



Department of Justice
Government of Nunavut
Community Justice Division

Family Abuse Intervention Act (FAIA)
Annual Report
2018-2019

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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 intent of the legislation is to provide Nunavummiut with tools to holistically intervene and 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 and decrease the escalation of abuse.

Under FAIA there are four 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 in every community can access EPOs and CIOs. Community Justice Outreach Workers (CJOWs) and the Community Justice Specialists are the personnel responsible for the support of these two remedies. In order to make EPOs and CIOs available to community members 24/7, there is always a Community Justice Worker and Justice of the Peace on call who is available on weekends and after-hours.

Justices of the Peace (JPs) specifically designated as FAIA JPs, hold the initial FAIA hearings and applications to determine provisions of the EPO and/or CIO. If a respondent or applicant chooses to appeal an order, a judge from the Nunavut Court of Justice is involved.

Terms and Definitions

Emergency Protection Order (EPO): An order granted under subsection 7 of the *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 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 by the applicant. 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 by the applicant.

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) from the Civil Registry of NCJ which is 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) and Community Justice Specialists are 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.

FAIA Program Personnel

The FAIA program, housed under the Community Justice Division is organized into five regions. Each region has a Community Justice Specialist who oversees the work of 25 Community Justice Outreach Workers (CJOWs) in every community.

A summary of current positions held within the Community Justice Division is outlined below:

- The Kitikmeot Regional Community Justice Specialist is based in Cambridge Bay
- The Kivalliq Regional Community Justice Specialist is based in Rankin Inlet
- The North Baffin Regional Community Justice Specialist is based in Pond Inlet
- The South Baffin Regional Community Justice Specialist is based in Cape Dorset
- The Second South Baffin Regional Community Justice Specialist is based in Pangnirtung
- The Headquarters of the Community Justice Specialist is based in Iqaluit
- The Acting FAIA Manager is currently based in Cambridge Bay

In 2018-2019 fiscal year, Community Justice Division created and employed one additional Community Justice Specialist position in Pangnirtung. With newly added Community Justice Specialist, the Division was able to better address the needs and support for CJOWs. Community Justice Specialists positions in Pond Inlet and Cape Dorset were vacant in 2018-2019 fiscal year

In the 2018-2019 fiscal year, Community Justice Division staffed the following indeterminate positions:

- Community Justice Outreach Worker positions in Arctic Bay, Taloyoak, Baker Lake, Rankin Inlet, Pangnirtung and Gjoa Haven

The following positions continued to be filled through acting assignments:

- Community Justice Specialist position in Cambridge Bay
- Community Justice Specialist position in Pangnirtung
- Community Justice Outreach Worker positions in Cape Dorset and Kimmirut are going through the HR hiring process to be staffed

Community Justice Specialist

Community Justice Specialists supervise, monitor, and support the Government's delivery of FAIA in every region. They organize and facilitate training events/workshops for CJOWs to ensure standardized knowledge of FAIA. Community Justice Specialists provide presentations and outreach to community groups and service providers regarding FAIA. These specialists are also responsible for training RCMP officers to assist community members with EPOs should a CJOW become unavailable. Community Justice Specialists review all EPOs and CIOs and assist CJOWs with the application process. This includes applications to vary, revoke or challenge an order. For this reason, the Community Justice Specialist's operate a 24/7 on-call number to assist with after-hours EPO applications. This role provides a link between CJOWs, RCMP, Justices of the Peace, Civil Court, and other community resources.

Community Justice Outreach Worker

Community Justice Outreach Workers (CJOWs) work closely with Community Justice Specialists in carrying out programs, activities and services related to FAIA. CJOWs assist with the EPO and CIO application process, which includes filling out forms, facilitating hearings with a FAIA Justice of the Peace, and assisting with applications to vary, revoke or challenge orders. CJOWs answers questions regarding orders, connect respondents with referrals to counselling services, provide safety planning, after-care, and referrals to Health Centers, Family Services, and the Victim Services Division as needed.

FAIA Trainings & Conferences

CJOW Training

During 2018-2019, four Community Justice Specialists gave FAIA training to CJOWs in the following communities: Arctic Bay, Baker Lake, Hall Beach, Iqaluit, Sanikiluaq, Cambridge Bay, Cape Dorset, Pangnirtung, Coral Harbour, Kimmirut, Naujaat, Whale Cove, Chesterfield Inlet, Gjoa Haven, Taloyoak, Kugluktuk, Kugaaruk, and Rankin Inlet. Communities with greater needs were provided with training on more than one occasion throughout the year. These communities included: Hall Beach, Baker Lake, Arctic Bay, Sanikiluaq, Gjoa Haven, Pangnirtung, Iqaluit, Rankin Inlet, Cambridge Bay, and Kugluktuk.

Community Justice Specialists provided training for CJOWs to learn about FAIA, interviewing/assessment skills, drafting applications/affidavits, varying, revoking, and challenging orders, submitting application packages, communicating with Justices of the Peace, 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 Act*.

Community Justice Specialists also provided FAIA training to RCMP officers, Social Services, and Community/Mental Health Nurses. Community Justice Specialists also met with RCMP officers, Family Services, Health Centers, Government Liaison Officers, Housing Associations, and other front-line service providers to give presentations on remedies available under FAIA, provide pamphlets, establish communication with them and provide resources.

