

Bill 21
Mr. Cenaiko

BILL 21

2004

CHILD WELFARE 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 c16

1 The *Child Welfare Amendment Act, 2003* is amended by this Act.

2 Section 3(a)(viii) is amended by repealing the new clause (m.1) and substituting the following:

(m.1) “intervention services” means any services, including protective services, provided to a child or family under this Act except for services provided under Part 2 or Part 3;

3 Section 6 is amended

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

(c) by repealing subsection (3) and substituting the following:

(3) The Child and Youth Advocate shall

(a) advise the Minister on matters relating to the welfare and interests of children who receive services under this Act or the *Protection of Children Involved in Prostitution Act* and the provision of those services;

- (b) receive and review complaints or concerns that come to the attention of the Child and Youth Advocate respecting children who receive services under this Act or the *Protection of Children Involved in Prostitution Act*;
- (c) represent the rights, interests and viewpoints of children who receive services under this Act or the *Protection of Children Involved in Prostitution Act*;
- (d) facilitate the involvement of family or community members in assisting in advocating for a child who is receiving services under this Act or the *Protection of Children Involved in Prostitution Act*;
- (e) perform additional duties and functions that are conferred on the Child and Youth Advocate by the regulations or that are from time to time assigned to the Child and Youth Advocate by the Minister;
- (f) submit a report to the Minister every 3 months on the Child and Youth Advocate's activities and observations;
- (g) prepare and submit annual reports to the Minister respecting the exercise of the duties and functions of the Child and Youth Advocate.

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

- (c.1) in subsection (4) by striking out “(3)(e)” and substituting “(3)(g)”;**

(c) in clause (d) by adding the following after subclause (i):

- (i.1) by adding “or the *Protection of Children Involved in Prostitution Act*” after “this Act” wherever it occurs;**
- (i.2) in clause (b) by adding “under this Act or under the *Protection of Children Involved in Prostitution Act*” after “director” wherever it occurs;**

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

- (e) by repealing subsection (6) and substituting the following:**

(6) The Child and Youth Advocate may delegate any duty or function conferred or imposed on the Child and Youth Advocate under this Act, the *Protection of Children Involved in Prostitution Act* or the regulations under either Act in respect of a child

- (a) to a person employed or engaged in the administration of this Act or the *Protection of Children Involved in Prostitution Act*,
- (b) to a person who provides care to the child, represents the child or is concerned about the welfare of the child, or
- (c) to a family or community member referred to in subsection (3)(d) who is assisting in advocating for the child.

4 Section 7 is repealed and the following is substituted:

7 The following is added after section 3:

Alternative dispute resolution

3.1(1) Subject to the regulations, a child, the guardian of a child or a person who in the opinion of a director has a significant connection to a child may, with the agreement of the director, enter into alternative dispute resolution, as defined in the regulations, with the director with respect to any decision made by the director with respect to the child.

(2) All information provided orally during alternative dispute resolution is confidential and is the privileged information of the person providing it, and all documents and records created as a result of alternative dispute resolution are confidential and are privileged documents and records of the person creating them.

(3) No person shall disclose or be compelled to disclose the documents, records or information described in subsection (2) except

- (a) with the consent of all who participated in the alternative dispute resolution,

- (b) if disclosure is necessary to make or to carry out an agreement under this Act,
- (c) if disclosure is pursuant to an order of the Court granted with the consent of all the parties to the Court application,
- (d) to the extent that the disclosure is necessary to protect the survival, security or development of the child, or
- (e) for the purposes of disclosure required by section 4.

(4) If there is a conflict or inconsistency between subsection (2) or (3) and the *Freedom of Information and Protection of Privacy Act*, subsection (2) or (3) prevails despite that Act.

(5) No action may be brought against a person who conducts alternative dispute resolution under this section for any act done or omitted to be done with respect to the alternative dispute resolution unless it is proved that the person acted maliciously and without reasonable and probable cause.

5 Section 23 is amended in the new section 21.1(6) by adding “and in the prescribed form” after “in accordance with the regulations”.

6 The following is added after section 26:

26.1 Section 24(3) is amended by adding “to exclude persons” after “subsection (1)”.

7 Section 32 is amended

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

(d) by repealing subsection (4) and substituting the following:

(4) On making a temporary guardianship order or at any time during its term, the Court, on the application of a

director, a guardian of the child, the child if the child is 12 years of age or older or any other person with whom the child has a significant relationship, may, on being satisfied that the matter cannot be resolved by agreement or the terms of an agreement have not been complied with, and on considering the recommendations of the director, make an order prescribing

- (a) the access to be provided between the child and a guardian or any other person with whom the child has a significant relationship,
- (b) the conditions under which the director must consult with the guardian on matters affecting the child,
- (c) if recommended by a director, participation by the child or the guardian or both in treatment or remedial programs, and
- (d) any other terms that the Court considers necessary.

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

(e) in subsection (5) by striking out “(4)(a)(i)” and substituting “(4)(a)”.

8 Section 35 is amended by repealing the new section 33(6) and substituting the following:

(6) If a child has not been in the custody of a director or the subject of a temporary guardianship order during the 5 years immediately preceding the entering into of a custody agreement with a guardian or with a youth or preceding an application for a temporary guardianship order, subsections (1) to (5) are applicable to determine the total cumulative period of time that the child may be in the custody of a director or be the subject of a temporary guardianship order as if the child had never been in the custody of a director or the subject of a temporary guardianship order.

9 The following is added after section 39:

39.1 Section 39 is repealed and the following is substituted:

Right to custody

39 A supervision order and the right of a director to the custody of a child when the child is in the custody of a director or the child is the subject of a temporary or permanent guardianship order or a permanent guardianship agreement takes precedence over the rights given by any order not made under this Act respecting custody, access, contact, parenting time or the child's place of residence, whether that order

- (a) was granted to a person who is a party to the proceedings under this Act or not, or
- (b) was granted before or after
 - (i) the child came into the custody of a director,
 - (ii) the making of the supervision order or the temporary or permanent guardianship order, or
 - (iii) the execution of the permanent guardianship agreement.

10 Section 44 is amended in the new section 43.1

(a) in subsection (1) by striking out "services certificate" and substituting "services certificate in the prescribed form";

(b) by repealing subsection (3)(b) and substituting the following:

(b) the director may also apply in the prescribed form for a secure services order in respect of the child for a further period of not more than 7 days if it is necessary

- (i) to stabilize the child, or
- (ii) to assess the child and prepare a plan for services in the prescribed form.

