

2013 Bill 25

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First Session, 28th Legislature, 62 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 25**

## **CHILDREN FIRST ACT**

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THE MINISTER OF HUMAN SERVICES

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 25

2013

### CHILDREN FIRST ACT

(Assented to , 2013)

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#### **Preamble**

WHEREAS the well-being, safety, security, education and health of children are priorities for Albertans;

WHEREAS Albertans recognize that children are the future of the province and that ensuring that every child has the opportunity to become a successful adult will benefit society as a whole;

WHEREAS programs and services for children are most effective when they are provided through a collaborative and multi-disciplinary approach;

WHEREAS the Government of Alberta is committed to working with individuals, families, communities, non-governmental organizations and the private sector, as well as with other governments, to support and create opportunities for children;

WHEREAS sound, evidence based research is critical in the design and development of effective actions to allow, encourage and support successful outcomes for children and families; and

WHEREAS appropriate sharing of information between individuals and organizations planning or providing programs and services for children is critical to ensuring successful outcomes for children and families;

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

### **Definitions**

**1** In this Act,

- (a) “child” means a person who is under the age of 18 years;
- (b) “custodian” means a custodian as defined in the *Health Information Act*;
- (c) “department” means a department established under section 2 of the *Government Organization Act*;
- (d) “health information” means health information as defined in the *Health Information Act*;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;
- (g) “service provider” means
  - (i) a department,
  - (ii) an educational body as defined in the *Freedom of Information and Protection of Privacy Act*,
  - (iii) a police service as defined in the *Police Act*,
  - (iv) an organization as defined in section 1(1)(i) of the *Personal Information Protection Act* that provides programs or services for children;

- (h) “youth” means an individual who is over the age of 18 years but under the age of 22 years.

#### **Children’s Charter**

**2(1)** The Minister shall establish a Children’s Charter to guide the Government of Alberta and its departments in the development of policies, programs and services affecting children and to guide collaboration among departments and agencies, service providers and Albertans.

**(2)** The Children’s Charter must recognize the following principles:

- (a) that all children are to be treated with dignity and respect regardless of their circumstances;
- (b) that a child’s familial, cultural, social and religious heritage is to be recognized and respected;
- (c) that the needs of children are a central focus in the design and delivery of programs and services affecting children;
- (d) that prevention and early intervention are fundamental in addressing social challenges affecting children;
- (e) while reinforcing and without in any way derogating from the primary responsibility of parents, guardians and families for their children, that individuals, families, communities and governments have a shared responsibility for the well-being, safety, security, education and health of children.

**(3)** The Minister may review the Children’s Charter from time to time and amend or repeal and replace it as the Minister considers appropriate.

#### **Review**

**3** The Minister shall conduct a Government-wide review of policies, programs and services affecting children and shall, after concluding the review, lay a report respecting the review before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

**Information-sharing for purposes of providing services**

**4(1)** For the purposes of enabling or planning for the provision of services or benefits to a child, a service provider may collect and use either or both of the following:

- (a) personal information about the child or a parent or guardian of the child from another service provider;
- (b) health information about the child from a custodian.

**(2)** For the purposes of enabling or planning for the provision of services or benefits to a child,

- (a) a service provider may disclose to another service provider personal information about the child or a parent or guardian of the child, and
- (b) a custodian may disclose to another custodian or to a service provider health information about the child

if, in the opinion of the service provider or custodian making the disclosure, the disclosure is in the best interests of the child.

**(3)** A service provider may disclose personal information and a custodian may disclose health information about a child to a guardian of the child if

- (a) the disclosure is not contrary to the express request of the child, and
- (b) the service provider or custodian making the disclosure is of the opinion that the disclosure is in the best interests of the child.

**Information-sharing for research purposes**

**5(1)** In this section,

- (a) “anonymized health information” means health information from which the identity of the individual who is the subject of the health information cannot readily be ascertained;
- (b) “anonymized personal information” means personal information from which the identity of the individual who

is the subject of the personal information cannot readily be ascertained.

**(2)** A department may disclose anonymized personal information about a child, a child's parent or guardian or a youth, and a department that is a custodian may disclose anonymized health information about a child, a child's parent or guardian or a youth, to the Alberta Centre for Child, Family and Community Research for the purposes of facilitating research that

- (a) is being conducted, or is to be conducted, under an agreement with one or more departments that meets the requirement of the regulations, and
- (b) is intended by the departments referred to in clause (a) to support one or more of the following:
  - (i) the development of effective programs and services for children;
  - (ii) the integration of policies affecting children;
  - (iii) the co-ordination of programs and services for children.

**(3)** An agreement referred to in subsection (2)(a) must include, in accordance with the regulations, terms and conditions respecting the use, security, confidentiality, retention and disposition of anonymized personal information and anonymized health information disclosed under subsection (2).

### **Regulations**

**6** The Lieutenant Governor in Council may make regulations

- (a) defining any term used but not defined in this Act;
- (b) respecting terms and conditions referred to in section 5(3);
- (c) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for carrying out the intent of this Act.

**Consequential and Related Amendments  
and Coming into Force**

**Amends RSA 2000 cA-20**

**7 The *Alberta Health Care Insurance Act* is amended in section 22(5) by striking out “a director” wherever it occurs and substituting “a director or child intervention worker”.**

**Amends SA 2011 cC-11.5**

**8 The *Child and Youth Advocate Act* is amended**

**(a) in section 9(4) by striking out “Subsection (2)(c) and (d) do” and substituting “Subsection (2)(c) does”;**

**(b) by renumbering section 17 as section 17(1) and adding the following after section 17(1):**

**(2)** Notwithstanding subsection (1), the Advocate and a person employed or engaged under section 8(1) or (2) may give, but must not be compelled to give, evidence in an appeal under section 120 of the *Child, Youth and Family Enhancement Act* or any further appeal.

## Explanatory Notes

**7** Amends chapter A-20 of the Revised Statutes of Alberta 2000. Section 22(5) presently reads:

*(5) The Minister or a person employed in the administration of this Act and authorized by the Minister may disclose information pertaining to the date on which health services were provided and a description of those services, the name and address of the person who provided the services, the benefits paid for those services and the person to whom they were paid, the name and address of the person to whom the services were provided and any other information pertaining to the nature of the health services provided, to The Workers' Compensation Board, a director under the Child, Youth and Family Enhancement Act, the Sexually Transmitted Disease Control Unit of the Department of Health and Wellness, or the Director of Medical Services appointed under the Occupational Health and Safety Act, if*

- (a) a member or officers of the Board, a director under the Child, Youth and Family Enhancement Act, or an officer of the Unit, or the Director of Medical Services, as the case may be, makes a written request for it, and*
- (b) the information required is necessary and relevant to a matter being dealt with by the Board, a director under the Child, Youth and Family Enhancement Act, an officer of the Unit or the Director of Medical Services.*

**8** Amends chapter C-11.5 of the Statutes of Alberta, 2011. Sections 9(2)(c) and (d) and (4) and 17 presently read:

*9(2) In carrying out the role of the Advocate under subsection (1), the Advocate may*

- (c) appoint, or cause to be appointed, lawyers to represent children with respect to any matter or proceeding under the Child, Youth and Family Enhancement Act or the Protection of Sexually Exploited Children Act or any matter or proceeding prescribed by regulation;*
- (d) investigate systemic issues arising from a serious injury to or the death of a child who was receiving a designated service*

**Amends RSA 2000 cC-12**

**9(1) The *Child, Youth and Family Enhancement Act* is amended by this section.**

**(2) Section 1 is amended**

**(a) in subsection (1)**

**(i) in clause (b)(iv) by striking out “director” and substituting “child intervention worker”;**

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

(f.1) “child intervention worker” means a person designated under section 129.1 as a child intervention worker;

**(iii) by adding the following after clause (h):**

(h.01) “Crown” means the Crown in right of Alberta;

**(iv) by repealing clause (h.1) and substituting the following:**

(h.1) “custodian”, except in sections 129.1 and 132.1, means a custodian as defined in the *Health Information Act*;

*at the time of the injury or death if, in the opinion of the Advocate, the investigation is warranted or in the public interest;*

*(4) Subsection (2)(c) and (d) do not apply in respect of a child referred to in section 1(c)(ii).*

*17 The Advocate and a person employed or engaged under section 8(1) or (2) must not give or be compelled to give evidence in an action in respect of any matter coming to their knowledge in the exercise of powers and the performance of duties and functions under this Act, except*

- (a) to enforce the Advocate's powers of investigation,*
- (b) to enforce compliance with this Act, or*
- (c) in a prosecution for perjury.*

**9(1)** Amends chapter C-12 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1(1) In this Act,*

- (b) "biological father" means the man*
  - (i) who is married to the biological mother at the time of the birth of the child,*
  - (ii) acknowledged by the biological mother as the biological father of the child,*
  - (iii) declared by a court to be the biological father of the child, or*
  - (iv) who satisfies a director that he is the biological father of the child;*
- (f) "Child and Youth Advocate" means the person appointed as the Child and Youth Advocate under section 2 of the Child and Youth Advocate Act;*
- (h) "Court" means the Provincial Court;*

**(v) by repealing clause (j) and substituting the following:**

(j) “director” means a person designated under section 129 as a director;

**(vi) by adding the following after clause (m.1):**

(m.11) “kinship care provider” means a person approved as a kinship care provider by a director;

**(vii) in clause (s)(i) by striking out “a director” and substituting “the Crown”;**

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

**(1.1)** A reference to “person” is to be interpreted as including the Crown

(a) in sections 1(1)(1)(ii), 2, 3.1(3), 56(2)(b), 61(1), 64(1)(d), (4), (5) and (8)(a) and (b), 68(4)(b), 73.1(5)(d), 74(4) and 74.4(2)(c), and

(b) in the expression “the person who was the child’s guardian” in section 59(2);

**(c) in subsection (4) by striking out “a person who is”;**

**(d) in subsection (5) by striking out “a director” and substituting “the Crown”.**

- (h.1) *“custodian” means a custodian as defined in the Health Information Act;*
- (j) *“director” means a person designated by the Minister as a director for the purposes of this Act and the Protection of Sexually Exploited Children Act and without limiting the generality of the foregoing includes a person designated as a director in accordance with an agreement under section 122(2) of this Act;*
- (m) *“Indian” means an Indian as defined in the Indian Act (Canada);*
- (m.1) *“intervention services” means any services, including protective services, provided to a child or family under this Act except for services provided under Part 2 or Part 3;*
- (m.2) *“marital status” includes, on and after the coming into force of the Adult Interdependent Relationships Act, an adult interdependent partner as defined in that Act;*
- (q.01) *“personal information” means personal information as defined in the Freedom of Information and Protection of Privacy Act;*
- (s) *“protective services” means any service provided to a child who either*
  - (i) *is in the custody of a director, or*
  - (ii) *is the subject of a supervision order, temporary guardianship order or permanent guardianship agreement or order;*
- (4) *Subject to this Act, a person who is a guardian of a child under an agreement or order made under this Act is a guardian under the Family Law Act.*
- (5) *For the purposes of this Act, a child is in the custody of a director if*
  - (a) *the child has been apprehended under section 19 and has not been returned to the custody of the child’s guardian,*
  - (b) *the child is the subject of a custody order under section 21.1(2)(a) or an interim order for custody under section 21.1 or 26, or*

**(3) Section 6 is amended**

- (a) in subsection (1) by striking out “investigate” and substituting “ensure that a child intervention worker investigates”;**
- (b) in subsections (2), (3) and (4) by striking out “director” wherever it occurs and substituting “child intervention worker”.**

*(c) the child is the subject of a custody agreement.*

(3) Section 6 presently reads:

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

- (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*

**(4) Section 9 is repealed and the following is substituted:**

**Custody agreement**

**9** Subject to section 33, a child intervention worker may enter into an agreement in the prescribed form for terms of not more than 6 months each with the guardian of a child under which custody of the child is given to the Crown if, in the opinion of the child intervention worker,

- (a) the child is in need of intervention, and
- (b) the survival, security or development of the child cannot be adequately protected if the child remains with the child's guardian.

