

# FAMILY ABUSE INTERVENTION ACT - FAIA

Presented by:

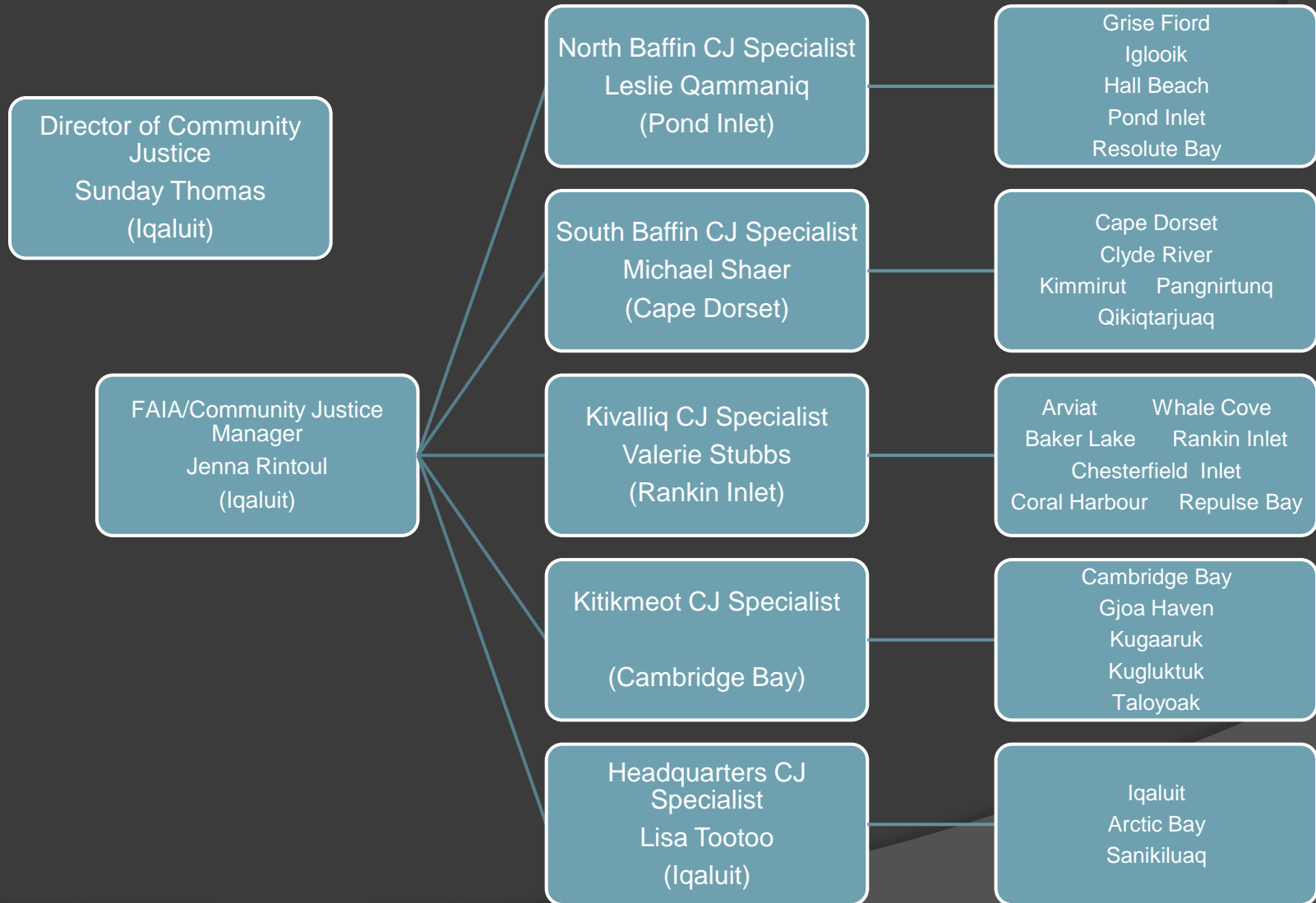
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# Community Justice

## Areas of Responsibility

- ⦿ Crime Prevention
- ⦿ Justice Committees & CJOWs
  - Diversions
- ⦿ Victim Programs
  - Victim Assistance Fund
  - Nunavut Victims Travel Support Program
- ⦿ Family Abuse Intervention Act (FAIA)
- ⦿ Family Mediation

# Organizational Chart



# IQ and Tamapta

- Traditional Inuit Values and the principles of Restorative Justice guide us in our work.
- As stated in *Tamapta 2009-2013*, our Government is committed to *helping those at risk in our communities and addressing social concerns at their roots.*

# Inuuqatigiitsiarniq 2006

- Discussion about violence against women
- Not the victims fault
- Solution to violence does not come from the outside, but exists within (CIO)
- Family informed and included; counselling provided to the abuser/ Inuit traditional counselling (CIO)
- Family Home made safe; abuser removed from the home (EPO)

# Family Abuse Intervention Act (FAIA)

- Civil Act that provides emergency protection and assistance (intervention)
- Family Abuse is defined very broadly...  
*Includes emotional and mental abuse, financial and Elder abuse*

Spirit and intent of FAIA is to prevent abuse and decrease the escalation of abuse

# Community Implementation

- FAIA came into force March 2008
- Early emphasis on Emergency Protection Orders (EPO)
- Community Intervention Order

*The real spirit behind FAIA*

# Emergency Protection Orders (EPO)

## Test for an EPO:

- ✓ Family Abuse has occurred
- ✓ Reasonable likelihood that it will continue
- ✓ By reason of seriousness or urgency it is necessary for the applicant to receive immediate protection.

*EPO hearings are generally ex-parte*



# EPO Provisions

(a) restraining the respondent from communicating or contacting the applicant and/or others (Determine who is to be included)

*\*Note: This provision is a calming period and can only be for **up to 72 hours**.*

(b) restraining the respondent from engaging in any conduct that is threatening, annoying, or harassing to the applicant and/or others (can last as long as the order)

(c) restraining the respondent from attending or entering a specific location (can last as long as the order)

(d) restraining the respondent from follow the applicant and/or other from place to place (can last as long as the order)

(e) provision dealing with granting of personal possession of(not to exceed 90 days)

(f) provision to have the RCMP accompany the respondent or any specified person to supervise the removal of necessary personal belongings

# Continuation of Provisions

- (g) provision prohibiting either the applicant or respondent to take, convert or damage property (can last as long as the order)
- (h) provision granting the applicant temporary custody of the children (can be for up to 90 days)
- (i) provision recommending that the parties attend family counseling
- (j) provision recommending that the children attend counseling
- (k) provision recommending that the respondent attend counseling
- (l) any other provision that the applicant would like the JP to consider.

# Duration of the Order

- Legislation allows EPOs to last up to 1 year.
- Generally, they are only being granted for 90 days unless specific circumstances compel a JP to grant an EPO for a longer term.

# Community Intervention Order

- Assist individuals affected by family abuse where no urgent or immediate safety issue is present
- CIO applications are handled by the CJOW during business working hours
- Series of planning sessions to determine: type of abuse, impact of abuse, possible solutions and available resources

## Con't of CIO

- Applicant and Respondent outline who may provide traditional counselling, when, where and for how long
- Both must be willing participants
- Form 1 & 5 are then submitted to FAIA JP and a hearing is held to determine if a CIO is necessary
- Traditional counsellors are compensated by Community Justice (\$150 per session up to 10 sessions)