

Bill 5

BILL 5

2004

FAMILY SUPPORT FOR CHILDREN WITH DISABILITIES AMENDMENT ACT, 2004

(Assented to , 2004)

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

Amends SA 2003 cF-5.3

1 The *Family Support for Children with Disabilities Act* is amended by this Act.

2 Section 1(c) is repealed and the following is substituted:

- (c) “disability” means a chronic developmental, physical, sensory, mental or neurological condition or impairment but does not include a condition for which the primary need is for medical care or health services to treat or manage the condition unless it is a chronic condition that significantly limits a child’s ability to function in normal daily living;

3 The following is added after section 2:

Decision-making criteria

2.1 When making a decision under this Act the director must consider the criteria for making a decision provided for in the regulations.

4 Section 4 is amended in subsections (1) and (3) by striking out “therapeutic services” wherever it occurs and substituting “child-focused services”.

5 The following is added after section 4:

Eligible children

4.1 Only a child who is a Canadian citizen or a permanent resident within the meaning of the *Immigration and Refugee Protection Act* (Canada) and who is ordinarily resident in Alberta is eligible to be the subject of an agreement.

Minor guardians

4.2 Notwithstanding a guardian's minority, a guardian who is a minor may enter into an agreement with the director with respect to the guardian's child.

6 The following is added after section 8:

Decision-making criteria

8.1 When making a decision under this Act an appeal committee must consider the criteria for making a decision provided for in the regulations.

7 Section 10 is amended

- (a) in clause (c) by striking out “therapeutic services” and substituting “child-focused services”;**
- (b) by adding the following after clause (d):**
 - (e) respecting the criteria to be considered when making a decision under this Act.

8 Section 12 is amended by adding the following after clause (d):

- (e) by repealing section 131(2)(i).**

Explanatory Notes

1 Amends chapter F-5.3 of the Statutes of Alberta, 2003.

2 Section 1(c) presently reads:

1 In this Act,

(c) “disability” means a chronic developmental, physical, sensory, mental or neurological condition or impairment, other than a condition or impairment that is primarily a medically treatable illness;

3 Decision-making criteria.

4 Section 4(1) and (3) presently read:

4(1) If

(a) *a medical diagnosis, in a format satisfactory to the director, of a child's condition or impairment indicates that the child has a disability, and*

(b) *an assessment of the child, completed in a manner satisfactory to the director, indicates that the disability significantly limits the child's ability to function in normal daily living,*

the director and the child's guardian may enter into an agreement, in a form provided for in the regulations, with respect to the provision of therapeutic services.

(3) *An agreement under subsection (1) must include, in accordance with the regulations,*

(a) *a therapeutic services plan setting out the services required to meet the needs of the child, and*

(b) *terms prescribing*

(i) *the nature and amount of services to be provided by the director, and*

(ii) *the responsibilities of the guardian with respect to the services set out in the therapeutic services plan.*

5 Eligible children. Minor guardians.

6 Decision-making criteria.

7 Section 10 presently reads:

10 The Minister may make regulations

- (a) *respecting forms;*
- (b) *respecting contents of agreements under sections 3 and 4;*
- (c) *respecting the nature and amount of family support services and therapeutic services that may be provided by a director under the terms of an agreement;*
- (d) *respecting the standards for services to be provided pursuant to agreements under sections 3 and 4.*

8 Provides for the repeal of section 131(2)(i) of the Child Welfare Act. Section 131(2)(i) presently reads:

- (2) *The Minister may make regulations*
 - (i) *defining “handicapped child” for the purposes of this Act;*