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LAWS AND REGULATIONS

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Summary

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Email: gazette.officielle@servicesquebec.gouv.qc.ca
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PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 26 APRIL 2022

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 26 April 2022

This day, at half past eight o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

15 An Act to amend the Youth Protection Act and other legislative provisions

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION FORTY-SECOND LEGISLATURE

Bill 15
(2022, chapter 11)

An Act to amend the Youth Protection Act and other legislative provisions

Introduced 1 December 2021
Passed in principle 1 February 2022
Passed 14 April 2022
Assented to 26 April 2022

Québec Official Publisher
2022

EXPLANATORY NOTES

This Act makes various amendments to the Youth Protection Act.

First, the Act proposes various amendments to facilitate the interpretation and application of that Act by the various actors involved and introduces a preamble. It reaffirms that the interest of the child is the primary consideration in the application of that Act.

The Act also allows, in specified circumstances, the communication to the director of youth protection of certain confidential information held, in particular by bodies or professionals, at each stage of the intervention. It emphasizes that the conditions within an Act which must be met to communicate confidential information concerning the child or the child's parents must be construed so as to facilitate the communication where it is in the interest of the child or is intended to ensure the protection of another child.

The Act introduces a definition of "exposure to domestic violence" and stipulates that the security or development of a child is considered to be in danger when the child is in such a situation.

Moreover, it is provided that the Minister of Health and Social Services is by virtue of office the Government's adviser on all issues relating to youth protection or to children in vulnerable situations and that the Minister must be consulted whenever a ministerial decision is made involving the interests of children or the respect of their rights in relation to youth protection.

The Act entrusts to the National Director of Youth Protection the responsibility of determining the policy directions and clinical practice standards applicable by the directors of youth protection, of exercising the controls required with respect to youth protection interventions and of supporting the action of the directors of youth protection. To that end, it establishes that the National Director of Youth Protection may give directives to the directors of youth protection, hold inquiries if he deems it expedient, require a director to implement corrective measures within a specified time, and, in certain cases, entrust the responsibilities of a director to another director or to a person he designates.

A panel of directors is established, consisting of the National Director of Youth Protection and each of the directors of youth protection. The purpose of the panel is, in particular, to enable the members to ensure that policy directions and clinical practice standards are implemented and complied with in all the regions of Québec. The procedure for appointing directors of youth protection is also amended.

The Act also extends the maximum term of consecutive agreements on voluntary measures as well as the time during which the records of children whose situation is taken in charge by a director of youth protection must be kept. Under the Act, an institution operating a child and youth protection centre must offer psychosocial support services to a person 14 years of age or over who accesses the information in his record. The Act also provides different measures supporting the child's transition to adulthood.

The Act introduces a chapter comprising the provisions applicable to Indigenous people and introduces new provisions to take into account their own historical, social and cultural factors. Particularly, it provides that every decision made under the Youth Protection Act must foster the cultural continuity of Indigenous children. It also sets out additional factors to be taken into account in determining the interest of those children, including the culture of their community as well as their relationships with their extended family and members of their community. The Act provides specific rules applicable to the term of consecutive agreements on voluntary measures and to judicial interventions in respect of Indigenous children. The Act also provides for the possibility, in certain cases, of forming a family council, in accordance with Indigenous custom or practice as well as the possibility for an Indigenous community or a group of communities to administer the financial assistance to promote tutorship, customary tutorship, adoption and customary adoption.

The Act makes it possible for the Minister of Justice and the Minister of Health and Social Services to implement, by regulation, pilot projects relating to judicial or social interventions.

As regards judicial interventions, the Act establishes the systematic representation of children by an advocate. The time period for notifying the parties of the presentation of any application for certain measures to be taken during the proceedings is amended and the manner in which such notice is to be given as well as its content are provided for. The Act provides for the possibility of reaching a draft agreement or settlement with only one of the parents where the other parent is unable to express his will, cannot be found despite

serious efforts to locate him, or where the latter, having not, in fact, assumed responsibility for the care, maintenance and education of the child, abstains from becoming involved owing to indifference. In addition, certain rules of evidence are amended and access to judgments and pleadings in a family matter that involves a child who is the subject of a report is granted to the actors involved.

Furthermore, the Act respecting the Ministère de la Santé et des Services sociaux is amended to specify that the Minister of Health and Social Services must promote the appropriate measures to meet the needs of children and families in vulnerable situations or to prevent the security or development of a child from being in danger and must take the necessary steps to facilitate the transition to adulthood of young persons under 26 years of age who were taken in charge by the director of youth protection. The Act also expressly provides for the appointment of a National Director of Youth Protection by the Government.

The Act also amends the Courts of Justice Act to increase to 319 the number of judges composing the Court of Québec.

Lastly, the Act contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);

– Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2);

– Youth Protection Act (chapter P-34.1);

– Act respecting health services and social services (chapter S-4.2);

– Courts of Justice Act (chapter T-16).

Bill 15

AN ACT TO AMEND THE YOUTH PROTECTION ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

YOUTH PROTECTION ACT

1. The Youth Protection Act (chapter P-34.1) is amended by inserting the following after the title of the Act:

"AS Québec has declared itself bound by the Convention on the Rights of the Child by Order in Council 1676-1991 dated 9 December 1991;

AS the interest of the child is the primary consideration in any decision made in the child's regard;

AS, under the Charter of human rights and freedoms and the Civil Code of Québec, every child has a right to the protection, security and attention that his parents or the persons acting in their stead are able to give to him;

AS the protection of children is a collective responsibility that requires the mobilization and collaboration of all the resources in the community in order to limit the State's authority intervention in the lives of families under this Act to exceptional situations;

AS a child's perception of time differs from that of adults because he is still developing;

AS the emotional stability and security of a child are major determinants in ensuring the child's healthy development;

AS the child and his parents have the right to have their voices heard and as their participation in decisions that concern them and the consideration of their opinion have the effect of further empowering them to act;

AS it is important to facilitate a child's transition to adulthood;

AS it is important to recognize the specificity of children who belong to minority groups, such as children belonging to ethnocultural communities;

AS Indigenous persons are best suited to meet the needs of their children in the manner that is the most appropriate;

AS cultural safety is essential to the well-being of Indigenous children;

AS interventions in respect of an Indigenous child must be carried out taking into account the circumstances and characteristics of his community or of another environment in which he lives so as to respect his right to equality and foster cultural continuity;".

2. Section 1 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing subparagraph *d* by the following subparagraph:

"(*d*) "body" means any Indigenous organization, any educational body and any childcare establishment, as well as any other group of persons or assets, whatever its legal form, which is child-related or whose function is to offer services to children and their family, particularly in the areas of support for victims, assistance to children and their parents, placement, rights advocacy, recreation and sports or whose mission is to promote the interests of children or to improve their living conditions;";

(*b*) by replacing subparagraph *e* by the following subparagraph:

"(*e*) "parents" means the father and the mother who are not deprived of parental authority and any other tutor;";

(2) by striking out the fifth paragraph.

3. Section 2 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "The Act also aims to put an end to and prevent the recurrence of situations in which the security or the development of a child is in danger.";

(2) by adding the following paragraph at the end:

"Lastly, in these matters, this Act sets out, in Chapter V.1, provisions specific to Indigenous people, which add to or depart from its other provisions."

4. Chapter II of the Act is amended by replacing the portion before section 3 by the following:

"**CHAPTER II**

"GENERAL PRINCIPLES, RIGHTS OF THE CHILD AND OF HIS PARENTS AND PARENTS' RESPONSIBILITIES

"**DIVISION I**

"GENERAL PRINCIPLES".

5. Section 3 of the Act is amended

(1) by replacing "Decisions made under this Act" in the first paragraph by "The interest of the child is the primary consideration in the application of this Act. Decisions made under this Act";

(2) in the second paragraph,

(*a*) by inserting ", including the socioeconomic conditions in which the child lives," after "family environment";

(*b*) by striking out the last sentence.

6. Section 4 of the Act is replaced by the following:

"**4.** Every decision made under this Act must aim at ensuring continuity of care as well as the stability of the child's relationships and of living conditions appropriate to his needs and age. Therefore, keeping the child in his family environment should be favoured, provided it is in the child's interest.

