

# Annual Report of the Director of Child and Family Services



2001 2002



## A MESSAGE FROM THE DIRECTOR OF CHILD AND FAMILY SERVICES

In accordance with the requirements of the *Child and Family Services Act*, I am pleased to present the Annual Report of the Director of Child and Family Services for the period April 1, 2001 to March 31, 2002.

It has been an exciting year of advances and growth in practice under the *Child and Family Services Act*. A review of the data indicates that the Act's focus on prevention in the best interests of the child is being realized in system practice. Over the years since the implementation of the Act in 1998, data has shown that the use of voluntary status has increased by 23.5 percent and services being delivered in the family home have increased by 31 percent from March 31, 1998 to March 31, 2002. Both these indicators are correlated closely to the prevention focus of the Act.

In 2001/02, nearly half of all children who received services in response to requests from families were served outside of the court system through agreements provided for in the Act. The vast majority (82 percent) of children received services in their home communities. The number of children receiving services in their homes continues to increase, with 35 percent of children receiving services in their homes in 2001/02, a considerable improvement since 1998 when only four percent of children received services in their own homes.

In May 2000, the Child Welfare League of Canada completed the report *It Takes a Community* after a comprehensive review of child welfare services in the NWT. The Department's response to this report was a three-year Action Plan. In 2001/02, the actions and investments completed under this plan included enhanced training and the addition of 10 new Community Social Service Workers.

Accountability is an important function of government programs. To continue to provide quality child welfare services, it is vital to enter and access accurate information about the services that are being offered. In 2001/02, Community Social Service Workers were able, for the first time, to enter data into the Child and Family Services Information System. This is a major step in ensuring that the information is accurate and accessible for service development and assessment.

There are many individuals and groups who are part of our system and are involved in the support of NWT children in care. I wish to take this opportunity to thank all of you for your hard work and dedication to this task.

Respectfully submitted,

Dana Heide  
Director, Child and Family Services







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## INTRODUCTION

The Report of the Director of Child and Family Services for the fiscal year 2001/2002 presents NWT statistics for the following areas:

- Activities under the *Child and Family Services Act*.
- Activities under the *Adoption Act*.

## NUMBER OF CHILDREN IN CANADA AND THE NWT

On July 1, 2002, 30.7 percent of the population of the NWT was 17 years of age or younger, a slight decrease from 2001 when 31.3 percent of the population was under 17.

The percentage of children 17 and under is at least five percent higher in the NWT than any Canadian province. Only Nunavut has a higher percentage of children (See *Figures 1a, 1b* and 2). These statistics show that the GNWT needs to place a high priority on the health and well-being of children by investing in resources for this age group and their families.

Research in child and youth development indicates that prevention and health/social promotion at an early age, especially the first 5 years of life, can improve health and social outcomes in adult life. Early identification of health and social issues, along with early intervention, may make the greatest impact on quality of life. This is also the most economical approach to ensuring a good quality of life.

### Confidentiality

The Northwest Territories law requires safeguarding the confidentiality of information that is reported through the *Child and Family Services Act*. Data in this report is presented in such a way as to prevent the identification of individual children, youth and families. Therefore, all aggregated data of five or less is not reported.

### Cautions on Interpretation

The validity of rates depends upon the completeness of child and family information reporting and on the accuracy of service population estimates. Service data in this report is based on a single day count of the number of children and youth receiving services under the *Child and Family Services Act*. Any data, which was not entered at the date of the count, will be included in future reports. Rates of events are subject to periodic revision to reflect quality assurance activities in the data. For these reasons, rates in this report may not necessarily correspond with other information covering this period.

Many of the rates are based upon small numbers, and therefore have a large degree of associated validity. In particular, the number of services or cases will drop sharply as the data is further categorized by status, placement or community type. This will result in even further imprecision for the smallest groups. When examining the rate, the reader is cautioned to take into account the number of cases on which the rate is based.

**Figure 1a** Estimated Population Aged 17 and Under as at July 1, Canada, Provinces & Territories

	2001		
	Total Population	Aged 17& Under	% of Total Aged 17 & Under
Canada	31,110,565	7,090,396	22.8
Newfoundland & Labrador	533,816	114,097	21.4
Prince Edward Island	138,904	33,053	23.3
Nova Scotia	942,884	206,459	21.9
New Brunswick	755,953	163,692	21.7
Quebec	7,417,732	1,581,839	21.3
Ontario	11,894,863	2,755,205	23.2
Manitoba	1,149,118	287,851	25.0
Saskatchewan	1,017,087	263,048	25.9
Alberta	3,059,107	762,540	24.9
British Columbia	4,101,579	890,005	21.7
Yukon	30,181	7,665	25.4
Northwest Territories	41,226	12,886	31.3
Nunavut	28,115	12,056	42.9

