

Custom Adoption Regulation

Regulation 2021-3 made under the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat*

Citation: *Custom Adoption Regulation*, Inuvialuit Regional Corporation, Reg. 2021-3, pursuant to the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat*, Inuvialuit Regional Corporation, 2021

GENERAL

Purpose

1. The purposes of this Regulation are:
 - a. to promote consideration of the best interests of Inuvialuit children and youth within the course of Inuvialuit custom adoption and within systems for recognition of such adoptions;
 - b. to enhance the information available to a commissioner charged with the recognition of an Inuvialuit custom adoption in their consideration of whether the adoption fits within Inuvialuit customary law;
 - c. to promote the best interests of Inuvialuit children who are subject to child protection involvement by ensuring a full range of options is available for consideration in their best interests, including the possibility of Inuvialuit custom adoption; and
 - d. in the best interests of Inuvialuit children and youth, to promote respect for Inuvialuit culture and customs within any adoption, including adoptions formalized outside Inuvialuit custom adoption.

Definition: commissioner

2. In this Regulation, “commissioner” means:
 - a. a commissioner appointed under s. 6 of the *Aboriginal Custom Adoption Recognition Act*, SNWT 1994, c 26; or
 - b. a person appointed or authorized under a provincial or territorial law of another jurisdiction that empowers the person to recognize an Indigenous custom adoption.

ELIGIBILITY FOR INUVIALUIT CUSTOM ADOPTION

Eligibility for Inuvialuit custom adoption

3. In interpreting Inuvialuit custom adoption, despite anything in the *Aboriginal Custom Adoption Recognition Act*, SNWT 1994, c 26 or other provincial or territorial legislation, and their related regulations or policies:
 - a. a child or youth who has one Inuvialuk natural parent and one non-Inuvialuk natural parent may be considered eligible for Inuvialuit custom adoption; and
 - b. a child or youth who is born outside the Northwest Territories or who resides outside the Northwest Territories may be considered eligible for Inuvialuit custom adoption.

Commissioner's authority includes cases described in s. 3

4. To the extent territorial or provincial law does not provide a commissioner with authority to recognize an adoption described in s. 3, this Regulation provides the commissioner with that authority.

ROLE OF THE INUVIALUIT QITUNRARIIT INUUNIARNIKKUN MALIGAKSAT

Entity available for contact

5. The Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat is to make itself available to be contacted in relation to adoption or potential adoption of Inuvialuit, including contact by anyone who is:
 - a. a natural parent of an Inuvialuk child or is expecting an Inuvialuk child, and is considering adoption for the child;
 - b. an adoptive parent of an Inuvialuk child, or is planning to become an adoptive parent of an Inuvialuk child;
 - c. an Inuvialuk who was adopted;
 - d. involved with an adoption through kinship;
 - e. a commissioner;

- f. an adoption agency; or
- g. an external protection authority.

Entity may respond, participate etc.

- 6. The Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat may, in relation to adoption of an Inuvialuk child or youth:
 - a. respond to a notice from a commissioner made under s. 8;
 - b. seek information, including from Inuvialuit Regional Corporation or an Inuvialuit community corporation;
 - c. provide information to:
 - i. one or more parties to an adoption or proposed adoption;
 - ii. an adult person who was adopted;
 - iii. a commissioner; or
 - iv. another relevant person or entity in relation to an adoption, where providing the information would be consistent with this Regulation and the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat*, or with Inuvialuit customary law, or is required by another applicable law;
 - d. provide input, express opinions and participate in meetings;
 - e. if there are legal proceedings, participate and take a position in those proceedings; and
 - f. take other actions consistent with this Regulation, the *Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat* and Inuvialuit customary law.

Objectives of Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat's participation

- 7. In carrying out the functions of s. 6, the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat is to pursue one or more of the purposes of this Regulation set out in s. 1.

DUTIES OF COMMISSIONERS

Commissioner must communicate

8. A commissioner who receives a request to recognize a custom adoption of an Inuvialuk child or youth must:
 - a. notify the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat;
 - b. provide the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat with all information available about the proposed custom adoption, including personal information; and
 - c. allow at least 30 days for the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat to respond before completing a certificate to recognize the adoption.

Commissioner must consider input of the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat

9. In determining whether they are satisfied that an adoption of an Inuvialuk is in accordance with Inuvialuit customary law, having regard to ss. 3(4)(b) of the *Aboriginal Custom Adoption Recognition Act*, SNWT 1994, c 26 or the legislation of the applicable jurisdiction, a commissioner must take into account any information and opinions expressed to the commissioner by the Inuvialuit Qitunrariit Inuuniarnikkun Maligaksat.

APPEAL

Appeal to Enrolment Committee

10. A person with a significant interest in an Inuvialuit custom adoption may bring an appeal to the Inuvialuit Enrolment Committee:
 - a. of a certificate issued by a commissioner; or
 - b. in an Inuvialuit custom adoption that was not recognized by a commissioner, to seek to resolve a dispute related to recognition of the adoption or alleged adoption.

Appeal - various

11. In an appeal under s. 10:
 - a. "Inuvialuit Enrolment Committee" means the committee of that name described in Inuvialuit Regional Corporation's By-law No. 2, *Enrolment By-law*, as amended or replaced from time to time;
 - b. The Inuvialuit Enrolment Committee determines the process for the appeal;
 - c. The Inuvialuit Enrolment Committee has the power to set aside a certificate issued by a commissioner that recognized an Inuvialuit custom adoption; and
 - d. The decision of the Inuvialuit Enrolment Committee is final and binding.

Appeal must be exhausted before pursuing other remedies

12. No judicial review or other court application may be brought with respect to an Inuvialuit custom adoption until the right to appeal under s. 10 has been exhausted.
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