

2018 Bill 22

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Fourth Session, 29th Legislature, 67 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 22**

**AN ACT FOR STRONG  
FAMILIES BUILDING  
STRONGER COMMUNITIES**

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THE MINISTER OF CHILDREN'S SERVICES

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 22

2018

### AN ACT FOR STRONG FAMILIES BUILDING STRONGER COMMUNITIES

(Assented to \_\_\_\_\_, 2018)

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

**Amends RSA 2000 cC-12**

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

**2 Section 1 is amended**

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

**(i) by repealing clause (a);**

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

(j.3) “First Nation Individual” means an Indian as defined  
in the *Indian Act* (Canada);

**(iii) by repealing clause (m);**

**(iv) by adding the following before clause (m.1):**

(m.01) “Indigenous” includes First Nations, Metis and Inuit;

**(b) in subsection (3)(a)(ii)(C) by striking out “domestic  
violence” and substituting “family violence”.**

## Explanatory Notes

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

**2** Section 1 presently reads in part:

*1(1) In this Act,*

*(a) “aboriginal” includes Indian, Metis and Inuit;*

*(m) “Indian” means an Indian as defined in the Indian Act (Canada);*

*(3) For the purposes of this Act,*

*(a) a child is emotionally injured*

*(ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of*

*(C) exposure to domestic violence or severe domestic disharmony,*

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

**Guiding principles**

**1.1** This Act must be interpreted and administered in accordance with the following principles:

- (a) the best interests, safety and well-being of children are paramount;
- (b) the well-being of families and communities is crucial to the well-being of children;
- (c) children benefit from
  - (i) lasting relationships with people with whom they have connections, including family, friends, caregivers and other significant individuals,
  - (ii) connections with their culture and cultural communities and opportunities to form those connections, and
  - (iii) permanent, formalized ties with people who care about them;
- (d) Indigenous people should be involved with respect to the planning and provision of services to and decisions respecting Indigenous families and their children.

**4 Section 2 is repealed and the following is substituted:**

**Matters to be considered**

**2** If a child is in need of intervention, a court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:

- (a) the child's family has the primary responsibility for the safety and well-being of the child and the family's well-being should be supported and preserved;
- (b) if the child is capable of forming an opinion, the child's opinion should be taken into account;

### 3 Guiding principles.

#### 4 Section 2 presently reads:

*2 If a child is in need of intervention, a Court, an Appeal Panel and all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interests of the child and must consider the following as well as any other relevant matter:*

- (a) the family is the basic unit of society and its well-being should be supported and preserved;*
- (b) the importance of stable, permanent and nurturing relationships for the child;*

- (c) in the case of an Indigenous child, the importance of respecting, supporting and preserving the child's Indigenous identity, culture, heritage, spirituality, language and traditions;
- (d) the benefits to the child of lasting relationships with the people with whom the child is connected, including family, friends, caregivers and other significant individuals;
- (e) the benefits to the child of connections with the child's culture and cultural communities and opportunities to form those connections;
- (f) the child's race, spiritual beliefs, colour, gender, gender identity, gender expression, age, ancestry, place of origin, family status, sexual orientation and any disability the child may have;
- (g) the importance of stability, permanence and continuity of care and relationships to the child's long-term safety and well-being;
- (h) any decision concerning the removal of the child from the child's family should take into account the risk to the safety, security or development of the child if the child remains with the family, is removed from the family or is returned to the family;
- (i) subject to clause (h), if the child has been exposed to family violence within the child's family, intervention services should be provided to the family in a manner that supports family members and prevents the need to remove the child from the custody of an abused family member;
- (j) any decision concerning the placement of the child outside the child's family must include a plan to address the child's need for permanent, formalized ties to people who care about the child and must take into account
  - (i) the benefits to the child of a placement within the child's extended family, or with persons who have a significant relationship with the child,