If keeping the child in his family environment is not in his interest, priority must be given to entrusting the child to the persons most important to him, in particular the grandparents or other members of the extended family.

If it is not in the interest of the child to entrust him to such persons, the child must then be entrusted to a living environment most closely resembling a family environment.

If returning the child to his family environment is not in his interest, the decision must, on a permanent basis, ensure continuity of care and the stability of his relationships and of living conditions appropriate to his needs and age.

"**4.1.** Where the child is removed from his family environment, keeping the child and his siblings in the same alternative living environment must be favoured, provided it is in the child's interest.

"**4.2.** Where the child is removed from his family environment, the parents' involvement must always be fostered, with a view to encouraging or helping them to exercise their parental responsibilities, provided that such involvement is in the interest of the child.

In such circumstances, the director must, in addition to planning the child's return to that environment, make plans for an alternative project aimed at ensuring, without delay, continuity of care and the stability of the child's relationships and of his living conditions on a permanent basis in the event that a return to his family environment would not be in the interest of the child.

"**4.3.** Any intervention in respect of a child and the child's parents under this Act must, if the circumstances are appropriate, favour means that allow the child and his parents to take an active part in making the decisions and choosing the measures that concern them.

"**4.4.** Persons having responsibilities towards a child under this Act and persons called upon to make decisions with respect to a child under this Act shall, in their interventions,

(*a*) treat the child and the child's parents with courtesy, fairness and understanding, and in a manner that respects their dignity and autonomy;

(*b*) act diligently to ensure the child's security or development, given that a child's perception of time differs from that of adults;

(*c*) take into consideration the proximity of the chosen resource; and

(*d*) take into account the characteristics of ethnocultural communities, including when choosing an alternative living environment for the child.

"**4.5.** Institutions, bodies and persons having responsibilities towards a child under this Act and persons called upon to make decisions with respect to a child under this Act shall

(*a*) encourage the participation of the child and the parents, and the involvement of the community; and

(*b*) cooperate with each other and see to obtaining in an optimal manner the cooperation of resources in the community; they act in concert with those resources willing to cooperate with them, to ensure that their interventions are coordinated.

"**4.6.** The conditions prescribed by law that must be met to communicate confidential information concerning the child or the child's parents must be construed so as to facilitate the communication of that information where it is in the interest of the child or is intended to ensure the protection of another child.

"**DIVISION II**

"RIGHTS OF THE CHILD AND OF HIS PARENTS".

7. Section 5 of the Act is amended by inserting "and persons called upon to make decisions with respect to a child under this Act" after "child under this Act" in the first paragraph.

8. The Act is amended by inserting the following sections after section 6:

"**6.1.** Persons having responsibilities towards a child under this Act and persons called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity

(*a*) of ensuring that any information or explanation that must be given to a child within the framework of this Act is given in terms that are adapted to his age and his capacity of understanding;

(*b*) of ensuring that the parents have understood the information or explanations that must be given to them within the framework of this Act; and

(*c*) of giving the child and the child's parents an opportunity to present their points of view, express their concerns and be heard at the appropriate time during the intervention.

"**6.2.** The child and the child's parents are entitled to be accompanied and assisted by a person of their choice when they wish to obtain information or when meeting the director or any person the director authorizes."

9. Section 8 of the Act is amended

(1) by replacing "and in a personalized manner" in the first paragraph by ", in a personalized manner and with the required intensity";

(2) by striking out the second and third paragraphs.

10. The Act is amended by inserting the following section after section 8:

"**8.1.** The child is entitled to receive, on the conditions prescribed in section 8, appropriate educational services from an educational body.

Every educational body must ensure the continuity of those services for a child entrusted to an alternative living environment."

11. The Act is amended by inserting the following sections after section 9:

"**9.1.** When a child is entrusted to an alternative living environment, the child's contacts with persons who are important to him must be encouraged by taking his wishes into account, provided such contacts are in the interest of the child.

"**9.2.** The child and the child's parents have the right to have any information that concerns them and allows them to be identified, if collected under this Act, to be handled in a confidential manner and disclosed only in accordance with the provisions of this Act.

"**9.3.** No one may, under this Act, publish or broadcast information allowing a child or the child's parents to be identified, unless the tribunal so orders or so authorizes on the conditions it determines or unless the publication or broadcast is necessary for the purposes of this Act or a regulation made under it.

Furthermore, the tribunal may, in a specific case, prohibit or restrict, on the conditions it prescribes, the publication or broadcast of information relating to a hearing of the tribunal."

12. Sections 11.2 and 11.2.1 of the Act are repealed.

13. Section 11.3 of the Act is amended by replacing "7 to 10" by "6.2, 7 to 9 and 10".

14. The Act is amended by inserting the following division after section 11.3:

"**DIVISION III**

"PARENTS' RESPONSIBILITIES

"**11.4.** Parents have not only rights in respect of their child, but also obligations towards him. An intervention made in respect of a child under this Act does not deprive his parents of the rights conferred on them and does not relieve them of their obligations under the Civil Code as the persons having parental authority, unless a provision of this Act provides otherwise.

Consequently, the parents, in particular,

(*a*) have the rights and duties of custody, supervision and education of their children;

(*b*) shall maintain their children; and

(*c*) exercise parental authority together.

"**11.5.** The parents must, whenever possible, take an active part in implementing the measures designed to put an end to and prevent the recurrence of the situation in which the security or development of their child is in danger."

15. Section 26 of the Act is amended

(1) by striking out "Notwithstanding section 19 of the Act respecting health services and social services (chapter S-4.2) and section 7 of the Act respecting health services and social services for Cree Native persons (chapter S-5)," in the first paragraph;

(2) by adding the following paragraph at the end:

"In addition, every person and every body that treats or has treated a child who is or has been the subject of an intervention under this Act or whose parents are or have been the subject of such an intervention or that provides or has provided services to such a child or to his parents must give the member of the

Commission or the person in its employment, on request, a copy of any information from a record relating to the case of a child and that is necessary for the conduct of an investigation under paragraph *b* of section 23."

16. The Act is amended by inserting the following divisions after section 27:

"**DIVISION I.1**

"MINISTER OF HEALTH AND SOCIAL SERVICES

"**28.** The Minister of Health and Social Services is by virtue of office the Government's adviser on all issues relating to youth protection or to children and families in vulnerable situations; the Minister may, for such purpose, provide the other ministers with any advice the Minister considers appropriate.

The Minister must be consulted whenever a ministerial decision is made involving the interests of children or the respect of their rights in relation to youth protection.

"**DIVISION I.2**

"NATIONAL DIRECTOR OF YOUTH PROTECTION

"§1. — *Responsibilities*

"**29.** The National Director of Youth Protection, appointed under section 5.1.1 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), exercises, in addition to the responsibilities assigned to him under that section, the following responsibilities:

(*a*) ensuring the follow-up of care and service trajectories of children whose situation is taken in charge by a director and measuring the effects of the interventions;

(*b*) determining the policy directions and the clinical practice and management standards applicable to youth protection;

(*c*) exercising the controls required to ensure that youth protection interventions follow generally accepted standards and that they are adequate from a scientific, human and social standpoint;

(*d*) exercising leadership and supporting the action of directors in the exercise of their responsibilities; and

(*e*) coordinating, where he considers it necessary and to the extent he deems appropriate, any intervention involving the intervention of more than one director or of another competent authority.

A director of youth protection is required to comply with the directives given to him by the National Director of Youth Protection in the exercise of his responsibilities.

"**30.** In exercising the responsibilities set out in section 29, the National Director of Youth Protection may, in particular, whenever he deems it necessary,

(*a*) call on outside experts to report on one or more specific points he determines;

(*b*) conduct or commission studies, research or surveys to obtain background on a matter on which he must provide an opinion or produce a report; and

(*c*) request the collaboration of institutions or bodies by asking them to provide any expertise they have and that is necessary to him or to produce an analysis, advisory report or opinion on an issue on which the National Director must himself provide an opinion or produce a report.

"**30.1.** Government departments, public bodies or institutions must provide the National Director of Youth Protection with the information and documents he requires and that are necessary to the exercise of his responsibilities under section 29.