(c) by repealing subsection (4) and substituting the following:

(4) If a director confines a child pursuant to subsection (1), the director must serve on the child and on the guardian, if the

guardian consented to the issuing of the secure services certificate, not more than one day after the certificate is issued

- (a) a copy of the secure services certificate showing the reason for confinement and the duration of the certificate,
- (b) a notice of the date, time and place at which the appearance to show cause under subsection (3)(a) will be held, and
- (c) an application, if any, for a further period of confinement under subsection (3)(b).

11 Section 45 is repealed and the following is substituted:

45 Section 44 is repealed and the following is substituted:

Secure services order

44(1) If a child

- (a) other than a youth who is the subject of a custody agreement under section 57.2(2), is in the custody of a director,
- (b) is the subject of a supervision order, temporary guardianship order or permanent guardianship agreement or order, or
- (c) is the subject of a family enhancement agreement under section 8,

the director may make an ex parte application to the Court for a secure services order.

(2) The Court may make a secure services order in respect of a child for a period of not more than 5 days if it is satisfied that

- (a) the child is in a condition presenting an immediate danger to the child or others,
- (b) it is necessary to confine the child in order to stabilize and assess the child, and

- (c) less intrusive measures are not adequate to sufficiently reduce the danger.
- (3)** If the Court makes a secure services order under subsection (2), a director must
- (a) serve a copy of the secure services order on the child not more than one day after it is granted, and
 - (b) notify a guardian of the child forthwith by any method, orally or in writing.
- (4)** Before the termination of the secure services order granted under subsection (2), a director may apply to the Court in the prescribed form for a continuation of the secure services order and the Court may continue the secure services order for an additional period of not more than 5 days if further confinement is necessary
- (a) to stabilize the child, or
 - (b) to assess the child and prepare a plan for services in the prescribed form.
- (5)** The director must serve the child and a guardian of the child with notice of the date, time and place of the hearing of an application under subsection (4) not less than one day before the hearing date of the application.
- (6)** Section 23(5) and (6) apply to an application under this section.
- (7)** A director must specify the secure services facility in which a child is to be confined pursuant to a secure services order.
- (8)** A secure services order is sufficient authority for any person to confine the child in a secure services facility.
- (9)** If the Court makes a secure services order, it shall
- (a) inform the child of the reason for doing so, and
 - (b) provide the child, the child's guardian and the child's lawyer with a copy of the order and a written statement showing

- (i) the reasons for the confinement,
- (ii) the period of the confinement and the date on which it terminates,
- (iii) that the order may be reviewed or appealed on the application of the child, the child's guardian or a director,
- (iv) that the child may obtain a copy of the form prescribed for making an application for a review from the person in charge of the secure services facility,
- (v) that the child may be represented by a lawyer at any application to the Court, and
- (vi) the address and telephone number of the nearest office of the Legal Aid Society.

12 Section 46 is amended in the new section 44.1(1) by striking out "section 44" and substituting "section 44, except subsection (4)."

13 Section 51 is amended

- (a) in clause (c) by striking out "5 days" and substituting "3 days";**
- (b) by adding the following after clause (c):**
 - (c.1) in subsection (4) by striking out "The clerk" and substituting "If a director is not the applicant, the clerk";**
- (c) in subclause (d)(ii) by striking out "2 days" and substituting "one day".**

14 Section 53 is amended by adding the following after clause (a):

(a.1) by adding the following after subsection (1):

(1.1) A sitting justice of the peace may adjourn the hearing of an application under section 43.1(3) for a hearing before a judge of the Court

- (a) with the consent of the parties to the application, or
- (b) if the sitting justice of the peace is satisfied that the adjournment is necessary in order to obtain evidence to assist in determining whether a secure services order should be issued.

15 Section 62 is amended

(a) in the new section 57.5

- (i) **in subsection (1) by striking out** “in the form prescribed in the regulations”;
- (ii) **in subsection (2) by striking out** “under section 57.6” **and substituting** “for child support”;

(b) by repealing the new sections 57.6, 57.7, 57.8 and 57.9.

16 Section 70 is amended

(a) by repealing clause (a) and substituting the following:

(a) by repealing subsection (1) and substituting the following:

Service of notice of hearing

64(1) A petitioner under section 62 shall serve, by personal service,

- (a) a notice of the nature, date, time and place of the hearing of the petition not less than 30 days before the date of the hearing, or
- (b) a notice of objection in the prescribed form,

together with the documentation required under section 63, on

- (c) the guardians of the child other than the petitioner,
- (d) if the petitioner is the sole guardian of the child, the person who consented to the adoption under section 59(2),
- (e) the child, if the child is 12 years of age or older,
- (f) the Minister, if a person other than a director is filing the petition, and
- (g) in the case of the adoption of a child who is not the subject of a permanent guardianship agreement or order, the biological father of the child.

(b) in clause (c) in the new subsection (6)

- (i) **by adding** “of the nature, date, time and place of the hearing” **after** “serve a notice”;
- (ii) **by striking out** “and any person who filed a notice of objection under this section”.

17 Section 76 is amended in the new section 72.1 by striking out “for approval for” **and substituting** “for approval to proceed with”.

18 Section 79 is repealed and the following is substituted:

79 Section 74 is amended

(a) by repealing subsection (3) and substituting the following:

(3) If a guardian other than a director has consented to the adoption of a child and an officer of a licensed adoption agency filed the petition, an officer of the licensed adoption agency must, within 35 days after the making of the adoption order, notify the consenting guardian that the adoption order has been made, unless the consenting guardian has indicated a desire not to be notified.

(b) by repealing subsections (5) to (10).

19 Section 80 is amended

(a) in the new section 74.1(2)

- (i) by adding** “required by section 63 of this Act to be”
before “filed in support”;
- (ii) by striking out** “birth certificates” **and substituting**
“registrations of birth”;

(b) in the new section 74.2(2), (4), (8) and (9) by striking out
“certificates” **and substituting** “registrations”;

(c) in the new section 74.3(2) and (4) by striking out
“certificates” **and substituting** “registrations”;

(d) in the new section 74.4

- (i) in subsection (1) by striking out** “birth certificate” **and**
substituting “registration of birth”;
- (ii) in subsection (3) by striking out** “certificate” **and**
substituting “registration”;
- (iii) in subsection (7) by striking out** “certificates” **and**
substituting “registrations”.