**(5) Section 10 is amended**

- (a) by striking out “a director” and substituting “a child intervention worker”;**
- (b) in clause (c) by striking out “the director” and substituting “the Crown”.**

**(6) Section 11 is amended**

- (a) in subsection (1) by striking out “a director may enter into a permanent guardianship agreement in the prescribed form under which the director” and substituting “a child intervention worker may enter into a permanent guardianship agreement in the prescribed form under which the Crown”;**
- (b) in subsection (2)(c) by striking out “director” and substituting “Crown”.**

*roviding those services must report to the director any matter respecting the child that may require further investigation by the director.*

(4) Section 9 presently reads:

*9 Subject to section 33, a director may enter into an agreement in the prescribed form for terms of not more than 6 months each with the guardian of a child under which custody of the child is given to the director if, in the opinion of the director,*

- (a) the child is in need of intervention, and*
- (b) the survival, security or development of the child cannot be adequately protected if the child remains with the child's guardian.*

(5) Section 10 presently reads:

*10 A custody agreement between a guardian and a director shall include terms prescribing*

- (a) the plan for the care of the child, including a description of the services to be provided,*
- (b) the visits or other access to be provided between the child and the child's guardian or any other person, and*
- (c) the extent of the delegation of the authority of the guardian to the director.*

(6) Section 11 presently reads:

*11(1) If a child has been in the actual custody of at least one of the child's guardians for a cumulative period of less than 6 months, all the guardians of the child and a director may enter into a permanent guardianship agreement in the prescribed form under which the director will assume the guardianship of the child.*

*(2) When an agreement is made pursuant to this section*

- (a) the guardianship of any person who was a guardian of the child at the time the agreement was entered into is terminated,*

**(7) Section 12 is amended**

- (a) in subsection (1) by striking out “the director” and substituting “a child intervention worker”;**
- (b) in subsections (2) and (4) by striking out “director” wherever it occurs and substituting “child intervention worker”.**

**(8) Section 13(6)(b) is amended by striking out “guardianship of the child by the director” and substituting “Crown’s guardianship of the child”.**

- (b) *the agreement is binding on any parent who at the time the agreement was entered into was not a guardian of the child, whether or not that parent had notice of the agreement,*
- (c) *the director is the sole guardian of the child for all purposes, and*
- (d) *the agreement may be terminated only pursuant to section 12, 13, 35 or 40(2).*

(7) Section 12 presently reads:

*12(1) A guardian who has entered into a permanent guardianship agreement under section 11 may, within 10 days after the date of the agreement, request the director in writing to terminate the agreement and return the child who is the subject of the agreement to that guardian.*

*(2) Subject to subsection (3), a director who receives a request from a guardian under subsection (1) shall notify any other guardian who was a party to the permanent guardianship agreement of the request and shall place the child in the custody of the guardian who makes the request under subsection (1) within 48 hours after receiving the request or within any other period agreed to by the director and the guardian who makes the request.*

*(3) A permanent guardianship agreement terminates on the expiration of the 48 hours or any other period agreed to under subsection (2).*

*(4) A director who has reasonable and probable grounds to believe that the termination of a permanent guardianship agreement under this section would render the child who is the subject of the permanent guardianship agreement in need of intervention may*

- (a) enter into an agreement under section 8 or 9, or*
- (b) apply to the Court in the prescribed form for an order under Division 3.*

(8) Section 13(6) presently reads:

*(6) If the Court makes an order under subsection (5),*

**(9) Section 16 is amended**

- (a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (b) in subsection (2) by striking out “If a director applies under subsection (1), the director shall include with the application” and substituting “An application made under subsection (1) must include”.**

**(10) Section 18(1) is amended**

- (a) in the portion preceding clause (a) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (b) in clause (b) by striking out “director” and substituting “Crown”.**

- (a) *the guardianship of any person who was a guardian of the child before the permanent guardianship agreement was entered into is revived,*
- (b) *the guardianship of the child by the director is terminated, and*
- (c) *if a person is appointed as a guardian under subsection (5)(b), that person is an equal guardian of the child with any other guardian of the child.*

(9) Section 16 presently reads:

*16(1) A director may apply to the Court in the prescribed form for an order under section 28 authorizing the director to provide supervision of the child and the persons with whom the child resides if, in the opinion of the director,*

- (a) *the child is in need of intervention,*
- (b) *supervision of the child and the persons with whom the child resides is necessary to ensure that the survival, security or development of the child is protected, and*
- (c) *there are reasonable and probable grounds to believe that the child's survival, security or development will be adequately protected as a result of the supervision.*

*(2) If a director applies under subsection (1), the director shall include with the application recommendations with respect to the terms of the proposed supervision.*

(10) Section 18(1) presently reads:

*18(1) A director may make an application in the prescribed form to the Court for a permanent guardianship order under section 34 in respect of a child if, in the opinion of the director,*

- (a) *the child is in need of intervention or is the subject of a temporary guardianship order,*
- (b) *the survival, security or development of the child cannot adequately be protected if the child remains with or is returned to a guardian other than the director, and*

**(11) Section 19 is amended**

**(a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;**

**(b) by repealing subsection (2) and substituting the following:**

**(2) If**

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

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

a child intervention worker may make an ex parte application to a judge of the Court or, if no judge is reasonably available, to a justice of the peace, for an order under subsection (3).

**(c) in subsection (3)**

**(i) by striking out “the director or” and substituting “the child intervention worker or”;**

**(ii) by striking out “custody of the director” and substituting “custody of the Crown”;**

**(d) in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”;**

**(e) in subsection (5)**

**(i) by striking out “opinion of the director” and substituting “opinion of the child intervention worker”;**

**(ii) by striking out “director may make the application” and substituting “the application may be made”;**

- (c) *it cannot reasonably be anticipated that the child could or should be returned to the custody of the child's guardian within a reasonable period of time.*

(11) 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 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 justice of the peace, for an order under subsection (3).*

*(3) A judge of the Court or a 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.*

*(4) If a director has reasonable and probable grounds to believe that a child referred to in subsection (2) may be found in a place or premises and that the life or health of the child would be seriously and imminently endangered as a result of the time required to obtain an order under subsection (3) or (5), the director may, without an*

- (f) in subsection (8)**
  - (i) in clause (a) by striking out “director” and substituting “child intervention worker”;**
  - (ii) in clause (c) by striking out “director’s” and substituting “child intervention worker’s”;**
  - (iii) in clause (d) by striking out “the director has custody of the child and the director’s” and substituting “the Crown has custody of the child and the child intervention worker’s”;**
  - (iv) in clause (e) by striking out “director’s” and substituting “child intervention worker’s”;**
  - (v) in clause (f) by striking out “director” and substituting “child intervention worker”;**
- (g) in subsections (10), (12) and (14) by striking out “director” wherever it occurs and substituting “child intervention worker”.**

*order and by force if necessary, enter that place or those premises for the purposes specified in subsection (3).*

*(5) If, in the opinion of the director, it would be impracticable to appear personally before a judge or 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 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 justice of the peace;*
- (b) the identity of the child, if known;*
- (c) with respect to an application under subsection (1), a statement setting out the director's grounds for believing that the child is in need of intervention;*
- (d) with respect to an application under subsection (2), a statement setting out the authority under which the director has custody of the child and the director's grounds for believing that the child may be found in the place or premises;*
- (e) a statement of the director's grounds for believing that the child will be found in the place or premises to be searched;*
- (f) 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.*

*(10) If a judge of the Court or a 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,*
- (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*

**(12) Section 19.1 is amended by striking out “a director” and substituting “the Crown”.**

**(13) Section 21.1 is amended**

- (a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (b) in subsection (2)**
  - (i) in clause (a) by striking out “a director” and substituting “the Crown”;**
  - (ii) by striking out “director’s” and substituting “child intervention worker’s”.**

(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.*

(12) *Notwithstanding subsection (1), a director or peace officer may apprehend a child without an order if the director or peace officer has reasonable and probable grounds to believe that the child's life or health is seriously and imminently endangered because*

(a) *the child has been abandoned or lost or has no guardian,*

(b) *the child has left the custody of the child's guardian without the consent of the guardian and, as a result, the guardian is unable to provide the child with the necessities of life, or*

(c) *the child has been or there is substantial risk that the child will be physically injured or sexually abused.*

(14) *Notwithstanding subsection (1), a director or peace officer may apprehend a child without an order if the director or peace officer has reasonable and probable grounds to believe that the child has left or been removed from the custody of the child's guardian without the consent of the guardian.*

(12) Section 19.1 presently reads:

*19.1 If a child who is ordinarily resident in Alberta is apprehended in another province under the authority of that province's child welfare legislation and placed in the custody of a director by that province's child welfare authorities, the child is deemed to be apprehended under section 19 effective on the day the child is so placed.*

(13) Section 21.1 presently reads in part:

*21.1(1) If a director makes an application to the Court under section 21(1)(b) for a temporary guardianship order or permanent guardianship order, the director must also apply for an order for custody of the child until the application for a temporary guardianship order or for a permanent guardianship order is withdrawn or disposed of.*

(2) *On hearing a custody application under subsection (1), the Court must*

(a) *order the child into the custody of a director, or*

**(14) Section 22 is amended**

- (a) by striking out “a director” and substituting “the Crown”;**
- (b) by striking out “the director has returned the child” and substituting “the child has been returned”;**

**(15) Section 22.1 is amended**

- (a) in subsections (1) and (2) by striking out “director” and substituting “child intervention worker”;**
- (b) in subsection (4) by striking out “A director may make an application” and substituting “An application under subsection (2) may be made”;**
- (c) in subsection (6) by striking out “a director” and substituting “the Crown”.**

**(16) Section 22.2 is amended**

- (a) in subsection (1) by striking out “the director” and substituting “a child intervention worker”;**
- (b) in subsection (3) by striking out “a director” and substituting “the Crown”.**

*(b) order that the child be returned to the custody of the child's guardian*

*until the director's application for a temporary guardianship order or a permanent guardianship order is withdrawn or disposed of.*

(14) Section 22 presently reads:

*22 If a child has been apprehended, a director has exclusive custody of the child and is responsible for the child's care, maintenance and well-being until the director has returned the child to the custody of the child's guardian or an application under section 21 has been disposed of.*

(15) Section 22.1 presently reads:

*22.1(1) If the guardian of a child who has been apprehended is unable or unavailable to consent to the provision of essential medical, surgical, dental or other remedial treatment for the child that is recommended by a physician or dentist, a director may authorize the provision of any recommended treatment for the child.*

*(2) If the guardian of a child who has been apprehended refuses to consent to essential medical, surgical, dental or other remedial treatment for the child that is recommended by a physician or dentist, the director must apply to the Court for an order authorizing the treatment.*

*(4) A director may make an application by telephone or other means of telecommunication to a judge of the Court in accordance with section 19(5) to (10), in which case section 19(11) applies to the order.*

*(6) If the Court authorizes treatment under this section, the authorization extends to the conclusion of the course of treatment unless the Court orders otherwise, even if a director ceases to have custody or guardianship of the child.*

(16) Section 22.2 presently reads in part:

*22.2(1) If a child who is the subject of a temporary guardianship order or a permanent guardianship agreement or order refuses to consent to essential medical, surgical, dental or other remedial treatment that is recommended by a physician or dentist, the director must apply to the Court for an order authorizing the treatment.*

**(17) Section 23 is amended**

- (a) by repealing subsection (1)(b) and substituting the following:**
  - (b) a director or a child intervention worker, if the applicant is not a child intervention worker,
- (b) in subsection (3)(a) by adding “or a child intervention worker” after “director”;**
- (c) in subsection (5)(f) by adding “or the child intervention worker” after “director”;**
- (d) in subsection (6)(c) by adding “or a child intervention worker” after “director”.**

*(2) Despite section 23(4), notice of the date, time and place at which an application under subsection (1) is to be heard must be served not less than one day before the date fixed for the hearing.*

*(3) If the Court authorizes treatment under this section, the authorization extends to the conclusion of the course of treatment unless the Court orders otherwise, even if a director ceases to have guardianship of the child.*

(17) Section 23 presently reads in part:

*23(1) Notice of the nature, date, time and place of every hearing under this Division shall be served by the applicant on*

- (a) all the guardians of the child,*
- (b) a director, if the applicant is not a director,*
- (c) the child, if the child is 12 years of age or older,*
- (d) a foster parent of the child, if the child was in the continuous care of that foster parent for more than 6 months immediately preceding the application, and*
- (e) any other person in whose care the child was when the child was apprehended, if the child was in the continuous care of that person for more than 6 months immediately preceding the application.*

*(3) Notice under subsection (1) may be served by mail on*

- (a) a director,*
- (b) a foster parent, and*
- (c) a person in whose care the child was when the child was apprehended.*

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

- (f) dispense with service on any person other than the director.*

*(6) Whether or not authorization has been given under subsection (5), the Court may do any of the following at the time of the hearing:*

**(18) Section 24(2) is amended by striking out “director” and substituting “director, a child intervention worker”.**

**(19) Section 31 is amended**

- (a) in subsection (1) by striking out “a director” and substituting “the Crown”;**
- (b) in subsection (2) by striking out “director” and substituting “Crown”;**
- (c) in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (d) in subsection (6)**
  - (i) by striking out “other than the director” and substituting “other than the Crown”;**
  - (ii) by striking out “director or” and substituting “child intervention worker or”;**
- (e) in subsection (7) by striking out “the director” and substituting “a child intervention worker”.**

*(c) dispense with service on any person other than the director.*

(18) Section 24(2) presently reads:

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

(19) Section 31 presently reads in part:

*31(1) The Court may make an order appointing a director as a guardian of a child if it is satisfied that*

*(a) the child is in need of intervention, and*

*(b) the survival, security or development of the child may not be adequately protected if the child remains with the child's guardian,*

*but it can be anticipated that within a reasonable time the child may be returned to the custody of the child's guardian or, if the child is 16 years of age or older, the child will be able to live independently.*

*(2) If the Court makes an order under subsection (1), the director becomes a joint guardian with any other guardian of the child and, subject to any order under subsection (4), may exercise all of the authority of a guardian of the child to the exclusion of any other guardian except with respect to a proceeding under Part 2, Division 1.*

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

*(a) the access to be provided between the child and a guardian or any other person with whom the child has a significant relationship,*

*(b) the conditions under which the director must consult with the guardian on matters affecting the child,*

