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Building *Nunavut* Together  
*Nunavu*liuqatigiingniq  
Bâtir le *Nunavut* ensemble

# Surusinut Ikajuqtigiit

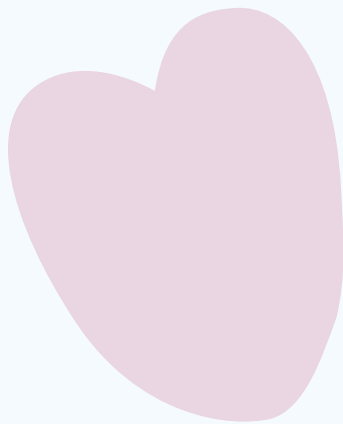
*Nunavut Child Abuse and  
Neglect Response Agreement*

September 2020



# SURUSINUT IKAJUQTIGIIT

*“A group helping children”*



# 01

## OUR COMMITMENT TO CHILDREN AND YOUTH

Surusinut Ikajuqtigiit, the Nunavut Child Abuse and Neglect Response Agreement (the Agreement) demonstrates a commitment by all stakeholders in Nunavut to ensure that efforts to protect children from abuse and neglect are integrated, effective, culturally appropriate and sensitive to the needs of children. To achieve this goal, the Government of Nunavut and the RCMP will provide support to help detect, report, investigate and prosecute cases of child abuse and support children.

Child abuse is a serious issue that requires a community response and the co-operation of service providers and the public. This Agreement recognizes the intent of the signatory partners and their support for the protection of children from abuse and neglect.

The Department of Family Services, Family Wellness Division would like to thank the committee members and contributing partners for their collaborative input in the Agreement and their commitment to upholding Tunnganarniq, fostering good spirit by being open, welcoming and inclusive; Aajiiqatigiinniq, decision-making through discussion and consensus, and Piliriqatigiinniq or Ikajuqtigiinniq, working together for a common cause.

# 02

## INUIT QAUJIMAJATUQANGIT

The Child and Family Services Act (CFSA) and the Agreement are administered and interpreted with a foundation of the following Inuit Qaujimajatuqangit and Inuit Societal Values:

- Inuuqatigiitsiarniq (respecting others, relationships and caring for people).
- Tunnganarniq (fostering good spirit by being open, welcoming, and inclusive).
- Pijitsirniq (serving and providing for family or community, or both).
- Aajiiqatigiinni (decision-making through discussion and consensus).
- Piliriqatigiinni or Ikajuqtigiinni (working together for a common cause); and
- Qanuqtuurniq (being innovative and resourceful).
- Pilimmaksarniq/Pijariursarniq (development through observation, mentoring, practice & effort).
- Avatipinnik Kamatsiarniq (respect and care for the land, animals, and environment).

In addition to the Inuit Societal Values named in subsection (2) of the CFSA, the following Inuit Societal values are also used or incorporated in the administration or interpretation of the Agreement:

- Inunguqsainiq (nurturing or raising an individual to be a productive member of society).
- Inuttiavaunasuaqniq (working towards a good or problem-free life).
- Pijjutingani qiniriaqaqtuqu (the importance of assessing and addressing the root cause of undesirable behaviour or circumstances).

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# 03

## INTENDED PURPOSES AND PRINCIPLES

Responding to child abuse is a challenge in every community. Community Social Services Workers (CSSWs), the RCMP, childcare providers, medical, mental health, educational, lawyers and community justice staff, and other professional workers recognize the need to protect children and are committed to working collaboratively to reduce harm, and to respond where harm occurs. The Agreement is ultimately for all community members in recognition of our need to protect, respond and provide a voice for all our children.

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Inunguqsainiq - nurturing or raising an individual to be a productive member of society.

The purpose of this Agreement is to outline a collaborative partnership and process to report child abuse and neglect in Nunavut.

We must keep in mind that parents are responsible for protecting their children, and intervention by CSSWs or the RCMP is only necessary when the parents have been unable to fulfill this responsibility. The focus of the CSSW is to intervene to protect children when required and to support the parents and the child in safety and wellness.

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In Nunavut, it is everyone's legal obligation to protect children by reporting suspected child abuse.

