

Bill 2

BILL 2

2002

CHILD AND FAMILY SERVICES AUTHORITIES AMENDMENT ACT, 2002

(Assented to , 2002)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cC-11

**1 The *Child and Family Services Authorities Act* is amended
by this Act.**

2 The preamble is amended

(a) in the 4th recital by striking out “and through the
enhancement of prevention and early intervention
programs and services”;

(b) by adding the following after the 4th recital:

WHEREAS Alberta recognizes the need for the enhancement
of prevention and early intervention programs and services;

**(c) by striking out “and” at the end of the penultimate
recital, adding “and” at the end of the last recital and
adding the following at the end:**

WHEREAS statutory programs and services to children,
families and other members of the community are best
provided in a manner that acknowledges responsibility to the
community and accountability to the Government of Alberta
through the responsible Minister;

3 Section 1 is amended

(a) by repealing clause (a);

(b) in clause (b) by striking out “established under section 3” **and substituting** “continued by or established under this Act”;

(c) by adding the following after clause (b):

(b.1) “board” means the board of members of an Authority provided for in section 3;

(d) by repealing clause (c) and substituting the following:

(c) “child and family services” means the programs and services prescribed by the regulations;

4 The following is added after section 2:

Child and Family Services Authorities

2.1(1) Each region is to be administered by a Child and Family Services Authority.

(2) Each Child and Family Services Authority established under this Act before the commencement of this subsection is continued, with its composition altered to that set out in subsection (3).

(3) An Authority is a corporation consisting of its board members, the board chair, the chief executive officer and employees of the Government whose services are assigned to the Authority.

(4) An Authority is to have a chief executive officer, who is to be appointed by the Minister on the board’s recommendation.

5 Section 3 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Board of members

3(1) The business and affairs of an Authority are to be governed by its board of members.

(2) A board is to consist of not more than 11 individuals appointed as board members by the Minister from among nominations submitted to the Minister in accordance with the regulations.

(b) **in subsections (3) and (4) by striking out** “members to an Authority” **and substituting** “board members”;

(c) **in subsection (4)(a) by adding** “board” **after** “among”;

(d) **by repealing subsection (5) and substituting the following:**

(5) A member of a board must be resident in the region governed by that board.

(e) **in subsection (6)**

(i) **by striking out** “Authority that administers” **and substituting** “board that governs”;

(ii) **by adding** “, and a person who resides on a reserve within the meaning of the *Indian Act* (Canada) that is contiguous to a region may be a member of that region’s board” **after** “Lloydminster is located”;

(f) **by repealing subsection (7) and substituting the following:**

(7) An individual may not be appointed as a board member for any term that could result in that individual’s holding office as a board member for a continuous period exceeding 7 years.

(7.1) Notwithstanding subsection (7), the Minister may extend a term beyond the 7-year maximum set by that subsection.

(g) **in subsection (8) by striking out** “member of an Authority” **and substituting** “board member”;

(h) **by repealing subsection (9) and substituting the following:**

(9) The chair of a board is to be appointed by the Minister from among the board members.

(i) in subsection (10)

- (i) by striking out “members of an Authority” and substituting “board members”;**
- (ii) by striking out “by members” and substituting “by them”.**

6 Section 4(1) is repealed and the following is substituted:

Powers of Authority, and restrictions on powers

4(1) Subject to this Act and the regulations, an Authority has the rights, powers and privileges of a natural person.

7 Section 5 is amended

- (a) by striking out “an Authority” wherever it occurs and substituting “a board”;**
- (b) in subsection (1) by striking out “the Authority” and substituting “the board”.**

8 Section 6 is amended by adding “under the Minister’s direction” after “Alberta”.

9 Section 7 is repealed and the following is substituted:

Governance directions and expectations

7(1) Without limiting section 10, the Minister may give a board written directions and expectations as to how it is to perform its governance functions under this Act.

(2) A board shall comply with directions and shall meet expectations given to it by the Minister.