20 Section 81 is amended by adding the following after clause

(a):

(a.1) by repealing subsection (3)(d)(i) and substituting the
following:

- (i) all vetoes registered with the Minister under section**
74.2, and

21 The following is added after section 93:

93.1 Section 95(1)(b) is amended by striking out “been counselled as necessary” **and substituting** “received training, satisfactory to the Central Authority for Alberta, on preparation for international adoption”.

93.2 Section 96 is amended

- (a) in subsection (1) by striking out** “The Minister” **and substituting** “A director”;
- (b) by repealing subsection (2).**

93.3 Section 104 is amended

- (a) in subsection (1) by repealing clauses (b) and (c);**
- (b) by adding the following after subsection (2):**
 - (3) The Minister may make regulations**
 - (a) respecting the contents of and the approval of a report under this Division;
 - (b) designating one or more persons as a competent authority for Alberta with respect to any provision in this Division.

22 Section 94 is amended

- (a) in the new section 105.2 by renumbering it as section 105.2(1) and by adding the following after subsection (1):**
 - (2)** If a person is operating a residential facility that is not licensed under the *Social Care Facilities Licensing Act* when this section comes into force, subsection (1) does not apply to that person until 18 months after the date this section comes into force.
 - (3)** If a person is operating a residential facility that is licensed under the *Social Care Facilities Licensing Act* when this section comes into force, subsection (1) does not apply to that person until the licence under that Act expires.

- (b) **in the new section 105.3(4)(b)(ii) by striking out** “children” **and substituting** “children, other than children of a foster parent,”;
- (c) **by adding the following after the new section 105.3:**
Varying a licence
105.31 The Minister may, on the application by a licensee in a form acceptable to the Minister, vary the terms or conditions to which the licence is subject.
- (d) **in the new section 105.7(1) by adding** “vary,” **before** “suspend”.

23 Section 97 is amended in the new section 107

- (a) **in subsection (1)**
 - (i) **in clause (a) by adding** “, whether or not a resident of a reserve,” **after** “child”;
 - (ii) **in clause (b) by adding** “, whether or not a resident of a reserve,” **after** “child”;
- (b) **in subsection (4) by striking out** “an order” **and substituting** “a supervision order”;
- (c) **by adding the following after subsection (6):**

(7) Subsections (1) to (4) do not apply if the child is receiving services pursuant to an agreement under section 122(2).

24 Section 99 is repealed and the following is substituted:

99 Section 112(1) is repealed and the following is substituted:

Legal representative

112(1) If an application is made for a supervision order, a private guardianship order or a temporary or permanent guardianship order, or a child is the subject of a supervision order or a temporary or permanent guardianship order or a permanent guardianship agreement, and the child is not

represented by a lawyer in a proceeding under Part 1, Division 3, 4 or 5, the Court may direct that the child be represented by a lawyer if

- (a) the child, the guardian of the child or a director requests the Court to do so, and
- (b) the Court is satisfied that the interests or views of the child would not be otherwise adequately represented.

25 Section 103 is amended in the new section 117.1(1)

- (a) by striking out “in writing” and substituting “in the prescribed form”;**
- (b) by adding the following after clause (d):**
 - (e) a person who is receiving or may be eligible to receive support and financial assistance pursuant to section 57.3.

26 Section 105 is amended

- (a) by repealing clause (a)(ii) and substituting the following:**
 - (ii) in clause (c) by striking out “foster parent or other”;**
- (b) by adding the following after clause (a)(ii):**
 - (iii) by adding the following after clause (c):**
 - (d) a person who is receiving or may be eligible to receive support and financial assistance pursuant to section 57.3.
- (c) in clause (c)(iv) in the new clause (e) by striking out “Division 2” and substituting “Division 2 or 6”;**
- (d) in clause (d) in the new subsection (3)(b)(ii) by striking out “subsection (6),” and substituting “subsection (5),”.**

27 Section 106(c) is amended in the new subsection (2) by striking out “with a band”.

28 Section 109 is amended

- (a) by adding the following after the new section 126.1:**

Applying for information

126.11(1) In this section, “court” means the Provincial Court, Court of Queen’s Bench and Court of Appeal.

(2) Despite section 126 but subject to section 126.1, a party to a civil matter under this Act or any other Act, including a matter where a director is a party, may apply to the court hearing the matter for disclosure of a record or part of a record that contains information held under this Act.

(3) Section 24 applies to the hearing of an application under this section.

(4) An application under subsection (2) must be in writing, include an affidavit and identify the record or the part of the record that contains the information, the person who has possession of the record and the grounds for disclosure.

(5) The application must be served on at least 5 days’ notice, or longer if ordered by the court, on a director, the person who has control or possession of the record or the part of the record and any other person that the court directs.

(6) The court may adjourn the application.

(7) Any one or more of the following assertions are not sufficient on their own to establish that the record or part of the record is relevant, material and likely necessary to advance the position of the party seeking disclosure:

- (a) that the record exists;
- (b) that the record relates to intervention services the family has received or is receiving;
- (c) that the record may relate to the credibility of any witness.

(8) The court, on considering

- (a) whether the information contained in the record or the part of the record has or is likely to have probative value and has not been disclosed in another record or in another form,
- (b) the potential prejudice to the dignity and right to privacy of any person to be affected by the disclosure of the record or the part of the record,
- (c) the rights of the parties to a fair hearing,
- (d) the public interest in facilitating and supporting the care of children under the guardianship of or in the custody of a director,
- (e) the need to not unduly delay matters affecting a child,
- (f) the potential danger to the physical, mental or emotional health of a child or another person,
- (g) the size of the requested record or the requested part of the record, and
- (h) any other factor that the court may consider relevant,

may order that the record or the part of the record be produced to the court, if the court is satisfied that it is relevant, material and likely necessary to advance the position of the applicant.

(9) On production of the record or the part of the record pursuant to subsection (8), the court must examine it in private and must

- (a) reconsider the factors set out in subsection (8),
- (b) reconsider whether the information contained in the record is relevant, material and likely necessary to advance the position of the applicant, and
- (c) determine whether the record should be disclosed to the applicant.

(10) If the court orders disclosure of the record or the part of the record under subsection (9),

- (a) the court may direct that the record or the part of the record be disclosed subject to conditions, including
 - (i) that it be disclosed to other parties in addition to the applicant,
 - (ii) that it be edited as directed by the court,
 - (iii) that it cannot be disclosed to any other person except with the approval of the court,
 - (iv) that it may be viewed only at a location specified by the court and that no copy be made of it,
 - (v) that only a restricted number of copies be made of it,
 - (vi) that personal information be severed from it, and
 - (vii) any other condition considered advisable by the court,
- and
- (b) the use of the record is limited to the proceedings unless the court orders otherwise.