**(20) Section 32 is amended**

- (a) in subsection (1)(a) by striking out “director” and substituting “child intervention worker”;**
- (b) in subsection (2)(d) by striking out “director” and substituting “Crown”.**

*(c) if recommended by a director, participation by the child or the guardian or both in treatment or remedial programs, and*

*(d) any other terms that the Court considers necessary.*

*(6) An order under this section may provide that a guardian, other than the director, or any person who will have custody of the child shall, prior to the expiration of the temporary guardianship order, submit to an assessment in order to assist the director or the Court, as the case may be, to determine the fitness of the guardian or other person to assume the custody of the child when the order expires or is terminated.*

*(7) The Court shall consider the recommendations of the director in respect of an assessment before making an order under subsection (6).*

(20) Section 32 presently reads in part:

*32(1) If a child is the subject of a supervision order or a temporary guardianship order and the appeal period with respect to the order has expired,*

*(a) a director, at any time during the term of the order, or*

*(b) a guardian of the child or the child if the child is 12 years of age or older, once during the term of the order,*

*may apply to the Court in the prescribed form for an order renewing, varying or terminating the original order or for a new order under section 28, 31 or 34.*

*(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;*

*(d) whether a guardian, other than the director, has complied with the order.*

**(21) Section 33 is amended**

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

**Total cumulative time in the care of the Crown**

**33(1)** For the purposes of this section, a child is in the care of the Crown 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 (3) 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 the Crown under section 26(2).
- (b) in subsections (2) and (3) by striking out “a director” wherever it occurs and substituting “the Crown”;**
- (c) in subsection (4)**
- (i) in clause (a) by striking out “a director” wherever it occurs and substituting “the Crown”;**
  - (ii) in clause (b) by striking out “director” and substituting “Crown”;**
- (d) in subsection (5) by striking out “a director” and substituting “the Crown”.**

(21) Section 33 presently reads in part:

*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 (3) 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).*

*(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;*

**(22) Section 34 is amended**

- (a) in subsection (1) by striking out** “a director, may make a permanent guardianship order appointing the director” **and substituting** “a child intervention worker, may make a permanent guardianship order appointing the Crown”;
- (b) in subsection (4) by striking out** “director” **and substituting** “Crown”;
- (c) in subsections (8), (10) and (13) by striking out** “director” **and substituting** “child intervention worker”.

*(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.*

(22) Section 34 presently reads in part:

*34(1) The Court, on application pursuant to this Division by a director, may make a permanent guardianship order appointing the director as guardian of the child if it is satisfied that*

*(a) the child is in need of intervention or is the subject of a temporary guardianship order,*

*(b) the survival, security or development of the child cannot adequately be protected if the child remains with or is returned to the child's guardian, and*

*(c) it cannot be anticipated that the child could or should be returned to the custody of the child's guardian within a reasonable time.*

*(4) If the Court makes a permanent guardianship order, the director is the sole guardian of the person of the child and the Public Trustee is the sole trustee of the estate of the child.*

*(8) On making a permanent guardianship order or at any time during its term, the Court, on the application of a director, a former guardian of the child, the child if the child is 12 years of age or older or any other person with whom the child has a significant relationship, may make an order prescribing the access to be provided between the child and the former guardian or that other person.*

*(10) A director may enter into an agreement in the prescribed form with*

*(a) a former guardian of a child who is the subject of a permanent guardianship order, or*

**(23) Section 35 is amended**

- (a) in subsection (1) by striking out** “the director, if the director” **and substituting** “a child intervention worker, if the child intervention worker”;
- (b) in subsection (1.1) by striking out** “person, other than a director, who” **and substituting** “person who”.

**(24) The following is added after section 35:**

**Application by former guardian**

**35.1(1)** If a child is the subject of a permanent guardianship order, a person who was the child’s guardian immediately before the permanent guardianship order was made may apply to the Court for an order terminating the permanent guardianship order if, at the time the application is made,

- (a) the child has not been adopted,
- (b) more than one year has elapsed since the period for appealing the permanent guardianship order expired or, if the permanent guardianship order was appealed, since the appeal was disposed of, and
- (c) more than 2 years has elapsed since the last application brought by the applicant under this section, if any, was disposed of.

*(b) any person who has a significant relationship with a child who is the subject of a permanent guardianship order*

*providing for visits or other access to be provided between the child and the former guardian or other person.*

*(13) If an order is made under subsection (8), a director, the child if the child is 12 years of age or older, or the person to whom access is provided in the order may apply to the Court for a review of the order.*

(23) Section 35 presently reads in part:

*35(1) If a child is the subject of a permanent guardianship agreement or order, the director, if the director is satisfied that the child should be returned to the guardianship of the person who was the guardian of the child before the agreement or order was made, may apply to the Court for an order terminating the permanent guardianship agreement or order.*

*(1.1) If a permanent guardianship agreement or order is terminated pursuant to subsection (1), the person, other than a director, who was the guardian immediately before the permanent guardianship agreement or order was made is the guardian of the child unless the Court orders otherwise.*

(24) Application by former guardian.

**(2)** On hearing an application under subsection (1), the Court may

- (a) terminate the permanent guardianship order and appoint the applicant as a guardian of the child if the Court is satisfied that
  - (i) the applicant is capable of assuming and willing to assume the responsibilities of guardianship of the child, and
  - (ii) it is in the best interests of the child that the applicant be appointed a guardian,
- (b) make a supervision order in conjunction with an order described in clause (a), or
- (c) dismiss the application.

**(25) Section 39 is amended by striking out “a director” wherever it occurs and substituting “the Crown”.**

**(26) Section 42 is amended**

- (a) in subsection (1) by striking out “the director” and substituting “a child intervention worker”;**
- (b) in subsection (2)**
  - (i) in the portion preceding clause (a) by striking out “the director” and substituting “a child intervention worker”;**
  - (ii) in clause (a) by striking out “director” and substituting “child intervention worker”.**

**(27) Section 43.1 is amended**

- (a) in subsection (1)**

(25) Replaces references to director with references to the Crown.

(26) Section 42 presently reads:

*42(1) When a child who is the subject of a permanent guardianship agreement or order dies, the director may*

*(a) consent to an autopsy of the body of the child, and*

*(b) arrange for the burial or other disposition of the body of the child.*

*(2) When a child who is the subject of a temporary guardianship order dies, the director may arrange for the burial or other disposition of the body of the child if*

*(a) the director is unable after making reasonable efforts to locate the other guardian of the child within a reasonable time, or*

*(b) the other guardian of the child is unable to pay for the burial or other disposition of the body of the child.*

(27) Section 43.1 presently reads in part:

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

- (i) **in clause (a) by striking out “a director” and substituting “the Crown”;**
- (ii) **by striking out “a director has reasonable” and substituting “a child intervention worker has reasonable”;**
- (iii) **by striking out “the director” wherever it occurs and substituting “the child intervention worker”;**
- (b) **in subsections (2) and (3) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (c) **in subsection (3.1) by adding “an” before “application”;**
- (d) **by repealing subsection (3.2) and substituting the following:**

**(3.2)** If in the opinion of the child intervention worker 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 show cause or the application may be heard by a judge of the Court by telephone or other means of telecommunication in accordance with section 43.2.

- (e) **in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”.**
- (f) **in subsection (6) by striking out “An application pursuant to subsection (3)” and substituting “An appearance to show cause under subsection (3)(a) or an application under subsection (3)(b)”;**
- (g) **in subsection (7) by adding “a show cause or” before “an application”;**
- (h) **in subsection (8) by striking out “director” and substituting “child intervention worker”.**

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

*and a director has reasonable and probable grounds to believe that*

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

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

*(2) A director may not issue a secure services certificate respecting a child who is the subject of a supervision order, a custody agreement under section 9 or a family enhancement agreement under section 8 without the written consent of the guardian.*

*(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.*



*(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.*

*(4) If a director confines a child pursuant to subsection (1), the director must serve on the child and on the guardian, if the guardian consented to the issuing of the secure services certificate, not more than one day after the certificate is issued*

*(a) a copy of the secure services certificate showing the reason for confinement and the duration of the certificate,*

*(b) a notice of the date, time and place at which the appearance to show cause under subsection (3)(a) will be held, and*

*(c) an application, if any, for a further period of confinement under subsection (3)(b).*

*(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 justice of the peace.*

*(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*

**(28) Section 43.2 is amended**

- (a) in subsection (1) by striking out “director shows cause” and substituting “child intervention worker appears to show cause”;**
- (b) in subsection (3) by striking out “director” and substituting “child intervention worker”;**
- (c) in subsection (4) by striking out “an application made by telephone or other means of telecommunication conforms to the requirements of subsection (3)” and substituting “the requirements of subsection (3) have been complied with”;**
- (d) in subsection (5)(b) by striking out “director” and substituting “child intervention worker”;**
- (e) in subsection (6) by adding “showing cause or” before “making”.**

- (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.*

(28) Section 43.2 presently reads in part:

*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.*

*(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.*

*(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*

**(29) Section 44 is amended**

**(a) in subsection (1)**

**(i) in clause (a) by striking out “a director” and substituting “the Crown”;**

**(ii) by striking out “the director” and substituting “the child intervention worker”;**

**(b) in subsections (3), (4), (5), (6), (7) and (9)(b)(iii) by striking out “director” and substituting “child intervention worker”.**

*dispense with personal appearance for the purpose of making an application.*

(29) 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.*

*(3) If the Court makes a secure services order under subsection (2), a director must*

- (a) serve a copy of the secure services order on the child not more than one day after it is granted, and*
- (b) notify a guardian of the child forthwith by any method, orally or in writing.*

*(4) Before the termination of the secure services order granted under subsection (2), a director may apply to the Court in the prescribed form for a continuation of the secure services order and the Court may continue the secure services order for an additional period of not more than 5 days if further confinement is necessary*

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

*(5) The director must serve the child and a guardian of the child with notice of the date, time and place of the hearing of an application under subsection (4) not less than one day before the hearing date of the application.*

*(6) 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*

**(30) Section 44.1 is amended**

- (a) in subsection (1) by striking out “director” and substituting “child intervention worker”;**
- (b) in subsection (3) by striking out “a director” and substituting “the Crown”.**

*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.*

*(7) A director must specify the secure services facility in which a child is to be confined pursuant to a secure services order.*

*(9) If the Court makes a secure services order, it shall*

- (b) provide the child, the child's guardian and the child's lawyer, if any, with a copy of the order and a written statement showing*
- (iii) that the order may be reviewed or appealed on the application of the child, the child's guardian or a director,*

**(30)** Section 44.1 presently reads:

*44.1(1) A secure services order granted under section 43.1 or 44 may be renewed in accordance with the application procedures of section 44, except subsection (4), on the application by a director in the prescribed form for a period of not more than 20 days.*

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

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

**(31) Section 44.2(2) is amended by striking out “director” and substituting “director, a child intervention worker”.**

**(32) Section 48 is amended**

- (a) in subsections (1) and (2) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (b) in subsection (4)**
  - (i) by striking out “opinion of the director” and substituting “opinion of the child intervention worker”;**
  - (ii) by striking out “director may make the application” and substituting “application may be made”;**
- (c) in subsection (7)**
  - (i) in clause (a) by striking out “director” and substituting “child intervention worker”;**
  - (ii) in clauses (b) and (c) by striking out “director’s” and substituting “child intervention worker’s”;**
  - (iii) in clause (d) by striking out “director” and substituting “child intervention worker”;**
- (d) in subsections (9)(b) and (11) by striking out “director” wherever it occurs and substituting “child intervention worker”.**

*or a family enhancement agreement under section 8, the confinement in the secure services facility terminates immediately.*

(31) Section 44.2(2) presently reads:

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

(32) Section 48 presently reads in part:

*48(1) When a child who is the subject of a secure services certificate or order*

*(a) leaves a secure services facility when no leave of absence has been granted, or*

*(b) leaves a secure services facility pursuant to a leave of absence and fails to return within the time permitted by the leave,*

*a director may apprehend and convey or authorize a peace officer or any other person to apprehend and convey the child, and to detain the child while the child is being conveyed, to a secure services facility.*

*(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 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 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 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 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
  - (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.*

*(9) If a judge of the Court or a justice of the peace makes an order under subsection (8),*

- (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*

*(11) If a director or a peace officer or other person authorized under subsection (1) to apprehend a child has reasonable and probable grounds to believe that*

- (a) the child may be found in a place or premises, and*
- (b) the life or health of the child would be seriously and imminently endangered as a result of the time required to obtain an order under subsection (2) or (4),*

**(33) Section 49 is amended**

- (a) in subsections (1) and (2)(a) by striking out “director” and substituting “child intervention worker”;**
- (b) in subsection (4) by striking out “If a director” and substituting “If a child intervention worker”;**
- (c) in subsection (5)(b) by striking out “a director” and substituting “the Crown”;**
- (d) in subsection (6) by striking out “director” and substituting “child intervention worker”.**

*the director, peace officer or other person may, without an order and by force if necessary, enter that place or those premises and search for and remove the child for the purpose of conveying the child to a secure services facility and may detain the child while the child is being conveyed to a secure services facility.*

(33) Section 49 presently reads in part:

*49(1) A child with respect to whom a secure services order has been made, a guardian of the child or a director may apply to the Court in the prescribed form for a review of the order.*

*(2) An application for a review of a secure services order may be made*

*(a) by a director, at any time during the period of the order and the period of any renewal of the order, or*

*(b) by the child who is the subject of the secure services order or a guardian of the child, once during the period of the order and once during the period of any renewal of the order.*

*(4) If a director is not the applicant, the clerk of the Court shall notify a director of the application.*

*(5) 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,*

*(b) a guardian of the child if a director is not the guardian of the child, and*

*(c) the person in charge of the secure services facility in which the child is confined*

*not less than one day before the date fixed for the hearing.*

*(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;*

**(34) Section 52 is amended**

- (a) in subsection (1) by striking out “a director” and substituting “the Crown”;**
- (b) in subsections (1.2) and (2) by striking out “director” wherever it occurs and substituting “child intervention worker”;**

**(35) Section 53(1)(c) is amended by striking out “if a director” and substituting “if the Crown”.**

- (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.*

(34) Section 52 presently reads in part:

*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.*

*(1.2) If the child is the subject of a permanent guardianship agreement or order, the report required under subsection (1.1) must be prepared by a director.*

*(2) A director may, on behalf of an applicant, make an application under subsection (1) if*

- (a) the applicant consents in writing, and*
- (b) the director is satisfied that it is in the best interests of the child for the child to be placed under the guardianship of the applicant.*

(35) Section 53(1)(c) 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, a copy of the report described in section 52(1.1) and a copy of the cultural connection plan described in section 52(1.3) if one was required under that section, not less than 30 days before the date of the hearing on*

- (c) a director, if a director is not the guardian.*

**(36) Section 55 is amended**

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

**Consent to private guardianship**

**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 child intervention worker, if the Crown is not the guardian of the child.