- (c) *the intervention services needed by the child should be provided in a manner that ensures the least disruption to the child;*
- (d) *a child who is capable of forming an opinion is entitled to an opportunity to express that opinion on matters affecting the child, and the child's opinion should be considered by those making decisions that affect the child;*
- (e) *the family is responsible for the care, supervision and maintenance of its children and every child should have an opportunity to be a wanted and valued member of a family, and to that end*
  - (i) *if intervention services are necessary to assist the child's family in providing for the care of a child, those services should be provided to the family, insofar as it is reasonably practicable, in a manner that supports the family unit and prevents the need to remove the child from the family, and*
  - (ii) *a child should be removed from the child's family only when other less disruptive measures are not sufficient to protect the survival, security or development of the child;*
- (f) *subject to clauses (e) and (g), if a child has been exposed to domestic violence within the child's family, intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member;*
- (g) *any decision concerning the removal of a child from the child's family should take into account the risk to the child if the child remains with the family, is removed from the family or is returned to the family;*
- (h) *if it is not inconsistent with protecting the survival, security or development of a child who is in need of intervention, and appropriate community services are available, the child or the child's family should be referred to the community for services to support and preserve the family and to prevent the need for any other intervention under this Act;*

- (ii) the benefits to the child of a placement within or as close as possible to the child's home community,
- (iii) in the case of an Indigenous child, the benefits to the child of a placement where the child's Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved,
- (iv) the benefits to the child of a placement where the child's familial, cultural, social, linguistic and spiritual heritage are valued as central to the child's safety, security and development, and
- (v) the mental, emotional, spiritual and physical needs of the child and the child's mental, emotional and physical stage of development;
- (k) in the case of a child who has a disability, planning for the care of the child should address the need for resources and supports adequate to the unique needs of the child;
- (l) in the case of a youth who is being provided with care under this Act, the plan for the care of the youth should address the youth's need for preparation for the transition to independence and adulthood;
- (m) there should be no unreasonable delay in making or implementing a decision respecting the child.



- (i) *any decision concerning the placement of a child outside the child's family should take into account*
- (i) *the benefits to the child of a placement within the child's extended family;*
- (ii) *the benefits to the child of a placement within or as close as possible to the child's home community,*
- (iii) *the benefits to the child of a placement that respects the child's familial, cultural, social and religious heritage,*
- (iv) *the benefits to the child of stability and continuity of care and relationships,*
- (v) *the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development, and*
- (vi) *whether the proposed placement is suitable for the child;*
- (j) *the provision of intervention services is intended to remedy or alleviate the condition that caused the child to be in need of intervention;*
- (k) *intervention services are most effective when they are provided through a collaborative and multi-disciplinary approach;*
- (l) *if a child is being provided with care under this Act, the child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources;*
- (m) *if a child is being provided with care under this Act, a plan for the care of that child should be developed that*
  - (i) *addresses the child's need for stability, permanence and continuity of care and relationships, and*
  - (ii) *in the case of a youth, addresses the youth's need for preparation for the transition to independence and adulthood;*

**5 Section 52 is amended**

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

**(1.01)** Notwithstanding any other enactment, a person may not apply to any court to be appointed as a guardian 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, except under this Act.

**(b) by repealing subsection (1.3) and substituting the following:**

**(1.3)** If an applicant has reason to believe that the child is an Indigenous child, the application under subsection (1) must include a plan, made in accordance with the regulations, that addresses how the child's Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved.

**6 Section 53 is amended**

**(a) in subsection (1) by striking out “cultural connection”;**

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

**(1.1)** In addition to serving notice on the persons listed in subsection (1), if the child is a First Nation Individual or a member of a band, the applicant shall serve notice of the nature, date, time and place of the hearing of the application under section 52 not less than 30 days before the date of the hearing on the band or bands identified by a director as the

- (n) a person who assumes responsibility for the care of a child under this Act should endeavour to make the child aware of the child's familial, cultural, social and religious heritage;*
- (o) there should be no unreasonable delay in making or implementing a decision affecting a child;*
- (p) if the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child's cultural identity.*

**5** 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.*

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

**6** Section 53 presently reads:

*53(1) The applicant shall serve notice of the nature, date, time and place of the hearing of the application under section 52, 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*

- (a) the guardian of the child,*

band or bands of which the child is a member or is entitled to be a member.

