

2008 Bill 40

First Session, 27th Legislature, 57 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 40

**CHILD, YOUTH AND FAMILY ENHANCEMENT
AMENDMENT ACT, 2008**

MR. DALLAS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 40
Mr. Dallas

BILL 40

2008

CHILD, YOUTH AND FAMILY ENHANCEMENT AMENDMENT ACT, 2008

(Assented to , 2008)

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

Amends RSA 2000 cC-12

**1 The *Child, Youth and Family Enhancement Act* is amended
by this Act.**

2 Section 1(1) is amended by repealing clauses (q.1) and (x.1).

3 Section 3 is amended

(a) in subsection (3)

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

(c.1) if the Child and Youth Advocate considers it
appropriate to do so, appoint, or cause to be
appointed, lawyers to represent children who are
receiving services

Explanatory Notes

1 Amends chapter C-12 of the Revised Statutes of Alberta 2000.

2 Section 1(1) presently reads in part:

1(1) In this Act,

(q.1) “presiding justice of the peace” means a presiding justice of the peace as defined in the Justice of the Peace Act;

(x.1) “sitting justice of the peace” means a sitting justice of the peace as defined in the Justice of the Peace Act;

3 Section 3 presently reads in part:

(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 Sexually Exploited Children Act and the provision of those services;

- (i) under this Act, other than services under Part 2,
or
 - (ii) under the *Protection of Sexually Exploited
Children Act*;
- (ii) **by repealing clause (d);**
- (b) **by repealing subsection (6)(c).**

4 Section 6 is repealed and the following is substituted:

Investigation and response

6(1) If a director receives information in the form of

- (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 Sexually Exploited Children Act;*
 - (c) *represent the rights, interests and viewpoints of children who receive services under this Act or the Protection of Sexually Exploited Children 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 Sexually Exploited Children 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.*
- (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 Sexually Exploited Children 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 Sexually Exploited Children 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 6 presently reads:

6(1) If a director receives information in the form of

- (a) *a request for intervention services,*

- (a) a request for intervention services,
- (b) a report under section 4 or 5, or
- (c) any other allegation or evidence that a child may be in need of intervention,

the director must investigate the child's need for intervention unless the director is satisfied that the information was provided maliciously or is unfounded or that the report or allegation was made without reasonable and probable grounds.

(2) During an investigation, a director may convey a child to any place in order to complete the investigation if in the opinion of the director it is necessary.

(3) If, after an investigation referred to in subsection (1), the director is of the opinion that the child is in need of intervention,

- (a) the director must,
 - (i) if the director is satisfied that it is consistent with the child's need for intervention, provide family enhancement services to the child or to the child's family in accordance with this Act, or
 - (ii) if the director is not satisfied that the child's need for intervention can be met under subclause (i), take whatever action under this Act that the director considers appropriate, including the provision of protective services in accordance with this Act,

and

- (b) the director may, if the director is satisfied that it is consistent with the child's need for intervention, convey the child to the person who has custody of the child or to a person who is temporarily caring for the child.

(4) If family enhancement services are provided to the child or to the child's family, the person or a member of the organization providing those services must report to the director

- (b) a report under section 4 or 5, or
- (c) any other allegation or evidence that a child is in need of intervention,

the director must assess the child's need for intervention, unless the director is satisfied that the information was provided maliciously or is unfounded or that the report or allegation was made without reasonable and probable grounds.

(2) If, after an assessment referred to in subsection (1), the director is of the opinion that the child is in need of intervention, the director must,

- (a) *if the director is satisfied that it is consistent with the child's need for intervention, provide family enhancement services in accordance with this Act to the child or to the child's family, or*
- (b) *if the director is not satisfied that the child's need for intervention may be met under clause (a), cause the matter to be investigated.*

(3) If, after an investigation referred to in subsection (2)(b), the director continues to be of the opinion that the child is in need of intervention, the director must,

- (a) *if satisfied that it is consistent with the child's need for intervention, provide family enhancement services in accordance with this Act to the child or to the child's family, or*
- (b) *if not satisfied that the child's need for intervention may be met under clause (a), take whatever action under this Act the director considers appropriate, including the provision of protective services in accordance with this Act.*

(4) If family enhancement services are provided, the person or a member of the organization providing those services must report to the director any matter respecting the child that may require further assessment or investigation by the director.

(5) During an investigation, a director may, if in the opinion of the director it is necessary, convey a child to any place in order to complete the investigation.

any matter respecting the child that may require further investigation by the director.

5 Section 7(1) is amended by adding “without the provision of emergency care” **after** “satisfied that”.

6 Section 19 is amended

- (a) **in subsections (1), (2) and (3) by striking out** “sitting justice of the peace or presiding”;
- (b) **in subsection (5)**
 - (i) **by striking out** “sitting justice of the peace or presiding”;
 - (ii) **by striking out** “a presiding justice” **and substituting** “a justice”;
- (c) **in subsection (8)(a) by striking out** “sitting justice of the peace or presiding”;
- (d) **in subsections (9) and (10) by striking out** “presiding”.

(6) If, after an investigation pursuant to subsection (2)(b), a director is of the opinion that it would be consistent with the child's need for intervention, the director may convey the child to the person who has custody of the child or to a person who is temporarily caring for the child.

5 Section 7(1) presently reads:

7(1) If a director is satisfied that a child may be in need of intervention because the guardian of the child cannot be located after a reasonable search or has died or become incapacitated, the director may appoint a person to care for the child until the guardian can be located or other satisfactory arrangements can be made for the care of the child, and the director may convey the child for the purpose of placing the child in the care of that person.

6 Section 19 presently reads in part:

19(1) If a director has reasonable and probable grounds to believe that a child is in need of intervention, the director may make an ex parte application to a judge of the Court, or if no judge is reasonably available, to a sitting justice of the peace or presiding justice of the peace, for an order

(a) authorizing the director to apprehend the child, or

(b) if the judge or justice is satisfied that the child may be found in a place or premises, authorizing the director or any person named in the order and any peace officer called on for assistance, to enter, by force if necessary, that place or premises and to search for and apprehend the child.

(2) If

(a) a child who is in the custody of a director under Division 2 or this Division has left or been removed from the custody of the director without the consent of the director, and

(b) the director has reasonable and probable grounds to believe that the child may be found in a place or premises,

the director may make an ex parte application to a judge of the Court or, if no judge is reasonably available, to a sitting justice of

the peace or presiding justice of the peace, for an order under subsection (3).

(3) A judge of the Court or a sitting justice of the peace or presiding justice of the peace, if satisfied on reasonable and probable grounds that the child may be found in the place or premises, may make an order authorizing the director or any person named in the order and any peace officer called on for assistance, to enter, by force if necessary, the place or premises specified in the order and to search for and remove the child for the purpose of returning the child to the custody of the director.

(5) If, in the opinion of the director, it would be impracticable to appear personally before a judge or sitting justice of the peace or presiding justice of the peace to apply for an order in accordance with subsection (1) or (2), the director may make the application by telephone or other means of telecommunication to a judge of the Court or a presiding justice of the peace.

(8) The information submitted by telephone or other means of telecommunication shall include the following:

(a) a statement of the circumstances that make it impracticable for the director to appear personally before a judge of the Court or a sitting justice of the peace or presiding justice of the peace;

(9) A judge of the Court or a presiding justice of the peace referred to in subsection (5) who is satisfied that an application made by telephone or other means of telecommunication

(a) conforms to the requirements of subsection (8), and

(b) discloses reasonable grounds for dispensing with personal appearance for the purpose of making an application under subsection (1) or (2)

may make an order conferring the same authority respecting search and apprehension as may be conferred under subsection (1) or (2).

(10) If a judge of the Court or a presiding justice of the peace makes an order under subsection (9),

(a) the judge or justice shall complete and sign an order in the prescribed form, noting on its face the time, date and place at which it was made,

7 Section 21.1 is amended

(a) in subsection (4)(b) by striking out “7 days” and substituting “14 days”;

(b) by adding the following after subsection (5):

(5.1) The Court may hear a motion for an adjournment under subsection (4) by videoconference if the Court is satisfied that it is proper to do so.

(c) by repealing subsection (6).

8 Section 26 is repealed and the following is substituted:

Adjournments

26(1) The Court may adjourn a hearing under this Division for a period of not more than 42 days or for any longer period that the Court, in its discretion, directs.

(2) If the Court adjourns a hearing, the Court must make an interim order in respect of the child who is the subject of the hearing providing for the custody of or access to the child during the adjournment.

