

# General Regulation

Regulation 2021-1 made under the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat*

Citation: *General Regulation*, Inuvialuit Regional Corporation, Reg. 2021-1, pursuant to the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat*, Inuvialuit Regional Corporation, 2021

## NOTICE POINTS PER S. 34

### Notice points further to s. 34 of Law

1. Further to s. 34 of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* (Notice points set by regulation), an external protection authority must contact the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat at the notice points indicated in column 1 within the time indicated in column 2:

<i>Column 1: Notice Points</i>	<i>Column 2: Time</i>
(a) the receipt of a referral or report for which the external protection authority is opening a protection investigation, or for which a protection investigation is anticipated, or that contributes to an existing protection investigation	Within 24 hours
(b) the outcome of a protection investigation	Within 7 days
(c) the proposed creation, amendment, renewal, extension or termination of an agreement or plan with a parent, caregiver, youth, or young person	Before the plan or agreement is signed or takes effect, allowing at least 7 days for response before taking further steps with the proposal

<p>(d) consideration by or awareness of the external protection authority of a potential or actual change to where the child or youth lives, including:</p> <ul style="list-style-type: none"><li>• consideration of an apprehension, or</li><li>• of a voluntary placement, or</li><li>• of a change of placement, or</li><li>• a return home</li></ul>	<p>Before any such change occurs, allowing at least 7 days for response before implementing the change, except:</p> <ul style="list-style-type: none"><li>• if a change in where the child or youth lives must occur urgently in the best interests of the child, the change may be made and notice is to occur within 24 hours; and</li><li>• if a change occurs beyond the external protection authority's control, notice is to occur within 24 hours of the external protection authority learning of the change.</li></ul>
<p>(e) a new event, a change in access, or other change in the life of the child or youth that would be reasonably considered significant from the child or youth's perspective or that is culturally significant</p>	<p>At least 7 days before the change occurs to the extent possible, and if not possible within 24 hours</p>
<p>(f) a change in the social worker assigned by the external protection authority to the child, youth or family</p>	<p>Within 7 days of the change</p>
<p>(g) consideration of a change of legal custody or of any type of adoption whether customary, private, public or otherwise</p>	<p>At least 90 days before approval by the external protection authority, or if such approval does not apply, within 7 days of the external protection authority becoming aware of it</p>
<p>(h) consideration of a file transfer to another external protection authority, or consideration of potential closure of file or end or termination of services</p>	<p>At least 90 days before, except that if file closure or end/termination of services is anticipated because of a child or youth's age, notice must occur at least 180 days before the anticipated date</p>

(i) a review or reassessment, including a review of a plan or agreement, and including a reassessment in accordance with s. 16 (3) of Canada's <i>Act respecting First Nations, Inuit and Métis children, youth and families</i>	At the start of the review or reassessment, and allowing at least 30 days for response by the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat
(i) a serious incident involving the child or youth, including confirmed or suspected abuse or maltreatment, serious criminal conduct, significant injury, self-harm, missing person or death, and including anything that requires reporting of an incident within the legislative regime governing protection services provided by the external protection authority	Within 24 hours
(j) a complaint in relation to child and family services provided in the matter, including a complaint filed by the child or youth, a parent, or other person	Within 7 days of the external protection authority receiving the complaint or becoming aware of it

### **Form, content, manner of notice**

2. Further to s. 34 of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* (Notice points set by regulation), the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat may specify content required in a notice, the manner in which notice is to be provided, and any related forms, as long as such requirements are published online on its website.

### JURISDICTIONAL GAPS, DELAYS

#### **Avoiding jurisdictional gaps, delays, denials**

3. Further to s. 58 of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* (Regulations – other), everyone applying the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* or delivering child and family services to Inuvialuit children, youth and families must avoid gaps in services or delays in services or denials of services, whether due to jurisdictional disputes or confusion as to jurisdiction or for any other reasons of jurisdiction.

## **Inuit Child First Initiative and Jordan's Principle**

4. The operation of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* and its regulations is without restriction to the Inuit Child First Initiative and the Jordan's Principle program operated by the government of Canada, and for greater certainty, Inuvialuit children and youth remain eligible for the Inuit Child First Initiative and the Jordan's Principle program as applicable.

