



Government of the Northwest Territories Response to Committee Report 27-20(1): Report on Bill 23: An Act to Amend the Children's Law Act & Bill 24: *An Act to Amend the Family Law Act*

Background

Family law in Canada is an area of shared responsibility between the federal, provincial and territorial governments. In 2021, Canada introduced major changes to the *Divorce Act*. Bills 23 and 24 were proposed to amend the territorial *Children's Law Act* and *Family Law Act* respectively to align with federal changes. This was necessary to ensure consistency between divorcing people subject to federal law, and others subject to territorial law.

The bills were reviewed by SCOSD, which held a public meeting on the bills and solicited written submissions from relevant organizations. SCOSD's report summarizing their review was tabled in the Legislative Assembly on October 23, 2025. Bills 23 and 24 received assent on October 31, 2025. The concluding Report included 10 recommendations for the GNWT.

The following is the GNWT Response to the recommendations contained in *Committee Report 27-20(1): Report on Bill 23: An Act to Amend the Children's Law Act & Bill 24: An Act to Amend the Family Law Act*.

Recommendation 1:

The Standing Committee on Social Development recommends the Government of the Northwest Territories conduct a jurisdictional review of the definition for "commencement dates" within family law legislation in Canada and propose new language and amendments within the Family Law Act to clarify the definition.

GNWT Response:

The GNWT appreciates the potential change in the meaning of 'commencement date' in light of *Robertson v Robertson*, [2025 NWTSC 46 \(CanLII\)](#), however the GNWT believes current definitions are sufficient for Courts to make determinations. The original amendments did not intend to alter the definition and now that they have received Assent, there are no plans to seek further amendment. The GNWT also notes that the definition of 'commencement date' in the *Family Law Act* is Part-specific to that legislation only.

Recommendation 2:

The Standing Committee on Social Development recommends the Government of the Northwest Territories conduct research to develop a clear process in addressing a person's negative equity and subsequently propose related amendments to the Family Law Act or its Regulations.

GNWT Response:

The GNWT welcomes suggestions like 'zeroing' negative equity and believes there is more that can be done to address financial inequities and abuses in the family law system. However, this recommendation falls outside the scope of the original amendment project, and now that amendments have received Assent, there are no plans for further amendments to this legislation for the remainder of the 20th Legislative Assembly.

Recommendation 3:

The Standing Committee on Social Development recommends the Government of the Northwest Territories study and evaluate strategies to address "hybrid" parenting agreements and solutions for permitting "joinder" of child support obligations within the Northwest Territories' Children's Law Act's Regulations and present amendments to its Regulations.

GNWT Response:

Recognizing the potential for 'hybrid' parenting arrangements, the GNWT believes the authority to address hybrid parenting agreements rests with the Court as a matter of ability to control its own processes. The *Children's Law Act* regulations do not currently prevent 'joinder' of child support obligations.

Recommendation 4:

The Standing Committee on Social Development recommends the Government of the Northwest Territories conduct research to determine how the United Nations Convention on the Rights of the Child can be incorporated into the Northwest Territories' Children's Law Act or Family Law Act, and present amendments to these Acts.

GNWT Response:

The GNWT appreciates the importance of international conventions in the family law system in Canada. The 2021 amendments to the *Divorce Act* (Canada) were designed with explicit similarities to the *United Nations Convention on the Rights of the Child* (UNCRC), recognizing and codifying Canadian courts' reliance on it.¹ The *Children's Law Act* and *Family Law Act* amendment projects were based on aligning territorial legislation with the *Divorce Act*, and also captures principles and language of the UNCRC.

¹ Canada, Department of Justice, *The Divorce Act Changes Explained*, 21 November 2024, p 90
<https://www.justice.gc.ca/eng/fl-df/cfl-mdf/dace-clde/dace.pdf>.

Recommendation 5:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review the Child and Family Services Act's provisions on restrictions to family court files and access to information, and propose amendments to the Child and Family Services Act to ensure restrictions on accessing court files does not impede a child's best interests.

GNWT Response:

A proposed amending Bill for the *Child and Family Services Act* is being drafted based on the federal *Act Respecting First Nations, Inuit, and Métis Children, Youth and Families*. Changes will include expanding the information sharing framework set out in the Act to provide greater flexibility and will support Indigenous self-determination in child and family services.

