



Community Justice Division
Department of Justice
Government of Nunavut

Family Abuse Intervention Act (FAIA)
Annual Report
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Contents

***Family Abuse Intervention Act (FAIA)*..... 3**

 Terms and Definitions:..... 3

FAIA Program Personnel 4

 Community Justice Specialists Role in FAIA..... 5

 Community Justice Outreach Workers (CJOWs) Role in FAIA..... 5

2017/2018 FAIA Training 5

 Territorial CJOW Training – February 2018..... 6

2017/2018 Statistical Information on EPOs and CIOs 6

Outstanding Needs to Help Implement the Act..... 7

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 01, 2008. The intent of the legislation is to provide Nunavummiut with the tools to holistically intervene and to prevent abuse by focusing on the immediate need for safety, with simple and efficient processes that are consistent with Inuit values. The spirit and intent of *FAIA* is to prevent abuse and decrease the escalation of abuse.

Under *FAIA* there are 4 remedies available: Emergency Protection Orders (EPOs), Community Intervention Orders (CIOs), Assistance Orders and Compensation Orders. The Community Justice Division of the Department of Justice is responsible for ensuring that Nunavummiut are able to access two *FAIA* remedies; EPOs and CIOs, in each community across Nunavut. Community Justice Outreach Workers (CJOWs) and the Community Justice Specialists are the personnel responsible for the assistance and support with these two remedies. Justices of the Peace (JPs) specifically designated as *FAIA* JPs, hold the initial *FAIA* hearings and applications to vary the provisions. Appeals of the JPs' decisions may be heard by a judge of the Nunavut Court of Justice.

Terms and Definitions:

Emergency Protection Order (EPO): An order granted under subsection 7 of *Family Abuse Intervention Act (FAIA)* by a Designated JP when the JP is satisfied that:

- a) Family abuse has occurred.
- b) There is a reasonable likelihood that the family abuse will continue, resume or be repeated.
- c) By reason of seriousness or urgency, it is necessary for the immediate protection of a person.
- d) A family relationship exists.

EPOs are 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* by a Designated Justice of the Peace (JP) when they are satisfied that:

- a) Family abuse has occurred.
- b) It is appropriate to make the order.
- c) A family relationship exists.

CIOs can be applied for by people who are experiencing family abuse but wish to remain in the relationship. CIOs are applied for in non-emergency situations so people can address the root causes of the abuse, and undergo counseling and/or education. Both the applicant and respondent will see their chosen respective counsellor as

outlined in the CIO. Each can choose a traditional counsellor, an Elder, a family member, a professional counsellor, or a Justice Committee member.

Traditional Counselor: An Elder or a specified respected member of the community. Could also be a group of specified members of either or both the applicant's and respondent's families.

Variation of Order: If there has been a material change in circumstances for the applicant and/or the respondent, an application to vary (change) the EPO can be submitted, on notice to the other party, to the designated Justice of Peace who granted the original EPO. The variation of one or more provisions of an order does not affect the other provision in the order.

Revocation of Order: If there has been a material change in the circumstances for the applicant and/or the respondent and the applicant feels there is no longer a need for the EPO, an application to revoke (cancel) the EPO, on notice to the other party, may be submitted to the designated Justice of the Peace who granted the original EPO.

Challenging an Emergency Protection Order: A respondent against whom an EPO is granted may within 21 days after being given notice of the order, apply to have the EPO revoked. A respondent has the right to obtain the affidavit (FORM 5) that was submitted to the designated JP prior to the ex-parte hearing. Once the respondent obtains the affidavit, he/she can then submit to the Civil Registry of the Nunavut Court of Justice (NCJ), an application to challenge the EPO. A Community Justice Outreach Worker (CJOW) can be available to assist respondents with this process. Once the application is received at the NCJ, a clerk shall give notice to the respondent and applicant of the place, time and date of the hearing. Applications to challenge an EPO are heard before a Judge of the Nunavut Court of Justice. At the challenge hearing, the onus is on the respondent to demonstrate that the EPO is not necessary for the immediate protection of a person.

