



Community Justice Division
Department of Justice
Government of Nunavut

Family Abuse Intervention Act (FAIA)

Annual Report

2019-2020

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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 abuse 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. Additionally, *FAIA* also provides protection from stalking by allowing an Emergency Protection Order or Assistance Order to be used by the victim.

The Community Justice Division of the Department of Justice is responsible for ensuring that Nunavummiut can access EPOs and CIOs in each community across Nunavut. Community Justice Outreach Workers (CJOWs) and Community Justice Specialists are the personnel responsible for the assistance and support of these remedies. 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. A Community Justice Specialist and a designated Justice of the Peace is on call to assist with emergency protection orders after hours.

Terms and Definitions:

Emergency Protection Order (EPO): An order granted under subsection 7 of the *Family Abuse Intervention Act (FAIA)* when a 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* when a Justice of the Peace (JP) is 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 to 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. Both 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 to the designated Justice of Peace. The variation of one or more provisions of an order does not affect the other provisions in the order.

Revocation of Order: If there has been a material change in 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 may be submitted to the designated Justice of the Peace .

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 Nunavut Court of Justice (NCJ) having been submitted to the designated JP prior to the ex-parte hearing. Once the respondent obtains the affidavit, an application to challenge the EPO may be submitted to the Civil Registry of the NCJ. Community Justice Outreach Workers (CJOWs) and/or Community Justice Specialists are available to assist respondents with this process. Once the application is received at the NCJ, a clerk gives notice to the respondent and applicant of the scheduled hearing date. Applications to challenge an EPO are then 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. A summary of current positions held within the Community Justice Division is outlined below:

- 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.

- Second South Baffin Regional Justice Specialist is based in Pangnirtung.
- The Headquarters Justice Specialist is based in Iqaluit.

In 2019-2020, the following positions continued to be filled through acting assignments

- Director of Community Justice
- FAIA Manager
- Community Justice Specialist position in Cambridge Bay
- Community Justice Specialist position in Iqaluit
- Community Justice Specialist position in Pangnirtung

Community Justice Specialists

The Community Justice Specialists are responsible for administering community-based justice programming and the *FAIA* program within their respective regions. Every region in Nunavut has a Justice Specialist who oversees the program and the work of 25 Community Justice Outreach Workers (CJOWs). Community Justice Specialists supervise, monitor, and support the government's delivery of the *FAIA* program. Community Justice Specialists organize and facilitate training events and workshops for Community Justice Outreach Workers to ensure CJOWs can assist with *FAIA*. Community Justice Specialists also train RCMP members to assist community members with EPOs should a CJOW be unavailable.

Community Justice Specialists are the link between CJOWs, the RCMP, JP's, Civil Court programs and various community resources. Community Justice Specialists are also responsible for providing 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, revoke, or challenge an order. The Community Justice Specialists operate a 24/7 on-call number to assist with after hour EPO applications across the territory.

Community Justice Outreach Workers

Community Justice Outreach Workers (CJOWs) help carry out programs, activities, and services related to *FAIA*. CJOWs assist with the Emergency Protection Order (EPO) and the Community Intervention Order (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 and connect respondents with referrals for counselling services. They also provide safety planning, after-care, and other referrals to health centers, Family Services, and Nunavut Victim Services as needed.

Justice of the Peace

Designated Justices of the Peace (JP) conduct hearings for Emergency Protection Orders and Community Intervention Orders. There are three full time Justices of the Peace in Iqaluit, at the Nunavut Court of Justice as well as three Justices of the Peace who remain on call to conduct Emergency Protection Order hearings after work hours and on weekends. On call Justices of the Peace are in Iqaluit, Pond Inlet and Grise Fiord. JPs are responsible for conducting hearings, drafting orders and if granted, send orders to RCMP detachments. The Justice of the Peace program provides ongoing training and support for on call JPs. JPs also participate in FAIA working group meetings to discuss various concerns regarding FAIA. They regularly meet with Community Justice personnel to discuss their concerns and improve services.

2019-2020 FAIA Training & Conferences

CJOW Training: Community Visits

During 2019-2020, Community Justice Specialists travelled to and gave *FAIA* training to CJOWs in the following communities: Taloyoak, Chesterfield Inlet, Kugluktuk, Kugaaruk, Gjoa Haven, Clyde River, Qikiqtarjuaq, Kimmirut, Igloolik, Baker Lake, Whale Cove, Naujaat and Resolutely Bay. Communities with greater needs were provided with training on more than one occasion throughout the year. These communities included: Kugluktuk and Igloolik. Additionally, Community Justice Specialists residing in Cambridge Bay, Rankin Inlet, Iqaluit, Pond Inlet, and Pangnirtung regularly met with RCMP and other stakeholders to provide continued *FAIA* support.