They must allow the National Director to examine and make copies of the information or documents they have, whatever their form.

"**30.2.** The National Director of Youth Protection may, if he deems it expedient, hold an inquiry as part of the exercise of his responsibilities.

For the purposes of an inquiry, the National Director or any other person designated by him to conduct the inquiry is vested with the powers and immunity provided for in the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

"**30.3.** Where the National Director of Youth Protection finds that a director of youth protection is not applying the directives, policy directions, clinical practice and management standards or the standards referred to in section 29, the National Director may, as he considers appropriate,

(1) require that corrective measures he determines be taken within the time he specifies;

(2) require that the institution operating a child and youth protection centre concerned submit an action plan to him, within the time he specifies, in response to the recommendations he has made.

"**30.4.** The National Director of Youth Protection may, if a director of youth protection is unable to act, commits a serious fault or tolerates a situation which could endanger the security or development of a child, entrust the functions and powers vested in that director of youth protection to another director of youth protection or to a person the National Director designates, for the time and on the conditions he considers appropriate. He shall immediately notify the president and executive director and the board of directors of the institution concerned of the decision.

"§2. — *Panel of directors*

"**30.5.** A panel of directors is established under the name "Table des directeurs", consisting of the National Director of Youth Protection and each of the directors of youth protection.

Each member of the panel must designate a person to represent them when they are unable to participate.

Members of the panel may solicit the participation, on an ad hoc or permanent basis, of experts or other stakeholders concerned with youth protection.

"**30.6.** The purpose of the panel of directors is to enable its members

(*a*) to develop and harmonize clinical practices in youth protection, by drawing in particular on the expertise of its members in carrying out their responsibilities;

(*b*) to ensure that policy directions and clinical practice standards are implemented and complied with in all the regions of Québec; and

(*c*) to ensure the development and continuous adaptation of training in youth protection based on the evolution of clinical practices.

The panel also aims to enable its members to take up any issue submitted to them by the National Director of Youth Protection.

"**30.7.** The National Director of Youth Protection presides at meetings of the panel of directors and determines its mode of operation.

"§3. — *Reporting*

"**30.8.** The National Director of Youth Protection shall report annually to the Minister of Health and Social Services, not later than six months after the end of the fiscal year, on the exercise of his responsibilities and those of the panel of directors.

The report shall be published on the website of the Ministère de la Santé et des Services sociaux."

17. Section 31 of the Act is replaced by the following sections:

"**31.** A director of youth protection shall be appointed for each institution operating a child and youth protection centre; the director shall act under the direct authority of the president and executive director of the institution.

"**31.0.1.** The director shall be appointed by the institution's board of directors from a list of candidates submitted to it by a selection committee.

The Minister shall, by a directive, prescribe the procedure for recruiting and selecting persons qualified for appointment as directors, in particular the professional qualifications required of the candidates and the composition of the selection committee."

18. The Act is amended by inserting the following section after section 31.2:

"**31.3.** The director must see to it that, within the institution operating a child and youth protection centre, practices are maintained and resources are allocated so as to enable the director to properly exercise his responsibilities.

The board of directors of an institution shall, on a quarterly basis, hear the director on the exercise of his responsibilities and the operation of the child and youth protection centre."

19. Section 32 of the Act is amended, in the first paragraph,

(1) by replacing "71.3.2" in subparagraph *h*.1 by "131.18";

(2) by striking out "or to disclose information under the second or third paragraph of section 72.6 or under section 72.7" in subparagraph *i*.

20. Sections 35.4 and 36 of the Act are replaced by the following sections:

"**35.4.** A person referred to in section 35.1 may require an institution, body or professional to disclose to him information concerning the child, either of the child's parents or another person involved in a report if any of the following conditions is met:

(*a*) such information reveals or confirms the existence of a situation related to the grounds alleged by the director to the effect that the security or development of the child is in danger, the knowledge of which could justify, as applicable,

(1) accepting the report for evaluation,

(2) deciding whether the security or development of the child is in danger or remains so, or

(3) deciding as to the directing of the child, or

(*b*) such information makes it possible to confirm or deny the existence of a situation related to new events that have occurred since the decision on the child's security or development being in danger was made, the knowledge of which could make it possible to review the child's situation.

A person referred to in section 35.1 may also,

(*a*) if the person considers it necessary to ensure the protection of a child with regard to whom that person has accepted a report, enter, at any reasonable time or at any time during an emergency, a facility maintained by an institution or premises kept by a body or in which a professional practises their profession to examine on-site the record of the child and make copies of it;

(*b*) if so authorized by the tribunal, examine on-site, in a facility maintained by an institution or in premises kept by a body or in which a professional practises their profession, the record of a parent or of another person involved in a report that is necessary to ensure the protection of a child; and

(*c*) require from a person who has knowledge of any information or record referred to in this section the explanations needed to understand that information or the information contained in the record.

Any person having custody, possession or control of a record or knowledge of information referred to in this section shall make them available to the person referred to in section 35.1 and facilitate that person's examination of the record or information.

The first, second and third paragraphs apply even to persons who are bound by professional secrecy, except advocates and notaries.

"**36.** A person referred to in section 35.1 may obtain from the office of the Superior Court a copy of a judgment or a pleading in a family matter that concerns a child who is the subject of a report."

21. Section 36.1 of the Act is amended by inserting ", 35.4" after "35.3".

22. Sections 37.4 and 37.4.1 of the Act are replaced by the following sections:

"**37.4.** If the director or the tribunal decides that the security or development of the child is in danger, the director must keep the information contained in the child's record until he has reached 43 years of age, even if the director or the tribunal subsequently decides that the security or development of the child is no longer in danger.

"**37.4.1.** When the tribunal appoints a tutor to the child and the director puts an end to his intervention in respect of that child in accordance with section 70.2, the director must keep the information in the child's record until the child has reached 43 years of age."

23. Section 37.4.2 of the Act is amended by striking out "the first paragraph of".

24. Section 37.4.3 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "before the child reaches 18 years of age," after "may,";

(*b*) by replacing "the child's" by "that child's";

(2) by striking out the second paragraph.

25. The Act is amended by inserting the following sections after section 37.4.3:

"**37.4.4.** Psychosocial support services are to be offered to the person 14 years of age or over who accesses the information in his record.

These services are to be offered by an institution operating a child and youth protection centre.

"**37.4.5.** The child may, from the moment he reaches 25 years of age and subject to the application of section 37.4.3, request an institution operating a child and youth protection centre to destroy the information contained in his record."

26. Division III of Chapter III of the Act, comprising sections 37.5 to 37.7, is repealed.

27. Section 38 of the Act is amended

(1) by replacing "is abandoned, neglected, subjected to psychological ill-treatment" in the first paragraph by "is in a situation of abandonment, neglect, psychological ill-treatment, exposure to domestic violence";

(2) in the second paragraph,

(*a*) by replacing "conjugal or domestic" in subparagraph *c* by "family";

(*b*) by inserting the following subparagraph after subparagraph *c*:

"(*c*.1) "exposure to domestic violence" refers to a situation in which a child is directly or indirectly exposed to violence between the child's parents or between one of his parents and a person with whom the parent has an intimate relationship, including in a post-separation context, among other things if the child witnesses such violence or develops in an atmosphere of fear or tension, and where such exposure could cause harm to the child;".

28. The Act is amended by inserting the following section after section 38.2.1:

"**38.2.2.** For the purposes of section 38.2, any decision relating to a report for a situation of exposure to domestic violence must, in particular, take into consideration the following factors:

(*a*) the consequences for the child of exposure to such violence;

(*b*) the acknowledgment of the consequences for the child by the perpetrator of the violence and the means taken by the perpetrator to prevent other situations of exposure to violence, if applicable;

(*c*) the measures taken by the parent who is not the perpetrator of the violence to protect the child from exposure to such violence and the obstacles to such measures caused by the perpetrator of the violence, if applicable;

(*d*) the local resources' ability to support the parents in carrying out their responsibilities; and

(*e*) the order, condition or measure, whether civil or criminal in nature, concerning the security or development of the child."