The Agreement demonstrates a commitment by major stakeholders to work together to address the issue of child abuse and neglect in Nunavut, it does not provide detailed information related to the complex topic of child abuse and neglect. If you have questions or concerns about child abuse and neglect, contact your local CSSW.

You do not have to know with certainty that a child needs protection. If in your honest judgment, you believe that a child may not be safe, you are legally required under the Nunavut CFSA to report it to a CSSW or RCMP.

We all share responsibility for children's safety and well-being, and the most effective way to fulfill that responsibility is by working together. Collaboration is key at every level. Everyone plays a role in recognizing, reporting, and responding to suspected child abuse and neglect. A holistic approach is needed to provide the supports and services that enable families to maintain safe, nurturing homes for their children.

## 3.1 Intended Purposes

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The intended purposes of the Agreement are to:

Piliriqatigiinniq/Ikajuqtigiinniq -  
working together for a  
common cause.

- Establish multi-disciplinary, collaborative, and responsive practices amongst all professionals involved in a suspected child abuse and neglect investigation to enhance the safety and well-being of any child or youth who may need protection.
- Incorporate Inuit Qaujimagatuqangit into the administration, development, and interpretation of all policies and procedures used to address child abuse and neglect in Nunavut.
- Promote child-centred, strength-based investigations and support services to children and youth.
- Improve the coordinated responses to suspected child abuse and neglect.
- Ensure responses to suspected child abuse and neglect in Nunavut are effective, consistent, culturally safe, and sensitive to the needs of children and youth.
- Reduce trauma to children by improving interagency coordination to minimize the number of times a child must tell their story.
- Confirm every individual's "Duty to Report" in all cases of suspected child abuse and neglect.



## 3.2 Statement of Principles

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The principles of the Agreement are that:

- All children have the right to be protected and to live in an environment free from violence, abuse, and neglect.
- Family is the primary and preferred environment for the care of children and the responsibility for the protection of children rests primarily with the parents, and/or legal guardians it is the community's shared responsibility to ensure that children are safe.
- When designing an intervention, the cultural identity of the children should be preserved, and their kinship ties and attachment to their extended family should be preserved whenever possible. The model of intervention should be Inuit Qaujimajatuqangit based, child-centred, and family-focused, in all its aspects - with child protection as the primary focus.
- Everyone has an individual Duty to Report suspicions of child abuse and neglect.
- Reports of child abuse and neglect are investigated under both the Nunavut Child and Family Services Act and the Criminal Code of Canada.
- Treatment and support services for victims, their families and offenders are components of an effective multi-disciplinary response.
- All children who have experienced or witnessed abuse deserve to be treated with dignity, respect, and care. Their culture, ethnicity, and religion must be valued and respected.
- All decisions concerning child protection concerns should be made with the principle of the “**Best Interest of the Child**” in mind (See Appendix A). Reports of child abuse and neglect require a coordinated effort to investigate and a multi-disciplinary approach to assessment, intervention, treatment, and follow-up.

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Qanuqtuurniq - being innovative or resourceful.

# 04

## GUIDING LEGISLATION

### *Nunavut Child and Family Services Act*

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The CFSA is the legislative authority for child protection in Nunavut. Its fundamental guiding principle is that the safety and well-being of children and youth. A child is any person from birth to 16 years of age and a youth is someone between 16 and 19 years old. Former youth in care can receive services on a voluntary basis from the ages of 19 until the age of 26.

The Act is available online at:

[https://gov.nu.ca/sites/default/files/child\\_and\\_family\\_services\\_act.pdf](https://gov.nu.ca/sites/default/files/child_and_family_services_act.pdf)

### *Criminal Code of Canada*

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The other legislation that plays an essential role in ensuring the safety and well-being of children and youth is the Criminal Code of Canada (Criminal Code). The Criminal Code provides the justice system with the legal authority to enforce criminal law as it applies to the abuse and neglect of children and youth. It establishes criminal offences, procedures for investigation, and prosecution and sanctions for offenders. Under the Criminal Code of Canada, however, a child is any person under the age of 18.