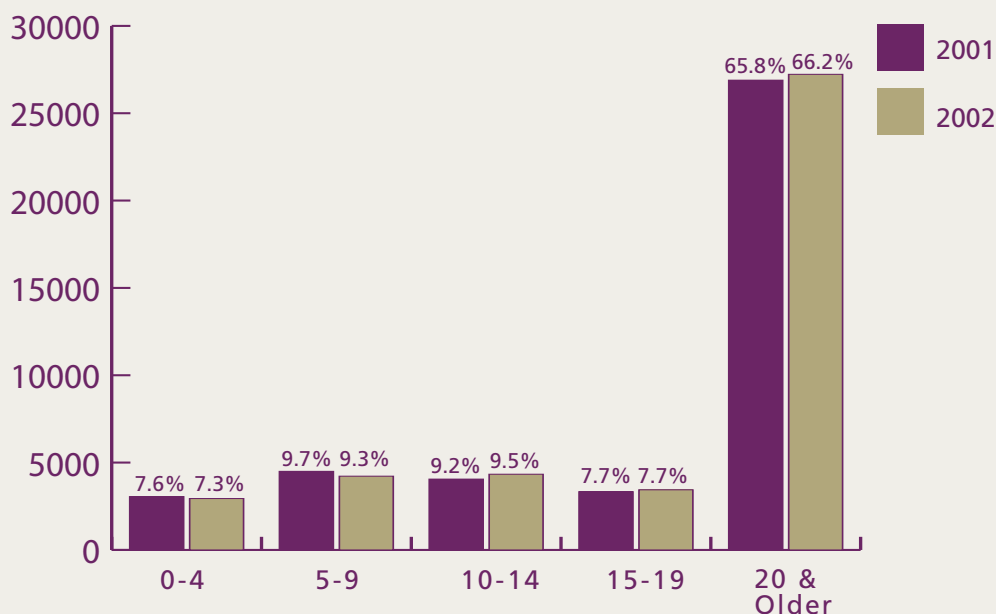
**Figure 1b** Estimated Population Aged 17 and Under as at July 1, Canada, Provinces & Territories

	2002		
	Total Population	Aged 17& Under	% of Total Aged 17 & Under
Canada	31,413,990	7,057,074	22.5
Newfoundland & Labrador	531,595	110,775	20.8
Prince Edward Island	139,913	32,652	23.3
Nova Scotia	944,765	202,724	21.5
New Brunswick	756,652	160,950	21.3
Quebec	7,455,208	1,566,339	21.0
Ontario	12,068,301	2,763,114	22.9
Manitoba	1,150,848	285,857	24.8
Saskatchewan	1,011,808	258,340	25.5
Alberta	3,113,586	762,914	24.5
British Columbia	4,141,272	881,101	21.3
Yukon	29,924	7,321	24.5
Northwest Territories	41,403	12,721	30.7
Nunavut	28,715	12,266	42.7





**Figure 2** Population Estimates by Age Group  
Northwest Territories 2001 and 2002



## THE CHILD AND FAMILY SERVICES ACT: A BRIEF OVERVIEW

The *Child and Family Services Act*, which was enacted on October 30, 1998, established legal responsibilities and standards to ensure the protection of children in the NWT. This Act was developed to better reflect the important roles played by the individual, family and community in ensuring the health and safety of children.

The *Child and Family Services Act* changed the definition of a child in need of protection from a person up to the age of 18, to a person under the age of 16. The Act requires anyone who believes that a child may be in need of protection to immediately report the information to a community social service worker (CSSW) or another authorized person, such as a peace officer in the community.

The Act provides community social services workers (CSSW) with the authority to work with families who request assistance for their child. The Act also provides a way for youth to receive assistance. (See *Voluntary Services Agreements and Support Services Agreements in the Definitions section*.)

The Act provides family-based options as an alternative to court orders for resolving child protection concerns. This process encourages extended family and concerned community members to work with the child, the family and the community social service worker to come up with a plan that resolves protection issues affecting the child or children and their family. (See *Plan of Care Agreements in the Definitions section*.)

The Act provides the authority for communities who wish to take a greater responsibility for ensuring the health and safety of their children, to enter into agreements with the Minister of Health and Social Services to establish Child and Family Service Committees. This gives communities more involvement in the administration of child and family services.

## REVIEW BY THE CHILD WELFARE LEAGUE OF CANADA

In December 1999, the Department of Health and Social Services contracted the Child Welfare League of Canada (CWLC) to do a comprehensive review of the child welfare services across the Northwest Territories. In May 2000, the CWLC provided the Department with its observations and recommendations in the report *It Takes a Community*.

The report confirmed the Department's assessment of system-wide capacity issues and has assisted the Department in establishing critical areas of improvement for the well-being and safety of children in the Northwest Territories.

Recommendations from *It Takes a Community* were used by the Department to assist in the development of a three-year action plan that addresses the issues of human resources, information and system management, training and program development and delivery.

The following activities took place in 2001/02 as a result of the Action Plan:

- Additional community social service workers were hired.
- *The Competency-Based In-Service Training for Child Welfare Workers*, developed by the Child Welfare League of America in collaboration with the Institute for Human Resources, was offered to community social service workers.
- The *Looking After Children Assessment and Action Records* was piloted.
- Community social service workers continued to be provided with support assistance and on-site training in the use of the Child and Family Services Information System, the electronic child and family services data system for the Northwest Territories.

In the next year the Department plans to continue to action the recommendations found in the report *It Takes a Community*.

## COMMUNITY CHILD AND FAMILY SERVICE COMMITTEES

The Minister may delegate authority and responsibility for any matter set out in the *Child and Family Services Act* to a community through an agreement with a community corporation or a not for profit corporate body of an aboriginal organization. These agreements permit greater community involvement in the delivery of child protection services. The Department and Authorities will be working with interested communities/organizations to establish these agreements.



