



Community Justice Division
Department of Justice
Government of Nunavut

Family Abuse Intervention Act

Annual Report

2022-2023

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Family Abuse Intervention Act (FAIA)

In November 2006, after extensive consultations with Nunavut communities, the Legislative Assembly unanimously passed the *Family Abuse Intervention Act (FAIA)*. *FAIA* came into force on March 1, 2008. The legislation's purpose is to provide Nunavummiut with tools to holistically intervene in, de-escalate, and prevent family abuse. The Act focuses on early intervention tools such as family counselling and healthy conflict-resolution strategies, but also engages mechanisms to address a victim's immediate safety needs, all with simple and efficient processes that are consistent with Inuit values.

FAIA offers four remedies against family abuse: Emergency Protection Orders (EPOs), Community Intervention Orders (CIOs), Assistance Orders, and Compensation Orders. Additionally, *FAIA* also provides protection against stalking by allowing victims to apply for an EPO or Assistance Order in those circumstances.

The Department of Justice's Community Justice Division is responsible for implementing *FAIA*. Division staff – primarily Community Justice Outreach Workers (CJOWs) and Community Justice Specialists – ensure access to EPOs and CIOs in each community across Nunavut and help victims apply for these Orders and support them while an Order is in effect.

Once an application is filed with the court, Justices of the Peace (JPs) who have been specifically tasked with administering *FAIA* (*FAIA* JPs) oversee EPO and CIO proceedings. These *FAIA* JPs review EPO and CIO applications, hold the initial hearings, and decide whether the requested Order will be granted. Where it is, the *FAIA* JP also determines which provisions are included in the Order. There is always a Community Justice Specialist and *FAIA* JP on call to assist with EPOs after hours.

Assistance Orders and Compensation Orders relate to situations where family abuse has occurred, but it is not an emergency and danger is less imminent than with EPOs or CIOs. Applications for Assistance or Compensation Orders must be heard before a judge of the Nunavut Court of Justice (NCJ), and the application processes are more formal and take longer than with EPOs or CIOs. Given the nature of the processes for Assistance and Compensation Orders, Community Justice staff are not typically involved in those processes.

Terms and Definitions

Emergency Protection Order (EPO): An Order granted under subsection 7 of *FAIA* that is meant to provide applicants with immediate protection from family abuse in situations where the need is urgent and the risks are imminent.

Community Intervention Order (CIO): An Order granted under subsection 17 of *FAIA* that is meant to intervene in and address situations of abuse that are not emergent and where the applicant wishes to remain in the relationship. These Orders may include provisions to address safety concerns (e.g., a mandatory cooling off period), but primarily focus on connecting the parties with counselling resources to address the underlying causes of abuse. The options for counselling can include sessions with an Inuit Counsellor, Elder, professional counsellor, or member of the local Community Justice Committee.

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

Varying an EPO: If there has been a material change in circumstances for the applicant and/or the respondent, either party may submit an application to vary (change) the EPO to the *FAIA* JP who granted the Order (where possible). The variation of one or more provisions of an Order does not affect its other provisions.

Revoking an EPO: If there has been a material change in circumstances for the applicant and/or the respondent, either party may submit an application to revoke (cancel) the EPO to the *FAIA* JP who granted the Order (where possible).

Challenging an EPO: A respondent against whom an EPO is granted may, within 21 days after being given notice of the Order, apply to a judge of the NCJ to have the EPO revoked. CJOWs and Community Justice Specialists are available to assist respondents with this process.

***FAIA* Program Personnel**

The *FAIA* Program refers to the way the Community Justice Division implements those sections of the Act related to EPOs and CIOs. The Program is organized into six (6) Regions, each headed by a Community Justice Specialist and comprised of several communities:

- Region 1: Iqaluit, Kimmirut, Qikiqtarjuaq, and Igloolik;
- Region 2: Coral Harbour, Sanirajak, Sanikiluaq, and Arctic Bay;
- Region 3: Arviat, Baker Lake, Naujaat, and Rankin Inlet;
- Region 4: Whale Cove, Cheterfield Inlet, Resolute Bay, Pangnirtung, and Kugluktuk;
- Region 5: Kinngait, Clyde River, Pond Inlet, and Grise Fiord; and
- Region 6: Gjoa Haven, Cambridge Bay, Taloyoak, and Kugaaruk.