## **Mandatory resolution process in a jurisdictional dispute etc.**

5. Further to s. 59 of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* (Regulations – decision-making and dispute resolution), the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat may require an external protection authority or any other person or entity to participate in the following dispute resolution process if the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat believes that a jurisdictional dispute, confusion as to jurisdiction, or any other issue of jurisdiction is causing, or risks causing, a gap or delay or denial of service in child and family services to an Inuvialuk child or youth:
  - a. The Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat may require attendance at meetings, providing at least 24 hours notice.
  - b. The Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat may appoint a mediator to assist the parties in achieving a resolution, and may require attendance at mediation sessions, providing at least 24 hours notice.
  - c. Participation in a meeting or mediation session may occur in person, by phone, online or by other means permitted by the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat.
  - d. The Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat may use its powers under Part 6 of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* (Information) in order to access any information relevant to the matter or to its potential resolution.
  - e. This process is without limitation to s. 4 of this Regulation above (Inuit Child First Initiative and Jordan's Principle).
  - f. This process does not restrict anyone in the ability to seek a resolution to the matter in a court or tribunal or before another decision-making body, subject to the requirement to participate in the process under

this section in accordance with the timelines established and in good faith.

## IDENTIFYING INUVIALUIT CHILDREN & YOUTH

### **Minimum steps required to identify Inuvialuit children and youth**

6. Further to s. 31 of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* (Identifying Inuvialuit children, youth), an external protection authority must take the following steps at a minimum in order to identify Inuvialuit children and youth from among its clients:
  - a. Review available records about the child or youth for indicators of the child or youth's possible Inuvialuit identity or other Indigenous identity;
  - b. Discuss possible Indigenous identity with the child or youth's parents, and, to the extent possible in accordance with the child or youth's capacity, with the child or youth;
  - c. If (a) and (b) have not identified the child's heritage on both sides of their family, or if it was impossible to complete those steps in the circumstances, the following steps must also be taken:
    - i. review available records about family members of the child or youth for indicators of the child or youth's possible Inuvialuit identity or other Indigenous identity;
    - ii. discuss possible Indigenous identity of the child or youth with:
      1. the child or youth's extended family members known to the external protection authority;
      2. the child or youth's current and former caregivers known to the external protection authority;
      3. the federal departments of Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada; and
      4. one or more Indigenous organizations, as appropriate to the region.

7. In exploring a child or youth's possible Indigenous identity, an external protection authority must explore both sides of the child's family and must take into account that a child or youth may have more than one Indigenous identity.
8. A child or youth identified as Inuvialuk or possibly Inuvialuk within the meaning of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* must be treated as Inuvialuk for all purposes under the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* unless the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat or Inuvialuit Regional Corporation confirms in writing the child or youth is not Inuvialuk.
9. If a child or youth is identified as Inuit or possibly Inuit without further confirmation of the child's Inuit nation or region, the external protection authority must contact the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat to discuss the child or youth's identity and seek further information.

## OTHER

### Computation of time

10. In a reference to a period of time within the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* or its regulations, including this Regulation, or within instruments made under them, computation of time shall occur as described in sections 26 to 30 of the *Interpretation Act*, RSC, 1985, c I-21, except that:
  - a. weekends are counted in the computation of time and do not count as a "holiday";
  - b. the days that count as a "holiday" are the holidays under the *Employment Standards Act*, SNWT 2007, c 13, as amended or replaced; and
  - c. In replacement of s. 29 of the *Interpretation Act*, where there is a reference to time expressed as a specified time of the day, the time is taken to mean Mountain Standard Time.

### Definitions

11. The definitions provided in the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* apply to regulations made under it, and to instruments made under either, unless otherwise provided in the regulation or instrument.

**Coming into force – notices**

12. Sections 1-2 of this Regulation (Notices) come into force on the day s. 34 of the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* (Notice points set by regulation) comes into force.

**Coming into force – this Regulation otherwise**

13. The remaining provisions of this Regulation come into force on a day or days to be named by the Chair of the board of Inuvialuit Regional Corporation.

**Coming into force – other regulations**

14. Every other regulation made under the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* comes into force on a day or days to named by the Chair of the board of Inuvialuit Regional Corporation, unless otherwise specified in the regulation.
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