**(c) in subsection (2)**

- (i) in clause (a) by striking out** “cultural connection”;
- (ii) in clause (c) by adding** “any band or” **after** “service on”.

**7 The following is added after section 53:**

**Band participation in proceedings**

**53.1(1)** A band that is required to be served with notice of an application under section 53(1.1) may attend Court the first time the matter is heard in Court and may make submissions to the Court regarding the band’s participation in the proceedings.

**(2)** In any proceedings before the Court relating to the application, a band that is required to be served under section 53(1.1) and that attends Court the first time the matter is heard in Court may

- (a) appear,
- (b) be represented by a lawyer,
- (c) make representations to the Court, and
- (d) if the Court grants leave, and subject to any conditions the Court may impose, take further part in the proceedings.

**(3)** If a band is served in accordance with section 53(1.1) and does not attend Court the first time the matter is heard in Court, no further notice to the band is required, and the Court may proceed to hear the application if the Court considers it to be in the best interests of the child to do so.

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

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

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

*(a) order that service of the notice of the application, the copy of the report described in section 52(1.1) and the copy of the cultural connection plan described in section 52(1.3) if one was required under that section, be made substitutionally or ex juris,*

*(b) shorten the period of service required under subsection (1), or*

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

**7** Band participation in proceedings.

(4) A band that makes submissions to the Court regarding the band's participation in the proceedings may appeal the Court's decision referred to in subsection (2)(d) to the Court of Queen's Bench.

**8 Section 55(1) and (2) are repealed and the following is substituted:**

**Consent to 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, and
- (b) the child, if the child is 12 years of age or older.

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

- (a) the guardian of the child, or
- (b) the child,

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

**9 Section 56(2) is amended by striking out “and” after clause (c), by adding “and” after clause (d) and by adding the following after clause (d):**

- (e) any other person that the Court directs.

**8** Section 55(1) and (2) presently read:

*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.*

**9** Section 56(2) presently reads:

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

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

**10 Section 56.1 is repealed.**

**11 Section 58.1 is amended**

- (a) in clause (b) by adding “, permanence” after “stability”;**
- (b) in clause (c) by adding “, spiritual” after “emotional”;**
- (c) in clause (d) by striking out “social and religious” and substituting “social, linguistic and spiritual”;**
- (d) by repealing clause (g) and substituting the following:**
  - (g) in the case of an Indigenous child, the importance of respecting, supporting and preserving the child’s Indigenous identity, culture, heritage, spirituality, language and traditions.

**12 Section 63 is amended**

- (a) by repealing subsections (1)(f) and (2)(f) and substituting the following:**
  - (f) if the applicant has reason to believe that the child is an Indigenous child, a plan, made in accordance with the regulations, that addresses how the child’s Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved.
- (b) by repealing subsection (3)(e) and substituting the following:**



**10** Section 56.1 presently reads:

*56.1(1) A director may provide financial assistance in accordance with the regulations to a person who is made a private guardian of a child who was, at the time of making the private guardianship order, the subject of a permanent guardianship agreement or order.*

*(2) The director may review the financial assistance from time to time and may vary or terminate the financial assistance in accordance with the regulations.*

**11** Section 58.1 presently reads in part:

*58.1 A Court and all persons who exercise any authority or make any decision under this Act relating to the adoption of a child must do so in the best interests of the child, and must consider the following as well as any other relevant matter:*

- (b) the benefits to the child of stability and continuity of care and relationships;*
- (c) the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development;*
- (d) the benefits to the child of maintaining, wherever possible, the child's familial, cultural, social and religious heritage;*
- (g) in the case of an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions, and the importance of preserving the child's cultural identity.*

**12** 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:*

- (f) if the applicant has reason to believe that the child is an aboriginal child, a cultural connection plan, made in accordance with the regulations, that addresses how the child's connection with aboriginal culture, heritage,*

- (e) in the case of an applicant who is not a step-parent of the child, if the applicant has reason to believe that the child is an Indigenous child, a plan, made in accordance with the regulations, that addresses how the child's Indigenous identity, culture, heritage, spirituality, language and traditions will be respected, supported and preserved.