(11) If the court does not order disclosure of the record or the part of the record under subsection (9), unless the court orders otherwise it must be kept in a sealed package by the court until the expiration of the time for any appeal or the completion of any appeal in the matter and then it must be returned to the person who produced it to the court.

(b) in the new section 126.2

- (i) by repealing subsection (2)(a) and substituting the following:**
 - (a) a director may publish, or consent to the publication of, by any means, the name of a child, information serving to identify the child or the child's guardian and any other information related to the child if, in the opinion of the director, the publication is in the child's best interest or necessary for the proper administration of justice;

(ii) in subsection (2)(b) by adding “or consent to the publication of” **after** “publish”;

(iii) in subsection (2)(c)

(A) in subclause (i) by adding “or the child’s guardian” **after** “identify the child”;

(B) in subclause (ii) by striking out “to publish” **and substituting** “or to the child’s guardian to publish or to consent to the publication of”;

(iv) by adding the following after subsection (3):

(4) In this section, if a director is or has been a guardian of the child, a reference to “guardian” includes the person who was the guardian of the child immediately before a director became the guardian of the child.

29 Section 111 is amended by adding the following after clause (c):

(d) by striking out “12 months” **and substituting** “24 months”.

30 Section 112 is amended

(a) by repealing clause (a)(ii) and substituting the following:

(ii) by repealing clause (f);

(b) in clause (b)(viii)

(i) in the new clause (bb) by striking out “sections 34.1 and 52” **and substituting** “section 34.1”;

(ii) in the new clause (dd) by adding “licensing and” **after** “respecting”;

(iii) by repealing the new clauses (ff) and (kk);

(iv) by adding the following after the new clause (mm):

- (nn) defining alternative dispute resolution;
- (oo) respecting alternative dispute resolution;
- (pp) respecting the qualifications of persons conducting alternative dispute resolution;
- (qq) prescribing qualified persons for the purposes of Part 1, Division 5 and Part 2.

31 Section 115(1) is amended by striking out “section 96(2);”.

32 Section 117 is amended

(a) by repealing subsection (2) and substituting the following:

(2) The *Child Welfare Amendment Act, 2002* is repealed.

(b) in subsection (10)

(i) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):

(a) by repealing section 10(4) and substituting the following:

(4) The Director shall, on the request of the Minister responsible for the *Child, Youth and Family Enhancement Act*, provide from the special register to that Minister a copy of an adopted person’s original registration of birth for release in accordance with the *Child, Youth and Family Enhancement Act*.

(ii) in clause (b) by striking out “section 10(4);”.

Explanatory Notes

1 Amends chapter 16 of the Statutes of Alberta, 2003.

2 The new clause (m.1) presently reads:

(m.1) “intervention services” means any service provided to a child or family under this Act except for services provided under Part 2 or Part 3 or under section 106;

3 Section 6(c), (d) and (e) presently read:

6 *Section 3 is amended*

(c) in subsection (3)

(i) by striking out “Children’s” wherever it occurs and substituting “Child and Youth”;

(ii) in clause (b) by striking out “receive, review and investigate” and substituting “receive and review”;

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

(c.1) facilitate the involvement of family or community members in assisting in advocating for a child who is receiving services under this Act;

(iv) by adding the following after clause (d):

(d.1) submit a report to the Minister every 3 months on the Child and Youth Advocate’s activities and observations;

(d) in subsection (5)

(i) by striking out “Children’s” wherever it occurs and substituting “Child and Youth”;

(ii) *in clause (c) by striking out “receive, review or investigate” and substituting “review”;*

(e) *in subsection (6)*

(i) *by striking out “Children’s” wherever it occurs and substituting “Child and Youth”;*

(ii) *by striking out “or” at the end of clause (a), adding “or” at the end of clause (b) and adding the following after clause (b):*

(c) *to a family or community member referred to in subsection (3)(c.1) who is assisting in advocating for the child.*

4 Section 3.1 presently reads:

3.1(1) In this section, “alternative dispute resolution” includes mediation.

(2) A child, the guardian of the child or a person who in the opinion of a director has a significant connection to the child may, with the agreement of the director, enter into alternative dispute resolution with the director with respect to any decision made by the director with respect to the child.

(3) All documents and records created as a result of, or information provided orally during, alternative dispute resolution under this section are privileged documents and records of the person creating them and privileged information of the person providing it and are confidential, and no person shall disclose them or be compelled to disclose them except

(a) with the consent of all who participated in the alternative dispute resolution,

(b) if disclosure is necessary to make or to carry out an agreement under this Act,

- (c) *if they are disclosed pursuant to an order of the Court granted with the consent of all who participated in the alternative dispute resolution,*
- (d) *to the extent that the disclosure is necessary to protect the survival, security or development of the child, or*
- (e) *for the purposes of disclosure required by section 4.*

(4) If there is a conflict or inconsistency between subsection (3) and the Freedom of Information and Protection of Privacy Act, subsection (3) prevails despite that Act.

(5) No action may be brought against a person who, under this section, conducts alternative dispute resolution for any act done or omitted to be done with respect to the alternative dispute resolution unless it is proved that the person acted maliciously and without reasonable and probable cause.

5 Section 21.1(6) presently reads:

(6) If an order is made under subsection (2)(a), unless exempted by the regulations, the director must, within 42 days of the director's application under section 21(1)(b), consult with the guardian and other family members to develop a plan, in accordance with the regulations, that

- (a) *describes the services to be provided to facilitate the return of the child to the custody of the child's guardian, and*
- (b) *describes an alternative permanent placement for the child.*

6 Section 24(3) of the Child Welfare Act presently reads:

(3) At the outset of a hearing under this Part, the Court shall inform the parties of their right to make an application under subsection (1).

7 Section 31(4) and (5) of the Child Welfare Act presently read:

(4) On making a temporary guardianship order or at any time during its term, the Court, on the application of a director, a guardian of the child, the child if the child is 12 years of age or older or any other person with whom the child has a significant relationship, may, on being satisfied that the matter cannot be resolved by agreement or the terms of an agreement have not been complied with, make an order prescribing

- (a) the access to be provided between the child and a guardian or any other person with whom the child has a significant relationship,*
- (b) the conditions under which the director shall consult with the guardian on matters affecting the child, or*
- (c) the financial contributions to the maintenance of the child to be made*
 - (i) by a person other than the director who is legally responsible for the maintenance of the child, or*
 - (ii) by a trustee from property or an estate held in trust for the child.*

(5) No order under subsection (4)(a)(i) providing for access between a child who is 12 years of age or older and a person with whom the child has a significant relationship shall be made without the consent of the child.