FAIA Program Personnel

The Community Justice Division's FAIA program is organized into 5 regions. Each region has a Justice Specialist that oversees the program and the work of the 25 Community Justice Outreach Workers (CJOWs), one in each community.

- The Kitikmeot Regional Justice Specialist is based in Cambridge Bay.
- The Kivalliq Regional Justice Specialist is based in Rankin Inlet.
- The North Baffin Regional Justice Specialist is based in Pond Inlet.
- The South Baffin Regional Justice Specialist is based in Cape Dorset.
- The Headquarters Justice Specialist is based in Iqaluit.

Community Justice Specialists Role in FAIA

The Community Justice Specialists are responsible for administering the Community Justice Division's community-based justice programming and the FAIA program within their respective regions. Community Justice Specialists supervise, monitor and support the Government's delivery of the FAIA program delivery in each region.

Community Justice Specialists organize and facilitate training events and workshops for Community Justice Outreach Workers to ensure CJOWs are able to assist with FAIA. Community Justice Specialists also train RCMP members to be able to assist community members with EPOs should a CJOW be unavailable.

Justice Specialists are the link in the network between the CJOWs, the RCMP, Justice of the Peace program, Civil Court program and various community resources. Community Justice Specialists provide presentations and outreach to community groups and service providers regarding FAIA.

Community Justice Specialists review all EPO and CIO applications, as well as applications to vary, to revoke or to challenge and order. They also assist the CJOWs with the application process.

The Community Justice Specialists operate a 24/7 on-call number to assist with after-hours EPO applications across the territory.

Community Justice Outreach Workers (CJOWs) Role in FAIA

The CJOWs work closely with the Justice Specialists in carrying out the programs, activities and services related to FAIA. CJOWs implement and/or carry out or assist with the Emergency Protection Order (EPO) and Community Intervention Order (CIO) application process, which includes filling out appropriate forms, facilitating hearings with a Designated FAIA Justice of the Peace and assisting with applications to vary, revoke or challenge orders. The CJOW also answers questions regarding orders, and connect respondents with referrals for counselling services, especially those recommended by the Justice of the Peace in the order. They provide safety planning, after-care and other referrals to health centres, Family Services, and the Victim Services Division as needed.

2017/2018 FAIA Training

In 2016/2017, the Division developed a joint training between Justice Specialists, Community Justice Outreach Workers and JPs who preside over FAIA hearings. The joint training allows all parties an opportunity to address any areas of concern with interpreting and administering the Act.

In November 2017, Community Justice Specialists and the Director of Community Justice met with Head FAIA JP, Nicole Sikma, to address concerns; increase clarity and mutual understanding of Act and the application process; and to continue to build collaboration between the two organizations.

Territorial CJOW Conference “Engaging Offenders and Victims through Social Reintegration Initiatives” – February 2018

Topics included:

- Presentation from Head FAIA JP Nicole Sikma.
- FAIA presentation and outreach materials.
- Public speaking skills presentation.
- FAIA hands on training:
 - Reviewing provisions of the Act;
 - Creating safety plans;
 - Writing an Affidavit ; and
 - Providing after care to victims and family members.
- Nunavut Criminal Justice Process:
 - Court processes
 - Victim Impact Statements
 - Legal terminology
 - Courtroom etiquette
 - Legal and community resources for offenders and victims;
 - Inuktitut Legal Glossary
 - Visit to Nunavut Court of Justice in Iqaluit

In addition, Community Justice Specialists did community visits throughout the year providing EPO training to RCMP members, providing enhanced support and training to CJOWs and doing outreach and community presentations to promote awareness of the *Family Abuse Intervention Act*.

2017/2018 Statistical Information on EPOs and CIOs

EPOs are the most utilized tool order under FAIA (see Appendix). However; the original intention for the Act, was that CIOs would be the most utilized tool. Recognizing that this has not been the case, Community Justice Specialists and CJOWs continue to promote and encourage the use of CIOs.