**13 Section 75(1)(c)(iv) is amended by striking out "Indian".**

**14 Section 81 is repealed.**

*spirituality and traditions will be fostered and the child's cultural identity will be preserved.*

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

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

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

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

**13** Section 75(1) presently reads in part:

*75(1) In this section,*

*(c) "family applicant", in respect of an adopted person, means any one or more of the following:*

*(iv) an adult member of any Indian band or Metis settlement of which the adopted person is a member, if the biological parents of the adopted person consent in writing to the application or if the Minister is satisfied that the biological parents of the adopted person*

**14** Section 81 presently reads:

**15 Section 105.71 is repealed and the following is substituted:**

**Definitions**

**105.71** In this Part,

- (a) “action” means action as defined in the *Alberta Evidence Act*;
- (b) “business day” means a day other than a Saturday or a Sunday or other holiday;
- (c) “designated individual” means an individual designated under section 105.771(1);
- (d) “serious injury”, in respect of a child, means
  - (i) a life-threatening injury to the child, or
  - (ii) an injury that may cause significant impairment of the child’s health.

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

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

*(2) The director may review the financial assistance from time to time and may vary or terminate the financial assistance in accordance with the regulations.*

**15** Section 105.71 presently reads:

*105.71 In this Part,*

- (a) "action" means action as defined in the Alberta Evidence Act;*
- (a.1) "committee" means a committee appointed under section 105.73(2)(b);*
- (b) "Council" means the Council established under section 105.72(1);*
- (c.1) "designated individual" means an individual designated under section 105.771(1);*
- (d) "expert review panel" means an expert review panel appointed under section 105.73(2)(a);*
- (d.1) "quality assurance activity" means a planned or systematic activity the purpose of which is to study, assess or evaluate the provision of intervention services with a view to the continual improvement of*
  - (i) the quality of intervention services, or*
  - (ii) the level of skill, knowledge and competence of individuals providing intervention services;*

**16 Sections 105.72 and 105.73 are repealed.**

- (e) “serious injury”, in respect of a child, means
  - (i) a life-threatening injury to the child, or
  - (ii) an injury that may cause significant impairment of the child’s health.

**16** Sections 105.72 and 105.73 presently read:

*105.72(1) The Minister may establish a Council for quality assurance purposes.*

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

- (a) appoint or provide for the manner of the appointment of its members,*
- (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 Council, the Minister must ensure the Council includes persons with knowledge and expertise in the provision of services to children.*

*(4) The Child and Youth Advocate is, by virtue of that office, a member of the Council.*

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

*105.73(1) The role of the Council is to promote and improve the quality of intervention services by*

- (a) identifying effective practices in respect of intervention services,*
- (b) collaborating with the director to monitor and evaluate the director’s activities, strategies and standards for improving the quality of intervention services,*

**17 Section 105.74 is repealed and the following is substituted:**

**Director's duty**

**105.74** When a director becomes aware of

- (a) an incident giving rise to a serious injury to or the death of a child that occurred while the child was receiving intervention services, or
- (b) an incident referred to in section 105.771(1)(b)

the director must, as soon as practicable, report the incident to the Minister.