## CHILD AND FAMILY SERVICES INFORMATION SYSTEM

The Child and Family Services Information System (CFIS) is a computerized data based information system that was implemented in 2000/01. It is used by community social service workers throughout the NWT to keep track of information on children and families that are receiving services provided through the *Child and Family Services Act*. The fiscal year 2001/02 was the first year of CFIS operation where the majority of data was entered by community social service workers who operated the system from their community offices.

In 2001/02, the Department continued to support the implementation of the CFIS application in the following ways:

- By continuing to enter historical information on the activities of the Child and Family Services program dating back to April 1, 2000.
- The Departmental CFIS team continued to carry out site visits in the communities to ensure the application was fully functional and to supplement community social service workers' training in the use of the program.
- By maintaining a telephone Help-desk dedicated to application support for community social service workers when required.

Centralized training on CFIS continued but was modified to reflect the needs of a new training population, the recently hired community social service workers. CFIS training was paired with Child and Family Services Statutory Training to increase the effectiveness and time efficiency of the delivery of this information to new community social service workers.

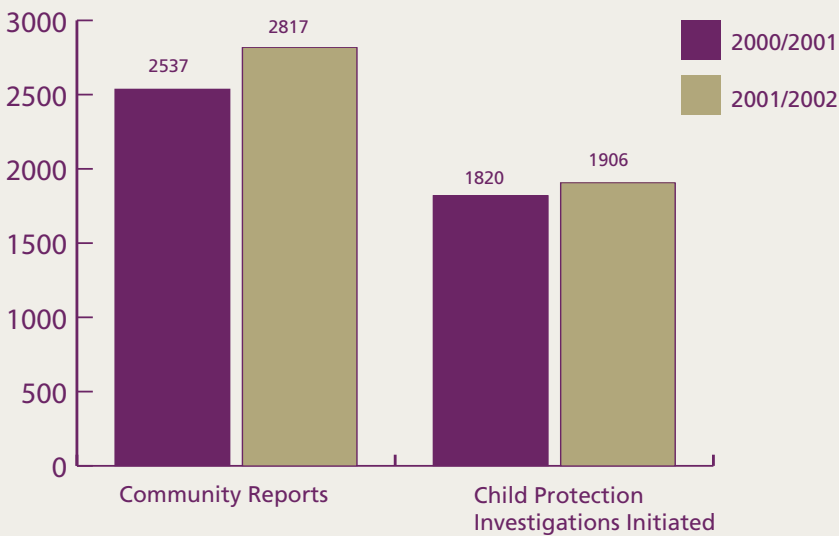
### How is Information Gathered?

When a child is referred to a community social service worker under the *Child and Family Services Act*, workers complete a community report with information such as reasons for concern, name and age of the child(ren), and a brief analysis. Depending on the conclusions of the analysis of the community report, a more detailed investigation may take place, including a visit to the home and/or interview of the child. While occasionally there may be no further action required after an investigation is initiated, it may also lead to a voluntary services agreement, a support services agreement, a plan of care agreement, or apprehension. Apprehensions can lead to a further set of outcomes such as a plan of care agreement, a court order, or dismissal of the case. (See *definitions of these terms in the Definitions section*.)

### Number of Community Report and Child Protection Investigations Initiated

In 2001/02, the number of community reports increased by about 10 percent over 2000/01, while the number of child protection investigations initiated increased by only about five percent. In 2001/02, about 68 percent of Community Reports advanced to the investigation stage, while about 72 percent of community reports advanced to the investigation stage in 2000/01. (See *Figure 3*) The increase in the number of community reports in 2001/02 may be attributed to more accurate reporting into the CFIS.