10 Section 8 is amended by striking out all the words preceding clause (a) and substituting the following:

Minister’s responsibilities

8 The Minister is responsible for the following:

11 Section 9(1) is amended by striking out all the words preceding clause (a) and substituting the following:

Duties and responsibilities of Authority

9(1) Subject to this Act, the regulations and any directions given under this Act, an Authority is responsible for the provision on the Minister's behalf of child and family services in its region, including the following:

12 Section 10 is amended by striking out "and any other member of Executive Council who is a party to an agreement".

13 Section 11 is amended by striking out "or any other member of Executive Council who is a party to an agreement considers that it is in the public interest to do so, the Minister or the member, as the case may be," **and substituting** "considers that it is in the public interest to do so, the Minister".

14 Section 15 is amended by striking out "an Authority must be open to the public unless the Authority" **and substituting** "a board must be open to the public unless that board".

15 Section 16(2) is amended by striking out "the purpose of ensuring compliance with this Act and the regulations" **and substituting** "any purpose respecting the provision of child and family services".

16 Section 18 is amended

(a) in subsection (1)

- (i) by striking out** "of an Authority" **and substituting** "of a board";
- (ii) by striking out** "Authority's" **and substituting** "board's";
- (iii) by striking out** "the Authority" **wherever it occurs and substituting** "the board";
- (iv) by striking out** "or under an agreement,";

(b) in subsections (2)(a) and (3) by striking out “Authority” and substituting “board”.

17 Section 19 is amended by striking out “member of an Authority” and substituting “board member”.

18 Section 20 is amended

(a) in subsection (1)(b) and (c) by striking out “members of an Authority” and substituting “board members”;

(b) in subsection (2) by adding the following after clause (d):

(e) respecting the functions, powers and duties of

(i) the board chair, and

(ii) the chief executive officer of an Authority;

(f) respecting the confidentiality of information possessed by a board;

(g) respecting conflict of interest matters affecting board members.

19 Section 21 is repealed.

20 The following is added before section 22:

Transitional provisions

21.1(1) In this section, “commencement” means the commencement of section 5 of the *Child and Family Services Authorities Amendment Act, 2002*.

(2) Individuals who held office as members of an Authority immediately before commencement continue to hold office as members of the board of that Authority until their terms of office expire.

(3) The limitation by section 3(2) to an 11-member board does not require the termination of any appointments to board membership made before commencement, and accordingly

boards may consist of more than 11 board members provided that no new appointments are made until their membership is reduced to a number not exceeding 11 in the normal course of events.

(4) For the purposes of section 3(7), any period that constituted a term or part of a term of office as a member of the Authority before commencement is to be treated as a period of holding office as a member of the board.

21(1) The *Child Welfare Act* is amended in section 1(1)(e) by adding “continued or” before “established”.

(2) The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by adding “board” after “Child and Family Services Authority”.

Explanatory Notes

1 Amends chapter C-11 of the Revised Statutes of Alberta 2000.

2 The preamble presently reads:

WHEREAS the safety, security and well-being of children and families is a paramount concern of the Government of Alberta;

WHEREAS parents, families, extended families and communities have a right and a responsibility to care for their children;

WHEREAS Alberta recognizes and values the ability of communities to support and respond to the needs of children, families and other members of the community;

WHEREAS the safety, security and well-being of children, families and other members of the community is best achieved through an integrated response to social problems and through the enhancement of prevention and early intervention programs and services;

WHEREAS in developing and providing programs and services for children, families and other members of the community, the diversity of culture in Alberta must be acknowledged and respected;

WHEREAS the development and provision of programs and services to First Nations, Metis and other aboriginal peoples must reflect their values, beliefs and customs in a respectful and collaborative manner; and

WHEREAS the Government of Alberta has an ongoing responsibility to ensure and oversee the provision of statutory programs and services to children, families and other members of the community;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

3 Section 1 presently reads in part:

1 In this Act,

- (a) “agreement” means, except in section 12, an agreement entered into under section 7;*
- (b) “Authority” means a Child and Family Services Authority established under section 3;*
- (c) “child and family services” means the programs and services for which an Authority has assumed responsibility pursuant to an agreement, and may include the following:*
 - (i) programs and services under the Child Welfare Act;*
 - (ii) programs and services under the Protection of Children Involved in Prostitution Act;*
 - (iii) programs and services under the Social Care Facilities Licensing Act;*
 - (iii.1) the provision of financial assistance for the care of children who are not living with their parents*

or guardians and who are not in need of protective services under the Child Welfare Act;

- (iv) repealed RSA 2000 c32(Supp) s2;*
- (v) the funding of women's shelters and other safe living arrangements for victims of family violence;*
- (vi) education and prevention with respect to child abuse and domestic violence;*
- (vii) early intervention designed to promote and maintain the safety and healthy development of children and families;*
- (viii) financial assistance to eligible families needing out of home child care;*
- (ix) assistance to families involved in child custody and access disputes;*
- (x) any other program or service prescribed in the regulations;*

4 Function, continuation, status, composition, etc., of Child and Family Services Authorities.

5 Section 3 presently reads:

3(1) Each region is to be administered by a Child and Family Services Authority.