**(b) in subsection (2)**

- (i) in clause (a) by striking out “director” and substituting “Crown”;**
- (ii) in clause (c) by striking out “a director, unless a director” and substituting “a child intervention worker, unless the Crown”.**

**(37) Section 56(2)(d) is amended by striking out “if a director” and substituting “if the Crown”.**

**(38) Section 57.2 is amended**

- (a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;**

**(b) in subsection (2)**

- (i) by striking out “a director” and substituting “a child intervention worker”;**
- (ii) by striking out “director if the director” and substituting “Crown if the child intervention worker”.**

(36) Section 55 presently reads in part:

*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, other than the director,*
- (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.*

(37) Section 56(2)(d) presently reads:

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

- (d) a director, if a director was not the guardian of the child immediately before the making of the order.*

(38) Section 57.2 presently reads in part:

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

- (a) satisfied that the youth is living independently of the youth's guardian, and*
- (b) of the opinion that*
  - (i) the youth is in need of intervention, and*

**(39) Section 57.4 is amended**

**(a) in subsection (1)**

**(i) in clause (a) by striking out “a director” and substituting “the Crown”;**

**(ii) in clause (b) by striking out “director” and substituting “child intervention worker”;**

**(iii) by striking out “a director may” and substituting “a child intervention worker may”;**

**(b) in subsection (2) by striking out “the director” and substituting “a child intervention worker”.**

**(40) Section 57.5 is amended**

**(a) in subsection (1) by striking out “a director or the subject of a temporary guardianship order or a permanent**

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

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

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

(b) *of the opinion that*

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

(ii) *the survival, security and development of the youth can be adequately protected through the agreement.*

(39) Section 57.4 presently reads:

*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,*

*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.*

(40) Section 57.5 presently reads in part:

*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.*

guardianship agreement or order or if a director has entered into an agreement with the child under section 57.2, a director” **and substituting** “the Crown or the subject of a temporary guardianship order or a permanent guardianship agreement or order or if a child intervention worker has entered into an agreement with the child under section 57.2, a child intervention worker”;

**(b) in subsection (3)(a) by striking out “a director” and substituting “the Crown”.**

**(41) Section 57.6 is amended**

**(a) in subsection (1)(a) by striking out “director” and substituting “child intervention worker”;**

**(b) in subsection (3)**

**(i) in clause (a) by striking out “the director” and substituting “a child intervention worker”;**

**(ii) in clause (b) by striking out “the director” and substituting “a director or a child intervention worker”.**

**(42) Section 63(1) is amended**

**(a) in the portion preceding clause (a) by striking out “director” and substituting “child intervention worker”;**

**(b) in clause (a)**

**(i) in the portion preceding subclause (i) by striking out “director” and substituting “child intervention worker”;**

**(ii) in subclause (ii) by striking out “director” and substituting “Crown”;**

**(iii) in subclause (iv) by striking out “director” and substituting “child intervention worker”;**

*(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,*

(41) Section 57.6 presently reads in part:

*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;*

*(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.*

(42) Section 63 presently reads in part:

*63(1) An application 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:*

*(a) the affidavit of the director setting out*

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

*(ii) a statement that the director is the guardian of the child pursuant to the agreement or order,*

**(c) in clauses (d) and (e) by striking out “director” wherever it occurs and substituting “child intervention worker”.**

**(43) Sections 68(4)(a), 73.1(2)(e) and 74(1)(c)(i) and (3) are amended by striking out “a director” and substituting “the Crown”.**

- (iii) *the terms of any agreement or order respecting access to the child,*
- (iv) *a statement that the applicant, in the opinion of the director, is a fit and proper person to have the care and custody of the child, and*
- (v) *if the child is an Indian, a statement that section 67 has been complied with;*
- (d) *a home study report in the form required in the regulations prepared by a qualified person on behalf of the director respecting*
  - (i) *the suitability of the applicant as an adoptive parent, and*
  - (ii) *the capability and willingness of the applicant to assume the responsibility of a parent toward the child;*
- (e) *the affidavit of any person acceptable to the director respecting the fitness of the applicant to adopt the child, or any other material that the director may require;*

(43) Sections 68(4)(a), 73.1(2)(e) and 74(1)(c)(i) and (3) presently read:

*68(4) Notwithstanding sections 59 and 63, on considering an application under this Division, the Court may make an order dispensing with the consent of*

- (a) *a guardian of the child other than a director,*

*73.1(2) Notice of the nature, date, time and place of the hearing of an application under subsection (1) must be served by the applicant on*

- (e) *the Public Trustee, if a director was the guardian of the child immediately before the adoption order was made, and*

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

- (c) *the Public Trustee, if*
  - (i) *a director was the guardian of the child immediately before the making of the order, and*

**(44) Section 84(b) is amended by adding “or a child intervention worker” after “director”.**

**(45) Section 85(2)(b) is amended by striking out “of a director” and substituting “of the Crown”.**

**(46) Section 105.1 is amended by striking out “a director” and substituting “the Crown”.**

**(47) Section 105.74 is amended by striking out “of the director” and substituting “of the Crown”.**

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

(44) Section 84(b) presently reads:

*84 No person other than the following shall place or facilitate the placement of a child for the purpose of an adoption:*

*(b) a director;*

(45) Section 85(2)(b) presently reads:

*(2) Subsection (1) does not apply to*

*(b) in accordance with section 126.2(2)(a), the publication of any advertisement authorized by the Minister or a director for the purpose of finding homes for children in the custody or under the guardianship of a director,*

(46) 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 or an authority responsible for the administration of child protection legislation in another province or territory of Canada and includes a secure services facility, a foster home and a group home, but does not include a facility that primarily provides medical care, educational services or correctional services.*

(47) Section 105.74 presently reads:

*105.74 When a director becomes aware of an incident giving rise to a serious injury to or the death of a child who was in the custody or under the guardianship of the director at the time of the injury or death, the director must, as soon as practicable, report the incident to the Council.*

**(48) Section 107 is amended**

- (a) in subsections (1), (2) and (3) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (b) in subsection (4) by striking out “a director shall not provide a copy of a supervision order referred to in subsection (3)” and substituting “no copy of a supervision order referred to in subsection (3) shall be provided”.**

**(49) Section 109(4) and (5) are amended by striking out “director” and substituting “director, a child intervention worker”.**

(48) Section 107 presently reads in part:

*107(1) If a director has reason to believe that a child is an Indian and a member of a band, the director 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).*

*(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 referred to in 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.*

(49) Section 109 presently reads in part:

*(4) The person named in the subpoena or the person's designate shall permit the Minister, a director, a guardian of the child, the*

**(50) Section 111(2) is amended by striking out “the director” and substituting “a child intervention worker”.**

**(51) Section 114(1) is amended**

- (a) in clause (a) by striking out “a director” and substituting “the Crown”;**
- (b) in clause (c) by striking out “if the child is 12 years of age or older,”;**
- (c) in clause (e) by adding “or a child intervention worker” after “director”.**

**(52) Section 117.1(1) is amended**

- (a) by striking out “a director” and substituting “a director or a child intervention worker”;**
- (b) in clause (d) by adding “or the child intervention worker” after “director”.**

**(53) Section 119 is amended**

- (a) by repealing subsection (2) and substituting the following:**
  - (2) If an appeal is made from a 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 to a director for further consideration.**
- (b) in subsection (2.1) by striking out “director’s”.**

*child, if the child is 12 years of age or older, or a lawyer representing any of them to examine the documents, records or other information before the time stated in the subpoena.*

*(5) The Minister, a director or a guardian of the child may apply to the Court at the time stated in the subpoena or at any other time during the proceedings before the Court to have all or part of the documents, records or other information admitted into evidence.*

(50) Replaces reference to director with reference to child intervention worker.

(51) Section 114(1) presently reads in part:

*114(1) An order of the Court made under this Act may be appealed to the Court of Queen's Bench by*

*(a) a guardian of the child other than a director,*

*(c) the child, if the child is 12 years of age or older,*

*(e) a director, or*

(52) Section 117.1(1) presently reads in part:

*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:*

*(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;*

(53) Section 119 presently reads in part:

*(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.*

**(54) Section 120 is amended**

- (a) in subsection (1) by adding “or a child intervention worker” after “director”;**
- (b) in subsection (2)**
  - (i) in the portion preceding clause (a) by adding “or a child intervention worker” after “director”;**
  - (ii) in clause (e) by striking out “director” wherever it occurs and substituting “child intervention worker”;**
- (c) in subsection (2.1) by striking out “director” and substituting “child intervention worker”;**
- (d) in subsection (3)**
  - (i) in the portion preceding clause (a) by striking out “in the prescribed form”;**
  - (ii) in clause (a) by adding “must be in the prescribed form and” before “must”;**
  - (iii) in clause (b) by striking out “the director” and substituting “a director”;**
- (e) in subsection (5.1) by striking out “back to the director” and substituting “to a director”.**

(54) Section 120 presently reads in part:

*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.*

*(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;*
- (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;*
- (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;*

**(55) Section 121 is amended**

- (a) in subsection (2) by adding “or a child intervention worker” after “director”;**
- (b) in subsection (3)**

*(f.2) the refusal to provide support or financial assistance pursuant to section 57.3;*

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

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

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

*(g) any other matter prescribed in the regulations as being subject to an appeal to an Appeal Panel.*

*(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.*

*(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 director's decision or order.*

*(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).*

*(55) Section 121 presently reads in part:*

*(2) The Minister may delegate any of the duties or powers conferred or imposed on a director by a court or under any Act, including the power under this Act to form an opinion, to receive a report under section 4 or 5 or to delegate or subdelegate, to a Child and Family*

- (i) **by striking out** “A director” **and substituting** “A director or a child intervention worker”;
- (ii) **by striking out** “the director” **and substituting** “the director or the child intervention worker”;
- (c) **in subsection (4) by striking out** “The Minister or a director is authorized to receive any authority delegated to the Minister or director” **and substituting** “The Minister, a director or a child intervention worker is authorized to receive any authority delegated to the Minister, the director or the child intervention worker”.

**(56) The following is added after section 124:**

**Foster parents and kinship care providers**

**124.01(1)** Where a child is in the custody or under the guardianship of the Crown under this Act, a child intervention worker may place the child in the care of a foster parent or a kinship care provider.

(2) While a child is in the care of a foster parent, the foster parent has authority to make decisions respecting matters prescribed in the regulations.

(3) While a child is in the care of a kinship care provider, the kinship care provider has authority to make decisions respecting matters prescribed in the regulations.

**(57) Section 124.1 is amended**

- (a) **in subsection (1)(a) and (b) by striking out** “a director” **and substituting** “the Crown”;
- (b) **in subsection (2)**

*Services Authority or to any person or government for any purpose in connection with the administration of this Act.*

*(3) A director may delegate any of the duties or powers conferred or imposed on the director by a court or under any Act, including the power under this Act, the Drug-endangered Children Act or the Protection of Sexually Exploited Children Act to form an opinion, to receive a report under section 4 or 5 or to delegate or subdelegate to*

- (a) a person employed or engaged in the administration of this Act,*
- (b) a foster parent in respect of a particular child,*
- (c) any other person who is providing care to a child in respect of that child, or*
- (d) any other person or any government.*

*(4) The Minister or a director is authorized to receive any authority delegated to the Minister or director by a government or child welfare authority relating to a child who is in the custody or under the guardianship of that government or authority.*

(56) Foster parents and kinship care providers.