**Figure 3** Comparison of Community Reports and Child Protection Investigations Initiated in 2000/01 and 2001/02

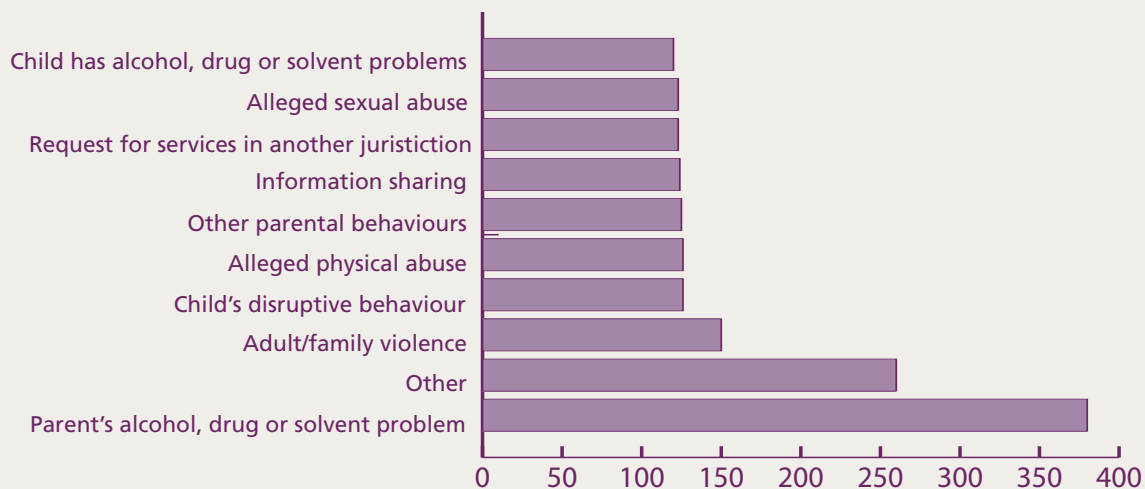




**Figure 4 Community Reports and Investigation Reports by Community**

	Fiscal 01/02 Community Report	Fiscal 01/02 Child Protection Investigation Initiated	Population 2001 Census
<b>Deh Cho HSS Authority</b>			
Fort Liard	65	57	530
Fort Providence	19	15	753
Fort Simpson	119	92	1163
Jean Marie River	0	0	50
Kakiska	0	0	40
Nahanni Butte	9	7	107
Tout Lake	0	0	70
Wrigley	23	20	165
<b>TOTALS:</b>	<b>235</b>	<b>191</b>	<b>2878</b>
<b>Dogrib Community Services Board</b>			
Gameti	6	0	274
Rae/Edzo	235	169	1552
Wekweti	0	0	131
Wha Ti	39	26	453
<b>TOTALS:</b>	<b>280</b>	<b>195</b>	<b>2410</b>
<b>Hay River HSS Authority</b>			
Enterprise	0	0	61
Hay River	251	202	3510
<b>TOTALS:</b>	<b>251</b>	<b>202</b>	<b>3571</b>
<b>Hay River HSS Authority</b>			
Fort Smith	114	93	2185
<b>TOTALS:</b>	<b>114</b>	<b>93</b>	<b>2185</b>
<b>Inuvik Regional HSS Authority</b>			
Aklavik	72	27	632
Fort MacPherson	85	77	761
Holman	0	0	398
Inuvik	337	207	2894
Paulatuk	22	8	286
Sachs Harbour	0	0	114
Tsiigehtchic	13	10	195
Tuktoyaktuk	112	93	930
<b>TOTALS:</b>	<b>641</b>	<b>422</b>	<b>6210</b>
<b>Sahtu HSS Authority</b>			
Colville Lake	0	0	102
Deline	58	42	536
Fort Good Hope	39	27	549
Norman Wells	11	8	666
Tulita	7	0	473
<b>TOTALS:</b>	<b>115</b>	<b>77</b>	<b>2326</b>
<b>Yellowknife HSS Authority</b>			
Dettah	0	0	182
Fort Resolution	21	13	525
Lutsel'ke	13	11	248
Yellowknife	1103	657	16541
<b>TOTALS</b>	<b>1143</b>	<b>681</b>	<b>17496</b>
<b>NWT Totals:</b>	<b>2773</b>	<b>1861</b>	<b>37634</b>

**Figure 5** The Top Ten Primary Reasons for Referral from Community Reports during 2001 and 2002



### Community Reports and Child Protection Investigations Initiated in each community

When comparing the number of community reports and child protection investigations initiated in each community to the size of the population, the communities with the highest incidence of reports were Aklavik, Deline, Fort Liard, Fort Simpson, Wrigley, Fort McPherson, Inuvik, Rae/Edzo, and Tuktoyaktuk. (See *Figure 4*)

### Primary Reasons for Referrals for Community Reports

The CFIS information system indicates that the major reasons for referral of children during 2001/2002 were: (See *Figure 5*)

- Alcohol and drug problems on the part of the parents.
- Adult/family violence.
- A child's disruptive behaviour.
- Alleged physical abuse.

### Data on the Number of Children Receiving Services

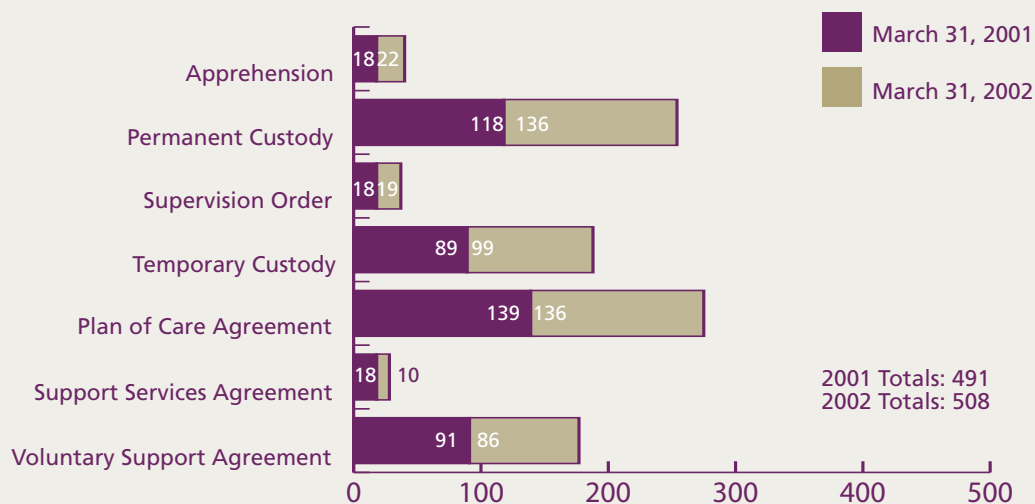
Data for a given day in time on the number of children receiving services is summarized as a "snapshot." Snapshots can provide useful benchmarks in service delivery over time but do not indicate the workload of a Health and Social Services Authority/Board or a CSSW, nor does it indicate the total number of children who received services in a given year.

