appointed under subsection 54(2) or (3) under the *Child and Family Services Act*.

Confidentiality: a value demanding that professionally acquired information is kept private and not shared with third parties unless the client provides informed consent or a professional or legal obligation exists to share such information without client informed consent (Canadian Association of Social Workers, *Code of Ethics*, 2005).

Departmental Adoption: as per the *Adoption Act*, an adoption of a child who has been placed in the permanent custody of the Director of Child and Family Services under the *Child and Family Services Act*.

Director of Adoptions: means the Director of Adoptions appointed under the *Adoption Act* subsection 69(1).

Deputy Director of Adoptions: means the Deputy Director of Adoptions appointed under subsection 69(1) of the *Adoption Act*, by virtue of an included power set out in subsection 21(f) of the *Interpretation Act*, and may exercise all of the duties and powers of the Director of Adoptions.

Director of Child and Family Services: means the Director of Child and Family Services appointed under the *Child and Family Services Act* subsection 51(1).

Originating Notice: an originating notice is a Court document that brings a case to Court for the first time. It states who is bringing the application; date, time, place, and Court where the application will be heard; the kind of order you are seeking; and/or the statutory authority for the application.

Parent: as per the *Adoption Act*, when used in reference to a child, means:

- a) The child's mother;
- b) The person who is presumed to be the child's father; and
- c) A person who has lawful custody of the child, other than the Director of Child and Family Services.

Parent: as per the *Child and Family Services Act*, includes a person, other than the Director, who has lawful custody of a child.

Personal Information: information about an identifiable individual, including:

- a) the individual's name, home or business address or home or business telephone number;
- b) the individual's race, colour, national or ethnic origin or religious or political beliefs or associations;
- c) the individual's age, sex, sexual orientation, marital status or family status;
- d) an identifying number, symbol or other particular assigned to the individual;
- e) the individual's fingerprints, blood type or inheritable characteristics;
- f) information about the individual's health and health care history, including information about a physical or mental disability;
- g) information about the individual's educational, financial, criminal or employment history;
- h) anyone else's opinions about the individual; and
- i) the individual's personal opinions, except where they are about someone else
(Consolidation of *ATIPP Act*).

Privacy Breach: for the purposes of this Protocol, a breach of privacy occurs with respect to personal information if:

- a) the information is accessed and the access is not authorized under this Protocol or the *ATIPP Act*;
- b) the information is disclosed and the disclosure is not authorized under this Protocol or the *ATIPP Act*;
- c) the information is lost and the loss may result in the information being accessed or disclosed without authority under this Protocol or the *ATIPP Act*.

Private Adoption: as per the *Adoption Act*, an adoption where a parent places his or her child for adoption, but does not include a step-parent adoption.

Protection of Personal Information: the head of a public body shall protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure, or disposal (Consolidation of *ATIPP Act*).

APPENDIX II: Adoption Forms



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Department of Family Services
Inuliriyikkut
Ministère des services à la famille

NOTICE TO THE INUIT ASSOCIATION OF THE INTENTION TO PLACE A CHILD FOR ADOPTION

To: _____
(Name of Regional Inuit Association)

Date: _____
(DD/MM/YYYY)

As per the *Adoption Act*, the Department of Family Services is mandated to consult with Regional Inuit Associations (RIAs) in adoption matters where the child to be placed is or will be a member of an RIA. The Department cannot consult with RIAs without the consent of the child, where the child is 12 years of age or older, or the parent(s) of the child.

The Department of Family Services is giving notice to your association of the placement of a child for private or departmental adoption, whom we believe is, or is entitled to be, a member of your association.

The child / parent(s) have consented to the Department consulting with your association on this adoption (see enclosed *Consent Form to Consult with Inuit Associations*). The adoptive parents live in _____.