8 The new section 33(6) presently reads:

(6) Despite subsections (1), (2) and (3), the Court may make a temporary guardianship order with respect to a child for a further period of not more than 9 months if the child has not been in the custody of a director or the subject of a temporary guardianship order during the 5 years immediately preceding the application, and subsections (4) and (5) apply to determining the total cumulative period of time that a child can be in the custody of a director pursuant to this subsection.

9 Section 39 of the Child Welfare Act presently reads:

39 The right of a director to the custody of a child under a temporary or permanent guardianship order or a permanent guardianship agreement takes precedence over the right to custody given by any custody order not made under this Act, whether the custody order

- (a) was granted to a person who is a party to the proceedings under this Act, or*
- (b) was granted before or after the making of the temporary or permanent guardianship order or the execution of the permanent guardianship agreement, as the case may be,*

and during the existence of the temporary or permanent guardianship order or the permanent guardianship agreement the effect of the custody order is suspended.

10 Section 43.1 presently reads in part:

43.1(1) Subject to subsection (2), if a child

- (a) other than a youth who is the subject of a custody agreement under section 57.2(2), is in the custody of a director,*

- (b) is the subject of a supervision order, temporary guardianship order or permanent guardianship agreement or order, or*
- (c) is the subject of a family enhancement agreement under section 8,*

and a director has reasonable and probable grounds to believe that

- (d) the child is in a condition presenting an immediate danger to the child or others,*
- (e) it is necessary to confine the child in order to stabilize and assess the child, and*
- (f) less intrusive measures are not adequate to sufficiently reduce the danger,*

the director may issue a secure services certificate, and on issuing it the director may convey the child, and may detain the child while the child is being conveyed, to a secure services facility and may confine the child in a secure services facility.

(3) If a director confines a child pursuant to subsection (1),

- (a) the director must appear before the Court within 3 days after the confinement to show cause why the certificate was issued, and*
- (b) the director may also apply for a secure services order in respect of the child for a further period of not more than 7 days if it is necessary to stabilize the child or to assess the child and to prepare a plan for services that meets the requirements of the regulations.*

(4) If a director confines a child pursuant to subsection (1), the director must provide a copy of the secure services certificate to the child and to the guardian who has consented to the issuing of the secure services certificate not more than one day after the certificate is issued.

11 Section 45 presently reads:

45 Section 44 is amended

- (a) *by repealing subsection (1) and substituting the following:*

44(1) If a child

- (a) *other than a youth who is the subject of a custody agreement under section 57.2(2) is in the custody of a director,*
- (b) *is the subject of a supervision order, temporary guardianship order or permanent guardianship agreement or order, or*
- (c) *is the subject of a family enhancement agreement under section 8,*

the director may apply to the Court for a secure services order.

- (b) *by repealing subsections (2) and (3);*

- (c) *by repealing subsection (6) and substituting the following:*

(6) The Court may make a secure services order in respect of a child for a period of not more than 10 days if it is satisfied that

- (a) *the child is in a condition presenting an immediate danger to the child or others,*
- (b) *it is necessary to confine the child in order to stabilize and assess the child, and*
- (c) *less intrusive measures are not adequate to sufficiently reduce the danger.*

(6.1) During the term of a secure services order under subsection (6), a director must assess the child who is subject to the order and must

prepare a plan for services that meets the requirements of the regulations.

(d) *in subsection (7) by striking out “treatment institution” and substituting “services facility” and by striking out “treatment order” and substituting “services order”;*

(e) *by repealing subsection (8) and substituting the following:*

(8) A secure services order is sufficient authority for any person to confine the child in a secure services facility.

(f) *in subsection (9)*

(i) *by striking out “treatment” and substituting “services”;*

(ii) *in clause (b)(iv) by striking out “treatment institution” and substituting “services facility”;*

(g) *by repealing subsection (10).*

12 The new section 44.1 presently reads:

44.1(1) A secure services order granted under section 43.1 or 44 may be renewed in accordance with the application procedures of section 44 on the application by a director in the prescribed form for a period of not more than 20 days.

(2) The total period of confinement of a child in a secure services facility under this section and sections 43.1 and 44 shall not exceed 30 consecutive days.

(3) Despite subsection (2), if the child ceases to be in the custody of a director or the subject of a supervision order, a temporary guardianship order, a permanent guardianship agreement or order or a family enhancement agreement under section 8, the

confinement in the secure services facility terminates immediately.

13 Section 51 presently reads:

51 Section 49 is amended

- (a) in subsection (1) by striking out “treatment” and substituting “services”;*
- (b) in subsection (2) by striking out “treatment” wherever it occurs and substituting “services”;*
- (c) in subsection (3) by striking out “10 days” and substituting “5 days”;*
- (d) in subsection (5)*
 - (i) in clause (c) by striking out “treatment institution” and substituting “services facility”;*
 - (ii) by striking out “5 days” and substituting “2 days”.*

14 Section 53 presently reads:

53 Section 51 is amended

- (a) by repealing subsection (1) and substituting the following:*
 - 51(1) The Court may adjourn the hearing of an application under section 43.1, 44, 44.1 or 49*
 - (a) with the consent of the parties to the application, or*
 - (b) if the Court is satisfied that the adjournment is necessary in order to obtain evidence to assist the Court in determining whether a secure services*

*order should be made, or confirmed,
varied or terminated.*

*(b) in subsection (2) by striking out “44” and
substituting “43.1, 44 or 44.1”;*

(c) in subsection (3)

*(i) by striking out “44” and substituting
“43.1, 44, 44.1”;*

*(ii) by striking out “treatment institution” and
substituting “services facility”.*

15 The new sections 57.2 and 57.5 to 57.9
presently read:

*57.2(1) A director may enter into an agreement in
the prescribed form with a youth with respect to the
provision of services to the youth if the director is*

*(a) satisfied that the youth is living independently
of the youth’s guardian, and*

(b) of the opinion that

(i) the youth is in need of intervention, and

*(ii) as a result of the provision of services, the
youth’s survival, security or development
will be adequately protected while the
youth continues to live independently of
the youth’s guardian.*

*(2) Subject to section 33, a director may enter into a
custody agreement in the prescribed form for terms
of not more than 6 months each with a youth under
which custody is given to the director if the director
is*

*(a) satisfied that the youth is living independently
of the youth’s guardian, and*

(b) of the opinion that

- (i) *the youth is in need of intervention, and*
- (ii) *the survival, security and development of the youth can be adequately protected through the agreement.*

(3) The terms of an agreement under this section must include

- (a) *in the case of a custody agreement, the visits or other access to be provided between the youth and the youth's guardian or any other person, and*
- (b) *a plan of care, in the prescribed form, that addresses the youth's need for preparation for the transition to independence and adulthood.*

57.5(1) If a child is in the custody of a director or the subject of a temporary guardianship order or a permanent guardianship agreement or order or if a director has entered into a family enhancement agreement under section 57.2(1), a director may enter into an agreement in the form prescribed in the regulations with the guardian of the child whereby the guardian agrees to pay child support.