29. Section 39 of the Act is amended

(1) by inserting ", *c*.1" after "*c*" in the third paragraph;

(2) by striking out the fourth and fifth paragraphs.

30. The Act is amended by inserting the following sections after section 39.1:

"**40.** The person who reported a child's situation under section 39 may communicate to the director any relevant information relating to the report about the child's situation, with a view to ensuring the child's protection.

The same applies to the person who, in the practice of a profession or the performance of a duty referred to in the first paragraph of that section, was involved in making such a report.

"**41.** Sections 39 and 40 apply even to persons who are bound by professional secrecy, except advocates and notaries who, in the practice of their profession, receive information concerning a situation described in section 38 or 38.1."

31. Section 43 of the Act is amended by inserting ", 40" after "section 39".

32. Section 44 of the Act is amended by inserting ", 40" after "section 39".

33. Section 45.1 of the Act is replaced by the following section:

"**45.1.** The director must inform the person who reported the situation of his decision to accept the report or not for evaluation."

34. Section 53 of the Act is amended by replacing "two" in the first paragraph by "three".

35. Section 57.2 of the Act is amended by inserting the following paragraph after paragraph *a*:

"(*a*.1) consider the security or development of the child to be in danger within the meaning of section 38 or 38.1 when new facts have arisen since the decision on the child's security or development being in danger was made;".

36. The Act is amended by inserting the following section after section 57.2.1:

"**57.2.2.** With a view to a child's transitioning to adulthood, the director who intervenes in respect of the child shall, in the two years before the child reaches 18 years of age, agree with the child on a plan for ensuring that transition.

The director shall also inform the child of the support services offered by persons, institutions or bodies, as well as of the possibility for him to stay in his alternative living environment in accordance with section 64.1, and meet with the child and the staff of the service provider concerned if the child consents to it."

37. Section 62.1 of the Act is amended by adding the following paragraph at the end:

"With a view to preparing the child for the transition to adulthood, the director or the person so authorized may, in the last six months of such an order ending when the child reaches the age of majority, authorize the child to stay for extended periods in an environment referred to in the second paragraph or in another environment provided for in the intervention plan."

38. Division V of Chapter IV of the Act, comprising section 65, is repealed.

39. Division VII.1 of Chapter IV of the Act, comprising sections 71.3.1 to 71.3.3, is repealed.

40. Section 72.6 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "including a foster family, or to any" after "any person,";

(*b*) by replacing "the disclosure necessary to ensure the child's protection in accordance with this Act" by "that the disclosure is in the interest of the child";

(2) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

"(2.1) to a police force, where the disclosure is necessary to ensure the safety of a child present on the scene of a police intervention, other than that relating to the application of this Act;".

41. Section 72.6.0.1 of the Act is repealed.

42. Section 72.6.1 of the Act is amended by replacing "71.3.2" in the first paragraph by "131.18".

43. Section 72.7 of the Act is amended by replacing "exercising a responsibility in respect of the child concerned" in the first paragraph by "called on to cooperate with the director, including an institution or body that ensures the coordination of the concerted intervention with regard to the reported situation".

44. Section 72.9 of the Act is amended by replacing the fourth paragraph by the following paragraph:

"Subject to the time periods prescribed in sections 37.1 to 37.3 and 37.4.3, the information entered in the register must be kept until the child has reached 18 years of age."

45. Section 76 of the Act is amended

(1) by inserting "originating" before "application" in the introductory clause of the first paragraph;

(2) by striking out "However," in the second paragraph.

46. The Act is amended by inserting the following section after section 76.1:

"**76.2.** Every application for an order under section 76.1 must be notified to the parties or their advocate, as the case may be, at least one day before it is to be presented.

In addition to stating the date, time and place the application will be presented, the notice states the facts justifying the intervention of the tribunal and any conclusions sought.

The notice is submitted in person or by way of any appropriate technological means that ensures its confidentiality.

The tribunal may shorten the time prescribed in the first paragraph where the application seeks to change the living environment of a child in accordance with subparagraphs *e*, *e*.1, *g* or *j* of the first paragraph of section 91."

47. Section 76.3 of the Act is replaced by the following section:

"**76.3.** At any time, including after a settlement conference, the parties to the proceedings may submit a draft agreement or a settlement to the tribunal or to the judge who presided over the settlement conference.

The draft agreement or settlement submitted under the first paragraph may have been reached with only one of the parents where the other parent is unable to express their will, cannot be found despite serious efforts to locate them, or where they, having not, in fact, assumed responsibility for the care, maintenance and education of the child, abstain from becoming involved owing to indifference.

The tribunal may order the parties to put any draft agreement or settlement in writing and to file it."

48. Section 76.4 of the Act is amended by striking out "establishing that the security or development of the child is in danger and".

49. Section 78 of the Act is amended by adding the following paragraphs at the end:

"In addition, it must see to it that an advocate is specifically assigned to represent and counsel only the child or, if there is more than one child concerned by a proceeding, the children.

The parties are required to cooperate so that the advocate of a child may have access to his client, in compliance with the advocate's right to professional secrecy.

The tribunal may order any measure aimed at ensuring compliance with this section."

50. Sections 80 and 81.1 of the Act are repealed.

51. Section 84.2 of the Act is amended

(1) by replacing "three working days" in the first paragraph by "five days";

(2) by inserting the following paragraphs after the first paragraph:

"The first paragraph applies to the filing of a psychosocial report referred to in section 86, except as regards the time period which is to be 10 days.

An analysis, report, study or expert opinion produced under this section must describe the elements that are necessary or relevant to assist the tribunal in assessing the child's situation, in determining whether or not the security or development of the child is in danger or remains in danger or in making any decision under this Act."

52. Section 86 of the Act is amended

(1) by replacing "of the director's analysis of the child's social situation" in the first paragraph by "of the director's psychosocial report relating to the child's situation";

(2) by striking out the second and third paragraphs.

53. Section 87 of the Act is replaced by the following section:

"**87.** The director may, at his discretion, or must, if the tribunal so requires, attach to the psychosocial report referred to in section 86 a psychological or medical assessment of the child or a member of his family or any other relevant expert evaluation.

The parents of the child or the child himself, if he is 14 years of age or over, may refuse to undergo any assessment or expert evaluation. The parents of a child under 14 years of age may refuse for the child. Any refusal shall be recorded in a notice sent to the tribunal.

However, neither the parents nor the child shall refuse to undergo an assessment or expert evaluation ordered by the tribunal and relating to a situation involving psychological ill-treatment, exposure to domestic violence, sexual abuse or physical abuse or the risk of such abuse within the meaning of subparagraphs *c*, *c*.1, *d* or *e* of the second paragraph of section 38.

A child 14 years of age or over may give his consent alone to undergo an assessment or expert evaluation.

The cost of the assessment or expert evaluation shall be at the expense of the institution operating the child and youth protection centre.

Where the assessment or expert evaluation is disputed, the tribunal may require the director to produce a new one and determine who is to pay the related costs."

54. Section 88 of the Act is amended

(1) by replacing "of a study, assessment or expert opinion contemplated in section 86" and "such study, assessment or expert opinion" in the first paragraph by "of a psychosocial report referred to in section 86 and, if applicable, of any assessment or expert opinion referred to in section 87 attached to it" and "such report, assessment or expert opinion", respectively;

(2) by replacing the second and third paragraphs by the following paragraphs:

"However, where the director is of the opinion that the contents should not be communicated to the child, the tribunal may, by exception, prohibit the transmission of it.

The tribunal must ensure that the advocate representing the child is given the opportunity to examine the psychosocial report and, if applicable, any attached assessment or expert opinion and to ultimately dispute them."

55. Section 91.1 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"To determine the length of that period, the tribunal must take into account the duration of any measure, taken within the framework of this Act, that entrusts the child to an alternative living environment and that is related to the same situation. It may also take into account the duration of any previous period during which the child was entrusted to an alternative living environment within the framework of this Act, but that is not related to the same situation. A situation means the period from the accepted report to the end of the director's intervention.";

(2) by replacing "aimed at ensuring" in the third paragraph by "that ensures";

(3) by replacing the fourth paragraph by the following paragraph:

"However, if the interest of the child demands it, the tribunal may disregard the periods specified in the first paragraph if it is expected that the child will be returned to his family environment in the short term or if there are serious reasons for doing so. The fact that services mentioned in an agreement or in an order of the tribunal have not been provided consitutes, among others, a serious reason.";

(4) by replacing "aimed at ensuring" in the fifth paragraph by "that ensures".