Child's Name: _____ Date of Birth/Expected Date of Birth: _____
(DD/MM/YYYY)

Parent(s) name(s)¹:

Mother: _____

Father: _____

¹ As per the *Adoption Act*, when used in reference to a child, parent is defined as:

- a) The child's mother;
- b) The person who is presumed to be the child's father; and
- c) A person who has lawful custody of the child, other than the Director of Child and Family Services.

Other: _____
(identify relation to child)

Parent(s) community: _____

Sheila Hidgon
Deputy Director of Adoptions
Department of Family Services
867-975-5232
P.O. Box 1000, Stn. 1240
Iqaluit, Nunavut X0A 0H0



CONSENT FORM TO CONSULT WITH INUIT ASSOCIATIONS

As per the *Adoption Act*, the Department of Family Services is mandated to consult with Regional Inuit Associations (RIAs) in adoption matters where the child to be placed is or will be a member of an RIA. The Department cannot consult with RIAs without the consent of the child, where the child is 12 years of age or older, or the parent(s) of the child.

Personal information is collected under the *Access to Information and Protection of Privacy Act*, s. 43. Your information may be used by the RIA to determine whether you and/or your child, is or is eligible to be a member of the RIA. The purpose of determining whether you and/or your child, is or is eligible to be a member of the RIA, is to allow the RIA to provide comments to the Department with respect to the private or departmental adoption of your child.

I / We, _____
(Full name(s) of child / parent(s) giving consent)

consent to the use and disclosure of my personal information to determine my / my child's
eligibility to be a member of the _____.
(Name of Regional Inuit Association)

I understand that by consenting, the RIA may provide comments on the proposed placement of my child.

Child's Name: _____

Date of Birth/Expected Date of Birth: _____
(DD/MM/YYYY)

Signatures of child / parent(s) giving consent:

Child¹: _____ DD/MM/YYYY: _____

Mother: _____ DD/MM/YYYY: _____

Father: _____ DD/MM/YYYY: _____

¹ Where the child is 12 years of age or older.

Other: _____ DD/MM/YYYY: _____
(identify relation to child)

If you have any questions regarding the use of your personal information, please contact:

Sheila Hidgon
Deputy Director of Adoptions
Department of Family Services
867-975-5232
P.O. Box 1000, Stn. 1240
Iqaluit, Nunavut X0A 0H0

RESPONSE TO THE NOTICE TO THE INUIT ASSOCIATION OF THE INTENTION TO PLACE A CHILD FOR ADOPTION

To: Sheila Higdon
Deputy Director of Adoptions
Department of Family Services
Box 1000, Stn 1240
Iqaluit, Nunavut X0A 0H0 Fax: 867-975-5298

The _____ has received the *Notice to the Inuit Association*
(Name of Regional Inuit Association)

of the *Intention to Place a Child for Adoption* for _____,
(Child's Name)

whose date of birth or expected date of birth is _____.
(DD/MM/YYYY)

We have been provided with the signed *Consent Form to Consult with Inuit Associations*.

We have been consulted and agree with the proposed placement of the child.

We wish to provide the Director of Adoptions the following comments on this adoption:

Please see attached Appendix A for additional comments.

Print Name - Regional Inuit Association

Print Position - Regional Inuit Association

Signature - Regional Inuit Association

Date Signed (DD/MM/YYYY)

APPENDIX III

Child Protection Court Documents; Originating Notice

IN THE NUNAVUT COURT OF JUSTICE

IN THE MATTER OF the *Child and Family Services Act*,
S.N.W.T., 1998, c.34 as amended by

Statutes enacted under section 76.05
of the Nunavut Act

AND IN THE MATTER OF the child,

(*last name, first name of child*)

Born: (*date of birth*),

Apprehended:

ORIGINATING NOTICE

TAKE NOTICE that an application will be made to the presiding Judge at (*street address or name of building*) in (*community*), Nunavut, on (*day of the week*), (*month, day, year*) at (*time 00:00*) o'clock (*a.m. or p.m.*), or so soon after that time as the application may be heard for an order:

1. Abridging the time for service, should such be necessary, pursuant to Rule 713 of the *Rules of the Nunavut Court of Justice*.