(57) Section 124.1 presently reads:

*124.1(1) The Minister may enter into agreements with the appropriate authority in any jurisdiction within or outside Canada with respect to*

- (i) **by striking out** “a director” **and substituting** “the Crown”;
- (ii) **by striking out** “the director” **and substituting** “the Crown”;
- (c) **in subsection (3) by striking out** “a director” **and substituting** “the Crown”.

**(58) Section 126 is amended**

- (a) **in subsection (1) by striking out** “on behalf of a director” **and substituting** “under this Act”;
- (b) **in subsection (3) by striking out** “director or a person acting on behalf of a director, including an agency providing services on behalf of a director, may collect and use personal information, including health information,” **and substituting** “director, a person acting on behalf of a director, a child intervention worker or an agency providing services under this Act may collect and use personal information and health information”;
- (c) **in subsections (4) and (5) by striking out** “director or a person acting on behalf of a director, including an agency providing services on behalf of a director” **and substituting** “director, a person acting on behalf of a director, a child intervention worker or an agency providing services under this Act”.

(a) *the transfer to the authority by a director of the guardianship of a child under a permanent guardianship agreement or order, and*

(b) *the transfer to a director by the authority, of the guardianship of any child under the guardianship of that authority.*

(2) *If a director assumes responsibility for the guardianship of a child pursuant to subsection (1), the child is deemed to be under the guardianship of the director pursuant to a permanent guardianship order under this Act.*

(3) *Any proceedings with respect to the guardianship of a child transferred to a director pursuant to this section must be taken in accordance with this Act.*

(58) Section 126 presently reads in part:

*126(1) The Minister and any person employed or assisting in the administration of this Act, including an agency providing services on behalf of a director, may disclose or communicate personal information that comes to the Minister's or person's or agency's attention under this Act only in accordance with the Freedom of Information and Protection of Privacy Act, in proceedings under this Act, in accordance with Part 2, Division 2 or this Part or as follows:*

(a) *to any person or organization, including an agency providing services to a child, if the disclosure is necessary to plan services for or provide services to the child or the child's family or to plan or provide for the day-to-day care or education of the child;*

(b) *to the guardian of the child to whom the information relates or the guardian's lawyer;*

(c) *to the child to whom the information relates or the child's lawyer;*

(d) *to any person employed in the administration of child protection legislation in another province or territory of Canada;*

(e) *to any person with the written consent of the Minister.*

(3) *A director or a person acting on behalf of a director, including an agency providing services on behalf of a director, may collect*

**(59) Section 126.11 is amended**

- (a) in subsection (2) by striking out “director” and substituting “director, a child intervention worker or the Crown”;**
- (b) in subsection (8)(d) by striking out “a director” and substituting “the Crown”.**

**(60) Sections 126.2(5) and 128(1)(a) are amended by striking out “a director” wherever it occurs and substituting “the Crown”.**

*and use personal information, including health information, for the purposes of conducting an assessment or an investigation or providing services under this Act.*

*(4) A custodian may disclose health information to a director or a person acting on behalf of a director, including an agency providing services on behalf of a director, for the purposes set out in subsection (3).*

*(5) A public body may disclose personal information to a director or a person acting on behalf of a director, including an agency providing services on behalf of a director, for the purposes set out in subsection (3).*

(59) Section 126.11 presently reads in part:

*(2) Despite section 126 but subject to sections 126.01 and 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.*

*(8) The court, on considering*

*(d) the public interest in facilitating and supporting the care of children under the guardianship of or in the custody of a director,*

(60) Sections 126.2(5) and 128(1) presently read:

*126(5) If a director is or has been a guardian of the child, a reference in this section to “guardian” includes the person who was the guardian of the child immediately before a director became the guardian of the child.*

*128(1) The Minister shall pay*

*(a) the costs incurred for the care and maintenance of a child who is in the custody of a director or under the guardianship of a director, and*

*(b) the costs of any assessment ordered to be made under section 31.*

**(61) Section 129(2) is repealed.**

**(62) The following is added after section 129:**

**Child intervention workers**

**129.1(1)** A director may designate persons as child intervention workers for the purposes of this Act.

**(2)** An individual designated under subsection (1) must have the qualifications required by the regulations.

**(3)** Where a child is in the custody of the Crown or the Crown is a guardian of a child, a child intervention worker may exercise all the powers and perform all the duties and functions of the Crown as custodian or guardian of the child.

**(4)** A child intervention worker when acting under section 19, 45, 46 or 48 has the powers of a peace officer.

**Protection from liability**

**129.2** No action lies against a director or child intervention worker in respect of anything done or omitted to be done in good faith in the exercise or intended exercise of any power under this Act or in the performance or intended performance of any duty or function under this Act.

**(63) Section 130 is amended**

**(a) in clause (a) by striking out “wilfully”;**

**(b) in clause (b) by striking out “a director’s delegate” and substituting “a child intervention worker”.**

**(64) Section 131 is amended**

**(a) by repealing subsection (1)(b);**

(61) Section 129(2) presently reads:

*(2) A director or a director's delegate when acting under section 19, 45, 46 or 48 has the powers of a peace officer.*

(62) Child intervention workers, protection from liability.

(63) Section 130 presently reads:

*130 Any person who*

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

*(b) obstructs or interferes with, or attempts to obstruct or interfere with, a director, a director's delegate, a peace officer or any other duly authorized person exercising any power or performing any duty under this Act*

*is guilty of an offence and liable to a fine of not more than \$25 000 or to imprisonment for a period of not more than 24 months or to both a fine and imprisonment.*

(64) Section 131 presently reads in part:

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

**(b) in subsection (2)**

**(i) by adding the following after clause (m):**

- (m.1) prescribing matters in respect of which decisions may be made under section 124.01(2) by a foster parent and matters in respect of which decisions may be made by a kinship care provider under section 124.02(3);

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

- (mm.1) respecting qualifications of child intervention workers;

**(65) The following is added after section 132:**

**Transitional – custody or guardianship**

**132.1(1)** Where, immediately before the coming into force of this section, a child was in the custody of a director under this Act as it read at any time before the coming into force of this section,

- (a) the child is deemed to have been in the custody of the Crown rather than of the director, and
- (b) anything done by the director as custodian of the child under this Act as it read at any time before the coming into force of this section is deemed to have been done by or on behalf of the Crown.

**(2)** Where, immediately before the coming into force of this section, a child was under the guardianship of a director under this Act as it read at any time before the coming into force of this section,

- (a) the child is deemed to have been under the guardianship of the Crown rather than of the director, and
- (b) anything done by the director as guardian of the child under this Act as it read at any time before the coming into force of this section is deemed to have been done by or on behalf of the Crown.

**(3)** Where an application for custody or guardianship of a child was made by a director before the coming into force of this section and the application was not fully disposed of before the

*(b) prescribing the standards to be met in providing intervention services including the qualifications of persons to be employed in providing those services;*

*(2) The Minister may make regulations*

*(m) prescribing those persons required to keep records under this Act;*

*(mm) respecting qualifications of directors;*

(65) Transitional - custody or guardianship.

coming into force of this section, the application must be dealt with and disposed of in accordance with this Act as it read on the coming into force of this section, as if the application were an application made by a child intervention worker to place the child in the custody or under the guardianship, as the case may be, of the Crown.

**(66) The following provisions are amended by striking out “director” wherever it occurs and substituting “child intervention worker”:**

section 2.1;  
section 3.1(1);  
sections 7 and 8;  
section 14;  
section 17;  
section 20(1) and (4);  
section 21(1) and (11)(a);  
section 28(2) and (3);  
section 29(1);  
section 30(1);  
sections 45, 46 and 47;  
section 50(3);  
section 57.8(1) and (2);  
section 64(1)(f);  
section 67;  
section 74.4(7);  
section 112(1)(a).

**Amends SA 2006 cD-17**

**10(1) The *Drug-endangered Children Act* is amended by this section.**

**(2) Section 1(1) is amended**

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

(a.1) “child intervention worker” means a child intervention worker as defined in the *Child, Youth and Family Enhancement Act*,

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

(b.1) “Crown” means the Crown in right of Alberta;

(66) Replaces references to director with references to child intervention worker.

**10(1)** Amends chapter D-17 of the Statutes of Alberta, 2006.

(2) Section 1(1) presently reads in part:

*1(1) In this Act,*

*(a) “child” means a person under the age of 18 years;*

*(b) “Court” means the Provincial Court;*

*(c) “director” means a director under the Child, Youth and Family Enhancement Act;*

- (c) **in clause (c) by striking out “under” and substituting “as defined in”;**
- (d) **in clause (h) by striking out “designated with the responsibility” and substituting “determined under section 16 of the *Government Organization Act* as the Minister responsible”.**

**(3) Section 2 is amended**

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

**Apprehension order**

**2(1)** If a child intervention worker or a police officer has reasonable and probable grounds to believe that a child is a drug-endangered child, the child intervention worker or police officer may make an ex parte application to a judge of the Court or to a justice of the peace for an order

- (a) authorizing the child intervention worker or police officer to apprehend the child, and
- (b) if the judge or justice of the peace is satisfied that the child may be found in a place or premises, authorizing the child intervention worker or police officer or any person named in the order to enter, by force if necessary, that place or those premises to search for and apprehend the child.

**(2)** If, in the opinion of a child intervention worker or police officer, it would be impracticable to appear personally before a judge or justice of the peace to apply for an order in accordance with subsection (1), the application may be made by telephone or other means of telecommunication to a judge of the Court or a justice of the peace.

- (d) *“drug” means a controlled substance and an analogue as defined in the Controlled Drugs and Substances Act (Canada);*
- (e) *“emotionally injured” means emotionally injured within the meaning of the Child, Youth and Family Enhancement Act;*
- (f) *“guardian” means a guardian as defined in the Child, Youth and Family Enhancement Act;*
- (g) *“indoor cannabis grow operation” means a place or premises where cannabis is grown either in soil or hydroponically;*
- (h) *“Minister” means the Minister designated with the responsibility for the Child, Youth and Family Enhancement Act;*

(3) Section 2 presently reads in part:

*2(1) If a director or police officer has reasonable and probable grounds to believe that a child is a drug-endangered child, the director or police officer may make an ex parte application to a judge of the Court or to a justice of the peace for an order*

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

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

*(5) The information submitted by telephone or other means of telecommunication must include the following:*

- (b) in subsection (5)**
  - (i) in clause (a) by striking out “director” and substituting “child intervention worker”;**
  - (ii) in clauses (c) and (d) by striking out “director’s” and substituting “child intervention worker’s”;**
  - (iii) in clause (e) by striking out “director” and substituting “child intervention worker”;**
- (c) in subsection (7)(b) by striking out “director” and substituting “child intervention worker”;**
- (d) in subsection (9) by striking out “director” wherever it occurs and substituting “child intervention worker”;**

**(4) Section 3(1) and (4) are amended by striking out “director” and substituting “child intervention worker”.**

- (a) *a statement of the circumstances that make it impracticable for the director or police officer to appear personally before a judge of the Court or a justice of the peace;*
- (b) *the identity of the child, if known;*
- (c) *a statement setting out the director's or police officer's grounds for believing that the child is a drug-endangered child;*
- (d) *a statement of the director's or police officer's grounds for believing that the child will be found in the place or premises to be searched;*
- (e) *a statement as to any prior application for an order under this section in respect of the same child of which the director or police officer has knowledge.*

*(7) If a judge of the Court or a justice of the peace makes an order under subsection (6),*

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

*(9) Notwithstanding subsection (1), a director or police officer may apprehend a child without an order if the director or police officer has reasonable and probable grounds to believe that the child's life, health or safety is seriously and imminently endangered because the child is a drug-endangered child.*

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

*3(1) If a child has been apprehended, a director must notify the guardian of the child forthwith that the child has been apprehended.*

**(5) Sections 4 and 5 are repealed and the following is substituted:**

**Custody in the Crown**

**4** If a child has been apprehended under this Act, the Crown has exclusive custody of the child and is responsible for the care, maintenance and well-being of the child while the child is apprehended under this Act.

**Child intervention worker acts for Crown**

**4.1** Where under this Act a child is in the custody of the Crown, a child intervention worker may exercise all the powers and perform all the duties and functions of the Crown as custodian of the child.

**Deemed apprehension**

**5** If a child intervention worker does not return the child to the child's guardian within 2 days from the date of the apprehension, the child is deemed to have been apprehended under section 19 of the *Child, Youth and Family Enhancement Act* and to be in the custody of the Crown under section 22 of that Act.

**(6) Section 7 is amended**

- (a) in clause (a) by striking out “wilfully”;**
- (b) in clause (b) by striking out “director” and substituting “child intervention worker”.**

**(7) The following is added after section 7:**

**Transitional**

**7.1** Where, immediately before the coming into force of this section, a child was in the custody of a director under this Act as it read at any time before the coming into force of this section,

*(4) The validity of proceedings under this Act is not affected by reason only that a director is unable, after reasonable effort, to give notice in accordance with this section.*

(5) Sections 4 and 5 presently read:

*4 If a child has been apprehended under this Act, a director has exclusive custody of the child and is responsible for the care, maintenance and well-being of the child while the child is apprehended under this Act.*

*5 If a director does not return the child to the child's guardian within 2 days from the date of the apprehension, the child is deemed to have been apprehended under section 19 of the Child, Youth and Family Enhancement Act.*

(6) Section 7 presently reads:

*7 Any person who*

- (a) wilfully causes a child to be a drug-endangered child, or*
- (b) obstructs or interferes with, or attempts to obstruct or interfere with, a director, a police officer or any other duly authorized person exercising any power or performing any duty under this Act*

*is guilty of an offence and liable to a fine of not more than \$25 000 or to imprisonment for a term of not more than 24 months or to both a fine and imprisonment.*

(7) Transitional.