- (b) the director, on the direction of the judge or justice, shall complete, in duplicate, a facsimile of the order in the prescribed form, noting on its face the name of the judge or justice making the order and the time, date and place at which it was made, and*
- (c) the judge or justice shall, as soon as practicable after the order has been made, cause the order to be filed with the clerk of the Court.*

7 Section 21.1 presently reads in part:

- (4) Despite section 26, an application under subsection (1)*
 - (a) is summary in nature, and*
 - (b) may be adjourned for a period of no more than 7 days at a time unless the parties agree to a longer adjournment; however, the total adjournment period under this clause shall not exceed 42 days.*
- (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 and in the prescribed form, 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.*

8 Section 26 presently reads:

- 26(1) The Court may adjourn a hearing under this Division for a period of not more than 42 days or for any longer period that the parties agree to.*
- (2) If the Court adjourns a hearing under subsection (1), it shall make an interim order in respect of the child who is the subject of the hearing*
 - (a) providing for the custody of or access to the child, and*

(3) This section does not apply to the adjournment of a hearing under section 21.1.

9 Section 32(2)(c) is repealed.

10 Section 33 is repealed and the following is substituted:

Total cumulative time in the care of a director

33(1) For the purposes of this section, a child is in the care of a director when the child is the subject of one or more of the following:

- (a) a custody agreement under section 9 or 57.2(2);
- (b) a custody order under section 21.1(2)(a);
- (c) a temporary guardianship order under subsection (4) or section 29(1)(b) or 31;
- (d) an extension of a temporary guardianship order under section 32(3);
- (e) an interim order granting custody to a director under section 26(2).

- (b) *if the child is the subject of a temporary guardianship order, providing for guardianship of the child*

during the adjournment.

9 Section 32(2) presently reads:

(2) On reviewing an order under this section, the Court may consider any matter it thinks is relevant, and shall consider the following:

- (a) *whether the circumstances that caused the child to be in need of intervention have changed;*
- (b) *the intervention services that have been provided to the child or the family of the child;*
- (c) *if a plan has been developed in accordance with section 21.1(6), whether a director has followed the plan for the care of the child;*
- (d) *whether a guardian, other than the director, has complied with the order.*

10 Section 33 presently reads:

33(1) The total cumulative period during which a child is in the custody of a director or the subject of a temporary guardianship order shall not exceed

- (a) *6 months if the child is under the age of 6 years, or*
- (b) *9 months if the child is 6 years of age or older.*

(2) Despite subsection (1), the Court may make a temporary guardianship order for one further period of not more than 6 months if the Court is satisfied there are good and sufficient reasons for doing so.

(3) Despite subsections (1) and (2), the Court may make a temporary guardianship order for one further period of not more than an additional 3 months if the Court is satisfied that

(2) The total cumulative time during which a child is in the care of a director shall not exceed

- (a) 9 months if the child is under the age of 6 years, or
- (b) 12 months if the child is 6 years of age or older, or if the child attains the age of 6 years while in the care of a director.

(3) If the total cumulative time during which a child is in the care of a director reaches the maximum set out in subsection (2) in respect of that child, the Court may, notwithstanding subsection (2), make one temporary guardianship order for one period of not more than 6 months if the Court is satisfied that

- (a) there are good and sufficient reasons to do so, and
- (b) it can be anticipated that the child may be returned to the custody of the child's guardian within the period of the order.

(4) The following shall not be included in a calculation under subsection (2):

- (a) if a period of at least 5 years passes during which a child is not in the care of a director or the subject of a permanent guardianship agreement or order, any time the child was in the care of a director that preceded that period;
- (b) if a child is the subject of an adoption order or a private guardianship order, any time the child was in the care of the director that preceded the date that order was made.

(5) Despite subsection (2), if the Court adjourns a hearing of an application for permanent guardianship, the Court shall make an interim order granting custody of the child to a director pending the disposition of the application unless it is satisfied that it would be in the best interests of the child to order otherwise.

(6) An order under subsection (5) may provide for access to the child.

- (a) there are exceptional circumstances that justify exceeding the time limit, and*
 - (b) it can be anticipated that the child may be returned to the custody of the child's guardian within the period of the order.*
- (4) For the purposes of subsection (1), the following periods during which a director has custody of a child shall not be included in computing the total cumulative period of time:*
- (a) custody from when the child is apprehended under section 19 until an order is made under section 21(11)(a) or 21.1, and*
 - (b) the first 42 days provided for in section 21.1(6).*
- (5) If a child is returned to the custody of the child's guardian or a director's application under section 21(1)(b) is withdrawn or disposed of within the first 42 days referred to in subsection (4)(b), the 42-day exemption from the cumulative period of time in care is deemed to have occurred.*
- (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.*
- (7) If a child attains 6 years of age while in the custody of a director or the subject of a temporary guardianship order, the time period set out in subsection (1)(b) applies.*

11 Section 43.1 is amended

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

(3.1) The Court may hear a show cause or application for a secure services order under subsection (3) by videoconference if the Court is satisfied that it is proper to do so.

(3.2) If in the opinion of the director it would be impracticable to appear personally before a judge or justice of the peace

(a) to show cause in accordance with subsection (3)(a), or

(b) to apply for an order in accordance with subsection (3)(b),

the director may show cause or make the application to a judge of the Court by telephone or other means of telecommunication in accordance with section 43.2.

(b) in subsection (6) by striking out “sitting”;

(c) by adding the following after subsection (6):

(7) The judge or justice of the peace that hears an application pursuant to subsection (3) may make a secure services order in respect of a child for a period of not more than 7 days if the judge or justice of the peace is satisfied that a further period of confinement is necessary

(a) to stabilize the child, or

(b) to assess the child and prepare a plan for services.

(8) If a judge or justice of the peace makes a secure services order under subsection (7), 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.

11 Section 43.1 presently reads in part:

(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 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.

(6) An application pursuant to subsection (3) may be heard by a judge of the Court, a judge of the Court of Queen's Bench or a sitting justice of the peace.

12 The following is added after section 43.1:

Application for secure services order by telecommunication

43.2(1) If the director shows cause or makes an application under section 43.1 by telephone or other means of telecommunication, the information on which the application or show cause is based shall be given on oath and shall be recorded verbatim by a judge of the Court who, as soon as practicable, shall cause the record or a transcription of the record, certified by the judge as to time, date and contents, to be filed with the clerk of the Court.

(2) For the purposes of subsection (1), an oath may be administered by telephone or other means of telecommunication.

(3) The information submitted by telephone or other means of telecommunication must include a statement of the circumstances that make it impracticable for the director to appear personally before a judge of the Court or a justice of the peace.

(4) A judge of the Court referred to in subsection (1) may make an order under section 43.1 if the judge is satisfied that an application made by telephone or other means of telecommunication conforms to the requirements of subsection (3).

(5) If a judge of the Court makes an order pursuant to subsection (4),

- (a) the judge shall complete and sign an order in the prescribed form, noting on its face the time, date and place at which it was made,
- (b) the director, on the direction of the judge, shall complete, in duplicate, a facsimile of the order in the prescribed form, noting on its face the name of the judge making the order and the time, date and place at which it was made, and
- (c) the judge shall, as soon as practicable after the order has been made, cause the order to be filed with the clerk of the Court.

12 Application for secure services order by telecommunication.

(6) An order made by telephone or other means of telecommunication is not subject to challenge by reason only that the circumstances were not such as to make it reasonable to dispense with personal appearance for the purpose of making an application.

13 Section 44 is amended

(a) by repealing subsection (6) and substituting the following:

(6) If the Court is satisfied that it is proper to do so, the Court, on the ex parte application of the director, may, at any time before the time fixed for the hearing of an application under subsection (4), do any of the following:

- (a) authorize service ex juris, service by registered mail or any other form of substitutional service;
- (b) if an order is made under clause (a), extend or reduce the time within which service may be effected;
- (c) if an order is made under clause (a), extend the time within which a hearing shall be held;
- (d) authorize service on a guardian appointed under the *Dependent Adults Act* in respect of the guardian of a child instead of on the guardian of the child;
- (e) authorize the giving of a shorter period of notice;
- (f) dispense with service on any person.

(6.1) Whether or not authorization has been given under subsection (6), the Court may do any of the following at the time of the hearing of an application under subsection (4):

- (a) approve service made in a form it considers adequate in the circumstances;
- (b) approve a shortened period as sufficient notice;
- (c) dispense with service on any person.

13 Section 44 presently reads in part:

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.