2. Declaring the following child to be in need of protection under S.7(3)(j) of the *Child and Family Services Act* S.N.W.T. 1998 c.34.
 - a) (*name*), born (*date of birth*);

pursuant to s. 31(9) of the *Child and Family Services Act*, S.N.W.T. 1998, c.34, as amended;

- and/or* 3. That the consent of (*names of parents and person with legal custody or guardianship if not a parent*), (*parent / legal custodian or guardian*) of the child (*name of child*) to
medical care or treatment be dispensed with;

- and/or 4.* That medical care or treatment as follows be authorized by the Court:
a) (*indicate in broad terms what medical care or treatment is required*);
b) etc.
- and/or 5.* That (*name of person*) be required to deliver the child to (*place where medical care or treatment will be provided*);
- and/or 6.* That (*name of person OR any person*) be prohibited from obstructing the provision of the medical care or treatment;
- and/or 7.* That the child be returned to (*name of parent or person having care of child when apprehended*) on (*when*);
- and/or 8.* That the order be in force for the period of (*length of order asking for*);
- and/or 9.* That (*list any further terms or conditions asking for*) and such other terms and conditions as the Court considers necessary.

AND FURTHER TAKE NOTICE that the grounds on which the Director of Child and Family Services relies are as follows:

1. The child is in need of protection within the meaning of s.7(3)(j) of the *Child and Family Services Act*, S.N.W.T., c.34, as amended.
2. The child has been refused and should be provided with the following medical care or treatment: (*set out briefly the type of treatment or care*).
3. It is in the best interests of the child that the medical care or treatment be provided.
4. Such further and other grounds as will be raised at the return of this motion and as the Court may permit.

AND FURTHER TAKE NOTICE that in support of such application will be read the Affidavit of *(name of worker)*, a duly authorized Child Protection Worker *(and list any other affidavits or materials to be used)*.

DATED at *(community)*, Nunavut, on *(month, day, year)*.

(Name of Child Protection Worker),

Child Protection Worker

TO: *(Insert name and address of each person to be served)*

APPENDIX III
Child Protection Court Documents; Affidavit

IN THE NUNAVUT COURT OF JUSTICE

IN THE MATTER OF the *Child and Family Services Act*,

S.N.W.T., 1998, c.34 as amended by

Statutes enacted under section 76.05
of the Nunavut Act

AND IN THE MATTER OF the child(ren),
(*last name, first name of child*)

Born: (*date of birth*)

Apprehended:

AFFIDAVIT

I, (*name of person swearing affidavit*), Child Protection Worker, of (*community*), in Nunavut, MAKE OATH AND SAY THAT:

1. I am a duly authorized Child Protection Worker for Nunavut and as such I have personal knowledge of the matters herein deposed to, except where I indicate my statements are based on information and belief, in which case I do believe the same to be true.
2. I (*list all facts and events leading to belief that the order for supervision or temporary care should be extended, varied or discharged under s. 28(9)*)
3. (*If you are dealing with extending a temporary order or varying a supervision order to a temporary order, add a paragraph about maintenance support.*)
4. (*Etc. Add numbered paragraphs as necessary. All other paragraphs must come before the following paragraph and before your signature.*)

5. (if the request is to extend a temporary order then state The extension will not result in the child being in the temporary custody of the Director for more than 24 months continuous.)

6. I MAKE THIS AFFIDAVIT in support of an Application for an Order

a) (extending, varying or discharging the supervision or temporary order made on the day of , 19 .) (If requesting a supervision or temporary order, state the period of time that you are requesting the extension.)

and/or b) (where appropriate i.e. temporary order, set out the amount of maintenance the parent(s) should pay)

SWORN BEFORE ME at (community), in
Nunavut, this (date) day of (month), (year)

)

)

(Name of Child Protection Worker)

A Commissioner for Oaths or Notary in and
for Nunavut

My Commission Expires:

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