The GNWT welcomes Committee's attention to the sensitive nature of family court file access and understands deeply the privacy risks and considerations that must be accounted for. Restrictions on access to court file information in the *Children's Law Act* amendments were enhanced during the engagement phase after protections initially drafted were heard to be insufficient. The GNWT is unable to commit to further review and amendment projects beyond those that are planned for the remaining life of the 20th Legislative Assembly.

Recommendation 6:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review the eligibility requirements in accessing the Child Support Recalculation Service and amend the Regulations to broaden the eligibility requirements so the Service is accessible to more families in the Northwest Territories.

GNWT Response:

The GNWT accepts this recommendation and looks forward to further engagement as a separate project from the current amendments during the 21st Legislative Assembly to craft more appropriate *Child Support Recalculation Service Regulations* for all Northwest Territories residents.

Recommendation 7:

The Standing Committee on Social Development recommends the Government of the Northwest Territories work with Child and Family Services and explore partnerships with other qualified individuals or community organizations to develop and implement strategies that make supervised access more accessible, safer, and aligned with a child's best interests, particularly for families in small communities.

GNWT Response:

Under subsection 36(1) of Bill 23: *An Act to Amend the Children's Law Act* (which is not yet in force), a court may give such directions as it considers appropriate for the supervision by a person of decision-making responsibility, parenting time or contact under a parenting order

or contact order. Under subsection 36(2), a court shall not direct a person, including the Director of Child and Family Services, to supervise the exercise of decision-making responsibility, parenting time or contact under subsection (1) unless the person or the Director of Child and Family Services has consented to act as supervisor.

The GNWT understands the benefits that services like supervised access can provide for families experiencing separation and divorce. From Child and Family Services' perspective, the best interest of the child is paramount. Under the Child and Family Services Standards and Procedures Manual-Health and Social Services, in cases of child protection and where a child is supported by social services, the Child Protection Worker will develop an Access Plan within the first two weeks of a child being placed in care. This is by way of a plan of care agreement, temporary custody order or permanent custody order. This involves facilitation and supervision of all visits during the first two weeks of a child entering care and documented visit details via the Supervised Visit Observation form. If supervised access continues to be required, visits continue to be documented using the Supervised Visit Observation form. The least intrusive and most supportive visit supervisor is identified i.e.: a family member or significant person in the child's life, a foster parent, group home/treatment facility staff, family preservation worker, case aid or another Child Protection Worker.

At this time, most cases of supervised access are conducted by case aides and family support workers (when access is in the best interest of the child). Training for case aides and family support workers to 'deliver' supervised access is provided 'in-house' to ensure clear understanding of roles and responsibilities and documentation of the supervised access. The fact that child/parent visits need to be supervised may not necessarily necessitate CFS involvement. Often, issues that arise in Family Court are addressed outside of the CFS system.

Constraints related to fiscal sustainability and human resource retention mean it is currently not a GNWT priority to expand this service through alternate providers at this time.

Recommendation 8:

The Standing Committee on Social Development recommends the Government of the Northwest Territories develop and implement communication strategies to ensure families outside the family court system are informed of the Government of the Northwest Territories' Family Mediation Program and its benefits.

GNWT Response:

The GNWT recognizes and accepts that the Family Law Mediation program should be communicated more broadly to Northwest Territories residents. This critical free service supports objectives of the GNWT like improving access to justice, and promoting alternatives to court, and the Department of Justice will endeavor to achieve broader knowledge of its many benefits.

Recommendation 9:

The Standing Committee on Social Development recommends the Government of the Northwest Territories review the Child and Family Services Act and other related legislation to change terminology around “custody” and “access” as presented in the 2021 changes to the Divorce Act and in Bill 23: An Act to Amend the Children’s Law Act.

GNWT Response:

The drafting process will include reviewing relevant GNWT statutes to address any conflicts or inconsistencies in terminology, as well as incorporating the best interests of the child, and advanced information sharing protections that align with the current *Children’s Law Act* and *Family Law Act* amendment project. Further substantial amendments to other legislation are not planned for the remaining life of the 20th Legislative Assembly.

Recommendation 10:

The Standing Committee on Social Development recommends the Government of the Northwest Territories provide a response to this report within 120 days.

GNWT Response:

The GNWT is pleased to provide this response to the Standing Committee on Social Development.