The *Child and Family Services Act* provides for community social service workers to use early intervention strategies and enter into agreements with families. In particular, the *Act* provides community and family agreements to offer services and supports to protect children. On March 31, 2002, 508 children received services, slightly more than the same day the previous year when 491 children received services on that same date. (See *Figure 6*) However, the number of children



receiving services through a court order on March 31, 2002 (apprehension, temporary custody order, and permanent custody order) shows a change of 5 percent higher than the number of children receiving services through a family-based agreement (plan of care agreement, voluntary support services agreement and, support services agreement). This compares with an almost 50-50 split on that day the previous year. The difference could be attributed to the daily fluctuations in the types of service, or to improved reporting in the CFIS system.

**Figure 6** Two One-Day Snapshots of Children Receiving Services under the *Child And Family Services Act*



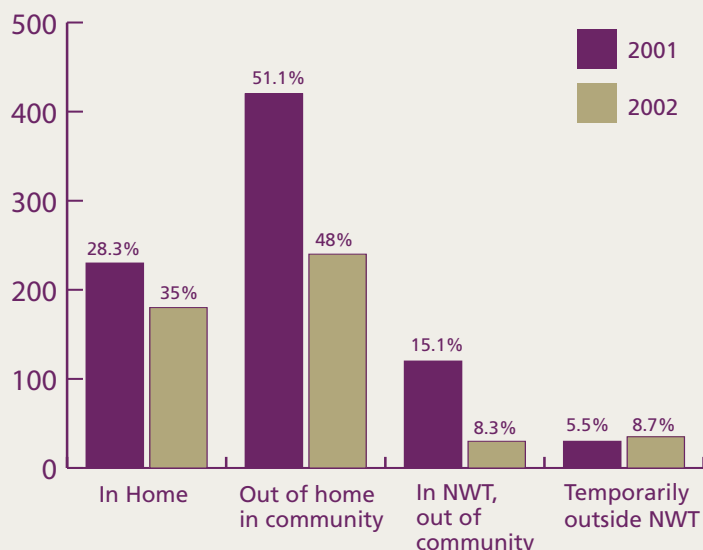
### Total Children Receiving Services in a Fiscal Year

During 2001/02, 974 children received services, compared to 825 in 2000/01. The increase in the number of different children receiving services could be due to the "agreements" that are reached with parents as well as the ongoing training of community social service workers in how to provide services in the home and/or home community.

### Location of Services

The majority (82 percent) of children who received services in 2001/02 received them in their home community. In addition, the number of children receiving services in their own homes continues to increase. (See *Figure 7*) In 2001/02, 35 percent received services in their homes, compared to 26 percent who received services in their homes in 2000/01. This figure has risen steadily since 1998 when only four percent of children received services in their own homes.

**Figure 7** Location of Children Receiving Services



## SERVICES FOR CHILDREN AND THEIR FAMILIES

The *Child and Family Services Act* not only promotes early intervention and prevention but also directs that services should be provided in the child's home or as close to the child's home and community as possible. Under the *Act*, services to support and assist children and families may include but are not limited to counseling, respite care, drug or alcohol rehabilitation, and/or services to assist the family to deal with the illness of a child.

In order for services to be provided to a child and/or family under the *Child and Family Services Act* there needs to be either a court order and/or an agreement with the parent or caregiver.

The services mentioned above may take place while a child is in the parental home, an extended family member's home, a provisional foster home, a regular foster home, a group home or a treatment centre. In some cases, the location of the living arrangements may be outside of a child's community, in another part of the NWT or in another province or territory.

### Foster Care Services

The foster care program in the NWT provides alternative living arrangements for children who cannot live with their custodial parent. Health and Social Services Authorities/Boards deliver the foster care program under the direction of the Director of Child and Family Services. The program is delivered in accordance with the *Child and Family Services Act* and the regulations, policies and procedures as set out and monitored by the Department of Health and Social Services.

There are two types of foster homes in the NWT: regular approved foster homes and provisional/extended foster family homes. All foster homes must be approved by the Director of Child and Family Services.

Regular approved foster homes provide care to any child or youth who requires placement services. Although there are no official specialized foster homes in the NWT, there are several regular foster homes that provide special services for children with medical conditions.





Provisional/extended foster family homes care for specific children or youth that have a known positive relationship with the foster family either by kinship or family relationship. These homes are opened for a specific child and closed when the child leaves.

When a child has highly specialized needs that cannot be met in the north, the Department of Health and Social Services will contract for the services of specialized foster homes that are located outside of the Northwest Territories.

The NWT had approximately 160 active foster homes during fiscal year 2001/02. In 2001-02, the number of children receiving foster care services during the year totaled over 800.

The largest increase in the usage of the foster care program relates to children in permanent custody. Children who are placed in foster care under a permanent custody order are not expected to leave care until they reach the age of 16, but the order may be extended until their 19<sup>th</sup> birthday. There were 104 children in permanent custody on March 31, 2000 and 131 children in permanent custody on September 30, 2001. This is an increase of approximately 21 percent.

### **Group Homes**

Group homes are usually for children who require more services than a regular foster home can provide.

### **Treatment Centres**

The NWT has two children's residential treatment centres: Trailcross, which is located in Fort Smith, and the Territorial Treatment Centre (TTC), located in Yellowknife. Trailcross serves children aged 13 to 15 while TTC serves children under 13. Both facilities specialize in providing services for children/youth who present moderate to severe behavioural, emotional, psychological or psychiatric disturbances.