(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.*

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

(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,*

(b) in subsection (9)

(i) by striking out “and” at the end of clause (a);

(ii) in clause (b)

(A) by adding “, if any,” after “child’s lawyer”;

(B) by adding “and” at the end of subclause (iv), striking out “and” at the end of subclause (v) and repealing subclause (vi);

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

(c) provide the child with a written statement showing the address and telephone number of the Child and Youth Advocate, and

(d) provide the child’s guardian with a written statement showing the address and telephone number of the nearest office of the Legal Aid Society.

14 The following is added after section 44.1:

Exclusion from proceedings

44.2(1) Subject to subsection (2), if the Court is satisfied that

- (a) the evidence or information presented to the Court may be seriously injurious or seriously prejudicial to the child who is the subject of a hearing under this Division, or
- (b) it would be in the interest of public morals, the maintenance of order or the proper administration of justice to exclude any or all members of the public from the courtroom,

the Court may exclude any person, including a guardian of the child or the child, from all or part of the proceedings if the Court considers that person’s presence to be unnecessary to the conduct of the proceedings.

(2) The Court may not exclude a director or a lawyer representing any of the parties.

- (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.*

14 New provision respecting exclusions from proceedings.

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

15 Section 48 is amended

- (a) **in subsection (2) by striking out** “sitting justice of the peace or presiding”;
- (b) **in subsection (4)**
 - (i) **by striking out** “sitting justice of the peace or presiding”;
 - (ii) **by striking out** “a presiding justice” **and substituting** “a justice”;
- (c) **in subsection (7)(a) by striking out** “sitting justice of the peace or presiding”;
- (d) **in subsections (8) and (9) by striking out** “presiding”.

15 Section 48 presently reads in part:

(2) If a director has reasonable and probable grounds to believe that a child who is the subject of a secure services certificate or order

- (a) has left a secure services facility when a leave of absence has not been granted, or*
- (b) has left a secure services facility pursuant to a leave of absence but has not returned within the time prescribed,*

the director may make an ex parte application to a judge of the Court or, if no judge is reasonably available, to a sitting justice of the peace or presiding justice of the peace, for an order authorizing the director or any person named in the order and any peace officer called on for assistance, to enter, by force if necessary, any place or premises specified in the order, to search for, apprehend and convey the child to any secure services facility and to detain the child while the child is being conveyed to a secure services facility.

(4) If, in the opinion of the director, it would be impracticable to appear personally before a judge or sitting justice of the peace or presiding justice of the peace to apply for an order in accordance with subsection (2), the director may make the application by telephone or other means of telecommunication to a judge of the Court or a presiding justice of the peace.

(7) The information submitted by telephone or other means of telecommunication shall include the following:

- (a) a statement of the circumstances that make it impracticable for the director to appear personally before a judge of the Court or a sitting justice of the peace or presiding justice of the peace;*
- (b) a statement of the director's belief that the child is the subject of a secure services certificate or order and*

16 Section 49(6) is repealed and the following is substituted:

- (i) *has left the secure services facility without a leave of absence, or*
 - (ii) *has not returned to the secure services facility within the time prescribed;*
 - (c) *a statement of the director's grounds for believing that the child will be found in the place or premises to be searched;*
 - (d) *a statement as to any prior application for an order under this section in respect of the same child of which the director has knowledge.*
- (8) *A judge of the Court or a presiding justice of the peace referred to in subsection (4) who is satisfied that an application made by telephone or other means of telecommunication*
- (a) *conforms to the requirements of subsection (7), and*
 - (b) *discloses reasonable grounds for dispensing with personal appearance for the purpose of making an application under subsection (2)*
- may make an order conferring the same authority respecting search and apprehension as may be conferred under subsection (2).*
- (9) *If a judge of the Court or a presiding justice of the peace makes an order under subsection (8),*
- (a) *the judge or justice shall complete and sign an order in the prescribed form, noting on its face the time, date and place at which it was made,*
 - (b) *the director, on the direction of the judge or justice, shall complete, in duplicate, a facsimile of the order in the prescribed form, noting on its face the name of the judge or justice making the order and the time, date and place at which it was made, and*
 - (c) *the judge or justice shall, as soon as practicable after the order has been made, cause the order to be filed with the clerk of the Court.*

16 Section 49 presently reads in part:

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

(6) If the Court is satisfied that it is proper to do so, the Court, on the ex parte application of the director, may, at any time before the time fixed for the hearing, do any of the following:

- (a) authorize service ex juris, service by registered mail or any other form of substitutional service;
- (b) if an order is made under clause (a), extend or reduce the time within which service may be effected;
- (c) if an order is made under clause (a), extend the time within which a hearing shall be held;
- (d) authorize service on a guardian appointed under the *Dependent Adults Act* in respect of the guardian of a child instead of on the guardian of the child;
- (e) authorize the giving of a shorter period of notice;
- (f) dispense with service on any person.

(7) Whether or not authorization has been given under subsection (6), the Court may do any of the following at the time of the hearing:

- (a) approve service made in a form it considers adequate in the circumstances;
- (b) approve a shortened period as sufficient notice;
- (c) dispense with service on any person.

17 Section 50(3) is amended by adding “, if any,” after “child’s lawyer”.

18 Section 51(1.1) is amended by striking out “sitting” wherever it occurs.

17 Section 50(3) presently reads:

(3) The director shall provide the child, the child's guardian, the child's lawyer and the person in charge of the secure services facility in which the child is confined with a copy of the order made under subsection (1).

18 Section 51 presently reads in part:

19 Section 52 is amended

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

Private guardianship

52(1) Any adult may apply to the Court in the prescribed form for a private guardianship order in respect of a child who is in the custody of a director or is the subject of a temporary guardianship order or a permanent guardianship agreement or order.

- (b) **in subsection (1.1) by striking out** “report in the prescribed form” **and substituting** “home study report in the form required in the regulations”;

- (c) **by adding the following after subsection (1.2):**

(1.3) If an applicant has reason to believe that the child is an aboriginal child, the application under subsection (1) must include a cultural connection plan, made in accordance with the regulations, that addresses how the child’s connection with aboriginal culture, heritage, spirituality and traditions will be fostered and the child’s cultural identity will be preserved.

20 Section 53 is amended

- (a) **in subsection (1) by striking out** “and a copy of the report described in section 52(1.1)” **and substituting** “, a copy of the report described in section 52(1.1) and a copy of the

(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.*

19 Section 52 presently reads in part:

52(1) Any adult who for a period of at least one month has had the continuous care of a child who is in the custody of a director or is the subject of a temporary guardianship order or a permanent guardianship agreement or order may apply to the Court in the prescribed form for a private guardianship order in respect of the child.

(1.1) An application under subsection (1) must include a report in the prescribed form prepared by a qualified person respecting

- (a) the suitability of the applicant as a guardian,*
- (b) the ability and willingness of the applicant to assume the responsibility of a guardian with respect to the child, and*
- (c) whether it is in the best interests of the child that the applicant be appointed as a guardian of the child.*

20 Section 53 presently reads:

53(1) The applicant shall serve notice of the nature, date, time and place of the hearing of the application under section 52 and a copy of the report described in section 52(1.1) not less than 30 days before the date of the hearing on

cultural connection plan described in section 52(1.3) if one was required under that section,”;

- (b) in subsection (2)(a) by striking out** “and a copy of the report described in section 52(1.1)” **and substituting** “, the copy of the report described in section 52(1.1) and the copy of the cultural connection plan described in section 52(1.3) if one was required under that section,”.

21 Section 55(2)(a) is amended by adding “, other than the director” **after** “child”.

- (a) *the guardian of the child,*
 - (b) *the child, if the child is 12 years of age or older, and*
 - (c) *a director, if a director is not the guardian.*
- (2) *The Court may, if it considers it appropriate to do so,*
- (a) *order that service of the notice of the application and a copy of the report described in section 52(1.1) be made substitutionally or ex juris,*
 - (b) *shorten the period of service required under subsection (1), or*
 - (c) *dispense with service on any person other than the director.*

21 Section 55 presently reads:

55(1) A private guardianship order shall not be made without the consent in the prescribed form of

- (a) *the guardian of the child,*
- (b) *the child, if the child is 12 years of age or older, and*
- (c) *a director, if a director is not the guardian of the child.*

(2) Notwithstanding subsection (1), the Court may make an order dispensing with the consent of

- (a) *the guardian of the child,*
- (b) *the child, or*
- (c) *a director, unless a director is the guardian of the child,*

if the Court is satisfied that it is in the best interests of the child to do so.

(3) A consent to guardianship executed in any province or territory in a form prescribed for consents in that province or territory is as good and sufficient as if it had been executed in the form prescribed under this Act.

22 Section 56 is amended

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

(1.01) If it is satisfied that it is in the best interests of the child to do so, the Court may waive the requirement in subsection (1)(c).