56. Section 91.2 of the Act is amended by replacing "tendant" in the French text by "visant".

57. Section 94.1 of the Act is amended by replacing "11.2 and 11.2.1" by "9.2 and 9.3".

58. Section 95.0.1 of the Act is amended by striking out the third paragraph.

59. The Act is amended by inserting the following section after the heading of Division IV of Chapter V:

"**130.** To facilitate access to justice and to reduce delays, the Minister of Justice may, by regulation, modify a rule of procedure governing judicial interventions provided for in Chapter V or a rule of procedure provided for in any other section that the Minister of Justice is responsible for administering under section 156, or introduce a new one, for the purposes of a pilot project conducted in judicial districts specified by the Minister. The regulation sets the duration of the pilot project, which may not exceed three years.

Before making the regulation, the Minister must consider the effects of the pilot project on the rights of individuals and consult the Chief Judge of the Court of Québec, the Barreau du Québec and, if applicable, the Chambre des huissiers de justice du Québec."

60. The Act is amended by inserting the following chapter after section 131:

"**CHAPTER V.1**

"PROVISIONS SPECIFIC TO INDIGENOUS PEOPLE

"**DIVISION I**

"INTRODUCTORY PROVISIONS AND GENERAL PRINCIPLES

"**131.1.** The provisions of this chapter are aimed at adapting the other provisions of this Act to the Indigenous people, taking into account historical, social and cultural factors that are specific to them. They also aim to foster

(*a*) a holistic approach;

(*b*) cultural continuity;

(*c*) the responsibility of each community in respect of its children and families;

(*d*) the priority intervention of providers offering health services and social services to the community to prevent the situation of an Indigenous child from being taken in charge by the director; and

(*e*) the relationships of the child with multiple persons who are important to him.

"**131.2.** For the purposes of this chapter, an Indigenous organization in an urban environment that is present in the territory served by the institution operating a child and youth protection centre for which the director works is considered a provider offering health services and social services to the community.

"**131.3.** Every decision made under this Act in respect of an Indigenous child and any other intervention concerning him made under this Act must foster the cultural continuity of that child.

Institutions, bodies and persons having responsibilities towards a child under this Act and persons called upon to make such decisions shall consider, as one of the possible interventions to be made in respect of the child and his parents, having recourse to the available customary and traditional care, if made aware of it.

"**131.4.** In determining the interest of an Indigenous child, in addition to the factors listed in the second paragraph of section 3, the following factors must be taken into consideration:

(*a*) the culture of the child's Indigenous community, including the language, customs, traditions and spirituality;

(*b*) the child's relationships with his extended family and members of that community;

(*c*) the child's access to the territory surrounding that community and other places that its members frequent; and

(*d*) the sociohistorical traumas of Indigenous people and their socioeconomic conditions.

"**131.5.** Where an Indigenous child must, under this Act, be entrusted to an alternative living environment, the living environment chosen must be the one that, considering the interest of that child, is suitable for him in the following order of priority:

(*a*) the child's extended family;

(*b*) members of his community;

(*c*) members of a different community of the same nation as the child's nation;

(*d*) members of a nation other than the child's nation; or

(*e*) any other environment.

The director must enter in the child's record the reasons justifying the decision made under the first paragraph.

"**DIVISION II**

"SOCIAL AND JUDICIAL INTERVENTION

"§1. — *Security and development of a child*

"**131.6.** For the purposes of section 38.2, any decision concerning a report for a situation of neglect or a serious risk of neglect in respect of an Indigenous child must take into consideration, in particular, the following factors:

(*a*) the measures taken by the parents to meet the child's fundamental needs and the cooperation offered to the providers offering health services and social services to the community, and

(*b*) the services offered by the service providers to support the parents in the exercise of their responsibilities and to help them meet those needs.

"§2. — *Cooperation*

"**131.7.** From the time an Indigenous child becomes the subject of a report and at each stage of the director's intervention concerning him, the director shall reach out to the providers offering health and social services to the community for information regarding

(*a*) the situation of the child, of his parents and of the other members of his family, and

(*b*) the services that those providers are able to provide to them, including customary and traditional care.

The director shall see to obtaining the providers' cooperation; he acts in concert with those providers willing to cooperate with him, to ensure that their services are coordinated.

"**131.8.** Despite section 72.5, as soon as an Indigenous child must be removed from his family environment to be entrusted to an alternative living environment, the director must inform the person responsible for youth protection services in the community of the child's situation. In the absence of such a person, the director shall inform the person who assumes a role in matters of child and family services within the community. The director shall then solicit the cooperation of the person informed of the child's situation in order to foster the cultural continuity of that child and, as far as possible, ensure that the child is entrusted to an alternative living environment in accordance with section 131.5.

"§3. — *Family council*

"**131.9.** In the following cases, the director shall inform the parents of an Indigenous child, and the child if he is 14 years of age or over, of the possibility of forming a family council:

(*a*) a provisional agreement provided for in Division II.1 of Chapter IV has been reached;

(*b*) it has been decided by the director, in accordance with section 51, that the security or development of the child is in danger; and

(*c*) prior to the review of the child's situation in accordance with section 57 or 57.1.

The council is formed in accordance with Indigenous custom or practice. Where such a council is not formed, the director forms it if the parents and the child, if applicable, request it; he then solicits the cooperation of the community or of an Indigenous organization in an urban environment.

The director is not bound by the obligations set out in the first and second paragraphs in the cases where a family council has already been formed.

For the purposes of this chapter, a family council also includes any other similar authority.

"**131.10.** The role of the family council is, in particular, to submit observations to the director in respect of a modification or extension of the provisional agreement beyond 30 days and to make proposals concerning

(*a*) the measures to put an end to a situation in which the security or development of a child is in danger;

(*b*) the measures aimed at ensuring continuity of care and the stability of the child's relationships and of his living conditions; and

(*c*) the customary or traditional care appropriate to the child's situation.

"**131.11.** Before modifying or extending a provisional agreement beyond 30 days and before deciding where the Indigenous child is to be directed or if his situation is to be revised, the director shall solicit the observations of the family council or its proposals, as the case may be, unless he has already received them.

The director is not bound to do so if he considers that the time necessary to obtain the observations or the proposals may result in danger to the security or development of the child.

"**131.12.** The total period for which an Indigenous child may be entrusted to an alternative living environment is not limited by sections 53.0.1 and 91.1 if a family council has been formed.

"**131.13.** Where a family council has been formed, the director may review the case of the child at any time other than the time at which he is required to conduct such a review under section 57, if he considers it appropriate or if the council so requests.

"§4. — *Consecutive agreements on voluntary measures*

"**131.14.** Subject to section 131.12, consecutive agreements on voluntary measures referred to in subdivision 3 of Division III of Chapter IV may exceed the three-year term provided for in section 53 if they concern an Indigenous child.

"§5. — *Judicial intervention*

"**131.15.** A person responsible for the youth protection services of an Indigenous community or, in the absence of such a person, the person who assumes a role in matters of child and family services within an Indigenous community or the representative designated by such a community may, in the course of a proceeding concerning an Indigenous child belonging to that community, testify or submit observations, including in writing, before the tribunal, and may, for those purposes, be assisted by an advocate.

The observations mentioned in the first paragraph may cover, in particular the culture, history and traditions of the community, the characteristics of the Indigenous child's living environment and the various services available to the child and his family.

Except in the case of an application under section 47, the director must, as soon as possible, inform the person responsible for the youth protection services of an Indigenous community or, in the absence of such a person, the person who assumes a role in matters of child and family services within an Indigenous community or the designated representative of the Indigenous community, of the date, time and place of the hearing of any application concerning an Indigenous child belonging to that community, of the subject of such an application and of the person's right to participate in the hearing to the extent provided for in this section.