- (a) the child is deemed to have been in the custody of the Crown rather than of a director, and
- (b) anything done by the director as custodian of the child under this Act as it read at any time before the coming into force of this section is deemed to have been done by or on behalf of the Crown.

**Amends SA 2012 cE-0.3**

**11(1) The *Education Act* is amended by this section.**

**(2) Section 4 is amended**

- (a) in subsection (5) by adding “or child intervention worker” after “director”;**
- (b) by repealing subsection (6)(c)(i) and substituting the following:**
  - (i) who is in the custody or under the guardianship of the Crown under the *Child, Youth and Family Enhancement Act*, and

**11(1)** Amends chapter E-0.3 of the Statutes of Alberta, 2012.

(2) Section 4(5) and (6)(c) presently read:

*(5) A director under the Child, Youth and Family Enhancement Act may deem a student to be a resident student of the board of a separate school division where the student indicates that the student is of the same faith as those who established the separate school district and if*

- (a) the student is in the care of a foster parent under the Child, Youth and Family Enhancement Act,*
- (b) the faith of the student, whether Protestant or Roman Catholic, differs from the faith of the foster parent,*
- (c) the foster parent resides in an area where a separate school district has been established, and*
- (d) the student is a child in respect of whom financial assistance is being provided under section 105.8 of the Child, Youth and Family Enhancement Act.*

*(6) The following students are resident students of the Government:*

- (c) a student*
  - (i) who*
    - (A) is in the custody of a director, or*
    - (B) has a guardian appointed,*  
*under the Child, Youth and Family Enhancement Act, and*
  - (ii) who resides in an institution or a group home prescribed by the Minister as an institution or a group home to which*

**Amends SA 2003 cF-4.5**

**12(1) The *Family Law Act* is amended by this section.**

**(2) Section 17(1)(c)(ii)(A) and (B) are amended by striking out “a director” and substituting “the Crown”.**

**(3) Section 21(8) is amended by adding “or child intervention worker” after “director”.**

**(4) Section 23(6) is amended by striking out “a director under” and substituting “the Crown pursuant to”.**

**(5) Section 30(3) is amended by adding “or child intervention worker” after “director”.**

**(6) Section 55.2(1) is amended by striking out “may register” and substituting “may apply to register”.**

*this clause applies that is operated or approved by the Government;*

**12(1)** Amends chapter F-4.5 of the Statutes of Alberta, 2003.

(2) Section 17(1)(c) presently reads:

*17(1) Unless the court directs otherwise, the following persons must, in accordance with the regulations, be served with notice of an application under this Part:*

*(c) in the case of an application for a guardianship order,*

*(i) each proposed guardian, and*

*(ii) a director under the Child, Youth and Family Enhancement Act if*

*(A) the child is in the custody or under the guardianship of a director, or*

*(B) the child comes into the custody or under the guardianship of a director at any time after the application is commenced;*

(3) Section 21(8) presently reads:

*(8) Subsections (2) and (4) do not apply to decisions of a director under the Child, Youth and Family Enhancement Act.*

(4) Section 23(6) presently reads:

*(6) Subject to the regulations, the court may at any time on its own motion make a guardianship order appointing a guardian of a child, other than a director under the Child, Youth and Family Enhancement Act, to act with another guardian of the child in accordance with section 21(2).*

(5) Section 30(3) presently reads:

*(3) This section does not apply to decisions of a director under the Child, Youth and Family Enhancement Act.*

(6) Section 55.2(1) presently reads:

**(7) Section 55.41 is amended**

**(a) by adding the following before subsection (1):**

**Income information**

**55.41(0.1)** In this section and section 55.51, “other party” means

- (a) in relation to a person who is a payor under a child support order, a recipient under that order, and
- (b) in relation to a person who is a recipient under a child support order, a payor under that order.

**(b) by adding the following after subsection (2):**

**(3)** Where a payor or recipient fails to provide the recalculation program with updated income information as required under subsection (1), the other party may provide to the recalculation program updated income information relating to the payor or recipient, and the recalculation program may, if the Director considers it appropriate to do so, rely on the information for the purpose of recalculation.

**(8) Section 55.51 is amended**

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

**Recalculation without updated income information**

**55.51(1)** Subject to subsection (4), where a payor or recipient fails to provide the recalculation program with updated income information as required under section 55.41(1) and

- (a) no updated income information relating to the payor or recipient is provided under section 55.41(3) by the other party, or
- (b) updated income information relating to the payor or recipient is provided under section 55.41(3) by the

*55.2(1) Either a payor or a recipient may register a child support order with the recalculation program in the manner set out in the regulations under this Division.*

(7) Section 55.41 presently reads:

*55.41(1) A payor or recipient whose income information is necessary for the purpose of recalculation shall provide to the recalculation program updated income information as required by the regulations under this Division at the times and in the manner set out in the regulations under this Division.*

*(2) The requirement for a payor or recipient to provide updated income information under subsection (1) does not replace or affect any other obligation of the payor or recipient to provide financial disclosure or any right of a payor or recipient to request financial disclosure.*

(8) Section 55.51(1), (2)(a) and (4) presently read:

*55.51(1) Subject to subsection (4), where a payor or recipient fails to provide the recalculation program with income information as required under section 55.41, the payor or recipient is deemed to have provided updated income information that discloses income in accordance with subsection (2).*

*(2) For the purposes of this section, the income of the payor or recipient, as the case may be, is the sum of*

*(a) the payor's or recipient's income used to determine the current amount of child support payable, whether that income was*

*(i) set out in a court order,*

other party but the Director does not consider it appropriate to rely on the information,

the payor or recipient is deemed to have provided updated income information that discloses income in accordance with subsection (2).

**(b) in subsection (2)(a)(iii) by striking out “section 55.41” and substituting “section 55.41(1) or provided by the other party and relied on under section 55.41(3)”;**

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

**(4)** Where, in respect of a child support order made under the *Divorce Act* (Canada), a payor or a recipient fails to provide the recalculation program with updated income information as required under section 55.41(1), and

- (a) no updated income information relating to the payor or recipient is provided under section 55.41(3) by the other party, or
- (b) updated income information relating to the payor or recipient is provided under section 55.41(3) by the other party but the Director does not consider it appropriate to rely on the information,

the Director may apply to the Court on the notice the Court directs for an order respecting the determination of the income of the payor or the recipient for the purposes of recalculation.

**(9) Section 55.8(b) is amended by striking out “registration of child support orders with the recalculation program” and substituting “applications for registration of child support orders with the recalculation program and respecting the circumstances in which the recalculation program may decline to register a child support order”.**

**Amends RSA 2000 cF-9**

**13 The *Fatality Inquiries Act* is amended by repealing section 13 and substituting the following:**

- (ii) *set out in an administrative recalculation of an amount of child support prepared by a provincial child support service of another jurisdiction in Canada,*
- (iii) *previously determined by the recalculation program from income information required to be provided under section 55.41, or*
- (iv) *previously determined by the recalculation program in accordance with this section,*

*and*

*(4) Where a payor or a recipient fails to provide the recalculation program with income information in respect of a child support order made under the Divorce Act (Canada), the Director may apply to the Court on such notice as the Court may direct for an order respecting the determination of the income of the payor or the recipient for the purposes of recalculation.*

(9) Section 55.8(b) presently reads:

*55.8 The Lieutenant Governor in Council may make regulations*

- (b) respecting registration of child support orders with the recalculation program;*

**13** Amends chapter F-9 of the Revised Statutes of Alberta 2000.  
Section 13 presently reads:

**Notification of death of child**

**13** A director under the *Child, Youth and Family Enhancement Act* shall immediately notify a medical examiner of the death of any child who is in the custody or under the guardianship of the Crown.

**Amends RSA 2000 cF-25**

**14** The *Freedom of Information and Protection of Privacy Act* is amended by repealing section 40(1)(ee) and substituting the following:

- (ee) if the head of the public body believes, on reasonable grounds, that the disclosure will avert or minimize
  - (i) a risk of harm to the health or safety of a minor, or
  - (ii) an imminent danger to the health or safety of any person,

**Amends RSA 2000 cH-5**

**15** The *Health Information Act* is amended by repealing section 35(1)(m) and substituting the following:

- (m) to any person if the custodian believes, on reasonable grounds, that the disclosure will avert or minimize
  - (i) a risk of harm to the health or safety of a minor, or
  - (ii) an imminent danger to the health or safety of any person,

**Amends RSA 2000 cM-1**

**16** The *Maintenance Enforcement Act* is amended by repealing section 15(3)(e.1) and substituting the following:

- (e.1) if the Director considers it appropriate to do so, provide information respecting a debtor or creditor that is in the records of the Director, or information respecting a maintenance order filed with the Director in respect of a debtor or creditor, to the child support recalculation program under the *Family Law Act* for the purposes of that program;

*13 A director under the Child, Youth and Family Enhancement Act shall immediately notify a medical examiner of the death of any child under the director's guardianship or in the director's custody.*

**14** Amends chapter F-25 of the Revised Statutes of Alberta 2000. Section 40(1)(ee) presently reads:

*40(1) A public body may disclose personal information only*

*(ee) if the head of the public body believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person,*

**15** Amends chapter H-5 of the Revised Statutes of Alberta 2000. Section 35(1)(m) presently reads:

*35(1) A custodian may disclose individually identifying diagnostic, treatment and care information without the consent of the individual who is the subject of the information*

*(m) to any person if the custodian believes, on reasonable grounds, that the disclosure will avert or minimize an imminent danger to the health or safety of any person,*

**16** Amends chapter M-1 of the Revised Statutes of Alberta 2000. Section 15(3)(e.1) presently reads:

*(3) Notwithstanding subsection (1), the Director may, subject to the regulations,*

*(e.1) provide contact information respecting a debtor or creditor that is in the records of the Director, or information respecting a maintenance order filed with the Director in respect of a debtor or creditor, to the child support recalculation program under the Family Law Act for the*

**Amends RSA 2000 cM-13**

**17** The *Mental Health Act* is amended in section 1(1)(f)(ii) by striking out “a director as defined in” and substituting “the Crown in accordance with”.

**Amends SA 2003 cP-20.5**

**18** The *Premier’s Council on Alberta’s Promise Act* is amended in section 8 by striking out “December 31, 2013” and substituting “December 31, 2018”.

**Amends RSA 2000 cP-27**

**19(1)** The *Protection Against Family Violence Act* is amended by this section.

**(2) Section 1(1) is amended**

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

- (a.1) “Committee” means the Family Violence Death Review Committee established under section 15;
- (a.2) “custodian” means a custodian as defined in the *Health Information Act*;
- (a.3) “Department” means the department of the Government of Alberta that is administered by the Minister;

**(b) by adding the following after clause (f):**

- (f.1) “health information” means health information as defined in the *Health Information Act*;

*purpose of recalculation of the amount payable as child support;*

**17** Amends chapter M-13 of the Revised Statutes of Alberta 2000. Section 1(1)(f)(ii) presently reads:

*1(1) In this Act,*

*(f) “guardian” includes*

*(ii) a director as defined in the Child, Youth and Family Enhancement Act, with respect to a child who is the subject of a temporary guardianship order or a permanent guardianship agreement or order under the Child, Youth and Family Enhancement Act, and*

**18** Amends chapter P-20.5 of the Statutes of Alberta, 2003. Section 8 presently reads:

*8 This Act expires on December 31, 2013 unless it is continued for a further period by an order of the Lieutenant Governor in Council.*

**19(1)** Amends chapter P-27 of the Revised Statutes of Alberta 2000.

(2) Adds definitions of terms used in new Part 2.

(f.2) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(f.3) “personal information” means personal information as defined in the *Freedom of Information and Protection of Privacy Act*;

**(c) by adding the following after clause (g):**

(g.1) “public body” means a public body as defined in the *Freedom of Information and Protection of Privacy Act*;

**(d) by adding the following after clause (h):**

(h.1) “record” means

(i) a record as defined in the *Freedom of Information and Protection of Privacy Act*, and

(ii) a record as defined in the *Health Information Act*;

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

(j.1) “review” means a review under section 16(a);

**(3) The following is added after section 1:**

**Part 1  
Protection Orders and  
Related Matters**

**(4) Sections 12(a) and (b) and 13 are amended by striking out “this Act” wherever it occurs and substituting “this Part”.**

(3) Adds Part heading.