(b) by adding the following after subsection (1.1):

(1.2) On making an order under subsection (1) appointing a guardian of an aboriginal child, the Court shall advise the guardian of the guardian's obligations under section 57.01.

23 Section 56.1(1) is amended by striking out “if the director is satisfied that the private guardianship would place an undue burden on the financial resources of that person”.

24 The following is added after section 56.1:

22 Section 56 presently reads:

56(1) If the Court is satisfied that

- (a) the applicant is able and willing to assume the responsibility of a guardian toward the child,*
- (b) it is in the best interests of the child, and*
- (c) the child has been in the continuous care of the applicant for a period of at least 3 months immediately prior to the hearing,*

the Court may make a private guardianship order appointing the applicant as a guardian of the child.

(1.1) On making an order under subsection (1), the Court may include terms respecting custody of and contact with the child.

(2) The clerk of the Court shall provide a certified copy of an order made under subsection (1) to

- (a) the applicant,*
- (b) any person who was a guardian of the child immediately before the making of the order,*
- (c) the child, if the child is 12 years of age or older, and*
- (d) a director, if a director was not the guardian of the child immediately before the making of the order.*

23 Section 56.1(1) presently reads:

56.1(1) A director may provide financial assistance in accordance with the regulations to a person who is made a private guardian of a child who was, at the time of making the private guardianship order, the subject of a permanent guardianship agreement or order if the director is satisfied that the private guardianship would place an undue burden on the financial resources of that person.

24 Review of contact terms in order.

Review of contact terms in order

56.2(1) If an order made under section 56 includes terms respecting contact with a child, the following may apply to the Court in the prescribed form for a review of those terms:

- (a) the child, if the child is 12 years of age or older;
- (b) a person who has been granted contact with the child under the order;
- (c) a guardian of the child;
- (d) a person who has a significant relationship with the child.

(2) The applicant shall send a notice of the date, time and place of the hearing of the review by the Court by registered mail or by any other method approved by the Court to

- (a) the child, if the child is 12 years of age or older,
- (b) a person who has been granted contact with the child under the order, if that person is not the applicant, and
- (c) a guardian of the child

not less than 15 days before the date fixed for the hearing.

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

- (a) order that service of the notice of the application be made substitutionally or ex juris,
- (b) shorten the period of notice required under subsection (2), or
- (c) dispense with service on any person.

(4) On hearing an application under subsection (1), the Court may continue, vary or terminate the terms respecting contact contained in the order.

25 The following is added after section 57:

25 Private guardianship of aboriginal child.

Private guardianship of aboriginal child

57.01 If a private guardianship order is made under section 56 appointing a guardian of an aboriginal child, that guardian shall

- (a) take reasonable steps to comply with the cultural connection plan included in the application in respect of that child under section 52(1.3), and
- (b) if the aboriginal child is an Indian,
 - (i) take reasonable steps on behalf of the child necessary for the child to exercise any rights the child may have as an Indian, and
 - (ii) inform the child of the child's status as an Indian as soon as, in the opinion of that guardian, the child is capable of understanding the child's status as an Indian.

26 The heading preceding section 57.2 is repealed and the following is substituted:

**Division 6
Agreements with Youths**

27 Division 7 of Part 1 is repealed and the following is substituted:

**Division 7
Child Support
Agreements and Orders**

Child support agreement

57.4(1) If

- (a) 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
- (b) a director has entered into an agreement with a child under section 57.2,

26 The heading preceding section 57.2 presently reads:

Division 6
Youth

27 Child support agreements and orders.

a director may enter into an agreement in the prescribed form with the parent of the child whereby the parent agrees to provide child support.

(2) An agreement for child support entered into under subsection (1) does not prevent the director from applying to the Court for an order under section 57.5.

Child support order

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 an agreement with the child under section 57.2, a director may apply in the prescribed form to the Court for an order requiring any or all of the parents of the child to provide child support.

(2) The Court on hearing an application under subsection (1) may make an order requiring a parent to provide child support.

(3) An order of the Court under subsection (2) may be retroactive in effect to the commencement of the child's being

- (a) in the custody of a director,
- (b) the subject of a temporary guardianship order or a permanent guardianship agreement or order, or
- (c) the subject of an agreement under section 57.2.

(4) In making an order requiring a parent to provide child support for a child under this section, the Court may consider

- (a) the income, earning capacity and other financial resources or benefits of the parent, and
- (b) the child support guidelines made or adopted under the *Family Law Act*.

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

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

Review of child support order

57.6(1) If an order is made under section 57.5, the following may apply to the Court for a review of the order:

- (a) a director;
- (b) a parent who is required to provide child support under the order;
- (c) a private guardian who is entitled under section 57.7 to receive child support in respect of the child who is the subject of the order.

(2) On reviewing an order made under section 57.5, 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 the ability of the parent to provide the child support.

(3) Notice of the nature, date, time and place of a hearing under this section must be served personally by the applicant

- (a) on the parent, if the applicant is the director or a private guardian of the child referred to in subsection (1)(c), and
- (b) on the director and on a private guardian of the child referred to in subsection (1)(c), if the applicant is the parent,

at least 5 days before the date fixed for the hearing.

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

Transfer of child support

57.7(1) If the Court makes a private guardianship order with respect to a child who is the subject of an agreement under section 57.4 or an order under section 57.5, the Court may direct that child support provided pursuant to the agreement or order shall be provided to the private guardian, notwithstanding

that the private guardian was not a party to the agreement or the application for the order.

(2) Until the Director of Maintenance Enforcement receives 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 is made.

Financial information

57.8(1) In order to assist a director in determining terms of an agreement under section 57.4 or to assist the Court in determining terms of an order under section 57.5, the director may request a parent to disclose financial information in accordance with the regulations.

(2) If the parent refuses to disclose the financial information requested by the director, the director may apply to the Court in the prescribed form for an order for financial disclosure.

(3) If a parent refuses to disclose financial information requested or ordered under this section, in making an order under section 57.5, the Court may draw an adverse inference against the parent and impute income to the parent in the amount that the Court considers appropriate.

28 Section 63 is amended

(a) in subsection (1)

(i) **in clause (d) by striking out** “home assessment report in the prescribed form” **and substituting** “home study report in the form required in the regulations”;

(ii) **by adding the following after clause (e):**

(f) if the petitioner has reason to believe that the child is an aboriginal child, a cultural connection plan, made in accordance with the regulations, that addresses how the child’s connection with aboriginal culture, heritage, spirituality and traditions will be fostered and the child’s cultural identity will be preserved.

28 Section 63 presently reads in part:

63(1) A petition for an adoption order in respect of a child who is the subject of a permanent guardianship agreement or order or who is the subject of an equivalent order or agreement in another country and has been lawfully admitted to Canada for permanent residence shall be filed with the Court by a director and must be accompanied with the following documentation:

- (d) a home assessment report in the prescribed form prepared by a qualified person on behalf of the director respecting*
 - (i) the suitability of the petitioner as an adoptive parent, and*
 - (ii) the capability and willingness of the petitioner to assume the responsibility of a parent toward the child;*

(b) in subsection (2)

(i) in clause (b)(iii) by striking out “access to the child” **and substituting** “time with the child or contact with the child”;

(ii) in clause (d) by striking out “home assessment report in the prescribed form” **and substituting** “home study report in the form required in the regulations”;

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

(f) if the petitioner has reason to believe that the child is an aboriginal child, a cultural connection plan, made in accordance with the regulations, that addresses how the child’s connection with aboriginal culture, heritage, spirituality and traditions will be fostered and the child’s cultural identity will be preserved.

(c) in subsection (3)

(i) in clause (a)(iv) by striking out “access to the child” **and substituting** “time with the child or contact with the child”;

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

(e) in the case of a petitioner who is not a step-parent of the child, if the petitioner has reason to believe that the child is an aboriginal child, a cultural connection plan, made in accordance with the regulations, that addresses how the child’s connection with aboriginal culture, heritage, spirituality and traditions will be fostered and the child’s cultural identity will be preserved.

(e) the affidavit of any person acceptable to the director respecting the fitness of the petitioner to adopt the child, or any other material that the director may require.