The Criminal Code is available online at: <http://laws.justice.gc.ca/en/C-46/>

### *Family Abuse Intervention Act (FAIA)*

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The Community Justice Division is responsible for ensuring that Nunavummiut can access two FAIA remedies: Emergency Protection Orders and Community Intervention Orders in each community across Nunavut. Community Justice Outreach Workers (CJOWs) and the Community Justice Specialists are the personnel responsible for assisting and supporting Nunavummiut with accessing these remedies. Justices of the Peace (JPs), specifically designated as FAIA JPs, hold the initial hearings and applications to vary the provisions. A judge may hear appeals of the JPs' decisions of the Nunavut Court of Justice.

<https://www.gov.nu.ca/justice/information/family-abuse-intervention-act-faia>

The purpose of the Access to Information and Protection of Privacy Act (ATIPP) is to provide all citizens with the right to request access to information held by the Government of Nunavut. It also ensures that the GN is protecting the privacy of personal information held by departments, agencies, commissions, corporation or offices, also known as public bodies.

<https://www.gov.nu.ca/executive-and-intergovernmental-affairs/information/access-information-and-protection-privacy-atipp>

# 05

## DUTY TO REPORT CHILD IN NEED OF PROTECTION

Section 8 of the CFSA requires that any person who believes that a child may need protection immediately report the information to a CSSW or RCMP. Every police officer who has reasonable grounds to believe that a child may require protection shall immediately report the information to a CSSW.

Duty to report child needing protection under s. 8 of the CFSA specifies that:

1. Anyone who has information or reasonably believes a child requires protection must immediately make a report to a CSSW or RCMP.
2. Duty to report includes information that is confidential or privileged, except for anything covered by solicitor-client privilege.
3. No legal action can be taken against the reporter unless the report is malicious.
4. Anyone violating the Act may be fined up to \$5,000 and/or imprisoned for 6 months.

Community Social Services Workers and the RCMP are often jointly responsible for the investigation of reported child abuse and neglect:

- CSSW staff will investigate to determine if there are reasonable grounds to find the child in need of protection.
- The RCMP investigate to determine whether there are reasonable grounds to lay criminal charges under The Criminal Code of Canada.

The CFSA makes it clear that all individuals have a “Duty to Report” suspicions of child abuse and neglect. Failure by any person to report suspected child abuse may result in legal consequences.

### **Your report should include:**

- ✓ your name, telephone number and relationship to the child;
- ✓ your immediate concerns about the child’s safety;
- ✓ the child’s name, age and gender and location;
- ✓ information about the situation;
- ✓ information about the family, caregivers, and alleged offenders;
- ✓ other children who may be affected, and:
- ✓ any other relevant information;

**Your personal information is confidential, and you may provide it anonymously; however, if the case proceeds to court, you may be subpoenaed.**

### **Note:**

- ✓ “Duty to Report” is personal, and you cannot delegate it to another individual.
- ✓ You are not required to prove abuse or neglect. That will be investigated by the CSSW.
- ✓ No person can be sued for reporting honest concerns, even if the CSSW finds there are no protection concerns.
- ✓ Failing to report information indicating that a child is in need of protection can result in charges and fines.

# 06

## CHILD PROTECTION & CRIMINAL INVESTIGATION

### 6.1 Child Protection and Criminal Investigations

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Where the nature or extent of the risk of harm to the child is unclear, CSSWs are required to investigate to determine whether the child is in need of protection.

If the investigation finds reasonable grounds to believe the child is in need of protection, responses by the CSSW can include:

- Offering services to the child or family which may keep the child safe within the family home.
- Developing a plan of care for the child.
- Applying to the Nunavut Court of Justice for a declaration that the child needs protection.
- Apprehending the child where necessary to prevent serious risk of harm.

For a child in care, the CSSW:

- Is the case manager and may act as a liaison in criminal cases.
- Will be consulted and act as a support person and as a liaison with the RCMP during the RCMP interviews and/or with Crown Counsel or a Victim Services for the purpose of court proceedings.
- Will provide, appropriate information to the child's school; and
- May provide or arrange for necessary therapeutic counseling, and may call other appropriate community support persons or elders together to plan a coordinated effort to help the child and his/her family.

For a child not in care, the CSSW:

- May act as a support person for a child during interviews with the RCMP, with the consent of the legal guardian and the child; and will inform the legal guardian and/or child where appropriate, of the available counseling and support services and assist in making referrals to those services as appropriate.

