

**CONSOLIDATION OF ABORIGINAL CUSTOM
ADOPTION RECOGNITION ACT**

S.N.W.T. 1994,c.26

In force September 30, 1995: SI-009-95

(Current to: May 2, 2011)

The following provisions have been deleted for the purposes of this consolidation:
s.8 (Consequential Amendments)

AS AMENDED BY NORTHWEST TERRITORIES STATUTES:

S.N.W.T. 1998,c.17

AS AMENDED BY NUNAVUT STATUTES:

S.Nu. 2010,c.4,s.1

s.1 in force March 23, 2010

S.Nu. 2011,c.6,s.1

s.1 in force February 25, 2011

S.Nu. 2011,c.11,s.1

s.1 in force March 10, 2011

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the Revised Statutes of the Northwest Territories, 1988.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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ABORIGINAL CUSTOM ADOPTION RECOGNITION ACT

Whereas aboriginal customary law in Nunavut includes law respecting adoptions;

And desiring, without changing aboriginal customary law respecting adoptions, to set out a simple procedure by which a custom adoption may be respected and recognized and a certificate recognizing the adoption will be issued having the effect of an order of a court of competent jurisdiction in Nunavut so that birth registrations can be appropriately altered in Nunavut and other jurisdictions in Canada;

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:
S.Nu. 2011,c.6,s.1.

"Registrar General" defined

1. In this Act, "Registrar General" means the Registrar General of Vital Statistics appointed under the *Vital Statistics Act*.

Application for certificate

2. (1) A person who has adopted a child in accordance with aboriginal customary law may apply to a custom adoption commissioner for a certificate recognizing the adoption.

Information required

(2) A person applying for a certificate must provide the following information to the custom adoption commissioner:

- (a) with respect to the child, the name given at birth and the current name, date of birth and of adoption, place of birth, sex and the names of the mother and father, so far as is known;
- (b) a statement by the adoptive parents and any other person who is, under aboriginal customary law, interested in the adoption that the child was adopted in accordance with aboriginal customary law.

Application where now adult

(3) An application may be made under subsection (1) before or after the child attains 19 years of age.

Duties on receipt of information

3. (1) On receipt of the information provided under subsection 2(2) and a certified copy of the registration of the birth, the custom adoption commissioner shall determine whether the information is complete and in order.

Where information complete

(2) Where the custom adoption commissioner determines that the information is complete and in order, he or she shall

- (a) prepare a certificate, in the prescribed form, recognizing the custom adoption and recording any change made to the adopted child's name; and
- (b) file the certificate in the Nunavut Court of Justice.

Identification on certificate

(3) A certificate must identify the child by reference to his or her given names before the adoption and the number given to the registration of the child's birth.

Where information not complete or commissioner not satisfied on facts

(4) The custom adoption commissioner shall decline to issue a certificate where the custom adoption commissioner

- (a) is of the opinion that the required information has not been provided or is not complete; or
 - (b) is not satisfied that the child was adopted in accordance with aboriginal customary law.
- S.Nu. 2010,c.4,s.1.

Deemed order of Nunavut Court of Justice

4. A certificate filed in the Nunavut Court of Justice under paragraph 3(2)(b) shall, for all purposes, be deemed to be an order of the Nunavut Court of Justice.

S.Nu. 2010,c.4,s.1.

Duties of Clerk respecting certificate

5. (1) Where a certificate is filed under paragraph 3(2)(b), the Clerk of the Nunavut Court of Justice shall cause a sufficient number of certified copies of the certificate to be made and shall transmit

- (a) one certified copy or, where the adopted child was born outside Nunavut, two certified copies of the certificate to the Registrar General, together with such other information as the Registrar General requires to enable him or her to carry out the requirements of the *Vital Statistics Act*; and
- (b) one certified copy to the Registrar of the Adoption Registry appointed under the *Adoption Act*.

Certificate not to be put in sealed packet

(2) A certificate filed under paragraph 3(2)(b) shall not be put in a sealed packet.

S.N.W.T. 1998,c.17,s.1; S.Nu. 2010,c.4,s.1.

Appointment of adoption commissioners

6. The Minister may appoint as custom adoption commissioners, one or more persons who, in the opinion of the Minister, have a knowledge and understanding of aboriginal customary law in the community or region in which they reside.

Regulations

7. The Commissioner in Executive Council may make regulations
- (a) respecting the provision of, or application for, a certified copy of a birth registration, waiving any fee set under the *Vital Statistics Act* for a certified copy of a birth registration and prescribing the form of application that may be submitted to the Registrar General for a certified copy of a birth registration;
 - (b) prescribing the form of the certificate referred to in paragraph 3(2)(a); and
 - (c) respecting any matter the Commissioner in Executive Council considers necessary for carrying out the purposes of this Act.

Note

**The following provisions have been deleted for the purposes of this consolidation:
s.8 (Consequential Amendments)**

COMMENCEMENT

Coming into force

9. **This Act comes into force on a day to be fixed by order of the Commissioner.**