**18 Sections 105.75, 105.76 and 105.77 are repealed.**



- (c) developing a quality assurance framework for intervention services, and*
  - (d) making recommendations to the Minister for the improvement of intervention services.*
- (2) For the purpose of carrying out its role, the Council may, from time to time, appoint*
- (a) expert review panels to review incidents giving rise to the serious injury to or death of a child as reported by a director under section 105.74, and*
  - (b) committees to carry out one or more quality assurance activities as directed by the Council.*

**17** 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 receiving intervention services at the time of the injury or death, the director must, as soon as practicable, report the incident to the Council.*

**18** Sections 105.75, 105.76 and 105.77 presently read:

*105.75(1) The Minister may*

- (a) on the recommendation of the Council, establish a roster of experts to serve on expert review panels and individuals to serve on committees, and*
  - (b) authorize or provide for the payment of remuneration and expenses for experts who serve on expert review panels and individuals who serve on committees.*
- (2) Where the Council appoints an expert review panel or a committee, the chair of the Council must designate one of the*



*members of the panel or committee to act as chair of the panel or committee.*

*(3) Subject to this Part, an expert review panel or a committee may determine its own procedures.*

*105.76(1) The chair of an expert review panel or committee must make a written report of the panel's or committee's findings and recommendations and must submit the report to the Council.*

*(2) The findings of an expert review panel or committee shall not contain findings of legal responsibility or any conclusion of law.*

*(3) On receiving a report from an expert review panel under subsection (1),*

*(a) the Council*

*(i) must provide a copy of the report to*

*(A) the Minister,*

*(B) the Child and Youth Advocate, and*

*(C) the director who reported the incident that is the subject of the review,*

*and*

*(ii) may provide a copy of the report*

*(A) in the case of a review of a serious injury, to the child if he or she is 16 years of age or older,*

*(B) to the parent of the child, and*

*(C) to the guardian of the child if the parent is not the guardian of the child at the time of the incident;*

*(b) the Council must*

*(i) prepare a publicly releasable version of the report from which the name of, and any other identifying information about, the child or a parent or guardian of the child have been removed, and*

**19 Section 105.771 is repealed and the following is substituted:**

**Review by designated individual**

**105.771(1)** A director may, in writing, designate individuals to review

- (a) incidents giving rise to the serious injury to or death of a child that occurred while the child was receiving intervention services, and

(ii) *provide a copy of the publicly releasable version of the report to the Minister.*

(4) *The Council must make the publicly releasable version of a report prepared under subsection (3)(b)(i) available to the public within 6 months after providing it to the Minister under subsection (3)(b)(ii), unless the Minister directs otherwise.*

(5) *On receiving a report from a committee under subsection (1), the Council must provide a copy of the report to the Minister and the director.*

*105.77(1) An expert review panel 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 expert review panel to exercise the panel's powers or perform the panel's functions or duties under this Part.*

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

(3) *A custodian that is not a public body may, on request, disclose to the expert review panel the information to which the panel 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.*

**19** Section 105.771 presently reads:

*105.771(1) A director may, in writing, designate individuals to review*

(a) *incidents giving rise to the serious injury to or death of a child that occurred while the child was receiving intervention services, and*

- (b) any other incident that, in the opinion of the director, is a serious incident and that occurred in respect of a child while the child was receiving intervention services.

**(2) A designated individual must be**

- (a) an individual employed in the public service of the Province, or
- (b) an individual to whom the director has delegated authority under section 121(4).

**(3) A designated individual must provide the director with a report on a review conducted under subsection (1) that includes the designated individual's findings and recommendations, if any, within one year after the day on which the incident reviewed occurred.**

**(4) The Minister may specify a longer period for the provision of a report under subsection (3) if the Minister is satisfied that extenuating circumstances exist.**

**(5) On receiving a report under subsection (3), the director shall provide any findings and recommendations included in the report to the Minister.**

**20 Sections 105.78 to 105.791 are repealed and the following is substituted:**

**Designated individual must not give evidence**

**105.78** A designated individual must not give or be compelled to give evidence in an action in respect of any matter coming to the designated individual's knowledge in the exercise of powers and the performance of duties and functions under this Part, except in a prosecution for perjury.