## 6.2 Child Interviews

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Participating Agencies agree that it is generally contrary to the best interests of a child to be subjected unnecessarily to multiple interviews. Interviews to investigate suspected child abuse should not be attempted by anyone other than a CSSW or RCMP officer. When the alleged abuse gives rise to a criminal investigation, an RCMP officer must be involved in the interview process.

The CSSW and the RCMP in each region or community will, where feasible, develop a mutually agreed plan for interviewing child witnesses, preferably including videotaping interviews and ensuring that adequate interpretation services are available as required.

The CSSW and RCMP may, if it is deemed necessary, permit the presence of a support person during the interview. The decision whether to permit the presence of a support person should take into account the child's wishes, the age of the child, the nature of the relationship between the child and the proposed support person, and whether this person understands the role and responsibility of a support person.

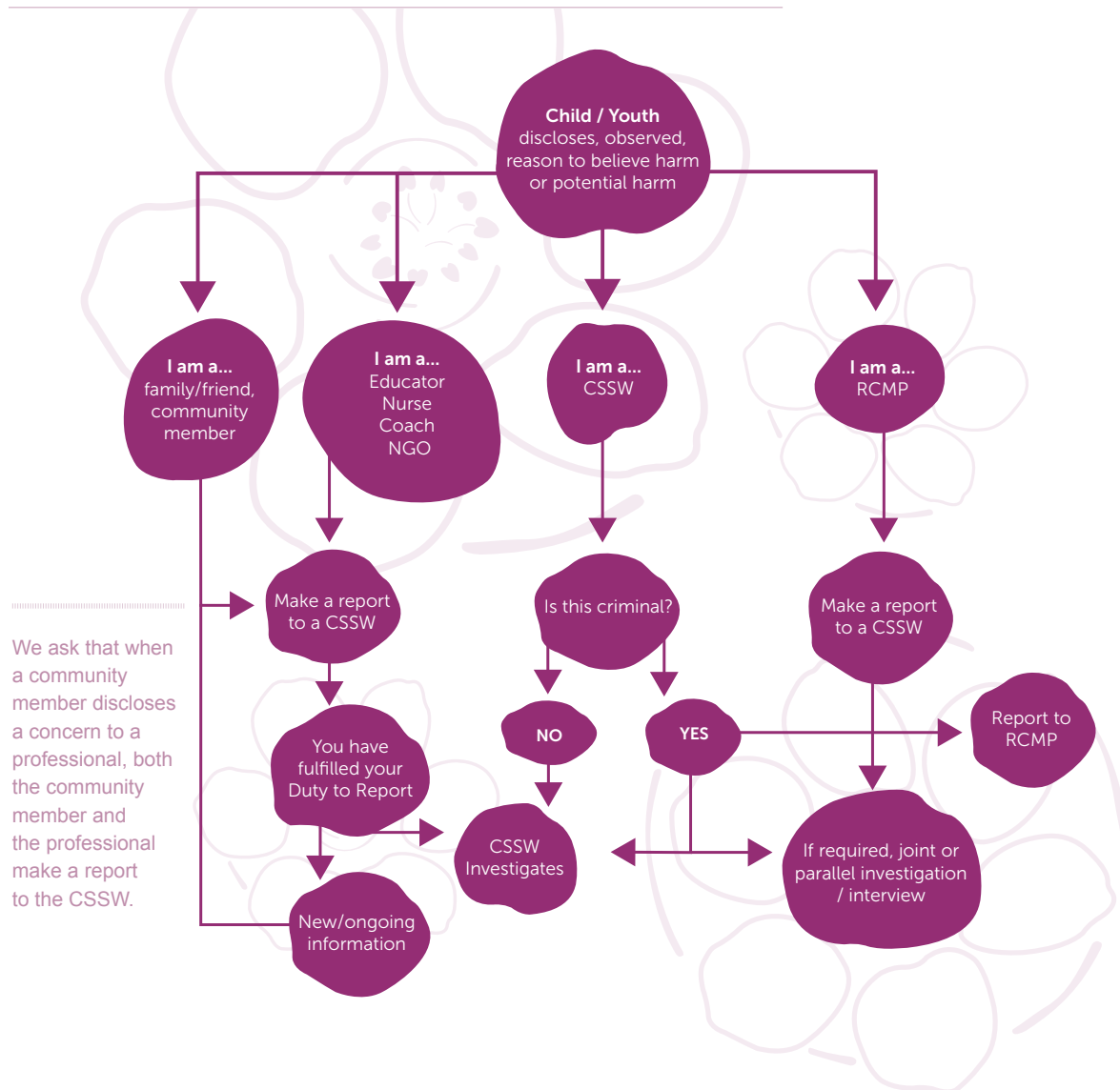
Where the CSSW and RCMP decide to permit the presence of an adult support person during the interview of the child, the role the support person will have during the interview must be clearly explained to and accepted by the proposed support person. The role of such a person will usually be limited to the following:

- Ensuring the child is comfortable and secure.
- Listening to and being present for the child.
- A support person may not take notes, ask or answer questions or participate in the interview or lead the child in any way.

- It should be clearly explained to the support person that they may be compellable to testify in subsequent criminal or CFSA proceedings as a result of this role.
- After an interview, the child and/or legal guardians will be given appropriate information about the status and next steps anticipated in the investigation.

## 6.3. DISCLOSURE REFERRAL ROADMAP

### *Nunavut Child Abuse & Neglect Response Protocol Process*



# 07

## ROLES AND RESPONSIBILITIES

Child abuse is a serious issue that requires a community response and the cooperation of service providers and the public. All stakeholders commit to making this agreement an essential part of our regular operations and will ensure managers and employees know how to implement the Agreement. Stakeholders further agree to:

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Aajiqatigiinniq - decision making through discussion and consensus.

- Make a report to the CSSW or RCMP when they receive a disclosure or report, observe, or otherwise have reason to suspect a child is being abused or neglected.
- Participate when required in Child Wellness Teams.
- Share information with other service providers as necessary to support the child's best interests.
- Review the Nunavut Child Abuse and Neglect Response Agreement a minimum of every five years with the best practice objective of every two years.
- Adhere to the Conflict Resolution Process as outlined in this Agreement.
- Ensure all staff have training on signs of abuse and neglect, duty to report and this Agreement.

### 7.1 Department of Family Services

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The Department of Family Services, Family Wellness Division commits to:

- Receive referrals, investigate child abuse, and neglect concerns and provide support and services to the child/youth and families in accordance with Family Wellness policies and procedures and the CFSA.
- Collaborate with RCMP to determine if a joint or parallel investigation is required.
- Provide support services to children and families which may allow for the child to remain safely in the family home where it is safe to do so.



- Provide out-of-home care where support services to the family cannot maintain the child's safety in the family home.
- Provide and arrange out-of-home care where support services to the family cannot maintain the child's safety in the family home.
- Ensure that the child or youth receives medical attention and referrals to other services that are required.
- Establish a Child Wellness Team inclusive of family, community, and professional support persons to meet the best interest of the child.

## 7.2 Royal Canadian Mounted Police (RCMP)

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The Royal Canadian Mounted Police (RCMP) commits to:

- The RCMP shall promote a coordinated investigative response with Family Services to reports of child abuse/neglect;
- Where no CSSW is immediately available, determine whether there are reasonable grounds to believe there exists a serious risk of harm to the child;
- In circumstances where there are reasonable grounds to believe an apprehension is necessary to prevent a serious risk of harm to the child, and no CSSW is immediately available, apprehend the child;
- Report the allegation and apprehension to a CSSW without delay, through personal or telephone contact, confirmed in writing;
- The RCMP is responsible for investigating alleged offences to the Criminal Code concerning complaints of child physical or sexual abuse;
- The RCMP may conduct a criminal investigation, in collaboration with the Umingmak Child Advocacy Centre which may include, but is not limited to, taking statements from the alleged victim(s);
- The RCMP may notify Victim Services in all cases of child abuse/neglect;
- In circumstances that the RCMP deem necessary, legal advice may be sought from Crown counsel during the course of a criminal investigation;
- In cases where the laying of criminal charges requires the consent of the Attorney General of Canada, the RCMP must consult Crown Counsel in order to obtain the requisite consent;

- The RCMP informs the victim and the legal guardian of the on-going status of the investigation;
- When a charge is laid the RCMP will provide Crown counsel with all information and evidence required.

