

DFN CHILD AND FAMILY SERVICES

Note: This example is provided to show how concurrent jurisdictions in the area of Child and Family Services would work.

In this example, a public Dehcho Regional Government exercises the jurisdiction. If the Dehcho Regional Government was an exclusive Aboriginal Government that represents and serves only Dehcho Citizens, the jurisdiction of the Dehcho Regional Government would be restricted to Dehcho Citizens and the GNWT will continue to be responsible for other residents of the Dehcho Region.

DEFINITIONS:

In this Chapter:

“**Child**” means an individual who has not yet attained the age of majority in the Northwest Territories and is ordinarily resident in the <name of region>;

“**Child and Family Services**” means services provided for:

- (a) the protection of Children, where the primary objective is the safety and well-being of Children, having due regard for the protection from abuse, neglect and harm, or the threat of abuse, neglect or harm, and any need for intervention; and
- (b) the support of families and care givers to provide a safe environment and prevent abuse, neglect and harm, or the threat of abuse, neglect or harm, including:
 - (i) the support of kinship ties and a Child’s attachment to the extended family; and
 - (ii) the promotion of a well-functioning family and community life.

CF.1 JURISDICTION

CF.1.1 The Dehcho Regional Government has jurisdiction in <name of region> with respect to Child and Family Services.

CF.2 STANDARDS

CF. 2.1 Dehcho Regional Government Law made pursuant to CF 1.1 shall provide for standards provided that such laws include standards:

- (a) for the protection of Children; and
- (b) that apply the principle of acting in the best interests of the Child.

CF.2.2 Dehcho Regional Government Laws made pursuant to section 6.2.1 shall provide for standards compatible with the NWT Child and Family Services core principles and objectives.

CF.3 AGREEMENTS

CF.3.1 Where the Dehcho Regional Government has assumed responsibility for the provision of Child and Family Services in the <name of region>, the Dehcho Regional Government and the Government of the Northwest Territories shall negotiate with a view to reaching agreements, as set out in section CF.3.2, relating to delivery and administration of Child and Family Services.

CF.3.2 Agreements reached pursuant to section 3.1:

- (a) shall provide for the development of protocols for the protection of Children from abuse and harm and the threat of abuse and harm; including provision for notification, by the Government of the Northwest Territories and the Dehcho Regional Government, where either the Government of the Northwest Territories or the Dehcho Regional Government receives information that a Child may be at risk; and
- (b) may address:
 - (i) co-operating on an inter-jurisdictional basis for the transfer of Children and the use of facilities both inside and outside of the <name of region>;
 - (ii) information sharing between various governments or agencies that deliver and administer Child and Family Services;
 - (iii) reporting and monitoring between various governments or agencies that deliver and administer Child and Family Services; and
 - (iv) other matters.

CF.4 COURT PROCEEDINGS¹

CF.4.1 The Dehcho Regional Government has standing in any judicial proceedings where the protection of a Dehcho Child is in dispute, and the court shall consider any evidence and representations in respect of Dehcho Regional Government Laws and customs in addition to any other matters which it is required by law to consider.

¹ Clause to be inserted into General Provisions to read: Nothing in the Final Agreement affects the inherent jurisdiction of the Supreme Court of the NWT, including its jurisdiction with respect to children or legally incompetent persons.

CF.4.2 The standing of the Dehcho Regional Government in proceedings referred to in section CF.5.1 is subject to the applicable rules of court and does not affect the court's ability to control its process.

CF.5 CONFLICT

CF.5.1 In the event of a Conflict between a Dehcho Regional Government Law made pursuant to section CF.2.1 and a Federal Law or Territorial Law, the Dehcho Regional Government Law prevails to the extent of the Conflict.