There are several factors contributing to the low numbers of CIO applications (see Appendix). As a voluntary process, both applicant and respondent must be willing to attend counselling in order to improve their relationship in order to improve the likelihood of decreasing family abuse.

Often CJOWs do not receive referrals for families experiencing family abuse until it has become a crisis situation and emergency intervention is required. Since CIOs require the voluntary participation of both the applicant and respondent, the respondent often declines to participate. If both applicant and respondent decide to participate and are actively engaged in setting up counselling services, after a counselling-plan is in place, the participants

often decline to attend a hearing because there is already a mutually agreed upon plan for counselling. As a result, the CIO is not issued.

In order to increase the use of CIOs, the Community Justice Division has continued to collaborate with and provide training to RCMP, Family Services and health centre staff in order to identify families who may benefit from a CIO. CJOWs continue to increase awareness of community service providers about CIOs in order to enhance their ability to identify at-risk families. Furthermore, CJOWs also speak with EPO applicants when the EPO is nearing an end to give the option of transitioning into a CIO, in order to better support families that wish to maintain their relationships going forward. Community Justice Specialists deliver presentations and information sessions when doing community visits to ensure that all relevant service providers are aware of EPOs/CIOs so that they can make the proper referrals.

Outstanding Needs to Help Implement the Act

The *Family Abuse Intervention Act* is an important part of Community Justice's role in promoting awareness about the harms of family abuse, the methods of prevention and the availability of assistance for those who are experiencing abuse. Community Justice will continue to strive to ensure that Nunavummiut are aware of where to go when in need of an Emergency Protection Order or Community Intervention Order.

The FAIA working group is dormant due to the migration of staff, partners and stakeholders who were involved with the FAIA working group. Community Justice aims to reestablish the working group to continue tackling areas of concern with the delivery of the FAIA program.

The Community Justice Division has had a high level of staff turn-over and has experienced vacancies in Community Justice Specialist positions and the FAIA Manager position.

Due to the change in technology for the recorded phone line that facilitates the FAIA hearings, there were some delays. In response, FAIA designated Justices of the Peace, Community Justice Specialists, and Community Justice Outreach Workers worked together to create safety plans for FAIA applicants whose applications were delayed due to technological challenges.

The Community Justice Division will continue to focus on educating CJOWs, Community Justice Committee Members and other stakeholders about FAIA. Moving forward, the Community Justice Division will strive to increase training, education/public awareness, crime prevention and victim services for all of Nunavummiut as part of its mandate and efforts under FAIA.

Appendix: 2017/18 Statistics

Application for Orders Under the Family Abuse Intervention Act (FAIA) Qikiqtaaluk Region 2017/18						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Sanikiluaq	1	1	0	1	0	0
Cape Dorset	2	2	0	0	0	0
Clyde River	0	0	0	0	0	0
Iqaluit	8	7	0	0	0	0
Kimmirut	1	1	0	1	0	0
Qikiqtarjuaq	0	0	0	0	0	0
Pangnirtung	1	1	0	0	0	0
Arctic Bay	3	3	0	0	0	0
Pond Inlet	2	2	0	0	0	0
Igloolik	2	2	0	0	0	0
Hall Beach	2	2	1	0	0	0
Grise Fiord	0	0	0	0	0	0
Resolute Bay	0	0	0	0	0	0
Total	22	21	1	2	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kivalliq Region 2017/18						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Rankin Inlet	11	11	1	0	0	0
Arviat	1	1	0	0	0	0
Whale Cove	4	3	0	1	0	0
Coral Harbour	3	3	0	0	0	0
Baker Lake	3	3	0	0	0	0
Chesterfield Inlet	1	1	0	0	0	0
Nauyasat	1	1	0	0	0	0
Total	24	23	1	1	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kitikmeot Region 2017/18						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Gjoa Haven	3	3	0	0	0	0
Kugluktuk	3	3	0	0	0	0
Cambridge Bay	10	9	1	1	0	0
Taloyoak	1	1	0	0	0	0
Kugaaruk	0	0	0	0	0	0
Total	17	16	1	1	0	0
Nunavut Total	63	60	3	4	0	0