(2) An agreement under subsection (1) does not prevent the director from applying to a Court for an order under section 57.6.

57.6(1) If a child is in the custody of a director or the subject of a temporary guardianship order or a permanent guardianship agreement or order or if a director has entered into a family enhancement agreement under section 57.2(1), a director may apply in the form prescribed in the regulations to a Court for an order requiring payment of child support by any or all of

- (a) *the guardians and parents, and*
- (b) *the trustees, from an estate held in trust for the child.*

(2) A Court on hearing an application under subsection (1) may make an order requiring a guardian, parent or trustee to pay child support.

(3) An order of the Court under subsection (2) may be retroactive in effect to the commencement of the child being in the custody of a director, the subject of a temporary guardianship order or a permanent guardianship agreement or order or the subject of a family enhancement agreement under section 57.2(1).

(4) In making an order requiring a guardian, parent or trustee to pay child support for a child under this section, the Court must consider

- (a) the income, earning capacity and other financial resources or benefits of the guardian or parent and of any other person residing with the guardian or parent,*
- (b) the value of the estate, if any, held in trust for the child excluding damages paid to the child to compensate for personal injuries,*
- (c) the needs of the child, and*
- (d) the present and past standard of living of the child and of the guardian or parent.*

(5) If an order is made under subsection (2), a guardian, parent or trustee ordered to pay child support may apply to the Court for a review of the order.

(6) On reviewing an order under this section, the Court may vary, suspend or terminate the order or may reduce or cancel arrears if the Court is satisfied that there has been a substantial change in

- (a) the ability of the guardian, parent or trustee to provide the child support, or*
- (b) the needs of the child.*

(7) Notice of the nature, date, time and place of a hearing under this section must be served personally by the applicant at least 5 days before the date fixed for the hearing on the guardian or parent of the child, on a trustee or on a director, as the case may be.

(8) Section 23(5) and (6) apply to an application under this section.

57.7 An agreement or order under this Division terminates on the earliest of

- (a) the day the child attains 18 years of age,*
- (b) the day the child is adopted,*
- (c) the day the child dies,*
- (d) the day the child marries, and*
- (e) the day the child is returned to the custody of the guardian.*

57.8(1) If a private guardianship order is made with respect to a child who is the subject of a child support agreement or order under this Division, the private guardianship order may direct that child support payments made pursuant to the agreement under section 57.5 or order under section 57.6 must be made to the private guardian, notwithstanding that the private guardian was not a party to the agreement or a party to the application for the order.

(2) If the Director of Maintenance Enforcement has not received a copy of the private guardianship order referred to in subsection (1), the Director of Maintenance Enforcement is not responsible for the repayment of any money disbursed by the Director of Maintenance Enforcement after the private guardianship order has been made.

57.9(1) In order to assist a director in determining terms of an agreement under section 57.5 or to assist the Court in determining terms of an order under section 57.6, the director may request from a

guardian, parent or trustee the disclosure of financial information in accordance with the regulations.

(2) If the guardian, parent or trustee refuses to disclose the financial information requested by the director, the director may apply to the Court for an order for financial disclosure.

(3) In making an order under section 57.6, the Court may draw an adverse inference against a guardian, parent or trustee and impute income to a guardian or parent or impute assets and income to an estate held in trust for a child in the amount that the Court considers appropriate.

16 Section 70(a) and (c) presently read:

70 Section 64 is amended

(a) in subsection (1)

(i) by adding “either” before “a notice”;

(ii) by adding “or a notice of objection in the prescribed form” after “petition”;

(c) by repealing subsections (4) and (5) and substituting the following:

(4) A person who is served with a notice of objection form under subsection (1) may, within 10 days after being served, file a notice of objection with the clerk of the Court.

(5) If no notice of objection is filed within 10 days after service on all the persons required to be served under subsection (1), the Court may consider the petition in the absence of the applicant and all the persons referred to in subsection (1).

(6) If a notice of objection is filed or if the Court considers that a hearing is necessary, the applicant must, at least 10 days before the date the

petition is to be heard, serve a notice on the persons described in subsection (1) and any person who filed a notice of objection under this section.

(7) No order for service ex juris is necessary for service of a copy of a notice on any of the persons referred to in subsection (1) in a province or territory of Canada other than Alberta or in the United States of America, but service must be effected at least

(a) 30 days before the date the petition is to be heard in the case of a person in a province or territory other than Alberta, or

(b) 45 days before the date the petition is to be heard in the case of a person in the United States of America.

(8) The Court may, if it considers it appropriate to do so,

(a) shorten the time for service on all or any of the persons referred to in subsection (1), and

(b) direct the manner of service, or approve the manner of service that has been effected, on all or any of the persons referred to in subsection (1).

17 Section 72.1 presently reads:

72.1 A resident of Alberta who wishes to adopt a child who is not lawfully admitted to reside in Canada must apply to a director, in accordance with the regulations, for approval for the placement of the child.

18 Section 74 of the Child Welfare Act presently reads:

74(1) Not more than 35 days after an adoption order is made, the clerk of the Court shall send a certified copy of the adoption order to

- (a) the adopting parent,*
- (b) the Minister,*
- (c) the Public Trustee, if*
 - (i) a director was the guardian of the child immediately before the making of the order, and*
 - (ii) the Public Trustee requests a copy of the order,*
- (d) the Registrar under the Indian Act (Canada), if the adopted child is an Indian, and*
- (e) the Director of Vital Statistics.*

(2) The clerk of the Court shall provide to the Director of Vital Statistics

- (a) any other information relating to an adoption order that the Director of Vital Statistics requires to enable that Director to carry out the requirements of the Vital Statistics Act, and*
- (b) if the adopted child was born outside Alberta, an additional certified copy of the adoption order.*

(3) Where a guardian other than a director has consented to the adoption of a child, an officer of a licensed adoption agency shall, within 35 days after the making of the adoption order, notify the consenting guardian that the adoption order has been made, unless the consenting guardian has indicated a desire not to be notified.