## 7.3 Department of Justice

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### The Department of Justice Legal Counsel

- Provide advice about whether and how to respond to a request for disclosure of records and with what restrictions the records may be used or disclosed.
- Assist in interpreting the CFSA.
- Provide legal advice or representation in Court where required.

### The Community Justice Division commits to:

- Provide support and information for victims going through the court system, including court preparation and/or accompaniment, victim impact statements and federal victim registration.

## 7.4 Public Prosecution Services Canada

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The Federal Public Prosecution Services Canada (PPSC) is responsible for prosecuting all Criminal Code offences in Nunavut. The PPSC commits to:

- Work with the RCMP to advise when criminal charges should be laid, what charges, if any, are appropriate, and whether further investigation is advisable.
- Prepare witnesses for court appearances to ensure the best evidence available is presented to the court and refer witnesses to victim/witness services.

## 7.5 Department of Health

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The Department of Health (including but not limited to health professionals, physicians, nurses, medical social workers, mental health professionals, addictions workers, and public health nurses) commits to:

- Gather medical evidence to support investigations.
- Collaborate with CSSWs and the RCMP by providing information about the physical, psychological, and behavioural indicators of abuse and neglect.
- Assess, diagnose, and treat any condition associated with abuse or neglect, including providing referrals for subsequent medical care, counselling, treatment, or support.
- Provide physical and mental health treatment and consultation to children or youth, and their families.
- Provide medical documentation and expert opinion in court proceedings.

## 7.6 Department of Education

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The Department of Education (including but not limited to, principals, teachers, administrators, assistants, counsellors, supervisory personnel, volunteers, custodians, paraprofessionals, and others working in a school setting) commits to:

- Ensuring a private area for an interview to take place if it is necessary for CSSW and /or the RCMP to interview the child at the school.
- Provide academic, social, and emotional support to the child.
- Provide evidence and documentation in court proceedings if required.

## 7.7 Licensed Childcare Facilities

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Licensed Child Care Facilities, licensed by the Department of Education under the Child Day Care Act (including but not limited to daycare staff, teachers, support persons and others working in a childcare setting) commits to:

- Ensuring a private area for an interview to take place if it is necessary for CSSW and /or the RCMP to interview the child at the centre.
- Provide academic, social, and emotional support to the child.
- Provide evidence and documentation in court proceedings if required.

## 7.8 Representative for Children and Youth

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The Representative for Children and Youth Office commits to:

- Provide general information about child rights and/or government services.
- Work directly with the young person, their family, and service providers to express concerns and resolve issues.
- Provide advice and recommendations to the Government of Nunavut on how to enhance programs, services, laws, and policies to create better outcomes for children and youth in Nunavut.

## 7.9 The Arctic Child & Youth Foundation

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The Arctic Child & Youth Foundation, Umingmak Centre commits to:

- Coordinate with CSSW and the RCMP when a joint child interview is required.
- Coordinate with the pediatrician to collect physical evidence or a reassurance exam, as necessary.
- Provide support services such as therapy to the child, youth, and their non-offending caregiver.

## 7.10 Community and Government Services

---

The Department of Community Government Services, Sport and Recreation Division commits to:

- Provide social activities to support healthy development of children and youth.

# 08

## CHILD WELLNESS TEAMS

### 8.1 Child Wellness Teams (CWT)

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All communities have inherent strengths and knowledge. Individuals and communities possess the ability to protect and care for one another.

We are mindful that the work we do continues to be impacted by colonization, residential schools, forced relocations, dominant ideologies, and systemic inequalities. We further acknowledge there is a gap between Inuit cultural values and modern social service systems. Child Wellness Teams support interventions that embrace Inuit Qaujimajatuqangit and promote self-determination. Child Wellness Teams will be a respectful, inclusive, welcoming and safe space for all.

Family Wellness will arrange and chair a Child Wellness Team for each child or youth. The team will include partners involved in the child's wellbeing and safety to facilitate information sharing and collaboration to formulate a plan in the best interest of the child.