(2) A petition for an adoption order in respect of a child who is placed in the custody of the petitioner by a licensed adoption agency shall be filed with the Court by an officer of the licensed adoption agency and must be accompanied with the following documentation:

(b) the affidavit of the petitioner setting out

(i) the age, address, marital status and occupation of the petitioner and the relationship, if any, of the petitioner to the child,

(ii) the terms of any agreement and any document or writing relating to any agreement under which payment or other consideration passes from the petitioner in respect of care, maintenance, medical treatment or other necessities to or for the benefit of the parent of the child, and

(iii) the terms of any agreement or order respecting access to the child;

(d) a home assessment report in the prescribed form prepared by a qualified person on behalf of an officer of the licensed adoption agency respecting

(i) the suitability of the petitioner as an adoptive parent, and

(ii) the capability and willingness of the petitioner to assume the responsibility of a parent toward the child;

(e) the affidavit of any person acceptable to an officer of the licensed adoption agency respecting the fitness of the petitioner to adopt the child, or any other material that the officer may require.

(3) A petition for an adoption order in respect of a child whose step-parent is the petitioner or a child who is placed by a parent directly in the custody of a petitioner shall be filed with the Court and must be accompanied with the following documentation:

(a) the affidavit of the petitioner setting out

(i) the name, date and place of birth, gender and parentage of the child, so far as is known,

29 Section 64(3) is amended by striking out “(1)(c) need not be served with the home assessment report” **and substituting** “(1)(e) need not be served with the home study report”.

30 Section 69 is amended by striking out “home assessment report in the prescribed form” **and substituting** “home study report in the form required in the regulations”.

31 Section 70 is amended by adding the following after subsection (2):

- (ii) *the age, address, marital status and occupation of the petitioner and the relationship of the petitioner to the child,*
- (iii) *where the petitioner is the step-parent of the child, the name of the parent who has lawful custody of the child, and*
- (iv) *the terms of any agreement or order respecting access to the child;*
- (b) *the consents required under section 59 or an affidavit indicating the reasons why the petitioner is requesting that the Court dispense with one or more of the consents;*
- (c) *family and medical history of the child's biological parent as required by the regulations;*
- (d) *the results of a criminal record check of the petitioner.*

29 Section 64(3) presently reads:

(3) A child referred to in subsection (1)(c) need not be served with the home assessment report under subsection (1) or the results of a criminal record check under section 63(3).

30 Section 69 presently reads:

69 The Court may, if it considers it appropriate to do so, require a petitioner who has petitioned the Court for an adoption order in respect of a child referred to in section 63(3) to submit to the Court a home assessment report in the prescribed form prepared by a qualified person respecting

- (a) *the suitability of the petitioner as an adoptive parent, and*
- (b) *the capability and willingness of the petitioner to assume the responsibility of a parent toward the child.*

31 Section 70 presently reads:

70(1) If the Court is satisfied that

(2.1) On making an adoption order in respect of a child who the Court has reason to believe is an aboriginal child, the Court shall advise the adopting parent of the adopting parent's obligations under section 71.1.

32 The following is added after section 71:

Adoption of aboriginal child

71.1 If an adoption order is made in respect of an aboriginal child, the adopting parent shall

- (a) take reasonable steps to comply with the cultural connection plan filed in respect of that child under section 63, and
- (b) if the aboriginal child is an Indian,
 - (i) take reasonable steps on behalf of the child necessary for the child to exercise any rights the child may have as an Indian, and

- (a) the petitioner is capable of assuming and willing to assume the responsibility of a parent toward the child, and*
- (b) it is in the best interests of the child that the child be adopted by the petitioner,*

the Court may order the adoption of the child by the petitioner.

(2) An adoption order shall be in the prescribed form and shall show the name of the child prior to the adoption.

(3) If the adopting parent is a widow or widower whose deceased spouse was a party to the petition for the adoption order, or if on and after the coming into force of the Adult Interdependent Relationships Act the adopting parent is an adult interdependent partner, as defined in that Act, whose deceased adult interdependent partner was a party to the petition, the Court may, on the request of the adopting parent and with the consent of the child if the child is 12 years of age or older, name both the petitioner and the deceased spouse as the adopting parents of the child.

(4) On the request of the adopting parent and with the consent of the child if the child is 12 years of age or older, the Court may change the given name of the child in the adoption order.

(5) When an adoption order is made, the surname of the adopting parent becomes the surname of the child unless the Court orders otherwise.

32 Adoption of aboriginal child.

- (ii) inform the child of the child's status as an Indian as soon as, in the opinion of that adopting parent, the child is capable of understanding the child's status as an Indian.

33 Section 74.2(7) is repealed.

34 Section 74.4 is amended

- (a) **in subsection (1) by striking out** “and identifying information about the child's biological parents” **and substituting** “, identifying information about the child's biological parents and any other information sealed under section 74.1 that the Minister considers relevant”;
- (b) **in subsection (2) by striking out the words preceding clause (a) and substituting the following:**
 - (2) Despite section 74.1, on request the Minister may provide a copy, and the clerk of the Court may provide a certified copy, of an adoption order to
- (c) **in subsection (7)**
 - (i) **by adding** “or a sibling of an adopted child” **after** “an adopted child”;
 - (ii) **by adding** “to that adopted child or sibling” **after** “intervention services”.

33 Section 74.2(7) presently reads:

(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.

34 Section 74.4 presently reads in part:

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 registration of birth 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.

(2) Despite section 74.1, 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 descendant of a deceased adopted person,*
- (c) 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*

35 Section 81(1) is repealed and the following is substituted:

Financial assistance

81(1) A director may provide financial assistance in accordance with the regulations to a person who adopts a child if

- (a) the child was the subject of a permanent guardianship agreement or order at the time of the adoption order, or
- (b) the person was the private guardian of the child pursuant to an order made under section 56 at the time of the adoption order and the child was the subject of a permanent guardianship agreement or order at the time of the person's appointment as private guardian of the child under section 56.

36 Section 83(2)(a) is amended by striking out "home assessment report" and substituting "home study report".

37 Section 87 is amended

(a) in subsection (1)

- (i) **by striking out** "to the Minister" **and substituting** "to a director";
- (ii) **in clause (b) by striking out** "the Minister" **and substituting** "the director";

(d) any person named in section 74(1).

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

35 Section 81(1) presently reads:

81(1) A director may provide financial assistance in accordance with the regulations to a person who adopts a child who was, at the time of the adoption order, the subject of a permanent guardianship agreement or order if the director is satisfied that

- (a) the adoption of the child by that person is desirable, and*
- (b) the adoption would place an undue burden on the financial resources of that person.*

36 Section 83(2)(a) presently reads:

(2) Subsection (1) does not apply to reasonable fees, expenses or disbursements paid to

- (a) a qualified person in respect of the preparation of a home assessment report pursuant to this Part,*

37 Section 87 presently reads:

87(1) An application for a licence to operate an adoption agency or for a renewal of a licence, may be submitted to the Minister in accordance with this Division and the regulations by

- (a) a body incorporated under the Societies Act,*
- (b) an extra-provincial corporation registered under Part 21 of the Business Corporations Act if, in the opinion of the*

- (b) in subsection (2)(b) by striking out “the Minister” and substituting “the director”.**

38 Section 88(1) is amended

- (a) by striking out “The Minister” and substituting “A director”;**
- (b) in clauses (b) and (c) by striking out “the Minister” wherever it occurs and substituting “the director”.**

39 Section 89 is amended

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

Minister, the corporation does not carry on business for the purpose of gain,

- (c) a body referred to in Part 9 of the Companies Act, or*
- (d) a body incorporated under Part II or III of the Canada Corporations Act (Canada).*

(2) An application under subsection (1) must

- (a) be in the prescribed form,*
- (b) be accompanied with any other information required under the regulations to enable the Minister to determine the capacity of the applicant to provide the services and carry out the responsibilities of a licensed adoption agency in accordance with this Act, and*
- (c) be accompanied with the prescribed fee.*

38 Section 88(1) presently reads:

88(1) The Minister, after receiving an application under section 87, may

- (a) issue or renew a licence,*
- (b) if the applicant does not meet the requirements under section 87(2), issue a conditional licence, subject to any terms and conditions that the Minister considers appropriate and for the period the Minister considers appropriate, to provide the applicant time to meet the requirements, or*
- (c) if the Minister is not satisfied that the applicant is capable of providing the services and carrying out the responsibilities of a licensed adoption agency, refuse to issue or renew a licence.*

39 Section 89 presently reads in part:

89(1) The Minister may suspend or cancel a licence issued under section 88 if

- (ii) **in clause (a) by striking out “the Minister” and substituting “the director”;**
- (b) in subsection (2)**
 - (i) **by striking out “If the Minister” and substituting “If a director”;**
 - (ii) **by striking out “the Minister shall” and substituting “the director shall”;**
- (c) in subsection (4)**
 - (i) **by striking out “If the Minister” and substituting “If a director”;**
 - (ii) **by striking out “the Minister may” and substituting “the director may”;**
- (d) in subsections (6) and (7) by striking out “The Minister” and substituting “A director”.**