(4) A person who has consented under section 59(2) to the adoption of a child must be notified in accordance with subsection (3) that the

adoption order has been made, unless that person has indicated a desire not to be notified.

(5) If a child who is an Indian is adopted under this Act or any predecessor to this Act, the Director of Vital Statistics, on the request of the child or the child's guardian, shall provide the Registrar under the Indian Act (Canada) with a copy of the original birth certificate of the child.

(6) The clerk of the Court shall seal all documents in the hands of the Court that relate to an adoption and those documents are not available for inspection by any person except on order of the Court or with the consent in writing of the Minister.

(7) The Minister shall seal all documents in the Minister's hands that relate to an adoption and those documents are not available for inspection by any person except on order of the Court, with the consent in writing of the Minister or pursuant to section 75, 76, 77 or 80.

(8) Notwithstanding subsections (6) and (7), the Minister or the clerk of the Court may, on request, provide a certified copy of an adoption order to

- (a) the adopted person, if that person is 18 years of age or older,*
- (b) a guardian who consented under section 59(1) and a person who consented under section 59(2) to the adoption of the child who is the subject of the adoption order, and*
- (c) any person named in subsection (1).*

(9) The Minister may disclose the identity of a person referred to in section 75 only in accordance with section 75 unless, in the opinion of the Minister, there are compelling circumstances that support disclosure.

(10) Notwithstanding subsection (9), the Minister may disclose

- (a) *to a licensed search agency, for the purpose of processing an application under section 78, the identity and other personal information of a family member as defined in the regulations or of an adopted person, and*
- (b) *to an adopted person who is 18 years of age or older, the birth surname of that person if the adoption order relating to that person did not disclose it.*

19 Sections 74.1, 74.2, 74.3 and 74.4(1), (3) and (7) presently read:

74.1(1) The clerk of the Court must seal all documents possessed by the Court that relate to an adoption, and those documents are not

available for inspection by any person except on order of the Court or with the consent in writing of the Minister.

(2) Despite the Freedom of Information and Protection of Privacy Act, the Minister must seal adoption orders, all documents filed in support of adoption petitions, adopted children's original birth certificates and other documents required to be sealed by the regulations that are in the possession of the Minister, and they are not available for inspection by any person except on order of the Court or pursuant to this Division.

74.2(1) In this section,

- (a) *“adopted person” means a person who is adopted under an adoption order made prior to January 1, 2005;*
- (b) *“parent” means a biological parent and an adoptive parent under a previous adoption order.*

(2) Subject to subsection (3), on receiving a written request from an adopted person who is 18 years of age or older, a descendant of a deceased adopted

person or a parent of an adopted person, the Minister may release to the person making the request the information in the orders, certificates and documents sealed under section 74.1(2) other than personal information about an individual who is neither the adopted person nor a parent of the adopted person.

(3) The Minister shall not accept a request under subsection (2) from a parent of an adopted person unless the adopted person is 18 years and 6 months of age or older.

(4) Despite subsection (2), if an adopted person who is 18 years of age or older or a parent of the adopted person has, prior to the date of the request under subsection (2), registered with the Minister a veto in a form satisfactory to the Minister prohibiting the release of personal information in the orders, certificates and documents sealed under section 74.1(2), the Minister shall not release the personal information unless the veto is revoked.

(5) A person who registers a veto under subsection (4) may revoke the veto by providing written notice of the revocation to the Minister.

(6) A veto registered under subsection (4) is revoked when the person who registered the veto is deceased.

(7) Despite subsections (2) and (4), the Minister may disclose to

- (a) an adopted person who is 18 years of age or older,*
- (b) a descendant of a deceased adopted person, and*
- (c) an adopted child who is 16 years of age or older who is, in the opinion of the Minister, living independently from the child's guardian,*

the birth surname of the adopted person if the adoption order relating to that person did not disclose it.

(8) Despite subsection (2), if the Minister receives proof, satisfactory to the Minister, that all the parents of an adopted person are deceased, the Minister may release to the adopted person or a descendant of the adopted person all the personal information in the orders, certificates and documents sealed under section 74.1(2), including personal information about individuals who are neither the adopted person nor a parent.

(9) Despite subsection (2), if the Minister is satisfied, based on information provided to the Minister by the adoptive parents, that

- (a) the adopted person who is 18 years of age or older is not aware of the adoption, and*
- (b) the release of the personal information would be extremely detrimental to the adopted person,*

the Minister may deem that a veto has been registered under subsection (4) by that adopted person, in which case the Minister shall not release the personal information in the orders, certificates and documents sealed under section 74.1(2).

(10) A deemed veto under subsection (9) is revoked on the request of an adopted person who is 18 years of age or older.

74.3(1) In this section,

- (a) “adopted person” means a person who is adopted under an adoption order made on or after January 1, 2005;*
- (b) “parent” means a biological parent and an adoptive parent under a previous adoption order.*

(2) Subject to subsection (3), on receiving a written request from an adopted person who is 18 years of age or older, a descendant of a deceased adopted person or a parent of an adopted person, the Minister may release to the person making the request personal information in the orders, certificates and documents sealed under section 74.1(2).

(3) The Minister shall not accept a request under subsection (2) from a parent unless the adopted person is 18 years and 6 months of age or older.

(4) An adopted person, a parent or any person whose personal information may be in orders, certificates or documents sealed under section 74.1(2) may register a contact preference with the

Minister that indicates the person's preferences concerning contact with a person who makes a request under subsection (2).

(5) The Minister shall advise a person making a request under subsection (2) of any contact preference registered with respect to the requested information.

74.4(1) If a child who is aboriginal is adopted under this Act or any predecessor to this Act, the Minister, on the request of the child, whether a minor or an adult, or the child's guardian, at any time, may provide a copy of the original birth certificate of the child and identifying information about the child's biological parents to the Registrar under the Indian Act (Canada), a settlement council of a Metis settlement or a federal or provincial official responsible for providing benefits to persons of Inuit ancestry, for the purpose of facilitating an application for the child's aboriginal status and for execution of the child's rights as a person with aboriginal status.

(3) The Minister may disclose the identity of a person referred to in a sealed order, certificate or document if, in the opinion of the Minister, there are compelling circumstances that support disclosure.

(7) If an adopted child is in need of intervention, the Minister may release personal information in orders, certificates and documents sealed under section 74.1(1) to a director for the purposes of providing intervention services.