Family Wellness will establish the Child Wellness Teams, which may include:

- ▶ The child or youth (where appropriate)
- ▶ Family or friends
- ▶ Elders
- ▶ Community representatives
- ▶ Any other individuals deemed supportive of the child/family
- ▶ Participating agency representatives under this Agreement involved with the child or youth

Pijutingani qiniriaqtuqu - the importance of assessing and addressing the root cause of undesirable behaviour or circumstances.

Inuuqatigiitsiarniq - respecting others, relationships and caring for people.

Tunnganarniq - fostering good spirit by being open, welcoming, and inclusive.

Child Wellness Teams will coordinate support for the child and youth and their families to eliminate duplication or gaps in services.

.....  
Aajiiqatigiinniq - decision making through discussion and consensus.  
.....

Piliriqatigiinniq/Ikajuqtigiinniq - working together for a common cause.

CWTs will explore both formal and informal innovative and resourceful options to best serve the child. CWT will promote child-centred, prevention-focused, strength-based trauma-informed interventions and support services to reduce the likelihood of further harm or risk of harm.

Child Wellness Teams will make recommendations on:

- Collaborative decision making and integrated services.
- Proactive and preventative measures to help families respond to and prevent child abuse and neglect.
- Assistance in understanding rights and responsibilities.
- Intervention and placement planning.
- Court proceedings and preparation.
- Short and long-term counseling and healing support.

Child Wellness Teams will also ensure that all actions taken are administered and interpreted with recognition of Inuit Qaujimajatuqangit.

# 09

## INTERAGENCY COORDINATION, COMMITTEE & CONFLICT RESOLUTION

### 9.1 Interagency Coordination

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We acknowledge that sharing information is a vital for making informed decisions about the protection, safety, and well-being of the children and youth. The lack of information sharing has been frequently cited as a core problem contributing to the death or serious injury of children under agency supervision. The parties agree that in situations of disclosure, relevant information can and will be shared with the involved parties. Therefore, we agree that during the immediate investigation and then when consents are in place, information will be shared between parties.

Confidentiality and protection of personal information outside of disclosure, investigation and situations of imminent risk will be upheld and adhered to.

Nunavut's CFSA authorizes healthcare providers, school staff and other service providers to disclose information about children and their families to assist in the course of child protection investigations, or for the provision of care (including medical care) counseling or education to the child.

A CSSW may share information to support a child's best interests, including:

- The fact that the child has been taken into care.
- Any change of the child's address or legal Guardian information.
- The name and physical description of any person who is prohibited to be in contact with the child; and
- Notification when a child will be absent from school or a medical appointment or when the child is being relocated.

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Piliriqatigiinniq/Ikajuqtigiinniq -  
working together for a  
common cause.

Special care is required when responding to requests to disclose Medical or Education Records in the aftermath of an abuse allegation.

- The Access to Information and Privacy Act (Nunavut) allows GN agency records to be disclosed for investigation purposes, upon written request to a Child Protection Worker, GN Legal Counsel, or an RCMP officer.
- Otherwise, medical and school records are protected by the Access to Information and Privacy Act (Nunavut) and other program statutes.

Where required, the CSSW will request a consent to release/receive information be signed before disclosing or accepting outside information. Consent to receive or release information is not required for referrals that fall under a duty to report, such as child protection matters.

To ensure the best course of action is taken in every case, there will be mutual sharing of all relevant information by agencies, third parties and professionals involved in the investigation process.

## 9.2 Child Abuse and Neglect Response Agreement Committee

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Katujjiqatigiingniq -  
to work together.

Service providers will make a representative available for semi-annual committee meetings to review the Agreement's process, service coordination, amendments and any conflict resolution matters. Signatories are committed to the creation and implementation of the Agreement Committee to embrace a decision-making process that is grounded in Inuit Qaujimajatuqangit.

## 9.3 Conflict Resolution

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If a dispute or claim is made about the Agreement or its process, the Committee agrees to the following:

- The parties will attempt in good faith to resolve the concern.
- If this is not possible, the concern will be brought to the Agreement committee for a resolution which may include changes to the Agreement itself.
- No conflict resolution process will cause delay in a child, youth, or family's access to services and supports.