**Communications privileged**

**105.79** 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 or any record produced during a review under section 105.771(1) by a designated individual;

- (b) any other incident that, in the opinion of the director, is a serious incident and that occurred in respect of a child while the child was receiving intervention services.*
- (2) A designated individual must be*
  - (a) an individual employed in the public service of the Province, or*
  - (b) an individual to whom the director has delegated authority under section 121(3).*
- (3) A designated individual must provide the director with a report of the designated individual's findings and recommendations, if any, arising from a review under subsection (1).*

**20** Sections 105.78 to 105.791 presently read:

*105.78 A member of the Council, a member of an expert review panel, a member of a committee and a designated individual must not give or be compelled to give evidence in an action in respect of any matter coming to his or her knowledge in the exercise of powers and the performance of duties and functions under this Part, except in a prosecution for perjury.*

*105.79 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 or any record produced during*
  - (i) a review by an expert review panel,*

(b) any report referred to in section 105.771(3).

**Protection from liability**

**105.791(1)** Subject to subsection (2), no action lies or may be commenced or maintained against a designated individual 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 to a designated individual in relation to anything done or omitted to be done by the designated individual in bad faith.

**21 Section 105.792 is repealed.**



(ii) a review under section 105.771(1) by a designated individual, or

(iii) a quality assurance activity carried out by a committee;

(b) any report referred to in section 105.76(1) or 105.771(3).

105.791(1) Subject to subsection (2), no action lies or may be commenced or maintained against

(a) the Council,

(b) a member of the Council,

(c) a member of an expert review panel,

(d) a member of a committee, or

(e) a designated individual

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 to a person referred to in that subsection in relation to anything done or omitted to be done by that person in bad faith.

**21** Section 105.792 presently reads:

105.792(1) The Council must submit annual reports to the Minister

(a) respecting the exercise of the powers and the performance of the duties and functions of the Council,

(b) respecting a director's achievement of standards referred to in section 105.73(1)(b), and

(c) containing an evaluation of activities and strategies undertaken by a director for the improvement of intervention services.

(2) On receiving a report under subsection (1), the Minister must lay a copy of the report before the Legislative Assembly if it is then

**22 The following is added before section 105.793:**

**Public reporting of serious injury,  
death or incident**

**105.7921** Subject to sections 126 and 126.1, the Minister shall publicly report

- (a) an incident giving rise to the serious injury to or death of a child that occurred while the child was receiving intervention services, or
- (b) an incident referred to in section 105.771(1)(b)

within 4 business days after being notified of the incident under section 105.74.

**23 Section 105.793 is repealed and the following is substituted:**

**Publication of statistics, findings, recommendations**

**105.793** Subject to sections 126 and 126.1, the Minister shall publish the following information on the Minister's department's website and shall update the information at least once a year:

- (a) statistical data about children who are receiving or have received intervention services;
- (b) statistical data about
  - (i) incidents giving rise to serious injuries to and deaths of children that occurred while the children were receiving intervention services, and
  - (ii) incidents referred to in section 105.771(1)(b);
- (c) findings and recommendations provided to the Minister under section 105.771(5);
- (d) the response of the Minister's department to recommendations in a report made by the Child and Youth Advocate under section 15 of the *Child and Youth*

*sitting, and if it is not sitting, within 15 days after the commencement of the next sitting.*

**22** Public reporting of serious injury, death or incident.

**23** Section 105.793 presently reads:

*105.793 Subject to sections 126 and 126.1, a director must make the following information available to the public annually in the manner the director considers appropriate:*

- (a) statistical data about children who are receiving or have received intervention services;*
- (b) statistical data about serious injuries to and deaths of children that occurred while the children were receiving intervention services;*
- (c) findings and recommendations, if any, reported to the director under section 105.771(3);*
- (d) the director's response to recommendations in a report made by the Child and Youth Advocate under section 15 of the Child and Youth Advocate Act, if the recommendations relate to this Act or the administration of it;*
- (e) the director's response to recommendations in a report made under section 53 of the Fatality Inquiries Act, if the*

*Advocate Act*, if the recommendations relate to this Act or the administration of it;

- (e) the response of the Minister's department to recommendations in a report made under section 53 of the *Fatality Inquiries Act*, if the recommendations relate to this Act or the administration of it;
- (f) the response of the Minister's department to recommendations made in any other report specified in the regulations made under section 131(2)(ss), if the recommendations relate to this Act or the administration of it.