The following sections summarize the Community Justice Division staff and other personnel that administer the *FAIA* Program across the territory.

Community Justice Manager

The Community Justice Manager coordinates and supports the implementation of *FAIA* across Nunavut, primarily by supervising and training Community Justice Specialists and assisting them execute their roles. The Community Justice Manager also participates on various working groups on issues closely related to family abuse, such as crime prevention, violence against women, mental health, addictions, poverty reduction, sexual abuse, and suicide prevention. In addition, the Community Justice Manager contributes to the legislative review of *FAIA* by providing insight on identifying and rectifying gaps in the Act, regulations, and policies.

In 2022-23, the Community Justice Division double-filled the Community Justice Manager position to accommodate the Division's growing operations. The increase in managerial support allowed for Community Justice Specialists and CJOWs to receive consistent training and individualized support for their roles assisting clients.

Community Justice Specialists

Community Justice Specialists are responsible for administering the *FAIA* Program within their Region by ensuring Community Justice and *FAIA* mandates are met and supervising and training the CJOWs working within their Region's communities. Community Justice Specialists also train Royal Canadian Mounted Police (RCMP) Members to assist community members with EPO applications, should a CJOW be unavailable.

Community Justice Specialists are the link between CJOWs, the RCMP, JPs, NCJ programs, and various community resources. They are responsible for providing presentations and outreach to community groups and service providers regarding *FAIA*. Community Justice Specialists review all EPO and CIO applications, including applications to vary, revoke, or challenge an EPO. The Community Justice Specialists operate a 24/7 on-call number to assist with after-hours EPO applications across the territory.

In 2022-23, the Community Justice Division promoted three CJOWs to Community Justice Specialist positions through internal transfer assignments, acting assignments, or indeterminate placements.

Community Justice Outreach Workers

CJOWs carry out *FAIA*-related programs, activities, and services in their respective communities. CJOWs assist with EPO and CIO applications and hearings, and support applicants with safety planning, after-care, and referrals to other services such as health centres, Family Services, and Victim Services. CJOWs also assist respondents with applications to vary, revoke, or challenge EPOs and connect interested respondents with referrals for counselling and other services.

Justices of the Peace

During 2022-2023, there were three full-time *FAIA* JPs based at the NCJ in Iqaluit and three on-call *FAIA* JPs – located in Iqaluit and Grise Fiord – responsible for conducting after-hours EPO hearings. In addition to overseeing the court processes for EPO and CIO applications, *FAIA* JPs contributed to the *FAIA* Program by participating in *FAIA* working groups and regularly meeting with Community Justice personnel to identify challenges with implementing the Act and suggest remedies for improving service delivery.

2022-2023 *FAIA* Training & Partnerships

During 2022-2023, Community Justice Specialists gave *FAIA* training to CJOWs in the following communities: Qikiqtarjuaq, Taloyoak, Clyde River, and Kugaaruk. CJOWs from Whale Cove and Kimmirut travelled to receive additional support from their supervisors. Additionally, Community Justice Specialists provided regular training to CJOWs in Iqaluit, Coral Harbour, Rankin Inlet, Kinngait, and Cambridge Bay and met with RCMP and other stakeholders to provide continued *FAIA* support.

During community visits throughout the year, Community Justice Specialists gave CJOWs specialized training on assisting clients with the EPO and CIO application processes, including on:

- interview/assessment skills;
- drafting applications/affidavits;
- varying, revoking, and challenging EPOs;
- submitting application packages;
- communicating with JPs;
- conducting hearings;
- follow-up processes;
- respondent support; and
- properly documenting files for statistical purposes.

