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DFN CHILD AND FAMILY SERVICES

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 Settlement Area;

"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 Government has jurisdiction in the Settlement Area with respect to Child and Family Services.

CF.1.2 The Dehcho Government may not delegate the power to make laws under section CF.1.1.

CF.1.3 The Dehcho Government shall consult the Government of the Northwest Territories at least six months prior to making or amending a Dehcho Law pursuant to section CF.1.1.

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CF.2 STANDARDS

CF. 2.1 Dehcho 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.

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CF.2.2 Dehcho Government Laws made pursuant to section CF.2.1 shall provide for standards compatible with the NWT Child and Family Services core principles and objectives.

CF.3 AGREEMENTS

CF.3.1 The Government of the Northwest Territories shall notify the Dehcho Government as soon as is practicable when a Dehcho Child in the Northwest Territories becomes subject to a court order that provides custody of that child to the Director.

CF. 3.2 Where the Dehcho Government has assumed responsibility for the provision of Child and Family Services in the Settlement Area, the Dehcho Government shall appoint one individual who shall have the statutory authority under Dehcho Law for decisions about the protection of Dehcho Children from abuse, neglect or harm, or the threat of abuse, neglect or harm, and shall notify the Government of the Northwest Territories of the individual's appointment.

CF.3.3 Where the Dehcho Government has assumed responsibility for the provision of Child and Family Services in the Settlement Area, the Dehcho 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.3.4 Agreements reached pursuant to section 3.1:

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(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 Government, where either the Government of the Northwest Territories or the Dehcho Government receives information that a Child may be at risk, or where the Government of the Northwest Territories becomes aware of a custody order providing custody of a Child to the Director; 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 Settlement Area;

(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

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(iv) other matters.

CF.4 COURT PROCEEDINGS[1]

CF.4.1 The Dehcho Government has standing in any judicial proceedings where the protection of a Dehcho Child is in dispute, or where the Government of the Northwest Territories is seeking continuing protection of a Dehcho Child, and the court shall consider any evidence and submissions of the Dehcho Government in respect of Dehcho traditions and customs and what the Dehcho Government believes would be in the best interests of the Child, in addition to any other matters which it is required by law to consider.

CF.4.2 The standing of the Dehcho 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 Government Law made pursuant to section CF.2.1 and a Federal Law or Territorial Law, the Dehcho Government Law prevails to the extent of the Conflict.

[1] Footnote to be deleted when clause is inserted into General Provisions that reads: 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.

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