

Chapter 15

AN ACT TO AMEND THE CHILD AND FAMILY SERVICES ACT

(Assented to May 16, 2013)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. **The *Child and Family Services Act* is amended by this Act.**
2. **Section 1 is amended by adding the following in alphabetical order:**

“child pornography” means child pornography as defined in the *Criminal Code* (Canada);
(*pornographie juvénile*)

3. **Section 2 is amended:**
 - (a) **by renumbering section 2 as subsection 2(1);**
 - (b) **by adding the following after subsection (1):**

Inuit societal values

(2) This Act shall be administered and interpreted in accordance with the following Inuit societal values:

- (a) *Inuuqatigiitsiarniq* (respecting others, relationships and caring for people);
- (b) *Tunnganarniq* (fostering good spirit by being open, welcoming and inclusive);
- (c) *Pijitsirniq* (serving and providing for family or community, or both);
- (d) *Aajiqatigiinni* (decision making through discussion and consensus);
- (e) *Piliriqatigiinni* or *Ikajuqtiigiinni* (working together for a common cause); and
- (f) *Qanuqtuurniq* (being innovative and resourceful).

Other Inuit societal values

(3) In addition to the Inuit societal values named in subsection (2), the following Inuit societal values may be used or incorporated in the administration or interpretation of this Act:

- (a) *Inungqsainiq* (nurturing or raising an individual to be a productive member of society);
- (b) *Inuttiavaunasuaqniq* (working towards a good or problem-free life);
- (c) *Pijutingani qiniriaquqtugu* (the importance of assessing and addressing the root cause of undesirable behaviour or circumstances).

4. **Section 6 is amended**
 - (a) **in subsection (3) by striking out “ until the youth attains the age of majority”;**
 - (b) **adding the following after subsection (3):**

Extension of agreement

(4) If a person is party to an agreement referred to in subsection (1) upon reaching the age of majority, the agreement and any related agreement entered into under subsection (2.2) may be extended in accordance with subsection (3) until he or she attains the age of 26 years.

5. Subsection 7(3) is amended

- (a) **in paragraph (c) by adding “, including by exposure to or involvement in child pornography,” after “sexually exploited”;**
- (b) **in the English version of paragraph (n) by striking out “or” at the end of the paragraph;**
- (c) **in paragraph (o) by striking out the period and substituting a semi-colon;**
- (d) **by adding the following after paragraph (o):**
 - (p) the child is repeatedly exposed to family violence and the child’s parent is unwilling or unable to stop such exposure;
 - (q) the child is repeatedly exposed to pornography and the child’s parent is unwilling or unable to stop such exposure; or
 - (r) the child is in significant contact with a person who possesses child pornography and the child’s parent is unwilling or unable to prevent such contact.

6. Section 8 is amended:

- (a) **in subsection (1) by striking out “of the need of protection of a child” and substituting “or reasonable grounds to believe that a child needs protection”;**
- (b) **adding the following after subsection (1):**

Malicious report

(1.1) No person shall maliciously make a false report claiming that a child needs or may need protection.

- (c) **in subsection (5) by adding “ or (1.1)” after “subsection (1)”.**

7. Subsection 51(2) is amended:

- (a) **in the English version of paragraph (f) by striking out “and” at the end of the paragraph;**
- (b) **adding the following after paragraph (f):**
 - (f.1) respond within 60 days to recommendations made after a coroner’s inquest following a death of a child in the care of the Director or a child who was in the care of the Director within one year preceding the death; and

8. Paragraph 51(2)(f.1) is repealed and the following substituted:

- (f.1) respond within 60 days to recommendations made after a coroner's inquest or a review by the Representative for Children and Youth of a death or critical injury of a child in the care of the Director or a child who has been in the care of the Director within one year of the death or critical injury; and

9. The following is added after section 53:

Tabling of annual report

53.1. The Minister shall lay a copy of the Director's annual report before the Legislative Assembly as soon as is reasonably practicable.

COMING INTO FORCE

10. Subject to section 11 of this Act, this Act comes into force eight months after the date this Act receives assent.

11. Section 8 comes into force immediately after both this Act and paragraph 4(1)(b) of Bill 40, *Representative for Children and Youth Act*, introduced in the Third Session of the Third Legislative Assembly have come into force.