(4) Sections 12 and 13 presently read:

*12 No action lies against a peace officer, a clerk of a court or any other person by reason of anything done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them in good faith*

*(a) pursuant to or in the exercise or purported exercise of any power conferred by this Act or the regulations, or*

**(5) Section 14 is amended**

**(a) in clauses (a), (b), (e) and (f) by striking out “this Act” wherever it occurs and substituting “this Part”;**

**(b) by adding the following after clause (f):**

(f.1) respecting the enforcement of court orders made in other provinces and territories that are substantially equivalent to protection orders that may be made under this Act, including, without limitation, regulations

(i) respecting the circumstances in which and the extent to which such orders may be enforced or otherwise relied on by law enforcement officials or other categories of persons;

(ii) respecting protection from liability for law enforcement officials and other categories of persons referred to in subclause (i);

**(c) in clause (g) by striking out “this Act” and substituting “this Part”.**

**(6) The following is added after section 14:**

**Part 2  
Family Violence Death Reviews**

**Family Violence Death Review Committee**

**15(1)** The Minister may establish a Family Violence Death Review Committee.

**(2)** The Minister may, with respect to the Committee,

(a) appoint or provide for the manner of the appointment of its members,

*(b) in the carrying out or purported carrying out of any decision or order made under this Act or the regulations or any duty imposed by this Act or the regulations.*

*13 No person shall, with malicious intent, make a frivolous or vexatious complaint under this Act.*

(5) Section 14 presently reads in part:

*14 The Lieutenant Governor in Council may make regulations*

- (a) defining any word or phrase used in this Act but not defined in this Act;*
- (b) respecting the procedures to be followed for applications and other proceedings under this Act;*
- (e) respecting the giving of notices and the service of documents under this Act in respect of emergency protection orders;*
- (f) respecting the retention, disposition or sealing of records resulting from court proceedings under this Act;*
- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.*

(6) Adds Part 2, Family Violence Death Reviews.

- (b) prescribe the term of office of any member,
- (c) designate a chair, and
- (d) authorize or provide for the payment of remuneration and expenses of its members.

**(3)** In appointing members to the Committee the Minister shall ensure the Committee includes persons with knowledge and expertise in the area of family violence.

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

**(5)** Subject to this Part, the Committee may determine its own procedures.

#### **Role of Committee**

**16** The role of the Committee is

- (a) to review incidents of family violence resulting in deaths;
- (b) to provide advice and recommendations to the Minister respecting the prevention and reduction of family violence.

#### **Right to information**

**17(1)** The Committee is entitled to any information, including personal information and health information, that

- (a) is in the custody or under the control of a public body or custodian, and
- (b) is necessary to enable the Committee to carry out a review.

**(2)** A public body or a custodian that is a public body shall, on request of the Committee, disclose to the Committee the information to which the Committee is entitled under subsection (1).

**(3)** A custodian that is not a public body may, on request of the Committee, disclose to the Committee the information to which the Committee is entitled under subsection (1).



(4) Nothing in this section compels the disclosure of any information or records that are subject to any type of privilege, including solicitor-client privilege and parliamentary privilege.

**Report respecting a review**

**18(1)** On completing a review, the Committee shall prepare a written report containing

- (a) its findings respecting the incident that is the subject of the review, and
- (b) its advice and recommendations to the Minister.

(2) The findings of the Committee must not include any findings of legal responsibility or any conclusion of law.

(3) The Committee shall

- (a) provide the report prepared under subsection (1) to the Minister but shall not disclose it to any other person or body, and
- (b) prepare and provide to the Minister a publicly releasable version of the report.

(4) For the purposes of subsection (3)(b), a publicly releasable version of a report must not disclose the name of, or any identifying information about, the individual whose death is the subject of the review or any other individual involved in the death.

(5) The Minister shall make the publicly releasable version of the report public at a time and in a form and manner the Minister considers appropriate.

**Annual report**

**19(1)** As soon as possible after the end of each year, the Committee shall prepare and provide to the Minister a report summarizing the activities of the Committee in that year.

(2) On receiving a report under subsection (1), the Minister shall table the report in the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.



**Members not compellable as witnesses**

**20** A member of the Committee shall not give or be compelled to give evidence in an action in respect of any matter coming to his or her knowledge in the course of a review, except in a prosecution for perjury.

**Communications privileged**

**21** The following information, records and reports are privileged and not admissible in evidence in an action, except in a prosecution for perjury:

- (a) anything said, any information supplied and any record produced during a review;
- (b) a report prepared under section 18(1) and provided to the Minister under section 18(3)(a).

**Protection of Committee and its members**

**22(1)** Subject to subsection (2), no action lies or may be commenced or maintained against

- (a) the Committee, or
- (b) a member of the Committee

in respect of anything done or omitted to be done in the exercise or intended exercise of any power under this Part or in the performance or intended performance of any duty or function under this Part.

**(2)** Subsection (1) does not apply in respect of anything done, or omitted to be done, in bad faith.

**Regulations**

**23** The Lieutenant Governor in Council may make regulations

- (a) defining any word or expression used in this Part but not defined in this Part;
- (b) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Part.



**Amends RSA 2000 cP-30.3**

**20(1) The *Protection of Sexually Exploited Children Act* is amended by this section.**

**(2) Section 1(1) is amended**

**(a) by adding the following after clause (a.1):**

(a.2) “child intervention worker” means a child intervention worker as defined in the *Child, Youth and Family Enhancement Act*;

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

(b.1) “Crown” means the Crown in right of Alberta;

**(c) in clause (c) by striking out “under” and substituting “as defined in”;**

**(d) in clause (e) by striking out “designated with the responsibility” and substituting “determined under section 16 of the *Government Organization Act* as the Minister responsible”.**

**(3) Section 2 is amended**

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

**Apprehension order**

**2(1)** If a child intervention worker or a police officer believes on reasonable and probable grounds that a person is a child and is in need of protection, the child intervention worker or police officer may apply to a judge of the Court or to a justice of the peace for an order, and the Court may grant an order,

(a) authorizing the child intervention worker or police officer to apprehend and convey the child to the child’s guardian or to an adult who in the opinion of the child intervention worker or police officer is a responsible adult who has care and control of the child, or

(b) authorizing the child intervention worker or police officer to apprehend and convey the child to a

**20(1)** Amends chapter P-30.3 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1(1) In this Act,*

- (a) “child” means a person under the age of 18 years;*
- (a.1) “Child and Youth Advocate” means the person appointed as the Child and Youth Advocate pursuant to the Child and Youth Advocate Act;*
- (b) “Court” means the Provincial Court;*
- (c) “director” means a director under the Child, Youth and Family Enhancement Act;*
- (d) “guardian” means guardian as defined in the Child, Youth and Family Enhancement Act;*
- (e) “Minister” means the Minister designated with the responsibility for the Child, Youth and Family Enhancement Act;*

(3) Section 2 presently reads in part:

*2(1) If a police officer or director believes on reasonable and probable grounds that a person is a child and is in need of protection, the police officer or director may apply to a judge of the Court or to a justice of the peace for an order, and the Court may grant an order,*

- (a) authorizing the police officer or director to apprehend and convey the child to the child’s guardian or to an adult who in the opinion of the police officer or director is a responsible adult who has care and control of the child, or*
- (b) authorizing the police officer or director to apprehend and convey the child to a protective safe house and authorizing a director to confine the child for up to 5 days to ensure the safety of the child and to assess the child,*

*and if the judge of the Court or justice of the peace is satisfied that the child may be found in a place or premises, the judge of the Court*

protective safe house and authorizing a child intervention worker to confine the child for up to 5 days to ensure the safety of the child and to assess the child,

and if the judge of the Court or justice of the peace is satisfied that the child may be found in a place or premises, the judge of the Court or justice of the peace may, by order, authorize the child intervention worker or police officer to enter, by force if necessary, the place or premises to search for and apprehend the child.

**(2)** If, in the opinion of the child intervention worker or police officer, it would be impracticable to appear personally before a judge of the Court or justice of the peace to apply for an order in accordance with subsection (1), the application may be made by telephone or other means of telecommunication to a judge of the Court or justice of the peace.

**(b) in subsection (5)**

**(i) in clause (a) by striking out** “police officer or director” **and substituting** “child intervention worker or police officer”;

**(ii) in clause (c) by striking out** “police officer’s or director’s” **and substituting** “child intervention worker’s or police officer’s”;

**(iii) in clause (d) by striking out** “police officer or director” **and substituting** “child intervention worker or police officer”;

**(c) in subsections (7) and (9) by striking out** “police officer or director” **wherever it occurs and substituting** “child intervention worker or police officer”;

**(d) in subsection (10) by striking out** “a director may confine for up to 5 days a child conveyed to a protective safe house under subsection (9) if the director” **and substituting** “a child intervention worker may confine for up to 5 days a child conveyed to a protective safe house under subsection (9) if the child intervention worker”;

*or justice of the peace may, by order, authorize the police officer or director to enter, by force if necessary, that place or premises to search for and apprehend the child.*

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

*(5) The information submitted by telephone or other means of telecommunication must include the following:*

- (a) a statement of the circumstances that make it impracticable for the police officer or director to appear personally before a judge of the Court or a justice of the peace;*
- (b) the identity of the child, if known;*
- (c) a statement setting out the police officer's or director's grounds for believing that the person is a child and is in need of protection;*
- (d) a statement as to any prior application for an order under this section in respect of the same child of which the police officer or director has knowledge.*

*(7) If a judge of the Court or justice of the peace makes an order under subsection (6),*

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

- (e) **in subsection (11) by striking out** “police officer or director” **and substituting** “child intervention worker or police officer”;
- (f) **in subsection (12) by striking out** “a director confines a child pursuant to subsection (10), the director” **and substituting** “a child intervention worker confines a child pursuant to subsection (10), the child intervention worker”;
- (g) **in subsection (13)**
  - (i) **by striking out** “A director” **and substituting** “A child intervention worker”;
  - (ii) **in clause (a) by striking out** “director’s” **and substituting** “child intervention worker’s”;
- (h) **in subsections (14) and (15) by striking out** “director” **wherever it occurs and substituting** “child intervention worker”.

*(9) Notwithstanding subsection (1), if a police officer or director has reasonable and probable grounds to believe that a person is a child and that the child's life or safety is seriously and imminently endangered because the child is engaging in prostitution or attempting to engage in prostitution, the police officer or director may apprehend and convey the child to a protective safe house without an order.*

*(10) Notwithstanding subsection (1)(b), a director may confine for up to 5 days a child conveyed to a protective safe house under subsection (9) if the director considers it necessary in order to ensure the safety of the child and to assess the child.*

*(11) If subsection (9) applies, a police officer or director who has reasonable and probable grounds to believe that the child may be found in a place or premises may, without an order and by force if necessary, enter that place or those premises and search for the child.*

*(12) If a director confines a child pursuant to subsection (10), the director must appear before the Court within 3 days after the commencement of the confinement to show cause why the confinement was necessary.*

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

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

*(14) A director or a child with respect to whom a show cause hearing is being held or is to be held, or both the director and child, may ask the Court to grant an adjournment of up to 2 days, or of more than 2 days if the director and the child agree.*

*(15) If the Court grants an adjournment under subsection (14), the Court may make an interim order to confine the child to a protective safe house if the show cause hearing will not be completed within*

**(4) Section 2.1 is amended**

**(a) in subsection (1)**

- (i) by striking out “section 3(1)(b)(iii)” and substituting “section 3(1.2)(c)”;**
- (ii) by striking out “director” and substituting “child intervention worker”;**
- (iii) in clauses (a) and (b) by striking out “director’s” and substituting “child intervention worker’s”;**

**(b) in subsection (2)**

- (i) by striking out “section 3(1)(b)(iii)” and substituting “section 3(1.2)(c)”;**
- (ii) by striking out “director’s” and substituting “child intervention worker’s”;**
- (iii) by adding “the child intervention worker or” before “a director”;**

**(c) in subsection (3) by striking out “of filing and serving on a director the request for review” and substituting “after a request for review is filed and served under subsection (2)”;**

**(d) in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”;**

**(e) in subsection (5) by striking out “director under section 3(1)(b)(iii)” and substituting “child intervention worker under section 3(1.2)(c)”;**

**(f) in subsection (6) by striking out “director’s” and substituting “child intervention worker’s”;**

**(g) in subsection (7) by striking out “director under section 3(1)(b)(iii)” and substituting “child intervention worker under section 3(1.2)(c)”.**

*the time period of the confinement set by the director under subsection (10).*

(4) Section 2.1 presently reads:

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

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

*(2) If a show cause hearing has not been held under section 2(12) with respect to the child, a child who is confined under section 3(1)(b)(iii) may ask the Court to review the director's decision to confine by completing a request for review form, filing it with the Court and serving it on a director as soon as practicable.*

*(3) A review must be held within one day of filing and serving on a director the request for review.*

*(4) Notwithstanding subsection (3), a director or a child with respect to whom a review is being held, or both the director and child, may ask the Court to grant an adjournment of up to 2 days, or of more than 2 days if the director and the child agree.*

*(5) If the Court grants an adjournment under subsection (4), the Court may make an interim order to confine the child to a protective safe house if the review will not be completed within the time period of the confinement set by the director under section 3(1)(b)(iii).*

*(6) After hearing a review under this section, the Court may make an order confirming, varying or terminating the director's decision to confine.*

*(7) The Court shall not under subsection (6) extend the time period of the confinement set by the director under section 3(1)(b)(iii).*

**(5) Section 3 is amended**

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

**Child intervention worker's decision**

**3(1)** Where a police officer apprehends a child under section 2, the police officer must forthwith notify a director or child intervention worker of the apprehension.