**24 The following is added before section 105.8:**

**Financial assistance for children formerly under permanent guardianship**

**105.795(1)** A director may, in accordance with the regulations, provide financial assistance in respect of a child who was the subject of a permanent guardianship agreement or order to

- (a) a person who is appointed a guardian of the child under a private guardianship order,
- (b) a person who adopts the child if, immediately before the adoption order was made,
  - (i) the child was the subject of a permanent guardianship agreement or order, or
  - (ii) the person was a guardian of the child under a private guardianship order,

or

- (c) a person who becomes a guardian of the child, or adopts the child, after a guardian is appointed as referred to in clause (a) or the child is adopted as referred to in clause (b).

**(2)** If a guardian or adoptive parent referred to in subsection (1)(a), (b) or (c) is unable or unwilling to continue to care for the

*recommendations relate to this Act or the administration of it;*

- (f) the director's response to recommendations made in any other report specified in the regulations made under section 131(2)(ss), if the recommendations relate to this Act or the administration of it.*

**24** Financial assistance for children formerly under permanent guardianship.

child, a director may, in accordance with the regulations, provide financial assistance to an adult person who is caring for the child and who has applied to a court for guardianship of the child or to adopt the child.

(3) The director may review the financial assistance from time to time and may vary or terminate the financial assistance in accordance with the regulations.

**25 The heading before section 107 is amended by striking out “Indian” and substituting “First Nation”.**

**26 Section 120 is amended in subsection (2)(f.1) by striking out “section 56.1 or 81” and substituting “section 105.795”.**

**27 Section 121 is repealed and the following is substituted:**

**Delegation**

**121(1)** The Minister may delegate to any person or government any power, duty or function of the Minister under this Act.

(2) The Minister may delegate to any person or government

(a) any power, duty or function of a director under this or any other Act, or

(b) any power, duty or function conferred or imposed on a director by a court,

including, without limitation, the function of receiving reports under section 4 or 5 and any power, duty or function that involves a director forming an opinion.

(3) Subsection (1) does not apply

(a) to any power or duty of the Minister to make regulations as defined in the *Regulations Act*, or

**25** The heading before section 107 presently reads:

*Indian Child*

**26** Section 120 presently reads in part:

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

*(f.1) the refusal to provide financial assistance pursuant to section 56.1 or 81;*

**27** Section 121 presently reads:

*121(1) The Minister may delegate any of the duties or powers conferred or imposed on the Minister under this Act, except the power to delegate under subsection (2) and the power to make regulations under section 131, to any person or government for any purpose in connection with the administration of this Act.*

*(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 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*

(b) to the power of the Minister under subsection (2) to delegate a power, duty or function of a director.

(4) A director may delegate to any of the following any power, duty or function of the director referred to in subsection (2):

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

(5) A delegation under subsection (1) or (4) may include the power to subdelegate.

(6) A delegation under subsection (2) may include the power to subdelegate the director's powers.

(7) 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.

## **28 Section 131 is amended**

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

#### **(i) by adding the following after clause (e.1):**

(e.11) respecting notice to bands under section 53 and band participation in proceedings as provided for under section 53.1;

#### **(ii) by repealing clause (e.3);**

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

#### **(i) by repealing clause (j);**

**(ii) in clause (hh) by striking out “sections 56.1” and substituting “sections 105.795”;**



- (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.*

**28** Section 131 presently reads in part:

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

*(e.1) respecting any matter necessary or advisable to carry out effectively the intent and purpose of section 19.1.*

*(e.3) respecting the circumstances under which the Council may appoint an expert review panel;*

*(2) The Minister may make regulations*

*(j) respecting the amount, nature, conditions and reviews of any financial assistance granted under section 81;*

*(hh) respecting financial assistance under sections 56.1 and 105.8 and support and financial assistance under section 57.3;*

**(iii) by repealing clause (rr) and substituting the following:**

(rr) respecting the contents of plans for the purposes of sections 52 and 63;

**29 The heading to Part 5 is amended by adding “Review,” before “Transitional”.**

**30 The following is added before section 132:**

**Review**

**131.2(1)** A special committee of the Legislative Assembly shall periodically conduct a comprehensive review of this Act.

