

Inuit custom adoption puts children at risk in today's world, says Nunavut MLA

Cathy Towtongie calls for changes to practice, government plans to update custom adoption act by 2021

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"I would think that criminal record checks in terms of Inuit custom adoptions, in order to protect the child, could be used," said Rankin Inlet North-Chesterfield Inlet MLA Cathy Towtongie. (Nick Murray/CBC)

Cathy Towtongie is calling for changes to Inuit custom adoptions, saying the traditional practice is putting children at risk in today's modern world.

The Rankin Inlet North-Chesterfield Inlet MLA spoke up in Nunavut's legislature on Thursday, saying the practice needs to have basic criminal background checks, at minimum.

"I would think that criminal record checks in terms of Inuit custom adoptions, in order to protect the child, could be used," she said.

Custom adoptions are rooted in Inuit history, and the topic of changing the practice has often been a touchy subject. Traditionally, Towtongie said, a group of elders would oversee the adoption and sign off on it, and often handle screening the new family.

The respective matriarchs or patriarchs of the families giving and receiving the child, would also often have substantial weight in the final decision.

Of course nobody wants to be interviewed in a Inuit custom adoption. But for the protection of the child, we need some checks and balances today-*Cathy Towtongie, MLA Rankin Inlet North-Chesterfield Inlet*

Recent court cases addressing custom adoptions have also highlighted changes in the dynamics of the practice. Where in the past custom adoptions were usually for the benefit of the adoptive parents, they now more often are for the benefit of the biological parents, who are unable or unwilling to care for the child.

Towtongie's concerns are based largely on revelations that arose from the National Inquiry into Missing and Murdered Indigenous Women and Girls [hearings held in Rankin Inlet](#) in February.

There, one of Towtongie's constituents shared a story from years ago about being given to a family. One of the child's new parents had a history of committing sex crimes, Towtongie said.

"Child sexual abuse is a hidden secret," Towtongie said, adding Nunavut's rate of child sexual abuse is 155 per cent higher than the national average according to numbers provided by the RCMP.

"Of course nobody wants to be interviewed in a Inuit custom adoption. But for the protection of the child, we need some checks and balances today."



Interim Family Services Minister Joe Savikataaq says paperwork shouldn't hinder custom adoptions. The minister is responsible for appointing commissioners who receive custom adoption applications. (Ashley Burke/CBC)

Interim Family Services Minister Joe Savikataaq responded saying the welfare of children is of the utmost importance.

"But we also want to make sure we don't hinder custom adoptions. We don't want to make it so much paperwork so that the custom adoption doesn't work how it's supposed to," Savikataaq added.

Role of custom adoption commissioners

Nunavut has a system in place whereby specially-appointed commissioners can receive custom adoption applications and determine whether a custom adoption has occurred in accordance with Inuit custom.

They're appointed by the Minister of Family Services, and are recognized as having knowledge and understanding of Indigenous customary law in the community or region in which they reside. Commissioners, however, operate at arm's-length from the government and its legislation.

Nunavut has an Aboriginal Custom Adoption Recognition Act, but it doesn't hold any authority in terms of what steps must be taken during a custom adoption.

The act primarily gives commissioners the authority to take custom adoption applications, and register adoptions with the Nunavut Court of Justice, thereby making them technically "legal". This allows the child to obtain a birth certificate with their custom adopted surname.

The act also affirms the Inuit right to practice custom adoption.

But neither the commissioners, nor the courts, have the power to decide whether the custom adoption should proceed or not — only the two families involved can. Hence, as Towtongie argues, there exists the potential that a baby may go to a family without any vetting process.

Keeping government at arm's-length from Inuit tradition

Last year, 135 custom adoption applications went through the commissioners. But the Nunavut government doesn't know the true number of custom adoptions, because not every one goes before the commissioners.

A [2011 report](#) by the Auditor General of Canada found there was an average of 6.5 years between when a custom adoption occurred, and when the adoption was registered with commissioners and, subsequently, the government.

"There are a number of challenges relating to the administration of the act," said deputy minister of Family Service Yvonne Neigo.

In our history, it was always in the best interest of the child, and also in the best interest of the family.-*Cathy Towtongie, MLA Rankin Inlet North-Chesterfield Inlet*

She said some of those challenges include obtaining consent from all parties involved in a custom adoption, determining suitability of the adoptive parents, and ensuring the best interests of the child.

Neigo said the issue is such a touchy topic because it's not the role of a public government to determine exactly what constitutes a customary adoption. A review of the act wouldn't seek to change the intent of Inuit customs and traditions, but would address issues raised around the practice, she said.

The government said its review of the act would involve substantial consultation with Inuit organizations. The goal to implement the updated act by 2021.

'We have to take charge of controlling the change'

Towtongie, a former Nunavut Tunngavik Incorporated president, has been one of the loudest voices on behalf of elders in the House so far.

Asked what elders would say to her calls for change, Towtongie said they would be on board.

"A lot of elders have gone through traumatic change. And that change, if we want to control it, we have to take charge of controlling the change," Towtongie said.

"And in doing so, we have to make some changes to custom adoption and how best it would be in the best interest of the child. Because in our history, it was always in the best interest of the child, and also in the best interest of the family."