**(1.1)** Where a child is apprehended under section 2, a child intervention worker or a police officer must forthwith convey the child to a protective safe house.

**(1.2)** After a child is conveyed to a protective safe house under subsection (1.1), a child intervention worker must

- (a) return the child to the custody of the child's guardian or to an adult who in the opinion of the child intervention worker is a responsible adult who has care and control of the child,
- (b) release the child if the child has attained the age of 16 years and in the opinion of the child intervention worker the child is capable of providing for the child's own needs and safety, or
- (c) confine the child, pursuant to section 2, in a protective safe house to ensure the safety of the child and to assess the child.

- (b) in subsection (2) by striking out "director" wherever it occurs and substituting "child intervention worker";**

**(c) in subsection (3)**

- (i) by striking out** "a director does not make an application under subsection (2) and the director" **and substituting** "no application under subsection (2) is made and a child intervention worker";
- (ii) by adding** "and to be in the custody of the Crown under section 22 of that Act" **after** "*Child, Youth and Family Enhancement Act*";

(5) Section 3 presently reads:

*3(1) If a child is apprehended under section 2,*

- (a) a police officer that apprehends the child must notify a director forthwith, and*
- (b) on the child's being conveyed to a protective safe house, a director must*
  - (i) return the child to the custody of the child's guardian or to an adult who in the opinion of the director is a responsible adult who has care and control of the child,*
  - (ii) release the child if the child has attained the age of 16 years and in the opinion of the director the child is capable of providing for the child's own needs and safety, or*
  - (iii) confine the child, pursuant to section 2, in a protective safe house to ensure the safety of the child and to assess the child.*

*(2) If a child is confined under subsection (1)(b)(iii) and after assessing the child a director is of the opinion that the child would benefit from a further period of confinement, the director may apply to the Court for an order to confine the child for a further period of confinement in a protective safe house for up to 21 days by completing, filing and serving on the child an application to confine form provided for in the regulations while the child is still confined.*

*(3) If a director does not make an application under subsection (2) and the director does not release the child from a confinement made pursuant to*

- (a) subsection (1)(b)(iii), or*
- (b) an interim order to confine under section 2(15) or 2.1(5),*

*the child is deemed to have been apprehended under section 19 of the Child, Youth and Family Enhancement Act.*

*(4) If, on an application under subsection (2), the Court is satisfied that*

- (a) release of the child from a protective safe house presents a risk to the life or safety of the child because the child is*

- (d) in subsections (5) and (6) by striking out “director” wherever it occurs and substituting “child intervention worker”.**

**(6) Section 3.3 is amended**

- (a) in subsection (1)**
  - (i) in clause (a) by striking out “director” and substituting “child intervention worker”;**
  - (ii) by repealing clause (b) and substituting the following:**
    - (b) if the applicant is the child intervention worker, on the guardian, unless the Crown is the guardian of the child, and on the child, and
  - (iii) in clause (c) by striking out “director” and substituting “child intervention worker”;**
- (b) in subsection (2)(c) by striking out “director” and substituting “child intervention worker”.**

*unable or unwilling to stop engaging in or attempting to engage in prostitution,*

- (b) less intrusive measures are not adequate to reduce the risk, and*
- (c) it is in the best interests of the child to order a period of further confinement for the purposes of making programs or other services available to the child in a safe and secure environment,*

*the Court may make an order for further confinement of the child to a protective safe house for up to 21 days.*

*(5) A director may apply to the Court to renew an order to confine by completing, filing and serving on the child an application to renew an order to confine form provided for in the regulations, and if the Court is satisfied that the grounds in subsection (4) are met, the Court may renew the order one time to confine the child to a protective safe house for up to a further 21 days.*

*(6) If a child who is confined under subsection (1)(b)(iii) or who is subject to an order to confine leaves a protective safe house without the authorization of a director, a director or a peace officer may apprehend and convey the child, and detain the child while the child is being conveyed, to a protective safe house.*

(6) Section 3.3 presently reads:

*3.3(1) The applicant must, not less than 2 days before the date fixed for a hearing, serve a notice of the nature, date, time and place of the hearing under sections 3.2 and 3.5 by any method orally or in writing,*

- (a) if the applicant is the child, on the director,*
- (b) if the applicant is the director, on the child and on the guardian unless a director is the guardian, and*
- (c) if the applicant is the guardian of the child, on the child and director.*

*(2) The Court or Court of Queen's Bench may do any of the following at the time of hearing:*

- (a) approve service made in a manner it considers adequate in the circumstances;*

**(7) Section 4 is amended**

**(a) in subsection (1)**

**(i) by striking out** “a director” **and substituting** “a child intervention worker”;

**(ii) in clause (b) by striking out** “director to confine the child pursuant to section 3(1)(b)(iii)” **and substituting** “child intervention worker to confine the child pursuant to section 3(1.2)(c)”;

**(b) in subsection (1.1) by striking out** “director” **wherever it occurs and substituting** “child intervention worker”;

**(c) in subsection (3) by striking out** “director’s” **and substituting** “child intervention worker’s”.

**(8) Section 5 is repealed and the following is substituted:**

**Custody in the Crown**

**5** If a child has been apprehended and conveyed to a protective safe house, the Crown has exclusive custody of the child and is responsible for the child’s care, maintenance and well-being while the child is confined in the protective safe house.

**Child intervention worker acts for Crown**

**5.1** Where under this Act a child is in the custody of the Crown, a child intervention worker may exercise all the powers and perform all the duties and functions of the Crown as custodian of the child.

**(9) Section 6.2(2) is amended by striking out** “director or a lawyer representing a child” **and substituting** “director, a child intervention worker or a lawyer representing any of the parties”.

*(b) approve a shortened period as sufficient notice;*

*(c) dispense with service on any person other than the director.*

(7) Section 4 presently reads:

*4(1) If a child has been apprehended and conveyed to a protective safe house, a director must notify the guardian of the child forthwith*

*(a) that the child has been apprehended, and*

*(b) of the intention, if any, of the director to confine the child pursuant to section 3(1)(b)(iii).*

*(1.1) If a director makes an application for an order to confine or to renew an order to confine under section 3, the director must notify the guardian of the child forthwith of the nature, time and place of the application.*

*(2) Notice under this section may be by any method and may be oral or in writing.*

*(3) The validity of proceedings under this Act is not affected by the director's inability, after reasonable effort, to give notice in accordance with this section.*

(8) Section 5 presently reads:

*5 If a child has been apprehended and conveyed to a protective safe house, a director has exclusive custody of the child and is responsible for the child's care, maintenance and well being while the child is confined in the protective safe house.*

(9) Section 6.2(2) presently reads:

*(2) The Court may not exclude a director or a lawyer representing a child.*

**(10) Section 6.3 is amended**

**(a) in subsection (5) by striking out “a director” wherever it occurs and substituting “the Crown”;**

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

**(6)** Where, at any time before the coming into force of this subsection, a director was a guardian of the child, a reference in this section to “guardian” includes the person who was the guardian of the child immediately before the director became the guardian of the child.

(10) Section 6.3 presently reads:

*6.3(1) No person shall publish the name or a photograph of a child or of the child's parent or guardian in a manner that reveals that the child is receiving or has received services under this Act.*

*(2) Despite subsection (1),*

*(a) a director may publish or consent to the publication of the name or a photograph of a child or of the child's parent or guardian, and any other information related to the child, if, in the opinion of the director, the publication is in the child's best interest or necessary for the proper administration of justice;*

*(b) a child who is 16 years of age or older may publish, or consent to the publication of, the child's name or photograph in a manner that reveals that the child has received services under this Act;*

*(c) the Court may, on the application of*

*(i) a child,*

*(ii) a parent or guardian of a child, or*

*(iii) any interested party, with leave of the Court,*

*grant permission to the child, the parent or guardian or the interested party, as the case may be, to publish or consent to the publication of the name or photograph of the child or of the child's parent or guardian in a manner that reveals that the child is receiving or has received services under this Act if the Court is satisfied that the publication is in the child's best interest or the public interest.*

*(3) A person who brings an application under subsection (2)(c) must provide notice of the application to a director.*

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

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

**(11) Section 6.5 is amended**

**(a) in subsection (4)**

- (i) by striking out** “a director” **and substituting** “a director, a child intervention worker”;
- (ii) by striking out** “either of them” **and substituting** “any of them”;

**(b) in subsection (5) by striking out** “A director” **and substituting** “A child intervention worker”.

**(12) Section 7.1(1) is amended**

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

- (a) the child, a child intervention worker and the child’s guardian if other than the Crown, or

**(b) in clause (b) by striking out** “director” **and substituting** “child intervention worker”.

**(13) Section 9(a) is amended by striking out** “wilfully”.

**(14) The following is added after section 9:**

**Transitional**

**10(1)** Where, immediately before the coming into force of this section, a child was in the custody of a director under this Act as it read at any time before the coming into force of this section,

(11) Section 6.5 presently reads in part:

*(4) The person named in the subpoena or the person's designate must permit a director, the child or a lawyer representing either of them to examine the documents, records or other information before the time stated in the subpoena.*

*(5) A director or a child may apply to the Court at the time stated in the subpoena or at any other time during the proceedings before the Court to have all or part of the documents, records or other information admitted into evidence.*

(12) Section 7.1(1) presently reads:

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

*(a) the child, a director and the child's guardian if other than a director, or*

*(b) if the child is 16 years of age or older, the child and a director.*

(13) Section 9 presently reads:

*9 Any person who*

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

*(b) obstructs or interferes with, or attempts to obstruct or interfere with, a director or a police officer exercising any power or performing any duty under this Act*

*is guilty of an offence and liable to a fine of not more than \$25 000 or to imprisonment for a period of not more than 24 months or to both a fine and imprisonment.*

(14) Transitional.

- (a) the child is deemed to have been in the custody of the Crown rather than of a director, and
- (b) anything done by the director as custodian of the child under this Act as it read at any time before the coming into force of this section is deemed to have been done by or on behalf of the Crown.

**(2)** Where, on the coming into force of this section, an application made by a director is before the Court, a judge of the Court or a justice of the peace, the application must be dealt with and disposed of in accordance with this Act as it read on the coming into force of this section, as if the application had been made by a child intervention worker.

**(15) The following sections are amended by striking out “director” wherever it occurs and substituting “child intervention worker”:**

- section 3.1(1)(a);
- section 3.2(1) and (2);
- section 3.4(1)(a);
- section 6(1).

**Amends RSA 2000 cS-3**

**21(1) The *School Act* is amended by this section.**

**(2) Section 44 is amended**

- (a) **in subsection (5) by striking out “A director” and substituting “A child intervention worker”;**
- (b) **by repealing subsection (7)(c)(i) and substituting the following:**
  - (i) who is in the custody or under the guardianship of the Crown under the *Child, Youth and Family Enhancement Act*, and

(15) Replaces references to director with references to child intervention worker.

**21(1)** Amends chapter S-3 of the Statutes of Alberta, 2003.

(2) Section 44(5) and (7)(c)(i) presently read in part:

*(5) A director under the Child, Youth and Family Enhancement Act may deem a student to be a resident student of a board that represents the faith of the student if*

*(a) the student is in the care of a foster parent under the Child, Youth and Family Enhancement Act,*

*(b) the faith of the student, whether Protestant or Roman Catholic, differs from the faith of the foster parent, and*

*(c) the foster parent resides in an area served by both a public and a separate school district or division.*

*(7) The following students are resident students of the Government:*

*(c) a student*

**Amends RSA 2000 cV-3**

**22** The *Victims of Crime Act* is amended in section 10 by adding the following after clause (a):

- (a.01) without limiting the generality of clause (a), for grants relating to programs that provide counselling to children who are victims of sexual exploitation or other criminal offences causing physical or mental harm;

**Amends SA 2001 cV-3.5**

**23** The *Victims Restitution and Compensation Payment Act* is amended in section 44 by adding the following after clause (b):

- (b.1) without limiting the generality of clause (b), programs that provide counselling to children who are victims of sexual exploitation or other criminal offences causing physical or mental harm;

**Amends SA 2007 cV-4.1**

**24** The *Vital Statistics Act* is amended in section 1(1)(k) by striking out “a director under” and substituting “the Crown pursuant to”.

**Coming into force**

**25** This Act comes into force on Proclamation.

(i) *who*

(A) *is in the custody of a director, or*

(B) *has a guardian appointed,*

*under the Child, Youth and Family Enhancement Act, and*

**22** Amends chapter V-3 of the Revised Statutes of Alberta 2000.  
Section 10(a) presently reads:

*10 The Minister may, in accordance with this Act and the regulations, make payments from the Fund*

(a) *for grants relating to programs that benefit victims of crime;*

**23** Amends chapter V-3.5 of the Statutes of Alberta 2001. Section 44(1)(b) presently reads:

*44(1) Subject to the regulations, the Minister may make payments or grants from money that is paid to the Crown under this Act for any one or more of the following purposes:*

(b) *programs that benefit victims;*

**24** Amends chapter V-4.1 of the Statutes of Alberta, 2007.  
Section 1(1)(k) presently reads:

*1(1) In this Act,*

(k) *“guardian” means a guardian within the meaning of Part 2 of the Family Law Act and includes a director under the Child, Youth and Family Enhancement Act where applicable;*

**25** Coming into force.