CJOWs were also trained in confidentiality and the importance of the Duty to Report under the *Child and Family Services Act*.

Furthermore, Community Justice Specialists also used community visits to meet with RCMP officers, Family Services, nurses, Government Liaison Officers, local housing associations' representatives, other front-line service providers, and Senior Administrative Officers and other local municipal corporation personnel to give presentations on remedies available under *FAIA*, provide information pamphlets, establish relationships, and provide related resources.

In September 2022, CJOWs from Kugaaruk, Taloyoak, Gjoa Haven, Cambridge Bay, and Kugluktuk attended training in Cambridge Bay regarding trauma-informed practices, and received training specific to *FAIA*, skills necessary for interviewing victims and writing affidavits, promotion and outreach and working effectively with victims.

In October 2022, Community Justice Managers met with Community Justice staff from Kinngait, Pangnirtung, and Clyde River in Kinngait to provide training on EPOs and CIOs. The RCMP also attended and assisted with the training.

In November 2022, Community Justice Specialists and CJOWs attended a two-day Canadian Bar Association workshop on the intersectionality between legal practices and trauma-informed care through Indigenous lenses. The workshop was facilitated by an Indigenous lawyer and hosted in Iqaluit.

In January 2023, select CJOWs and new Community Justice Specialists joined Community Justice Managers in Rankin Inlet for a week-long training session on the roles and responsibilities of Community Justice Specialists. This training explored topics such as supervisory skills, Government of Nunavut Human Resources processes, and building the skills and abilities to review and support their colleagues with *FAIA* applications. The purpose of this training was to build internal capacity amongst Community Justice personnel so that the Division can continue to offer supervisory positions to existing frontline staff.

Finally, near the end of the 2022-2023 fiscal year, the Community Justice Division partnered with the Law Society of Nunavut to begin developing an operational guidebook that will detail step-by-step instructions on applying for Orders under *FAIA*. The goal is that the guidebook will increase awareness of *FAIA* and the remedies it offers and become a tool to increase access to justice across the territory. This partnership with the Law Society of Nunavut will continue into 2023-2024 fiscal year.

2022-2023 Statistical Information

As detailed more fully in the Appendix below, in the 2022-2023 fiscal year, the Community Justice Division assisted with 94 EPO applications and one CIO application. Community Justice personnel did not assist with any Assistance or Compensation Orders. Community Justice personnel continue to improve the quality and consistency of service delivery and to strive to remove barriers to access to justice for Nunavummiut experiencing family abuse.

Although the original intent for *FAIA* was that CIOs would be the remedy accessed the most often, in 2022-2023, EPOs continued to be the most frequently used Order under the Act. Recognizing this has not been the case, Community Justice Specialists and CJOWs continued to promote and encourage the use of CIOs.

There are several factors contributing to the low numbers of CIO applications. First, CJOWs often do not receive referrals for families experiencing family abuse until it has become a crisis and emergency intervention is required. Second, the counselling processes under CIOs are voluntary, so both the applicant and respondent must choose to

participate, but many respondents are unwilling to do so. Third, when an applicant and respondent are both willing to attend counselling, they may proactively develop a plan and arrange sessions on their own or with a CJOW's assistance, thereby negating the need for a CIO or formal process.

To increase the use of CIOs, the Community Justice Division continued to collaborate and provide training to RCMP, Family Services, and health centre staff to identify families who may benefit from a CIO. CJOWs continued to attend meetings with other community service providers to enhance their ability to identify at-risk families. As EPOs neared their expiry dates, CJOWs also spoke with EPO applicants about transitioning to a CIO, in order to better support families that wished to maintain their relationships moving forward. Furthermore, Community Justice Specialists facilitated presentations and information sessions during community visits to ensure that service providers were aware of CIOs, to encourage appropriate referrals.