40 Section 90 is amended by striking out “the Minister” and substituting “a director”.

- (a) the Minister is not satisfied that the licensee is capable of continuing to provide the services and to carry out the responsibilities of that licensee, or*
 - (b) an officer or employee of the licensee has contravened this Act or the regulations or any other Act or has acquiesced in a contravention of this Act or the regulations or any other Act.*
- (2) If the Minister imposes terms and conditions under section 88(1)(b), refuses to issue or renew a licence under section 88(1)(c) or suspends or cancels a licence under subsection (1) of this section, the Minister shall serve on the applicant or licensee, as the case may be, a notice in writing in the prescribed form*
- (a) setting out that decision and the reasons for the decision, and*
 - (b) informing the applicant or licensee, as the case may be, of its right to an appeal under section 120.*
- (4) If the Minister is of the opinion that a licensed adoption agency is being operated in a manner that presents an imminent risk to the health or safety of children, the Minister may on 48 hours' notice in writing*
- (a) suspend the licence of the licensed adoption agency, and*
 - (b) provide to the licensed adoption agency a direction as to what remedy is required to rectify the situation.*
- (6) The Minister may on 48 hours' notice in writing cancel the licence of a licensed adoption agency that does not comply forthwith with the direction set out in the notice.*
- (7) The Minister shall notify the clients of a licensed adoption agency of a decision under this section forthwith.*

40 Section 90 presently reads:

90 A licensee

- (a) whose licence is cancelled, or*
- (b) that ceases to carry on the operation of a licensed adoption agency,*

41 Section 91 is amended

- (a) in subsection (1) by striking out** “The Minister or the Minister’s delegate” **and substituting** “A director”;
- (b) in subsection (3)**
 - (i) in clause (a) by striking out** “the Minister or the Minister’s delegate in the exercise of the Minister’s or Minister’s delegate’s” **and substituting** “a director in the exercise of the director’s”;
 - (ii) by striking out** “the Minister may apply” **and substituting** “the director may apply”.

42 Section 105.1 is amended by adding “or an authority responsible for the administration of child protection legislation in another province or territory of Canada” **after** “a director”.

shall surrender to the Minister its licence and the books and records in its possession that relate to its clients or to the children that it has placed for adoption.

41 Section 91 presently reads in part:

91(1) The Minister or the Minister's delegate, on reasonable notice, at a reasonable time and on communicating to an officer of a licensee the purpose and authority for an inspection, may

- (a) enter on any land or premises of a licensed adoption agency, other than a private dwelling, and inspect the land or premises for the purpose of ascertaining if the agency is complying with this Part and the regulations,*
- (b) demand the production for examination of any books, records, accounts or other documents that are or may be relevant to the purpose of the inspection, and*
- (c) on giving a receipt for them, remove any of the things referred to in clause (b) for the purpose of making copies of them.*

(3) If a person refuses or fails

- (a) to permit entry on any land or premises under subsection (1)(a), or after permitting entry obstructs the Minister or the Minister's delegate in the exercise of the Minister's or Minister's delegate's authority under this section,*
- (b) to comply with a demand under subsection (1)(b), or*
- (c) to permit the removal of a thing under subsection (1)(c),*

the Minister may apply to a judge of the Court by notice of motion for an order under subsection (4).

42 Section 105.1 presently reads:

105.1 In this Part, "residential facility" means a facility that provides residential care to a child in the custody or under the guardianship of a director and includes a secure services facility, a foster home and a group home, but does not include a facility that

43 Section 105.2 is amended

- (a) in subsection (1) by striking out “the Minister” and substituting “a director”;**
- (b) by repealing subsections (2) and (3).**

44 Section 105.3 is amended

- (a) in subsection (1)(a) by striking out “the Minister in a form satisfactory to the Minister” and substituting “a director in a form satisfactory to the director”;**
- (b) in subsection (2) by striking out “the Minister” and substituting “a director”.**

45 Section 105.31 is amended by striking out “The Minister may, on the application by a licensee in a form acceptable to the Minister” and substituting “A director may, on the application by a licensee in a form acceptable to the director”.

46 Section 105.5(1) and (4) are amended by striking out “the Minister” wherever it occurs and substituting “a director”.

primarily provides medical care, educational services or correctional services.

43 Section 105.2 presently reads:

105.2(1) No person shall operate a residential facility unless that person holds a subsisting residential facility licence issued by the Minister under this Act.

(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.

44 Section 105.3 presently reads in part:

105.3(1) An application for a residential facility licence or a renewal of a residential facility licence must

(a) be made to the Minister in a form satisfactory to the Minister, and

(b) state the maximum number of persons intended to be accommodated or cared for in the residential facility.

(2) On considering an application for or renewal of a residential facility licence, the Minister may issue a residential facility licence and impose terms and conditions in the licence.

45 Section 105.31 presently reads:

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.

46 Section 105.5 presently reads in part:

105.5(1) Subject to subsection (2), for the purposes of ensuring compliance with this Act, the regulations and any conditions to which a residential facility licence is subject, the Minister or a person authorized by the Minister may

- (a) at any reasonable hour enter a residential facility other than a private dwelling place and inspect it,*
- (b) enter a residential facility that is a private dwelling place and inspect it with the consent of the owner or operator of the private dwelling place,*
- (c) require the production of any books, records or other documents and examine them, make copies of them or remove them temporarily for the purpose of making copies,*
- (d) inspect and take samples of any material, food, medication or equipment being used in a residential facility, and*
- (e) perform tests, take photographs or make recordings in respect of a residential facility.*

(4) If entry is refused or cannot be reasonably obtained under subsection (1) or a person interferes with the Minister or a person authorized by the Minister in exercising rights and performing duties under this section, an application may be made to the Court of Queen's Bench by way of originating notice for an order that the Minister or a person authorized by the Minister may

- (a) at any reasonable hour enter the residential facility and inspect it,*
- (b) require the production of any books, records or other documents and examine them, make copies of them or remove them temporarily for the purpose of making copies,*
- (c) inspect and take samples of any material, food, medication or equipment being used in the residential facility, and*
- (d) perform tests, take photographs or make recordings in respect of the residential facility,*

and the Court may, on being satisfied that the order is necessary for the purpose of this section, make any order that it considers appropriate.

47 Section 105.6 is amended

- (a) **by striking out** “the Minister is” **and substituting** “a director is”;
- (b) **by striking out** “the Minister may” **and substituting** “the director may”.

48 Section 105.7(1) is amended

- (a) **by striking out** “the Minister is” **and substituting** “a director is”;
- (b) **by striking out** “the Minister may” **and substituting** “the director may”.

49 Section 107 is amended

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

47 Section 105.6 presently reads:

105.6 If a residential facility has been inspected under section 105.5 and the Minister is of the opinion that

- (a) this Act, the regulations or a condition of a residential facility licence is not being complied with, or*
- (b) the residential facility is not providing proper care,*

the Minister may in writing order the person operating that residential facility to take measures as specified in the order within the time limits specified in the order.

48 Section 105.7(1) presently reads:

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, vary, suspend or cancel the residential facility licence and terminate the licensee's contract with the Crown to provide residential facility services.

49 Section 107 presently reads:

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

Band involvement in planning for services

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

(a) is in need of intervention services and

(i) is a resident of a reserve, or

(ii) if the child is not a resident of a reserve, the guardian of the child has consented to the involvement of a person designated by the council of the band,

or

(b) is the subject of a temporary guardianship order, a permanent guardianship agreement or order or an application for a permanent guardianship order, regardless of whether the child is a resident of a reserve or not.

(2) If a child referred to in subsection (1)(a) is not a resident of a reserve, a director shall ask the child's guardian to consent to the involvement of a person designated by the council of the band.

(2.1) The consent of a child's guardian is not required to involve a person designated by the council of a band under subsection (1)(a)(i) or (b).

(b) in subsection (4) by striking out "made under" and substituting "referred to in";

(c) by repealing subsections (5) and (6).

designated by the council of the band in planning for the services to be provided to the child if

- (a) the child, whether or not a resident of a reserve, is the subject of a temporary guardianship order or a permanent guardianship agreement or order,*
- (b) the child, whether or not a resident of a reserve, 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.**

(2) If a director has reason to believe that a child who is in need of intervention is an Indian and a member of a band but is not a resident of a reserve, the director must

- (a) ask the guardian of the child to consent to the involvement of a person designated by the council of the band in planning for the services to be provided to the child, and*
- (b) if the guardian consents, involve that person in planning for the services to be provided to the child.*

(3) If the Court makes a supervision order, a temporary guardianship order or a permanent guardianship order in respect of a child who is an Indian and a member of a band, the director must provide the person designated by the council of the band with a copy of the order not more than 20 days after the date of the order.