20 Section 75(3)(d) of the Child Welfare Act presently reads:

(3) The Minister

(d) shall include in the registry

*(i) all vetos received under subsection (6),
and*

(ii) the name of an adopted person who has died, if the Minister has been advised of the death.

21 Sections 95(1), 96 and 104 of the Child Welfare Act presently read:

95(1) If a child is habitually resident in a designated State, an adoption under this Part may take place only if the competent authority for Alberta

(a) has determined that the prospective adoptive parents are eligible and suited to adopt,

*(b) has ensured that the prospective adoptive parents have been counselled as necessary,
and*

(c) is satisfied that the child is or will be authorized to enter and reside permanently in Canada.

96(1) The Minister is the Central Authority for Alberta.

(2) If authorized by the Minister, the functions of the Central Authority under this Part may, to the extent determined by the Minister, be performed by a director or by a licensed adoption agency.

104(1) The Lieutenant Governor in Council may make regulations necessary to carry out the intent and purposes of this Part and, without limiting the generality of the foregoing, may make regulations

- (a) making inapplicable or limiting or varying the application of any enactment of Alberta that applies to adoptions under this Part;*
- (b) respecting the contents of a report under this Part;*
- (c) designating one or more persons as a competent authority for Alberta with respect to any provision in this Part.*

(2) A regulation made under subsection (1)(a) ceases to have any effect after the last day of the next session of the Legislature.

22 The new sections 105.2, 105.3(4) and 105.7(1) presently read:

105.2 No person shall operate a residential facility unless that person holds a subsisting residential facility licence issued by the Minister under this Act.

105.3(4) A residential facility licence issued under this section must

- (a) identify the residential facility that may be operated under the licence, and*
- (b) state*
 - (i) who may operate the residential facility,*

- (ii) *the maximum number of children who may reside in the residential facility,*
- (iii) *the term of the licence if the term is other than one year from the date of issue, and*
- (iv) *any conditions to which the licence is subject.*

105.7(1) When the Minister is of the opinion that

- (a) *a residential facility licence holder is not providing proper care to a child who resides in the licence holder's residential facility,*
- (b) *the premises described in the residential facility licence have become unfit or unsuitable for a residential facility,*
- (c) *a residential facility licence holder has not complied with*
 - (i) *this Act, the regulations or a condition of the residential facility licence,*
 - (ii) *an order made under section 105.6, or*
 - (iii) *any other enactment that applies to a residential facility,*

the Minister may, by notice in writing to the residential facility licence holder, suspend or cancel the residential facility licence and terminate the licensee's contract with the Crown to provide residential facility services.

23 The new section 107 presently reads in part:

107(1) If a director has reason to believe that a child is an Indian and a member of a band, the director must involve a person designated by the council of the band in planning for the services to be provided to the child if

- (a) *the child is the subject of a temporary guardianship order or a permanent guardianship agreement or order,*
 - (b) *the child is the subject of an application for a permanent guardianship order, or*
 - (c) *the child is a resident of a reserve and
 - (i) *is the subject of an investigation by a director under section 6, or*
 - (ii) *is receiving intervention services.**
- (4) *Despite subsection (3), a director shall not provide a copy of an order made under subsection (3) to a person designated by the council of a band if the guardian of a child described in subsection (2) has not consented to the involvement of that person.*

24 Section 99 presently reads:

99 Section 112(1) is amended by striking out “Part 3 or 4” and substituting “Part 1, Division 3 or 4”.

25 The new section 117.1(1) presently reads:

117.1(1) The following persons directly affected by a decision of a director under this Act may request, in writing within 30 days of the decision, that the director review the decision:

- (a) *a child;*
- (b) *a guardian;*
- (c) *a foster parent;*
- (d) *an individual who has had continuous care of a child for more than 6 of the 12 months preceding the decision of the director.*

26 Section 105(a) and (d) presently read:

105 Section 120 is amended

- (a) in subsection (1)*
 - (i) by striking out “The Minister or any” and substituting “Any”;*
 - (ii) by repealing clause (c);*
- (d) by repealing subsections (3) to (6) and substituting the following:*

27 Section 106(c) presently reads:

106 Section 122 is amended

- (c) by adding the following after subsection (1):*
 - (2) The Minister may enter into an agreement, in accordance with the regulations, with a band for the purposes of providing services under this Act on a reserve.*

28 Applying for information during court proceeding. Section 126.2 presently reads:

126.2(1) No person shall publish any information serving to identify a child who has come to the Minister’s or a director’s attention under this Act or any information serving to identify the guardian of the child.

- (2) Despite subsection (1),*
 - (a) a director may, with the written authorization of the Minister, publish by any means the name of a child, information serving to identify the child and any other information related to the child authorized by the Minister;*

(b) *a child who has attained the age of 18 years may publish information that identifies that person as having come to the Minister's or a director's attention under this Act;*

(c) *a Court*

(i) *may on an ex parte application by a director grant the director permission to publish the name of a child and information serving to identify the child if the Court is satisfied the publication is in the child's best interest or necessary for the proper administration of justice, and*

(ii) *may on an application of a child or of the guardian of a child, if the child or guardian has notified a director, grant permission to the child to publish information that identifies the child as having come to the Minister's or a director's attention under this Act and any other related information that the Court permits if the Court is satisfied the publication is in the child's best interest or the public interest.*

(3) *Any person who contravenes this section is guilty of an offence and liable to a fine of not more than \$10 000 and in default of payment to imprisonment for a term of not more than 6 months.*

29 Section 130 of the Child Welfare Act presently reads:

130 Any person who

(a) *wilfully causes a child to be in need of protective services, or*

(b) *obstructs or interferes with, or attempts to obstruct or interfere with, a director, a child welfare worker, a peace officer or any other*

*duly authorized person exercising any power
or performing any duty under this Act*

*is guilty of an offence and liable to a fine of not more
than \$10 000 or to imprisonment for a period of not
more than 12 months or to both a fine and
imprisonment.*

30 Regulation-making powers.

31 Consequential amendments.

32 Section 117(2) of the Child Welfare
Amendment Act, 2003 and section 10(4) of the Vital
Statistics Act presently read:

*(2) The Child Welfare Amendment Act, 2002 is
amended in section 1 by striking out “Child Welfare
Act” and substituting “Child, Youth and Family
Enhancement Act”.*

*10(4) The Director shall, on the request of the
Minister responsible for the Child Welfare Act,
provide from the special register to that*

*Minister a copy of an adopted person’s original
registration of birth for release to the adopted
person in accordance with the Child Welfare Act.*