Children with these disturbances pose significant danger to themselves, other children or caregivers in uncontrolled environments. Treatment centres are controlled environments and are better able to manage and treat children or youth with these severe disturbances than foster or group homes. Treatment centres increase the chance for successful treatment and reduce the risk to children and others.

In 2001/02, Trailcross continued to operate out of an alternative location while renovations continued on the original facility. Bed capacity in the alternate space was set at a maximum of three beds. The program served a total of six youth over the year.

The program at the Territorial Treatment Centre served a total of 14 individual children and youth in 2001/02.

### **Southern Placements**

Southern treatment centres provide services for children who present severe behavioural, emotional, psychological or psychiatric disturbances. All children currently in southern treatment facilities have been referred south because their needs are so severe and/or specialized that they cannot be met in the NWT.

A total of 35 children from the NWT were in southern placement as of March 31, 2002, up from 20 who were in southern placement in 2001.

## ADOPTIONS

Adoption is the social, emotional and legal process through which children who will not be raised by their birth parents become full and permanent legal members of another family. Decisions concerning the adoption of children are made in accordance with the best interest of children, recognizing that different cultural values and practices must be respected in making those decisions.

The NWT laws pertinent to adoption include the *Child & Family Services Act*, the *NWT Adoption Act*, the *Intercountry Adoptions (Hague Convention) Act*, and the *Aboriginal Custom Adoption Recognition Act (ACARA)*. In addition, the provincial/territorial protocol on children and families moving between provinces and territories applies to those adoptions that cross provincial/territorial borders.

The *NWT Adoption Act*, which came into effect in 1998, created an open record system. This means that at the age of majority an adoptee and/or birth family may have access to their adoptions record if their adoption occurred after November 1, 1998. The *Act* also established a formal adoption registry to store adoption information. Other highlights of the *NWT Adoption Act* include:

- A child cannot be placed for adoption without an approved pre-placement report.
- Children ages 12 and older must consent to their adoption.
- Out-of-territory adoptions are regulated.
- Birth parents may be provided access after an adoption order is made.
- Financial assistance is available to assist special needs children and their adopting families.

The *NWT Adoption Act* was amended in November 2000 to create a Deputy Director of Adoptions as well as a Deputy Registrar of the Adoption Registry. The *Act* was amended again in June 2002 to change the definition of "spouse" to allow same-sex couples to adopt.

There are six different types of adoptions: departmental, interprovincial, private, step-parent, intercountry, and aboriginal custom adoption. The *NWT Adoption Act* governs departmental, interprovincial, intercountry, private and step-parent adoption. The *Aboriginal Custom Adoption Recognition Act* governs custom adoption.

### Departmental Adoptions

A departmental adoption occurs when the child being adopted is in the permanent custody of the Director of Child and Family Services.

Before the child may be placed into an adoptive home, the Director of Adoptions must approve the home. An adoption worker is appointed under the *NWT Adoption Act* to carry out the work leading to approval. The adoption worker is responsible for preparing a pre-placement report. This is a process that enables the adoption worker to assess the relationships and dynamics of the prospective adoptive home, including the applicant's capacity to parent a child through adoption.

Adoption workers provide information on the types of adoption, when consent can be taken or revoked, the effect of an adoption order, and the adoptions registry. They also obtain consent to contact the relevant aboriginal organization and to obtain personal histories on the birth family.

Once the adoption worker has completed the report, it is the responsibility of the Director of Adoptions to approve the adoption. The Director of Adoptions must approve all departmental placements.



### Private Adoptions

Private adoption occurs when the child to be adopted is not in the care of the Director of Child and Family Services. The birth parent chooses the adoptive family. Private adoption matters are regulated to protect the interests of all parties, and require the approval of the Director of Adoptions.

An adoption worker must be involved to provide information on the types of adoption, when consent can be taken or revoked, the effect of an adoption order, and explanations of the adoptions registry. They also obtain consent to contact the relevant aboriginal organization and to obtain personal histories on the birth family. Social workers may also be involved in providing initial services to the birth family.

A pre-placement report must be completed by the adoption worker and approved by the Director of Adoptions before the child may be placed into the new home. The adoption worker is also required to complete a final progress report (family union report) 6 months following the placement.

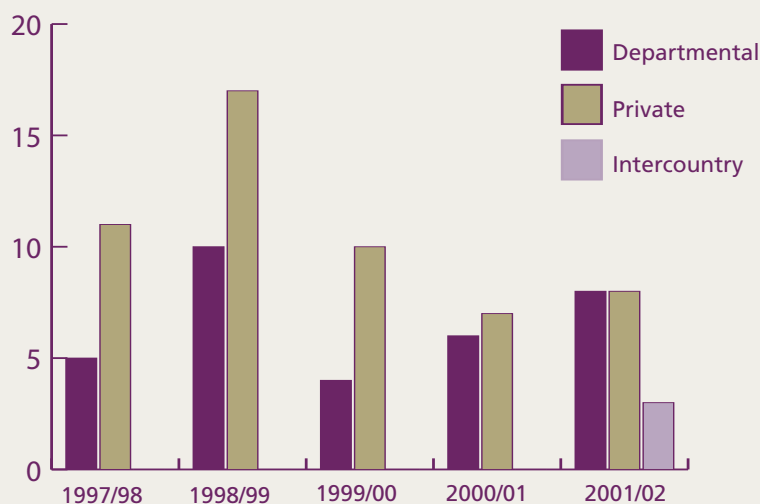
### Intercountry Adoptions

Intercountry adoptions occur when the child being adopted resides outside of Canada. Intercountry adoptions are regulated by the *NWT Adoption Act* and *Intercountry Adoption Act (Hague Convention)*.