(4) Despite subsection (3), a director shall not provide a copy of a supervision 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.

(5) If a person adopts a child who is an Indian, that person must

- (a) take reasonable actions on behalf of the child necessary for the child to exercise any rights the child may have as an Indian, and*

50 Section 112 is amended

(a) in subsection (2)

(i) in clause (a) by striking out “Legal Aid Society of Alberta, or” **and substituting** “Child and Youth Advocate”;

(ii) by repealing clause (b);

(b) in subsection (3)

(i) by striking out “subsection (2)(b)” **and substituting** “subsection (2)”;

(ii) by striking out “Minister of Justice and Attorney General” **and substituting** “Child and Youth Advocate”;

(c) in subsection (4) by striking out “subsection (2)(b)” **and substituting** “subsection (2)”.

(b) as soon as, in the opinion of that person, the child is capable of understanding the child's status as an Indian, inform the child of that status.

(6) On making an adoption order, a Court, if it has reason to believe the adopted child is an Indian, must inform the adopting parent of the requirements of subsection (5).

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

50 Section 112 presently reads:

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.

(2) If the Court directs that a child be represented by a lawyer pursuant to subsection (1),

(a) it shall refer the child to the Legal Aid Society of Alberta, or

(b) it shall refer the matter to the Minister of Justice and Attorney General, if it is satisfied that there is no legal aid assistance available to the child.

(3) If a referral is made under subsection (2)(b), the Minister of Justice and Attorney General shall appoint or cause to be appointed a lawyer to represent the child.

(4) If a referral is made under subsection (2)(b), the Court may make an order directing that the costs of the lawyer be paid by the child, the guardian of the child or a director or apportioned among all or any of them, having regard to the means of the child and the guardian.

51 The heading preceding section 114 is amended by striking out “to” and substituting “of Orders to”.

52 Section 114 is amended

- (a) in subsection (1) by striking out** “not more than 30 days after the date on which the order is made or renewed”;
- (b) in subsection (2) by striking out** “not more than 30 days after the date of the refusal”.

53 Section 116 is repealed and the following is substituted:

Procedure on appeal

116(1) An appeal of an order of the Court to the Court of Queen’s Bench under this Act shall be commenced and proceed in accordance with the regulations.

(2) If a notice of appeal is filed pursuant to this section, the appellant may apply to the Court of Queen’s Bench for an order staying the execution of the order appealed pending the hearing of the appeal.

51 The heading preceding section 114 presently reads:

Appeals to Court of Queen's Bench

52 Section 114 presently reads:

114(1) An order of the Court made under this Act may be appealed to the Court of Queen's Bench not more than 30 days after the date on which the order is made or renewed by

- (a) a guardian of the child other than a director,*
- (b) a person who was a guardian of the child immediately before the order was made,*
- (c) the child, if the child is 12 years of age or older,*
- (d) the child, if the child is the subject of a secure services order,*
- (e) a director, or*
- (f) the Minister.*

(2) If the Court refuses to make an order under this Act, the applicant may appeal the refusal to the Court of Queen's Bench not more than 30 days after the date of the refusal.

53 Section 116 presently reads:

116(1) An appeal to the Court of Queen's Bench under this Act is to be commenced by

- (a) filing a notice of appeal setting out the grounds of the appeal with the clerk of the Court, and*
- (b) filing a copy of the notice of appeal in the Court of Queen's Bench.*

(2) If a notice of appeal is filed pursuant to this section, the appellant may apply to the Court of Queen's Bench for an order staying the execution of the order appealed pending the hearing of the appeal.

(3) The appellant shall serve the notice of appeal on

54 Section 117 is amended

- (a) by repealing subsection (1);**
- (b) in subsection (2) by striking out “The Court” and substituting “On hearing an appeal made pursuant to section 116, the Court”.**

- (a) *the guardian of the child other than a director,*
- (b) *the child, if the child is 12 years of age or older,*
- (c) *the child, if the child is the subject of a secure services order,*
and
- (d) *a director.*

(4) On a notice of appeal being filed with the clerk of the Court, the clerk shall forward to the clerk of the Court of Queen's Bench the record of the evidence taken and all other material in the possession of the Court that pertains to the matter being appealed not more than 7 days from the time that the notice of appeal is filed with the clerk of the Court.

(5) On subsections (3) and (4) being complied with, the Court of Queen's Bench shall set down the appeal for hearing.

(6) Unless the Court of Queen's Bench otherwise directs, the appeal shall come on for a hearing at the first sitting of the Court of Queen's Bench to be held after the filing of the notice of appeal in the Court of Queen's Bench.

(7) Notwithstanding subsections (5) and (6), if an appeal is not heard within 90 days after the filing of the notice of appeal, unless the Court of Queen's Bench grants leave to extend the time within which the appeal shall be heard, the clerk of the Court of Queen's Bench shall fix the next available date as the date on which the appeal shall be heard and shall notify the parties of the time and place of the hearing.

54 Section 117 presently reads:

117(1) On hearing an appeal, the Court of Queen's Bench shall determine the appeal on the material filed with or forwarded to the Court of Queen's Bench and any further evidence that the Court of Queen's Bench may require or permit to be given.

(2) The Court of Queen's Bench may

- (a) confirm the order or refusal,*
- (b) revoke or vary the order made, or*

55 Section 117.1(1) is amended by adding the following after clause (e):

- (f) a person who is refused financial assistance under section 105.8;
- (g) an applicant for a residential facility licence or a renewal of a residential facility licence.

56 Section 118 is amended

- (a) **in subsection (1) by striking out** “nor more than 7”;
- (b) **by repealing subsection (2) and substituting the following:**
 - (2) A person may be appointed as a member of an Appeal Panel for a term prescribed by the Minister and may be reappointed, but may not be appointed for more than 7 consecutive years.
- (c) **in subsection (3)(a) by striking out** “, vice-chair and secretary” **and substituting** “and vice-chair”.

57 Section 119 is amended

- (c) *make any order the Court could have made in the hearing before it.*

55 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 the prescribed form 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;*
- (e) *a person who is receiving or may be eligible to receive support and financial assistance pursuant to section 57.3.*

56 Section 118 presently reads:

118(1) The Minister may establish one or more Appeal Panels each consisting of not fewer than 3 nor more than 7 persons appointed by the Minister.

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

(3) The Minister shall

- (a) *designate the chair, vice-chair and secretary of an Appeal Panel,*
- (b) *prescribe the number of members of an Appeal Panel that constitutes a quorum, and*
- (c) *authorize and provide for the payment of the remuneration and expenses of the members of an Appeal Panel.*

57 Section 119 presently reads in part:

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

(2) If an appeal is made from a director’s decision referred to in section 120(2)(a) to (a.4) or (f.3), the Appeal Panel may, subject to this Act and the regulations, confirm the decision or refer the matter back to the director for further consideration.

(2.1) If an appeal is made from a director’s decision referred to in section 120(2)(b) to (f.2), (g) or (5), the Appeal Panel may, subject to this Act and the regulations, confirm, reverse or vary the decision.

(b) by repealing subsections (6) and (7).

58 Section 120 is amended

(a) in subsection (1.1) by striking out “and a residential facility that has a treatment component to its services”;

(b) in subsection (2)

(i) by adding the following after clause (a):

(a.1) terms and conditions imposed on a renewal of, but not on the original issuance of, a residential facility licence under section 105.3;

(a.2) a refusal to renew a residential facility licence under section 105.3;

(a.3) an order made under section 105.6;

(a.4) the variation, suspension or cancellation of a residential facility licence under section 105.7;

(ii) by adding the following after clause (f.2):

(f.3) a matter prescribed in the regulations as being

(i) subject to an appeal to an Appeal Panel, and

(2) An Appeal Panel may, subject to this Act and the regulations, confirm, reverse or vary the decision of the director appealed from.

(6) A decision of an Appeal Panel may be appealed to the Court of Queen's Bench by a party to the appeal before the Appeal Panel or by the Minister not more than 30 days after the date on which the decision was made.

(7) Sections 116 and 117 apply to an appeal under this section to the Court of Queen's Bench.

58 Section 120 presently reads:

120(1) Any of the following persons who are affected by a decision of a director may appeal that decision in accordance with this section:

- (a) a child;*
- (b) a guardian of a child;*
- (c) a person who has had the continuous care of the child for more than 6 of the 12 months immediately preceding a decision under subsection (2);*
- (d) a person who is receiving or may be eligible to receive support and financial assistance pursuant to section 57.3.*

(1.1) In this section, "residential facility" means a residential facility as defined in Part 3 other than a secure services facility and a residential facility that has a treatment component to its services.