"**DIVISION III**

"INDIGENOUS CUSTOMARY ADOPTION AND TUTORSHIP

"**131.16.** The director shall consider Indigenous customary tutorship or adoption contemplated in article 199.10 or 543.1, as applicable, of the Civil Code if he considers that either of those measures is likely to ensure the interest of the child and the respect of his rights.

"**131.17.** In the case of an Indigenous customary adoption for which a new act of birth has been drawn up by the registrar of civil status under article 132 of the Civil Code, any inconsistent conclusions of an order aimed at protecting the child become inoperative on a decision of the tribunal following an application by the director, and the director shall act under section 95 on receiving a copy of the new act of birth from the registrar of civil status.

"**131.18.** From the time the child becomes the subject of a report and until the end of the director's intervention, no Indigenous customary tutorship or adoption certificate may be issued in accordance with article 199.10 or 543.1, as applicable, of the Civil Code without the opinion of the director regarding the interest of the child and the respect of his rights.

To that end, the director and the competent authority shall exchange the information needed to enable the director to give an opinion. The director must disclose the information in accordance with section 72.6.1.

The director's opinion must be in writing and give reasons.

"**131.19.** Financial assistance may, in the cases and on the terms and conditions prescribed by regulation, be granted by an institution operating a child and youth protection centre to facilitate Indigenous customary tutorship to or adoption of a child whose situation is taken in charge by a director.

"**DIVISION IV**

"AGREEMENTS IN INDIGENOUS MATTERS

"**131.20.** In order to better adapt the application of this Act to Indigenous realities, the Government is authorized, subject to the applicable legislative provisions, to enter into an agreement with an Indigenous nation represented by all the band councils or the councils of northern villages of the communities making up that nation, with the Makivik Corporation, with the Cree Nation Government, with an Indigenous community represented by its band council or by the council of a northern village, with a group of communities so represented or, in the absence of such councils, with any other Indigenous group, for the establishment of a special youth protection program applicable to any child whose security or development is or may be considered to be in danger within the meaning of this Act.

The program established by such an agreement must comply with the provisions of Chapter II and of Division I of Chapter V.1 of this Act and is subject to the provisions of Division I of Chapter III thereof. In particular, the powers provided for in section 26 may be exercised with respect to the record relating to the case of a child to whom such an agreement applies.

The agreement shall specify the persons to whom it applies and define the territory in which the services are to be organized and provided. It shall identify the persons or authorities that will be entrusted with exercising, with full authority and independence, all or part of the responsibilities assigned to the director, and may provide, as regards the exercise of the entrusted responsibilities, procedures different from those provided for in this Act. The agreement shall contain provisions determining the manner in which a situation is to be taken in charge by the youth protection system provided for in this Act.

The agreement shall also provide measures to evaluate its implementation, and specify the cases, conditions and circumstances in which the provisions of the agreement cease to have effect.

To the extent that they comply with the provisions of this section, the provisions of an agreement shall have precedence over any inconsistent provision of this Act and, as regards the organization and provision of services, of the Act respecting health services and social services (chapter S-4.2) or of the Act respecting health services and social services for Cree Native persons (chapter S-5).

The Nunavik Regional Board of Health and Social Services governed by the Act respecting health services and social services must be a party to the agreement entered into with the Makivik Corporation.

The Cree Board of Health and Social Services of James Bay covered by the Act respecting health services and social services for Cree Native persons must be a party to the agreement entered into with the Cree Nation Government.

Any agreement entered into under this section shall be tabled in the National Assembly within 15 days of being signed, or, if the Assembly is not sitting, within 15 days of resumption. It shall also be published in the *Gazette officielle du Québec*.

"**131.21.** For the purposes of this Act, the person or the authority referred to in the third paragraph of section 131.20 that is entrusted with all or part of the responsibilities assigned to the director is, where exercising those responsibilities, considered that director unless the agreement entered into under that section provides otherwise.

"**131.22.** When the director intervenes in a living environment to which an Indigenous child covered by an agreement entered into under section 131.20 is entrusted, he shall notify the persons or authorities of that child's Indigenous community who are entrusted, if applicable, with all or part of the responsibilities assigned to the director within the framework of that agreement.

The person or authority thus notified of the director's intervention may require that the director send him or it the information specified by that person or authority, provided such information is necessary for the exercise of his or its duties. If the director holds any such information, he sends it as soon as possible, despite section 72.5.

"**131.23.** In order to foster the cultural continuity of Indigenous children and the involvement of Indigenous communities in the decision-making and choice of measures concerning those children, an institution operating a child and youth protection centre may enter into an agreement with an Indigenous community represented by its band council or by the northern village council or with a group of communities so represented, which stipulates that such a community or such a group is to recruit and evaluate, in keeping with the general criteria determined by the Minister, persons able to take in one or more children who are members of the community and who are entrusted to them under this Act.

Such an agreement may also stipulate any other responsibility of the community or group in relation to these persons' activities, in accordance with ministerial policy directions.

"**131.24.** Whenever this Act provides that a child may be entrusted to a foster family, the child who is Indigenous may also be entrusted to a person or persons whose activities are under the responsibility of an Indigenous community or a group of communities with whom an institution operating a child and youth protection centre has entered into an agreement under section 131.23 in respect of such activities or with whom the Government has entered into an agreement under section 131.20 which includes such activities.

Those persons are then considered to be foster families for the purposes of this Act.

"**131.25.** An institution operating a child and youth protection centre may, for the same purposes as those mentioned in section 131.23, enter into an agreement with an Indigenous community represented by its band council or by the northern village council or with a group of communities so represented that specifies the terms applicable to the authorizations granted by the director for the exercise of one or more of the director's exclusive responsibilities provided for in the following paragraph.

The director may, within the framework of such an agreement, authorize a person who is a staff member of the Indigenous community or group of communities, in writing and to the extent the director specifies,

(*a*) to carry out the assessment of a child's situation and living conditions provided for in subparagraph *b* of the first paragraph of section 32, without, however, allowing that person to decide whether the security or development of the child is in danger; and

(*b*) to exercise, under the director's authority as regards clinical matters or under the authority of the person the director authorizes in writing, one or more of the responsibilities provided for in subparagraphs *b* to *e* and *h*.1 of the first paragraph of section 32.

Section 35 and any other section that applies to a person acting under section 32 apply to a person authorized to exercise a responsibility under this section. The director may, at any time, terminate an authorization.

"**131.26.** An institution may enter into an agreement with an Indigenous community represented by its band council or by the northern village council or with a group of communities so represented that specifies the responsibilities assigned to that community or that group relating to the granting of the financial assistance provided for in any of sections 70.3, 71.3 and 131.19."

61. The Act is amended by inserting the following section after section 132:

"**133.** With a view to studying, improving or defining standards and obligations applicable to the responsibilities or to the social intervention of the director in order to, among other things, reduce response times, the Minister of Health and Social Services may, by regulation, implement a pilot project on matters within the scope of the provisions of sections 32 or 33, of Divisions II, III or III.1 of Chapter IV or of Division II of Chapter V.1.

Such a regulation sets out the standards and obligations applicable within the framework of a pilot project, which may differ from those provided for in the provisions referred to in the first paragraph. It also sets out the monitoring and reporting mechanisms applicable to the pilot project and its duration, which may not exceed three years.

The Minister must consult with the panel of directors before making such a regulation. The Minister must also obtain the approval of the representatives designated by the Indigenous communities concerned regarding the standards and obligations applicable to the matters within the scope of Division II of Chapter V.1."

62. Section 134 of the Act is amended, in the first paragraph,

(1) by replacing "37.5" in subparagraph *b* by "131.20";

(2) by inserting the following subparagraph after subparagraph *b*:

"(*b*.1) refuse or neglect to communicate information or a record or to give explanations required under section 35.4;";

(3) by replacing "37.5" in subparagraph *d* by "131.20".

63. Section 135 of the Act is amended by replacing "11.2.1" by "9.3".

64. Section 156 of the Act is amended

(1) by inserting "131.15, 131.17," after "131,";

(2) by inserting "or 131.17" after "section 95.0.1".

ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

65. Section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) is amended by adding the following paragraphs at the end:

"(*p*) promote the appropriate measures to meet the needs of children and families in vulnerable situations or to prevent the security or development of a child from being in danger; and

"(*q*) take the necessary steps to support young persons under 26 years of age who were taken in charge by the director of youth protection, in order to facilitate their transition to adulthood."

66. The Act is amended by inserting the following section after section 5.1:

"**5.1.1.** The Government shall appoint the National Director of Youth Protection, who shall hold a position of assistant deputy minister, to advise and assist the Minister and the Deputy Minister in the exercise of their responsibilities with regard to youth protection."

ACT TO MODIFY THE ORGANIZATION AND GOVERNANCE OF THE HEALTH AND SOCIAL SERVICES NETWORK, IN PARTICULAR BY ABOLISHING THE REGIONAL AGENCIES

67. Section 50 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) is amended, in the second paragraph,

(1) by striking out "or section 31 of the Youth Protection Act (chapter P-34.1)";

(2) by replacing ", midwifery services coordinator or director of youth protection" by "or midwifery services coordinator, as the case may be".

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

68. Section 19 of the Act respecting health services and social services (chapter S-4.2) is amended by replacing paragraph 19 by the following paragraph:

"(19) for the purposes of the Youth Protection Act (chapter P-34.1);".

69. Section 104 of the Act is amended by adding the following paragraph at the end:

"Furthermore, each plan must, as the case may be, mention the objectives and means aimed at fostering the cultural continuity of the Indigenous child who is entrusted to an alternative living environment under the Youth Protection Act (chapter P-34.1)."

COURTS OF JUSTICE ACT

70. Section 85 of the Courts of Justice Act (chapter T-16) is amended by replacing "308" by "319".

TRANSITIONAL AND FINAL PROVISIONS

71. An agreement entered into under sections 37.5, 37.6 or 37.7 of the Youth Protection Act (chapter P-34.1) before 26 April 2022 is deemed entered into, respectively, under sections 131.20, 131.23 and 131.25 of that Act, as enacted by section 60 of this Act.

72. Sections 84.2, 86, 87 and 88 of the Youth Protection Act, as amended, respectively, by sections 51, 52, 53 and 54 of this Act, do not apply to a case pending before the tribunal on 26 April 2022.

73. The provisions of this Act come into force on 26 April 2022, except

(1) the provisions of section 16 insofar as it enacts section 30.8 of the Youth Protection Act, paragraph 2 of section 19, section 20 insofar as it enacts section 35.4 of the Youth Protection Act, sections 21, 27, 28, 33, 36, 37 and 40 and paragraph 2 of section 62, which come into force on 26 April 2023;

(2) the provisions of section 60, insofar as it enacts sections 131.6, 131.7 and 131.9 to 131.13 of the Youth Protection Act, which come into force on the date determined by the Government.

Regulations and other Acts

Gouvernement du Québec

O.C. 764-2022, 4 May 2022

Act respecting the Ministère de la Santé
et des Services sociaux
(chapter M-19.2)

Program of Temporary Measures Related to Certain Assisted Procreation Services Required for *In Vitro* Fertilization Due to the COVID-19 Pandemic entrusted to the Régie de l'assurance maladie du Québec

CONCERNING the Program of Temporary Measures Related to Certain Assisted Procreation Services Required for *In Vitro* Fertilization Due to the COVID-19 Pandemic entrusted to the Régie de l'assurance maladie du Québec

WHEREAS, under paragraph *h* of section 3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2), the Minister of Health and Social Services shall promote the development and implementation of programs and services according to the needs of individuals, families and other groups;

WHEREAS, under the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5), the function of the Régie de l'assurance maladie du Québec ("the Board") is to administer and implement the programs of the health insurance plan instituted by the Health Insurance Act (chapter A-29) and any other program entrusted to it by law or by the Government;

WHEREAS, under the fifteenth paragraph of section 3 of the Health Insurance Act, the Board shall assume the cost of services and goods provided under the programs it administers by virtue of the first paragraph of section 2 of the Act respecting the Régie de l'assurance maladie du Québec according to the terms and conditions provided for under those programs;

WHEREAS, under the first paragraph of section 2.1. of the Act respecting the Board shall recover, from the department or body concerned, the cost of services and goods it assumes under a program entrusted to it by law or by the Government, to the extent provided for under that program;

WHEREAS it is expedient that the Board be entrusted with the Program of Temporary Measures Related to Certain Assisted Procreation Services Required for *In Vitro* Fertilization Due to the COVID-19 Pandemic;

IT IS ORDERED, therefore, on the recommendation of the Deputy Minister of Health and Social Services and of the Minister of Health and Social Services:

That the Régie de l'assurance maladie du Québec be entrusted with the Program of Temporary Measures Related to Certain Assisted Procreation Services Required for *In Vitro* Fertilization Due to the COVID-19 Pandemic, the text of which is attached to this Order in Council.

YVES OUELLET
Clerk of the Conseil exécutif

PROGRAM OF TEMPORARY MEASURES RELATED TO CERTAIN ASSISTED PROCREATION SERVICES REQUIRED FOR *IN VITRO* FERTILIZATION DUE TO COVID-19 PANDEMIC

DIVISION I
INTRODUCTORY PROVISIONS

1. The Program of Temporary Measures Related to Certain Assisted Procreation Services Required for *In Vitro* Fertilization Due to the COVID-19 Pandemic is intended to offset the economic consequences brought about by the loss of insurance coverage of certain assisted procreation services required for *in vitro* fertilization due to the COVID-19 pandemic.

2. The Régie de l'assurance maladie du Québec ("the Board") shall administer, apply and assume the cost of the Program of Temporary Measures Related to Certain Assisted Procreation Services Required for *In Vitro* Fertilization Due to the COVID-19 Pandemic according to the terms and conditions provided for under that program.

DIVISION II
ELIGIBILITY CRITERIA

3. A woman is eligible for the program if she meets the following conditions:

1° she meets the criteria for assisted procreation services required for *in vitro* fertilization (IVF) to be considered insured services within the meaning of section 34.4 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5);

2° she reached age 41 between 15 November 2021 and 31 December 2022;

3° she did not receive assisted procreation services required for IVF covered by health insurance referred to in section 34.8 of the Regulation respecting the application of the Health Insurance Act, except for those required for the embryo transfer referred to in subparagraph *e* of the first paragraph of this section;

4° she began the services referred to in her application for reimbursement after reaching 41 years of age and completed them before reaching 42 years of age;

5° she received the services referred to in her application for reimbursement from a professional subject to the application of an agreement or a professional who has withdrawn within the meaning of subparagraphs *c* and *d* of the first paragraph of section 1 of the Health Insurance Act (chapter A-29).

DIVISION III
AMOUNT AND REIMBURSEMENT TERMS AND CONDITIONS

4. Subject to the eligibility criteria and terms and conditions provided in this division, the Board shall reimburse, upon application, a maximum amount of $8,250 for assisted procreation services required for *in vitro* fertilization referred to in section 34.8 of the Regulation respecting the application of the Health Insurance Act, except for those required for the embryo transfer referred to in subparagraph *e* of the first paragraph of this section. The Board shall reimburse only the services required for one IVF cycle within the meaning of DIVISION XII.2 of the Regulation respecting the application of the Health Insurance Act. The maximum amounts for each service reimbursed are detailed in Schedule A attached hereto.

Notwithstanding the provisions of the previous paragraph, the amount reimbursed by the Board will be reduced by any amount already paid by the Board for a given service.

5. Any woman wishing to obtain a reimbursement for the services referred to in section 4 must apply therefor within the prescribed time limit using the form made available by the Board and provide all required information.

The application must be accompanied by a statement of fees or invoice describing the professional services rendered, their detailed cost and proof of their payment.

The Board shall assess the application in light of the information and documents that it requires, render its decision and, if applicable, determine the reimbursement amount and issue the payment.

6. Where the Board so requires it, the woman must provide any document or information that the Board requires for the application of this program or grant the authorizations necessary to obtain them.

In addition, she must provide the Board with proof of any fact establishing her right to a reimbursement.

7. Any application for reimbursement under the provisions of this program must be sent to the Board before 1 July 2024.

The Board may agree to consider an application submitted after this deadline if the woman demonstrates that she was, in fact, unable to submit the application sooner.