During community visits, CJOWs were trained to assist clients with EPOs and CIOs. Community Justice Specialist provided CJOWs with specialized training on the EPO and CIO application process. Training included: interview/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.

Nunavut Healing and Learning Together (NUHALT) Training

In January 2020, Community Justice Outreach Workers, Community Justice Specialists and the FAIA Manager attended a territorial NUHALT Training. The Division received funding from the Federal Government under their Indigenous Justice Program to provide capacity building training. NUHALT training provided participants with self-reflection, self-awareness, communication skills.

Nunavut Victim Services: FAIA Training

In January 2020, two Community Justice Specialists provided FAIA training to Nunavut Victim Services. The intent of the training was to increase the number of Community Justice staff who could assist with EPO and CIO applications. Community Justice Specialists trained four Nunavut Victim Services staff members.

Nunavut Victim Services Training Project

Community Justice Outreach Workers in Arctic Bay, Arviat, Baker Lake, Cambridge Bay, Cape Dorset, Gjoa Haven, Grise Fiord, Kugaaruk, Igloolik, Iqaluit, Pond Inlet, Rankin Inlet, Resolute Bay, Sanikiluaq and Taloyoak received training on inter-agency information sharing, to promote cultural awareness and trauma informed practices when working with victims of crime in various capacities. Nunavut Victim Services staff visited these communities to meet with CJOWs to provide resources on how to assist victims of crime and understand a trauma informed approach to self-care when communicating with clients.

2019/2020 Statistical Information

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.

Implementation of FAIA

FAIA came into force in 2008 and was created to protect Nunavummiut from family violence and assist by creating plans to support healing within families. 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 has continued to strive to ensure that Nunavummiut who are victims of family abuse are supported and directed to appropriate remedies through *FAIA*.

The *FAIA* Working Group was reestablished and held their first meeting in March 2019. Members who attended this working group included: Justices of the Peace, the *FAIA* Manager, Community Justice Specialists, the Family Violence Specialist (Family Services) and the Coordinator for the Prevention of Violence against Children and Youth (Family Services).

In October 2019 and January 2020, *FAIA* Justice of the Peace attended a strategic planning meeting along with Community Justice staff. Participants discussed challenges within the *Act* and issues with implementation and its administration. *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.

Although *FAIA* has helped families across the territory in times of crisis, there is need to review legislation and ensure it meets its original mandate. In January 2020, the FAIA Manager and a Community Justice Specialist met with the Directory of Policy and Planning to discuss the legislative review process and next steps. Soon after, Community Justice, with support from Policy and Planning, started the legislative review process to amend FAIA. This included a review of past working group material, research into prior FAIA reports and the beginning stages of consultations with key stakeholders. Plans are under development since the beginning of 2020 and will continue to be developed in the next fiscal year.

Pauktuutit Inuit Women of Canada has partnered with the Nunavut Law Society to conduct a research and education campaign surrounding *FAIA*. The Department of Justice is working closely with Pauktuutit and the Law Society on this project as this project is beneficial for the legislative review currently being undertaken by the Department of Justice.

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

Appendix: 2019-2020 Statistics

Appendix "A" – Community Justice FAIA Statistics (April 2019 to March 2020)						
Application for Orders Under the Family Abuse Intervention Act (FAIA) Qikiqtaaluk Region						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Sanikiluaq	2	2	0	0	0	0
Cape Dorset	2	2	0	0	0	0
Clyde River	0	0	0	0	0	0
Iqaluit	6	6	0	0	0	0
Kimmirut	0	0	0	0	0	0
Qikiqtarjuaq	0	0	0	0	0	0
Pangnirtung	1	1	0	0	0	0
Arctic Bay	0	0	0	0	0	0
Pond Inlet	0	0	0	0	0	0
Igloolik	5	5	0	0	0	0
Hall Beach	1	1	0	0	0	0
Grise Fiord	0	0	0	0	0	0
Resolute Bay	0	0	0	0	0	0
Total	17	17	0	0	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kivalliq Region 2019/20						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Rankin Inlet	8	8	0	0	0	0
Arviat	3	3	0	0	0	0
Whale Cove	0	0	0	0	0	0
Coral Harbour	2	2	0	0	0	0
Baker Lake	3	3	0	0	0	0
Chesterfield Inlet	0	0	0	0	0	0
Nauyasat	1	1	0	1	0	0
Total	17	17	0	1	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kitikmeot Region 2019/20						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Gjoa Haven	1	1	0	1	1	1
Kugluktuk	1	1	0	1	0	0
Cambridge Bay	5	5	0	1	0	0
Taloyoak	3	3	0	0	0	0
Kugaaruk	0	0	0	0	0	0
Total	10	10	0	3	1	1
Nunavut Total	44	44	0	4	1	1