FAIA Legislative Review

In 2022-2023, the Department of Justice continued to review *FAIA* with the goal of developing proposed amendments to address identified areas of concern and enhance the regime to better fulfil the statute's mandate.

Since coming into force in 2008, *FAIA* and its tools have served an important role in helping individuals and families in times of crisis. However, in 2020, the Department of Justice began its ongoing review of *FAIA* operations and engagement with justice stakeholders to improve and enhance the Act's implementation to ensure it is meeting its mandate. Part of this review includes identifying aspects of the legislation itself that may be unclear, creating barriers, or otherwise leading to unintended consequences. The review has also provided an opportunity for the Department of Justice to examine other jurisdictions' legislative developments and best practices in the area of preventing family abuse.

In 2021 and 2022, the Department of Justice's Policy and Planning Division facilitated visits and engagement sessions on *FAIA* in eight communities: Iqaluit, Pond Inlet, Igloolik, Sanirajak, Cambridge Bay, Gjoa Haven, Rankin Inlet, and Nauyasat. These consultations were combined with the Department's engagement on separate potential changes to other family-law-related legislation.

These consultations highlighted several concerns with how *FAIA* is implemented across the territory, including the previously mentioned underutilization of CIOs, despite the Act's original intention for CIOs to be the most-accessed remedy. Many of the other issues raised during the consultations and engagements related to operational matters, such as communications between individuals and entities involved in implementing *FAIA*, and raising awareness of available remedies and the corresponding rules and procedures.

However, the Department also heard feedback on potential legislative solutions that could help achieve *FAIA*'s mandate. During 2022-2023, the Department continued to develop and analyze these potential legislative solutions, and began the process for proposing amendments to *FAIA*, which will require additional targeted engagement with stakeholders and partners as the proposed amendments are developed and finalized.

Appendix: 2022-2023 FAIA Statistics

Application for Orders Under the <i>Family Abuse Intervention Act</i> – Qikiqtaaluk Region						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIOs Granted
Sanikiluaq	4	4 (100%)	0	0	0	0
Kinngait	7	7 (100%)	0	0	0	0
Clyde River	1	1 (100%)	0	0	0	0
Iqaluit	10	9 (90%)	0	1	0	0
Kimmitut	3	3 (100%)	0	0	0	0
Qikiqtarjuaq	0	0	0	0	0	0
Pangnirtung	2	2 (100%)	0	0	0	0
Arctic Bay	4	4 (100%)	0	0	0	0
Pond Inlet	1	1 (100%)	0	0	0	0
Igloolik	1	1 (100%)	0	0	0	0
Sanirajak	1	1 (100%)	0	0	0	0
Grise Fiord	0	0	0	0	0	0
Resolute Bay	0	0	0	0	0	0
Total	34	33 (97%)	0	1	0	0
Application for Orders Under the <i>Family Abuse Intervention Act</i> – Kivalliq Region						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIOs Granted
Rankin Inlet	19	18 (95%)	0	1	0	0
Arviat	2	2 (100%)	0	0	0	0
Whale Cove	1	1 (100%)	0	0	0	0
Coral Harbour	2	2 (100%)	0	0	0	0
Baker Lake	8	8 (100%)	0	0	0	0
Chesterfield Inlet	0	0	0	0	0	0
Nauyasat	1	1 (100%)	0	1	0	0
Total	33	32 (97%)	0	2	0	0
Application for Orders Under the <i>Family Abuse Intervention Act</i> – Kitikmeot Region						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIOs Granted
Gjoa Haven	6	6 (100%)	0	0	0	0
Kugluktuk	3	3 (100%)	0	0	0	0
Cambridge Bay	17	16 (94%)	3	3	1	1 (100%)
Taloyoak	0	0	0	0	0	0
Kugaaruk	1	1 (100%)	0	0	0	0
Total	27	26 (96%)	3	3	1	1 (100%)
Nunavut Total	94	91 (97%)	3	6	1	1 (100%)