**(2)** The special committee shall submit to the Legislative Assembly a report that includes any amendments recommended by the special committee within one year after the special committee starts its review.

**(3)** The first review must be started within 5 years after the day this section comes into force.

**(4)** Each subsequent review must be started within 5 years after the day the report on the previous review was required to be submitted.

**31 Section 134 is repealed.**

**32 The following sections are amended by striking out “survival” wherever it occurs and substituting “safety”:**

section 1(2);  
section 3.1(3)(d);  
section 8(1)(b);  
section 9(b);  
section 16(1);

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

**29** The Part 5 heading presently reads:

*Part 5  
Transitional, Repeal and  
Coming into Force*

**30** Review.

**31** Section 134 presently reads:

*134 Section 133(2) comes into force on Proclamation.*

**32** Change in terminology.

section 17(b);  
section 18(1)(b);  
section 28(1)(b);  
section 31(1)(b);  
section 34(1)(b);  
section 57.2.

**33 The following sections are amended by striking out “aboriginal” wherever it occurs and substituting “Indigenous”:**

section 56(1.2);  
section 57.01;  
section 70(2.1);  
section 71.1;  
section 74.4(1).

**34 The following sections are amended by striking out “cultural connection”:**

section 57.01(a);  
section 71.1(1)(a).

**35 The following sections are amended by striking out “an Indian” wherever it occurs and substituting “a First Nation Individual”:**

section 57.01(b);  
section 63(1)(a)(v) and (2)(a)(iii);  
section 67(1) and (2);  
section 71.1(b);  
section 73.1(4)(b);  
section 74(1)(d);  
section 107(1) and (3).

**Consequential amendments**

**36 The *Family Law Act* is amended in section 23 by adding the following after subsection (5):**

**(5.1)** If a child is in the custody of a director under the *Child, Youth and Family Enhancement Act* or is the subject of a temporary guardianship order or a permanent guardianship agreement or order under the *Child, Youth and Family*

**33** Change in terminology.

**34** Change in terminology.

**35** Change in terminology.

**36** Amends chapter F-4.5 of the Statutes of Alberta, 2003.  
Section 23 presently reads in part:

*23(1) The court may, on application by a person who*

*(a) is an adult and has had the care and control of a child for a period of more than 6 months, or*

*Enhancement Act*, a person may not apply to be appointed a guardian of the child under this Act.

**Transitional**

**37(1)** Notwithstanding the coming into force of an amendment to the *Child, Youth and Family Enhancement Act* enacted by section 5, 6, 7, 8 or 9 of this Act, any proceeding commenced but not fully disposed of under the *Child, Youth and Family Enhancement Act* or another enactment before the coming into force of that amendment is not affected by that amendment and the proceeding shall be continued and disposed of as though that amendment had not come into force.

**(2)** Notwithstanding the coming into force of the amendment to the *Family Law Act* enacted by section 36 of this Act, any proceeding commenced but not fully disposed of under the *Family Law Act* before the coming into force of that amendment is not affected by that amendment and the proceeding shall be continued and disposed of as though that amendment had not come into force.

**Coming into force**

**38** This Act comes into force on February 28, 2019.

- (b) is a parent other than a guardian of a child,  
make an order appointing the person as a guardian of the child.*
- (5) If it is satisfied that there are good and sufficient reasons for  
doing so, the court may waive the requirement*
- (a) that the child or proposed guardian reside in Alberta, or*
- (b) in the case of an application under subsection (1)(a), that the  
applicant has had the care and control of the child for a  
period of more than 6 months.*

**37** Transitional provisions.

**38** Coming into force.