(2) An Authority consists of not more than 15 members appointed by the Minister from nominations submitted to the Minister in accordance with the regulations.

(3) The Minister may establish a panel to review nominations submitted under subsection (2) and to make recommendations to the Minister concerning the appointment of members to an Authority.

(4) The Minister shall, when appointing members to an Authority, have regard to

(a) *the desirability of achieving a diversity of qualifications, backgrounds and experience among members, and*

(b) *the aboriginal population of the region administered by the Authority.*

(5) *A member of an Authority must be resident in the region administered by that Authority.*

(6) *Notwithstanding subsection (5), a person who resides in the part of the City of Lloydminster that is located in Saskatchewan may be a member of the Authority that administers the region in which the City of Lloydminster is located.*

(7) *A member of an Authority may be appointed for a term of not more than 3 years and for not more than 2 consecutive terms.*

(8) *A member of an Authority continues to hold office after the expiry of that member's term of office until the member is reappointed, a successor is appointed or a period of 3 months has expired, whichever occurs first.*

(9) *The chair of an Authority is to be appointed by the Minister.*

(10) *The Minister may, with respect to members of an Authority and members of a panel established under subsection (3), authorize and provide for the payment of remuneration and travelling, living and other expenses incurred by members in the course of their duties.*

6 Section 4(1) presently reads:

4(1) An Authority is a corporation consisting of its members and, subject to this Act and the regulations, has the rights, powers and privileges of a natural person.

7 Section 5 presently reads:

5(1) Subject to this Act and the regulations, an Authority may make bylaws respecting the conduct of the business and affairs of the Authority.

(2) A bylaw does not become effective until it is approved by the Minister.

(3) The Regulations Act does not apply to the bylaws of an Authority.

8 Section 6 presently reads:

6 An Authority is an agent of the Crown in right of Alberta.

9 Section 7 presently reads:

7(1) The Minister and an Authority shall enter into an agreement that addresses the following:

- (a) the child and family services for which the Authority is responsible;*
- (b) the administrative and other services to be provided to the Authority by the Minister;*
- (c) the funding and other resources to be provided to the Authority by the Minister;*
- (d) the designation by the Minister of statutory officials in the region administered by the Authority;*
- (e) the delegation by the Minister of powers and duties to the Authority, employees of the Authority or any person acting on behalf of the Authority;*
- (f) the transfer of assets and contractual obligations from the Minister to the Authority;*
- (g) the transfer of responsibility for the care and maintenance of children who are the subjects of agreements and orders under the Child Welfare Act from the Minister to the Authority;*
- (h) any other matter agreed to by the parties.*

(2) If an agreement provides that an Authority is responsible for child and family services that are under the administration of a member of Executive Council other than the Minister,

- (a) *that member of Executive Council must be a party to the agreement, and*
- (b) *subsection (1)(b) to (f) apply with respect to that member of Executive Council.*

10 Section 8 presently reads:

8 Subject to the terms of any agreement, the Minister and any other member of Executive Council who is a party to an agreement are responsible for the following:

- (a) *setting objectives and strategic direction for the provision of child and family services;*
- (b) *establishing policies and standards for the provision of child and family services;*
- (c) *monitoring and assessing Authorities in the carrying out of their responsibilities under section 9;*
- (d) *allocating funding and other resources to Authorities;*
- (e) *providing administrative and other support services to Authorities.*

11 Section 9(1) presently reads:

9(1) Subject to the terms of an agreement, this Act and the regulations, an Authority is responsible for the following:

- (a) *promoting the safety, security, well-being and integrity of children, families and other members of the community;*
- (b) *planning and managing the provision of child and family services;*
- (c) *determining priorities in the provision of child and family services and allocating resources accordingly;*
- (d) *assessing on an ongoing basis the social and other related needs of the region;*