Adoption Workers are required to prepare pre-placement reports for the prospective adoptive applicants, and the Director of Adoptions must approve the applicant to receive a child for the purpose of adoption.

### Number of Children that have been Adopted

**Figure 8** Departmental and Private Adoptions over the last five years



\*In 2001/02 Five out of six Departmental Adoptions were subsidized.

\*\*In 2001/02 One out of eight Departmental Adoptions were subsidized.

\*\*\*Data for Intercountry Adoption is not available for the years preceding 2001/02.

### Step-parent Adoption

Step-parent adoption occurs when a non-biological parent wishes to adopt the child(ren) of his/her spouse. An adoption worker is required to complete a family union report, recommending to the Director of Adoptions that the adoption proceed.

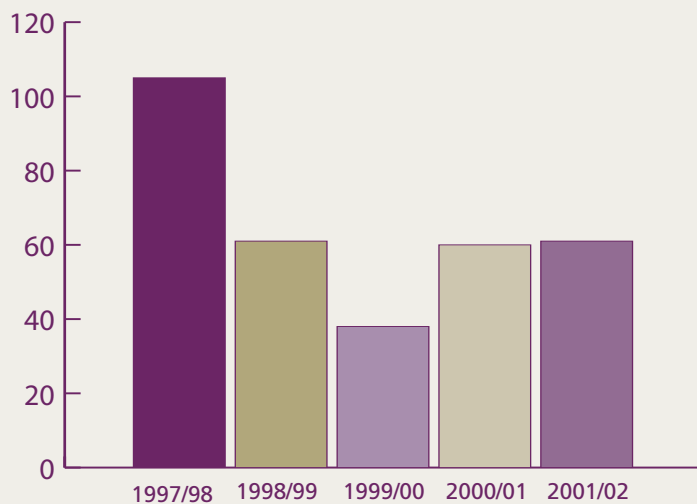
### Interprovincial Adoptions

Interprovincial adoptions are child-in-care adoptions, and refer to children moving into or out of the Northwest Territories. In these cases, both the laws of the originating and receiving jurisdictions apply, as does the *Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories*.

### Aboriginal Custom Adoptions

Custom adoption is the recognition of an adoption that has occurred in accordance with aboriginal custom validated by the Adoption Commissioner and is a privately arranged adoption between two consenting Aboriginal families. The Minister of Health & Social Services appoints Aboriginal custom adoption commissioners upon recommendation for Aboriginal custom commissioners. A custom adoption is deemed to have taken place at the time of placement. Aboriginal Custom Adoption Commissioners are appointed for three years. This term may be renewed upon recommendation from the local authority (i.e. band council) that first nominated them.

**Figure 9** Custom Adoptions by Fiscal Year since 1997 and 1998





### **Adoption Act Training**

In order to perform the duties of an adoption worker, staff needs to undergo statutory training to develop an understanding of the *NWT Adoption Act*. If successful in this training, they will be appointed as adoption workers to perform duties under the Act or duties assigned by the Director of Adoptions.

One statutory adoption worker training session was held in Yellowknife during the 2001/02 fiscal year. This session resulted in the appointment of 7 new adoption workers. By year-end, there were a total of 34 Adoption Workers in the Northwest Territories.

In February 2002, the Department contracted a search-and-reunion consultant from Edmonton to give a presentation on adoption search-and-reunion. This two-hour presentation was provided to staff within the Protective Services Unit, the Yellowknife Authority, and the general public. A total of 50 people participated.

Topics included:

- Adoption as a life-long process.
- Issues for birth parents.
- Issues for adoptive parents.
- Issues for adopted people.
- Difficulties in reunions.
- Search techniques.

### ***Aboriginal Custom Adoption Recognition Act – Program Support***

Since the *Aboriginal Custom Adoption Recognition Act* came into effect in 1995, adoptions commissioners had not been provided an opportunity to meet in a forum to discuss any issues or concerns in their role as adoption commissioners. During 2001/02, the Department hosted two workshops to enable the commissioners, adoptions staff, the court and Vital Statistics to discuss the roles of the parties involved, and to raise any issues or concerns. Nine adoption commissioners participated. At the end of 2001/02 there were 14 adoptions commissioners in the NWT. The main issues which commissioners identified were:

- A need for more Adoption Commissioners in the NWT.
- A need to keep the Adoption Commissioners' lists updated to enable commissioners to communicate with one another.

## **Adoption – Administration**

Other activities carried out by the Adoptions Unit in 2001/02 included:

- Development and distribution of amendments to Adoption Worker Manual.
- Development and distribution of a handbook for Adoption Commissioners.
- Development and distribution of a custom adoption information pamphlet, and the microfiche of 5,000 sealed adoption records.

## **Registries**

The Adoptions staff are responsible for the coordination and management of several registries. These include registries of children available for adoption, approved adoptive families and a registry of completed adoptions under the *Child Welfare Act*, the *NWT Adoption Act*, and the *Aboriginal Custom Adoption Recognition Act*.