(2) An appeal may be made from a decision of a director that has been reviewed under section 117.1 respecting the following:

- (a) the removal from or placement in a residential facility of a child who is the subject of a temporary guardianship order or a permanent guardianship agreement or order;*

- (ii) a matter in respect of which the Appeal Panel may only make a decision referred to in section 119(2);

(c) by adding the following after subsection (2):

(2.1) Notwithstanding subsection (2)(a), a child who is receiving treatment in a residential facility may not appeal a decision of a director to place the child in that residential facility.

(d) in subsection (3)(b)(ii) by striking out “Minister’s” and substituting “director’s”;

(e) by repealing subsection (4);

(f) by repealing subsection (5) and substituting the following:

(5) A person

- (a) who is dissatisfied with the terms and conditions imposed by a director with respect to a conditional licence to operate an adoption agency issued under section 88(1)(b),
- (b) whose application for a licence or renewal of a licence to operate an adoption agency is refused under section 88(1)(c), or
- (c) whose licence to operate an adoption agency has been suspended or cancelled by a director under section 89,

may appeal the decision to an Appeal Panel in accordance with this section.

(g) by adding the following after subsection (5):

(5.1) Notwithstanding subsection (2), a decision of a director that was made after the matter was referred back to the director for further consideration under section 119(2) may not be appealed to the Appeal Panel under subsection (2).

- (b) *the permitting or refusing to permit any person who has a significant relationship with the child to visit a child who is the subject of a permanent guardianship agreement;*
 - (e) *the refusal or failure of a director to enter into an agreement under Part 1, Division 2 or 6 or to apply to the Court under Part 1, Division 3 in respect of a child who, in the opinion of that director, is in need of intervention;*
 - (f.1) *the refusal to provide financial assistance pursuant to section 56.1 or 81;*
 - (f.2) *the refusal to provide support or financial assistance pursuant to section 57.3;*
 - (g) *any other matter prescribed in the regulations as being subject to an appeal to an Appeal Panel.*
- (3) *A notice of appeal in the prescribed form*
- (a) *must include, where applicable, a copy of the decision provided under section 117.1(4)(b) or a statement that the review is deemed to have confirmed the decision in accordance with section 117.1(5), and*
 - (b) *must be served on the director*
 - (i) *not more than 30 days after the copy of the decision was provided under section 117.1(4)(b) or the deemed confirmation occurred under section 117.1(5), or*
 - (ii) *in the case of an appeal of a decision or order described in subsection (5), not more than 30 days after the appellant has received notice of the Minister's decision or order.*
- (4) *A person whose application to become a foster parent is refused and a person whose approval as a foster parent has been rescinded may appeal the refusal or rescission in accordance with this section.*
- (5) *A person*
- (a) *who is dissatisfied with the terms and conditions imposed by the Minister with respect to licences issued under section 88(1)(b) or 105.3(2),*

59 The following is added after section 120:

**Appeals of Appeal Panel Decisions
to Court of Queen's Bench**

Procedure on appeal

120.1(1) A decision of an Appeal Panel under section 119(2.1) may be appealed to the Court of Queen's Bench by a party to the appeal before the Appeal Panel or by the Minister.

(2) An appeal under this section shall be commenced and proceed in accordance with the regulations.

(3) If a notice of appeal is filed pursuant to this section, the appellant may apply to the Court of Queen's Bench for an order staying the decision of the Appeal Panel appealed from pending the hearing of the appeal.

Decision of Court

120.2 On hearing an appeal made pursuant to section 120.1, the Court of Queen's Bench may confirm, reverse or vary the decision of the Appeal Panel.

60 Section 126(4) is repealed and the following is substituted:

(4) A director may collect and use personal information, including health information as defined in the *Health Information Act*, for the purposes of conducting an assessment or an investigation or providing services under this Act.

- (b) whose application for a licence or renewal of a licence is refused under section 88(1)(c) or 105.3,*
- (c) whose licence has been suspended or cancelled under section 89 or 105.7, or*
- (d) who is the subject of an order under section 105.6*

may appeal the decision or order to an Appeal Panel in accordance with this section.

59 Procedure on appeal; Decision of Court.

60 Section 126(4) presently reads:

(4) A director may collect health information as defined in the Health Information Act and personal information for the purposes of conducting an assessment or an investigation or providing services under this Act.

(4.1) A custodian as defined in the *Health Information Act* may disclose health information as defined in the *Health Information Act* to a director for the purposes set out in subsection (4).

(4.2) A public body as defined in the *Freedom of Information and Protection of Privacy Act* may disclose personal information to a director for the purposes set out in subsection (4).

61 The following is added after section 126:

Privileged information of child

126.01(1) Despite section 126(1), all information provided by a child to the Child and Youth Advocate in confidence and all documents and records created as a result of confidential communications between a child and the Child and Youth Advocate are the privileged information, documents and records of the child and are not admissible in evidence in any action or proceeding before any court or an Appeal Panel or before any inquiry without the consent of the child.

(2) Despite subsection (1), the information, documents and records described in subsection (1) must be disclosed if disclosure is required by section 4 or directed by the Minister.

(3) If there is a conflict or inconsistency between this section and the *Freedom of Information and Protection of Privacy Act*, this section prevails.

62 Section 126.11(2) is amended by striking out “section 126.1” and substituting “sections 126.01 and 126.1”.

63 Section 131 is amended

(a) in subsection (1)

61 Privileged information of child.

62 Section 126.11(2) presently reads:

(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.

63 Section 131 presently reads in part:

131(1) The Lieutenant Governor in Council may make regulations

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

(c) respecting rules under which appeals under this Act are to be made and heard and dealing generally with all matters of procedure before Appeal Panels, the Court and the Court of Queen’s Bench under this Act;

(ii) in clause (d) by striking the “the Court” and substituting “Appeal Panels, the Court and the Court of Queen’s Bench”;

(iii) by adding the following after clause (e.1):

(e.2) respecting the disclosure of financial information for the purpose of section 57.8;

(b) in subsection (2)

(i) by adding the following after clause (a):

(a.1) respecting or adopting the form to be used for a home study report under this Act;

(ii) in clause (l) by striking out “Appeal Panel” and substituting “Appeal Panel and prescribing matters in respect of which the Appeal Panel may only make a decision referred to in section 119(2)”;

(iii) by repealing clause (jj);

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

(rr) respecting the contents of cultural connection plans for the purposes of sections 52 and 63.

Amends RSA 2000 F-4.5

64(1) The *Family Law Act* is amended by this section.

(2) Sections 113 and 114 are repealed.

- (c) prescribing the rules to be followed in a proceeding before the Court under this Act;*
- (d) prescribing the forms including notices to be used in any application made to the Court under this Act;*
- (e.1) respecting any matter necessary or advisable to carry out effectively the intent and purpose of section 19.1.*
- (2) The Minister may make regulations*
 - (a) prescribing the forms to be used under this Act other than the forms prescribed under subsection (1);*
 - (l) prescribing matters that may be the subject of an appeal to an Appeal Panel;*
 - (jj) respecting exemptions from preparing a plan and respecting the contents of the plan under section 21.1(6);*
 - (qq) prescribing qualified persons for the purposes of Part 1, Division 5 and Part 2.*

64 Sections 113 and 114 of the Family Law Act are consequential amendments to the Child, Youth and Family Enhancement Act.

Transitional provisions

65(1) If an application for a private guardianship order commenced under section 52 of the *Child, Youth and Family Enhancement Act* has not been fully concluded before this section comes into force, the application must be dealt with and concluded in accordance with the *Child, Youth and Family Enhancement Act* as it read immediately before the coming into force of this section.

(2) If a petition for an adoption order commenced under section 63 of the *Child, Youth and Family Enhancement Act* has not been fully concluded before this section comes into force, the petition must be dealt with and concluded in accordance with the *Child, Youth and Family Enhancement Act* as it read immediately before the coming into force of this section.

(3) If an appeal commenced under section 114, 119(6) or 120 of the *Child, Youth and Family Enhancement Act* has not been fully concluded before this section comes into force, the appeal must be dealt with and concluded in accordance with the *Child, Youth and Family Enhancement Act* as it read immediately before the coming into force of this section.

66 This Act, except sections 3(a)(i), 4, 13(b) and 50, comes into force on Proclamation.

65 Transitional provisions.

66 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To

Stage	Date	Member	From	To

Stage	Date	Member	From	To

Stage	Date	Member	From	To