- (e) *ensuring reasonable access to quality child and family services;*
- (f) *ensuring that policies and standards established pursuant to section 8 are followed;*
- (g) *monitoring and assessing the provision of child and family services;*
- (h) *working with other Authorities, the Government and other public and private bodies to co-ordinate the provision of child and family services.*

12 Section 10 presently reads:

10 The Minister and any other member of Executive Council who is a party to an agreement may give directions to an Authority for the purposes of

- (a) *providing priorities and guidelines for it to follow in carrying out its responsibilities, and*
- (b) *co-ordinating the work of the Authority with the programs, policies and work of the Government, other Authorities and other public and private bodies in order to achieve the efficient provision of child and family services and to avoid duplication of effort and expense.*

13 Section 11 presently reads:

11 If the Minister or any other member of Executive Council who is a party to an agreement considers that it is in the public interest to do so, the Minister or the member, as the case may be, may provide or arrange for the provision of child and family services in any region, whether or not those services are also being provided in that region by an Authority.

14 Section 15 presently reads:

15 A meeting of an Authority must be open to the public unless the Authority determines that holding the meeting or part of it in public could result in the release of

- (a) *information that might impair the ability of the Authority to carry out its responsibilities, or*
- (b) *information relating to the personal interest, reputation or privacy of any person.*

15 Section 16 presently reads in part:

16(1) For the purposes of this section, “inspector” means

- (a) *the Minister or a person authorized by the Minister, or*
- (b) *in the case of an inspection with respect to a service provider,*
 - (i) *the Minister or a person authorized by the Minister, or*
 - (ii) *a person authorized by an Authority.*

(2) Subject to subsections (1) and (3), for the purpose of ensuring compliance with this Act and the regulations, an inspector may

- (a) *enter and inspect any place owned or operated by an Authority or a service provider,*
- (b) *require the production for examination of any documents or records in the possession of the Authority or service provider and make copies of them or temporarily remove them for the purpose of making copies, and*
- (c) *inspect and take samples of any material, food, medication or equipment being used in the provision of child and family services.*

(3) Before exercising any powers under subsection (2) with respect to a service provider, an inspector must obtain the permission of the service provider.

16 Section 18 presently reads:

18(1) The Minister may by order dismiss all the members of an Authority and appoint an official administrator in the Authority's place if the Minister considers that the Authority is not properly exercising its powers or carrying out its duties under this Act or under an agreement, or if for some other reason the Minister considers it to be in the public interest to dismiss the members of the Authority.

(2) An official administrator appointed under subsection (1)

- (a) has all the power of the Authority,*
- (b) must perform all the duties and assume all the contractual obligations of the Authority, and*
- (c) may be paid, as an operating expense of the Authority, the remuneration and expenses determined by the Minister.*

(3) If in the opinion of the Minister an official administrator is no longer required, the Minister may appoint a new Authority.

17 Section 19 presently reads:

19 No action for damages may be commenced against a member of an Authority for anything done or not done by that person in good faith while carrying out duties or exercising powers under this or any other enactment.

18 Section 20 presently reads in part:

20(1) The Lieutenant Governor in Council may make regulations

- (b) respecting the manner in which prospective members of an Authority are nominated;*
- (c) respecting eligibility requirements for members of an Authority;*

(2) *The Minister may make regulations*

(d) *respecting the sharing of information between Authorities and service providers.*

19 Section 21 presently reads:

21 The Minister must begin a comprehensive review of this Act within 3 years after June 2, 1997 and must submit to the Legislative Assembly, within one year after beginning the review, a report that includes any amendments recommended by the Minister.

20 Transitional provisions.

21(1) Amends chapter C-12 of the Revised Statutes of Alberta 2000. Section 1(1)(e) presently reads:

1(1) In this Act,

(e) *“Child and Family Services Authority” means a Child and Family Services Authority established under the Child and Family Services Authorities Act;*

(2) Amends chapter C-23 of the Revised Statutes of Alberta 2000. Part 3 of the Schedule presently reads in part:

*Part 3
Other Disqualifying Offices*

The office of chair or member of any of the following:

Child and Family Services Authority under the Child and Family Services Authorities Act