Non-Violent Crisis Intervention Training

In April 2018, Community Justice Outreach Workers and Community Justice Specialists from Arviat, Whale Cove, Rankin Inlet, Chesterfield Inlet, Pangnirtung, and Iqaluit attended Non-Violent Crisis Intervention and Victims Assistance training in Rankin Inlet.

Capacity Building Training: Hall Beach

In 2018-2019 fiscal year, the Community Justice Division received funding from the Federal Government under their Indigenous Justice Program to provide capacity building training. Hall Beach was identified as the target community to facilitate training with the Community Justice Committee, Community Justice Outreach Workers, RCMP, and other stakeholders. In October 2018, three Community Justice Specialists, the Director of Community Justice, and the FAIA Manager, traveled to Hall Beach to deliver training on Restorative Justice, FAIA and other Community Justice Programs. In March 2019, three Community Justice Specialists traveled to Hall Beach for a follow-up training session.

Knowledge Exchange

In February 2019, a delegation from Community Justice travelled and met with Greenlandic government representatives in order to share knowledge regarding victim services, domestic violence and restorative justice practices. Staff from the Greenlandic and Nunavut governments shared resources and Community Justice learned about models from Greenland to improve overall service delivery in Nunavut. Staff received presentations from various Greenlandic ministries regarding frontline work on child sexual abuse, government campaign against sexual abuse; the Family Consultation Model; and a presentation from Greenland Police regarding their work with domestic violence victims. In exchange, members of Community Justice did presentations regarding FAIA.

FAIA Statistics

The Emergency Protection Order (EPO) is the most frequently used order under FAIA (see Appendix). The original intent of FAIA saw Community Intervention Orders (CIOs) used more often than EPOs. Recognizing 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 to improve their relationship and decrease the likelihood of family abuse.

Often CJOWs do not receive referrals for families experiencing family abuse until it has become a crisis and emergency intervention is required. CJOWs ask traditional counselors to provide counselling services to the applicant and respondent when they are interested. Clients may often inquire about CIOs and choose to voluntarily start counselling sessions without going through an official CIO process. Since CIOs require the voluntary participation of both the applicant and respondent, the respondent often declines to participate. If however, both applicant and respondent decide to participate and are actively engaged in setting up counselling services, 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 and provide training to RCMP, Family Services and Health Center staff in order to identify families who may benefit from a CIO. CJOWs continue to increase awareness of community service providers in order to enhance their ability to identify at-risk families. 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 moving 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 they can make the proper referrals.

FAIA Implementation

The *Family Abuse Intervention Act* is an important part of Community Justice, as it promotes awareness about the harms of family abuse, the methods of prevention and the availability of assistance for those who are experiencing abuse. Community Justice works to ensure that Nunavummiut are aware of what to do when in need of an EPO or CIO.

In March 2019, the FAIA Working Group was re-established and Justices of the Peace, the FAIA Manager, Community Justice Specialists, Family Violence Specialists and the Coordinator for Prevention of Violence against Children and Youth attended the meeting. The purpose of the FAIA Working Group is to understand legislative, technological, administrative, and cross-departmental needs and/or deficiencies.

Issues with FAIA implementation arose due to technology issues when phone lines were updated. The recorded phone lines, which facilitate FAIA hearings, needed repairs which caused 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 is continuing FAIA education by focusing on CJOWs, Community Justice Committee Members and other stakeholders. Moving forward, the Community Justice Division will strive to increase training, education/public awareness, crime prevention and victim services for all Nunavummiut as part of its mandate under FAIA.

Appendix: 2018-2019 Statistics

Application for Orders Under the Family Abuse Intervention Act (FAIA) Qikiqtaaluk Region 2018/19						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Sanikiluaq	2	2	0	0	0	0
Cape Dorset	4	4	0	0	0	0
Clyde River	0	0	0	0	0	0
Iqaluit	12	12	0	1	0	0
Kimmirut	0	0	0	0	0	0
Qikiqtarjuaq	0	0	0	0	0	0
Pangnirtung	3	3	0	0	0	0
Arctic Bay	0	0	0	0	0	0
Pond Inlet	0	0	0	0	0	0
Igloolik	2	2	0	2	0	0
Hall Beach	3	3	0	0	0	0
Grise Fiord	0	0	0	0	0	0
Resolute Bay	0	0	0	0	0	0
Total	26	26	0	3	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kivalliq Region 2018/19						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Rankin Inlet	7	7	0	0	0	0
Arviat	3	3	0	1	0	0
Whale Cove	0	0	0	0	0	0
Coral Harbour	3	3	0	0	0	0
Baker Lake	1	1	0	0	0	0
Chesterfield Inlet	0	0	0	0	0	0
Nauyasat	0	0	0	0	0	0
Total	14	14	0	1	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kitikmeot Region 2018/19						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Gjoa Haven	1	1	0	0	0	0
Kugluktuk	2	2	0	0	0	0
Cambridge Bay	4	4	0	3	0	0
Taloyoak	0	0	0	0	0	0
Kugaaruk	1	0	0	0	0	0
Total	8	7	0	3	0	0
Nunavut Total	48	47	0	7	0	0

Appendix: 2017-2018 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