The registry of adoptions completed under the *Aboriginal Custom Adoption Recognition Act* and the *NWT Adoption Act, 1998* is a list of open record adoptions. This means that consent of the parties involved in the adoption is not required before the information may be released. An application for registry information is required to establish entitlement to the information requested.

The Registry of Adoptions completed under the *Child Welfare Act 1988* are closed adoptions. This means that consent of the parties involved in the adoption is required before the Registrar may release information from the adoption record. A formal application for registry information must be completed and sent to the Registrar of Adoptions.

## **Number of Requests for Searches**

In 2000/2001 there were 20 requests for information from the registry of closed and open adoptions combined. In 2001/2002, 26 requests for information were received.

Most requests for adoption registry information begin with a request for a copy of an adoption order or for non-identifying information of birth parents. Often, once information is received, the applicant returns to the registry requesting further information, such as a search for a birth parent/relative.



## DEFINITIONS

### ***Age of Majority***

Every person who attains the age of 19 years attains the age of majority, and ceases to be a minor person. (*Age of Majority Act, Section 2*)

### ***Apprehension***

Apprehension occurs when a child has been removed from the care of the person with legal custody or from the person having care of the child at the time of the apprehension. A community child protection worker, a peace officer or a person authorized by the Director under Section 55(1) of the *Child and Family Services Act* can apprehend a child when he or she believes the child to be "in need of protection."

### ***Child***

"Child" means a person who is, or in the absence of evidence to the contrary, appears to be under the age of 16 years, and a person in respect of whom an order has been made under the *Child and Family Services Act*, Section 47(3): A temporary custody order can extend up to age 18, or Section 48(2): a permanent custody order up to the age 19.

### ***Child Protection Worker***

A child protection worker is a worker appointed under Section 54(2) or 54(3) of the *Child and Family Services Act* and delegated to act as an agent of the Director of Child and Family Services.

### ***Children's Residential Treatment Centre***

A children's residential treatment centre is a facility operated by a service provider to meet the needs of children from the NWT who are receiving services under the *Child and Family Services Act*. These programs provide for the treatment, education, care, recreational, and developmental needs of each child in the facility.

### ***Director of Child and Family Services***

The Director of Child and Family Services is appointed by the Minister and is responsible for the administration, implementation, and monitoring of services delivered under the *Act* and for the protection of all children in the NWT.

### ***Health and Social Services Authority/Board***

The Authority/ Board employs community social services workers who are delegated agents of the Director of Child and Family Services.

### ***Lawful Custody***

Lawful custody means a right to custody recognized in law. It differs from "de facto custody", which means a factual circumstance where a child is in someone's physical custody.

Generally, the natural parents of a child are equally entitled to custody. However, a parent's right to exercise his or her entitlement to custody will be suspended or terminated in the following circumstances:

- Where the parents of the child live separate and apart, the child lives with the other parent, and the parent has consented or acquiesced, either expressly or by implication, to the other parent having sole custody.
- Where there is a parental agreement, separation agreement, or court order dealing with custody.
- Where there is an adoption order or the child has been adopted in accordance with aboriginal customary law.
- Where, pursuant to section 19 of the *Children's Law Act*, a person entitled to custody has made a written appointment of his or her rights or responsibilities of custody to another person.

### ***Permanent Custody Order***

A permanent custody order permanently transfers custody of child to the Director of Child and Family Services until the child attains the age of 16. The Director has all of the rights and responsibilities of a parent under Section 48 of the *Child and Family Services Act*. The permanent custody order may be extended to the age of majority if the youth is in agreement.





### ***Plan of Care Agreement***

A plan of care agreement is a written agreement made between the person(s) with lawful custody of the child and the plan of care committee. The agreement outlines a case plan for the child and family. The children may reside in their own home or elsewhere. The maximum term of a plan of care agreement (including extensions) is two years. The plan of care agreement is for children considered to be in need of protection as defined in the *Child and Family Services Act*.

### ***Plan of Care Committee***

This committee is established to provide services for a child and their family where it is believed that child protection concerns exist. If the child in question is over the age of 12, they have the option of sitting on the committee.

### ***Supervision Order***

A Supervision Order is an order made by the court under Section 28(1)(b)(ii) of the *Child and Family Services Act*, which directs a child protection worker to supervise the home of a child according to the terms and conditions of the order. The order may be for a period of up to one year.

### ***Temporary Custody Order***

Temporary custody of a child is when custody is temporarily transferred by court order to the Director of Child and Family Services. The temporary custody order may be extended to the age of 18, however, under Section 47(3) "the court may not make an order that would result in the child being in the temporary custody of the Director for a continuous period exceeding 24 months".

### ***Voluntary Care Agreements***

There are two types of voluntary support services agreements:

1. Voluntary services agreement: under Section 5(1) of the *Child and Family Services Act*, "the Director may enter into a written agreement with a person who has lawful custody of a child to provide services or to assist others in providing services, or to assist that person's family in obtaining services, to support and assist that person's family to care for the child." The children may reside in their own home or elsewhere. The initial term of a voluntary services agreement is for six months, with provision for additional six-month renewals until the child reaches the age of 16.
2. Support services agreement: under Section 6(1) of the *Child and Family Services Act*, "the Director may enter into a written agreement with a person who has attained the age of 16 years but has not attained the age of majority and cannot reside with his or her parents to provide services or to assist others in providing services, to support and assist that person to care for himself or herself."