# 10

## AGREEMENT SIGNATORIES

The partners endorse the 2020 Nunavut Child Abuse and Neglect Response Agreement and adopt it for use within our organizations. We commit to making it an essential part of our regular operations to ensure that we work together to fulfill our ongoing responsibilities to all children and youth in the territory.

The Agreement will be reviewed every two years by the Child Abuse and Neglect Response Agreement Committee.

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Deputy Minister  
*Nunavut Department of  
Family Services*

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Deputy Minister  
*Nunavut Department of Justice*

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Deputy Minister  
*Nunavut Department of Health*

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Deputy Minister  
*Nunavut Department of Education*

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Deputy Minister  
*Nunavut Department of CGS*

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RCMP Commanding Officer  
*"V" Division*

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Executive Director  
*Arctic Child & Youth Foundation*

# Appendix A: Best Interests of the Child

Section 3 of the CFSA defines best interest of the child:

[A]ll relevant factors must be taken into consideration in determining the best interests of a child including the following factors, with a recognition that differing cultural values and practices must be respected in making that determination:

- a.* the child's safety;
- b.* the child's physical, mental and emotional level of development and needs, and the appropriate care or treatment to meet those needs;
- c.* the child's cultural, linguistic and spiritual or religious upbringing and ties;
- d.* the importance for the child's development of a positive relationship with his or her parent, a secure place as a wanted and needed member of the family, and a stable environment;
- e.* the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity;
- f.* the risk that the child may suffer harm through being removed from, kept away from, returned to, or allowed to remain in, the care of a parent;
- g.* the merits of any proposed plan of care for the child;
- h.* the child's relationship by blood or through adoption;
- i.* the child's views and preferences, if they can be reasonably ascertained; and
- j.* the effects on the child of a delay in making a decision.

# Appendix B: When is a Child in Need of Protection?

Section 7(3) of the CFSA explains when a child is in need of protection:

7(3) A child needs protection where:

- a.* the child has suffered physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;
- b.* there is a substantial risk that the child will suffer physical harm inflicted by the child's parent or caused by the parent's unwillingness or inability to care and provide for or supervise and protect the child adequately;
- c.* the child has been sexually molested or sexually exploited, including by exposure to or involvement in child pornography, by the child's parent or by another person where the child's parent knew or should have known of the possibility of sexual molestation or sexual exploitation and was unwilling or unable to protect the child;
- d.* there is a substantial risk that the child will be sexually molested or sexually exploited by the child's parent or by another person where the child's parent knows or should know of the possibility of sexual molestation or sexual exploitation and is unwilling or unable to protect the child;
- e.* the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm;

- f.** there is a substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm;
- g.** the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the condition;
- h.** the child's health or emotional or mental well-being has been harmed by the child's use of alcohol, other drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child;
- i.** there is a substantial risk that the child's health or emotional or mental well-being will be harmed by the child's use of alcohol, other drugs, solvents or similar substances and the child's parent is unavailable, unable or unwilling to properly care for the child;
- j.** the child requires medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the treatment;
- k.** the child suffers from malnutrition of a degree that, if not immediately remedied, could seriously impair the child's growth or development or result in permanent injury or death;
- l.** the child has been abandoned by the child's parent without the child's parent having made adequate provision for the child's care or custody and the child's extended family has not made adequate provision for the child's care or custody;
- m.** the child's parents have died without making adequate provision for the child's care or custody and the child's extended family has not made adequate provision for the child's care or custody;
- n.** the child's parent is unavailable or unable or unwilling to properly care for the child and the child's extended family has not made adequate provision for the child's care;

- o.** the child is less than 12 years of age and has killed or seriously injured another person or has persisted in injuring others or causing damage to the property of others, and services, treatment or healing processes are necessary to prevent a recurrence and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, the services, treatment or healing processes;
- p.** the child is repeatedly exposed to family violence and the child's parent is unwilling or unable to stop such exposure;
- q.** the child is repeatedly exposed to pornography and the child's parent is unwilling or unable to stop such exposure; or
- r.** the child is in significant contact with a person who possesses child pornography and the child's parent is unwilling or unable to prevent such contact.



