

2007 Bill 15

Third Session, 26th Legislature, 56 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 15

**PROTECTION OF CHILDREN INVOLVED IN
PROSTITUTION AMENDMENT ACT, 2007**

MRS. FORSYTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 15
Mrs. Forsyth

BILL 15

2007

PROTECTION OF CHILDREN INVOLVED IN PROSTITUTION AMENDMENT ACT, 2007

(Assented to , 2007)

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

Amends RSA 2000 cP-28

1 The *Protection of Children Involved in Prostitution Act* is
amended by this Act.

2 The title and chapter number of the Act are repealed and the
following is substituted:

PROTECTION OF SEXUALLY EXPLOITED CHILDREN ACT

Chapter P-30.3

3 The preamble is amended in the 2nd recital by adding “and
sexual exploitation” after “sexual abuse”.

4 Section 1 is amended

(a) in subsection (1) by adding the following after clause
(a):

Explanatory Notes

1 Amends chapter P-28 of the Revised Statutes of Alberta 2000.

2 The title and chapter number presently read:

*PROTECTION OF CHILDREN
INVOLVED IN PROSTITUTION ACT*

Chapter P-28

3 The preamble reads in part:

*WHEREAS children engaged in prostitution are victims of sexual
abuse and require protection;*

4 Section 1(2) presently reads:

*(2) For the purposes of this Act, a child is in need of protection if
the child is engaging in prostitution or attempting to engage in
prostitution.*

(a.1) “Child and Youth Advocate” means the person appointed as the Child and Youth Advocate under the *Child, Youth and Family Enhancement Act*;

(b) **in subsection (2) by striking out** “if the child is” **and substituting** “if the child is sexually exploited because the child is”.

5 Section 2(13)(e) is amended by striking out “nearest office of the Legal Aid Society of Alberta” **and substituting** “office of the Child and Youth Advocate”.

6 Section 2.1(1)(d) is amended by striking out “nearest office of the Legal Aid Society of Alberta” **and substituting** “office of the Child and Youth Advocate”.

5 Section 2(13) presently reads:

(13) A director must inform a child with respect to whom a show cause hearing is to be held under subsection (12), in writing, of

- (a) the director's reasons for, and the time period of, the confinement,*
- (b) the time and place of the show cause hearing,*
- (c) the right to attend the show cause hearing,*
- (d) the right to contact a lawyer, and*
- (e) the telephone number of the nearest office of the Legal Aid Society of Alberta.*

6 Section 2.1(1) presently reads:

2.1(1) If a child is confined to a protective safe house under section 3(1)(b)(iii), the director must forthwith give the child a request for review form provided for in the regulations and inform the child in writing of

- (a) the director's reasons for, and the time period of, the confinement,*
- (b) the right to ask the Court to review the director's decision to confine,*
- (c) the right to contact a lawyer, and*
- (d) the telephone number of the nearest office of the Legal Aid Society of Alberta.*

7 Section 6.3 is amended

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

Ban on publication

6.3(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.

- (b) by adding the following after subsection (1):**

(1.1) Despite subsection (1),

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

- (c) in subsection (2)**

- (i) by striking out "subsection (1)" and substituting "this section";**
- (ii) by striking out "\$2000" and substituting "\$10 000".**

7 Section 6.3 presently reads:

6.3(1) Except with the consent of the Court, no person shall publish by any means any report of a Court proceeding under this Act in respect of a child in which the name of the child or a guardian of the child, or any information serving to identify the child or a guardian of the child, is disclosed.

(2) Any person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$2000 and in default of payment to imprisonment for a term of not more than 6 months.

8 Section 7 is amended by adding “and persons described in section 7.2” **after** “children”.

9 Section 7.1(1)(a) is repealed and the following is substituted:

- (a) the child, a director and the child’s guardian if other than a director, or

10 The following is added after section 7.1:

Services for 18-year-olds

7.2(1) If a child is the subject of an agreement under section 7.1 immediately before attaining the age of 18 years, a director may continue to provide that person with services

- (a) for the periods and the purposes, and
- (b) on the conditions

provided for in the regulations.

(2) An agreement must be in the form provided for in the regulations and must

- (a) describe the services to be made available,
- (b) state the duration of the agreement, and
- (c) state how the agreement may be amended or terminated.

(3) The duration of an agreement under this section may not exceed 6 months but an agreement may be renewed.

8 Section 7 presently reads:

7 The Minister may establish programs that in the opinion of the Minister are necessary to assist children in ending their involvement in prostitution.

9 Section 7.1(1)(a) presently reads:

7.1(1) If the director is of the opinion that a child is in need of protection, an agreement to make programs or other services available to the child may be entered into by

(a) the child's guardian, the child and a director, or

10 Services for 18-year-olds.

11 Section 8 is amended

- (a) **in subsection (1)(b) by striking out** “forms, including notices,” **and substituting** “forms, other than agreements under sections 7.1 and 7.2, and notices,”;
- (b) **in subsection (2) by adding the following after clause (b):**
 - (c) respecting services under section 7.2;
 - (d) respecting the form of agreements under sections 7.1 and 7.2.

12 The *Child, Youth and Family Enhancement Act* is amended

- (a) **in section 1(1)(f) by adding** “and the *Protection of Sexually Exploited Children Act*” **after** “of this Act”;
- (b) **in the following provisions by striking out** “*Children Involved in Prostitution*” **wherever it occurs and substituting** “*Sexually Exploited Children*”:
 - section 1(1)(j);
 - section 3(3)(a), (b), (c), (d), (5)(a), (b), (c), (d), (e), (f) and (6);
 - section 121(3);
 - section 129(1).

13 This Act comes into force on Proclamation.

11 Section 8 presently reads:

8(1) The Lieutenant Governor in Council may make regulations

(a) respecting the rules to be followed in a proceeding before the Court under this Act;

(b) respecting the forms, including notices, to be used under this Act.

(2) The Minister may make regulations

(a) prescribing premises as protective safe houses;

(b) respecting assessment of children in need of protection.

12 Amends RSA 2000 cC-12.

13 Coming into force.