DIVISION IV
FINANCIAL ASSISTANCE RECEIVED WITHOUT ENTITLEMENT

8. The Board shall recover any amount unduly paid under this program where the woman received a reimbursement without entitlement.

The recovery of amounts unduly paid is prescribed five years after the date of the reimbursement by the Board. In the case of false declarations, recovery is prescribed five years after the date on which the Board became aware of the woman's ineligibility for a reimbursement, but no later than 10 years after the date of the reimbursement.

DIVISION V
PROGRAM MANAGEMENT

9. The Minister of Health and Social Services shall reimburse the Board, according to the terms and conditions to which they may agree upon, the amounts paid under the terms of this program as well as the actual development and administration costs of this program.

10. The Board shall provide the Minister with periodic reports on the amounts paid and costs incurred within the scope of this program, according to the terms and conditions to which they may agree upon. These reports will not contain any personal information.

DIVISION VI
FINAL PROVISIONS

11. The Board shall publish this program on its website before 16 June 2022.

12. This program comes into force on 1 June 2022 and ends on 1 October 2024.

SCHEDULE A

Maximum amounts for each service reimbursed

Covered services	Maximum amounts reimbursed
—Percutaneous epididymal sperm aspiration or surgical extraction (PESA/TESE)	$2,500
OR	
—Microsurgical testicular sperm extraction	$4,000
—Services required for ovarian stimulation (a maximum of two per IVF cycle);	$1,200
—Services required to retrieve eggs from only one person, services required to retrieve sperm, including the visit and sperm washing and standard fertilization and embryo culture services carried out in the laboratory	$4,300
—Assisted hatching services	$500
—Sperm microinjection (ICSI) services	$1,500
—Either one sperm straw from a single retrieval in the context of a directed donation or one sperm straw from a sperm bank	$950
—Freezing and storage of embryos for a maximum of one year	$1,000

105713

M.O., 2022

Ministerial Order 4740 of the Minister of Justice dated 11 May 2022

Act respecting the Ministère de la Justice
(chapter M-19)

Extension of the measures for ensuring the proper administration of justice following the fire at the Roberval courthouse

THE MINISTER OF JUSTICE,

CONSIDERING section 5.1 of the Act respecting the Ministère de la Justice (chapter M-19), which provides that, in a situation where it is impossible in fact to comply with the rules of the Code of Civil Procedure (chapter C-25.01) or of the Code of penal procedure (chapter C-25.1), the Minister of Justice may, if necessary for the proper administration of justice, amend any rule of procedure, introduce a new one or provide for any other measure;

CONSIDERING that that section provides that the measures are to be published in the *Gazette officielle du Québec*, that they may take effect on the date on which the situation occurs or on any later date specified in the measures, and that they are applicable for the period determined by the Minister of Justice, which may not exceed one year after the end of the situation;

CONSIDERING that that section provides that, if necessary for the proper administration of justice, the Minister of Justice may, each year for five years, extend the period before it expires;

CONSIDERING that that section provides that, before extending the measures, the Minister must take into consideration their effects on the rights of individuals and obtain the agreement of the Chief Justice of Québec and the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and the Minister must also take into consideration the opinion of the Barreau du Québec and, if applicable, the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec;

CONSIDERING section 12 of the Regulations Act (chapter R-18.1), which provides that a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that a reason provided for in the Act under which the proposed regulation may be made warrants it;

CONSIDERING section 13 of that Act, which provides that the reason justifying the absence of prior publication must be published with the regulation;

CONSIDERING section 27 of that Act, which provides that a regulation may take effect before the date of its publication in the Gazette officielle du Québec where the Act under which it is made or approved expressly provides therefor;

CONSIDERING Order 4477 of the Minister of Justice dated 12 May 2021, which provides for measures for ensuring the proper administration of justice following the fire at the Roberval courthouse on 8 May 2021;

CONSIDERING that the measures provided for in that Order cease to have effect on 12 May 2022;

CONSIDERING that the proper administration of justice requires the extension of the measures provided for in that Order;

CONSIDERING that the extension of those measures will have a beneficial effect on the rights of individuals;

CONSIDERING that the proper administration of justice justifies the absence of prior publication of this Order and its coming into force on 11 May 2022, in accordance with section 5.1 of the Act respecting the Ministère de la Justice;

CONSIDERING that the Chief Justice of Québec, the Chief Justice of the Superior Court and the Chief Judge of the Court of Québec have given their agreement to this Order;

CONSIDERING that the opinion of the Barreau du Québec, the Chambre des notaires du Québec and the Chambre des huissiers has been taken into consideration;

ORDERS AS FOLLOWS:

THAT the effective period of the measures provided for in Order 4477 of the Minister of Justice dated 12 May 2021 be extended by one year, that is, from 11 May 2022 to 11 May 2023.

Québec, 11 May 2022

SIMON JOLIN-BARRETTE
Minister of Justice

105729

Draft Regulations

Draft Regulation

Master Electricians Act
(chapter M-3)

Building Act
(chapter B-1.1)

Continuing education requirements for master electricians — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting continuing education requirements for master electricians, appearing below, may be approved by the Government with or without amendment on the expiry of 45 days following this publication.

The draft Regulation allows the Corporation des maîtres électriciens du Québec to impose fees for the recognition of a continuing education activity requested by a third person, that is, an instructor or an organization that structures, oversees or provides a continuing education activity.

Further information regarding the draft Regulation may be obtained by contacting Marlène Carrier, Project Management Director, Corporation des maîtres électriciens du Québec, 5925, boulevard Décarie, Montréal (Québec) H3W 3C9; telephone: 514 738-2184, extension 217; email: marlene.carrier@cmeq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period mentioned above to Nathalie Mallard, Director, Analyses et stratégies en habitation, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, 2e étage, aile Cook, Québec (Québec) G1R 4J3; email: nathalie.mallard@mamh.gouv.qc.ca.

Andrée Laforest
Minister of Municipal Affairs and Housing

Regulation to amend the Regulation respecting continuing education requirements for master electricians

Master Electricians Act
(chapter M-3, ss. 12.0.1 and 12.0.2)

Building Act
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 9.3, 10, 11 and 16)

1. The Regulation respecting continuing education requirements for master electricians is amended in section 12

(1) by replacing "an application to that effect must be sent" by "a member or a construction work guarantor must send an application to that effect";

(2) by adding the following paragraph at the end:

"Such an application may also be submitted by an instructor or an organization that structures, oversees or provides a continuing education activity. In such a case, the application must be sent to the Corporation at least 60 days before the date on which the activity is set to begin. In addition to the supporting documents listed in the first paragraph, the application must be accompanied by the fees required by the Corporation, which informs the applicant, within 50 days after receipt of the application, of whether it recognizes the continuing education activity or not.".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105726

Draft Regulation

Master Pipe-Mechanics Act
(chapter M-4)

Building Act
(chapter B-1.1)

Continuing education requirements for master pipe-mechanics — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting continuing education requirements for master pipe-mechanics, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation allows the Corporation des maîtres mécaniciens en tuyauterie du Québec to impose fees for the recognition of a continuing education activity requested by a third person, that is, an instructor or an organization that structures, oversees or provides a continuing education activity.

Further information regarding the draft Regulation may be obtained by contacting Steve Boulanger, Director General, Corporation des maîtres mécaniciens en tuyauterie du Québec, 8175, boulevard Saint-Laurent, Montréal (Québec) H2P 2M1; telephone: 514 382-2668, extension 225; email: sboulanger@cmmtq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period mentioned above to Nathalie Mallard, Director, Analyses et stratégies en habitation, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, 2e étage, aile Cook, Québec (Québec) G1R 4J3; email: nathalie.mallard@mamh.gouv.qc.ca.

Andrée Laforest
Minister of Municipal Affairs and Housing

Regulation to amend the Regulation respecting continuing education requirements for master pipe-mechanics

Master Pipe-Mechanics Act
(chapter M-4, ss. 10.1 and 10.2)

Building Act
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 9.3, 10, 11 and 16)

1. The Regulation respecting continuing education requirements for master pipe-mechanics is amended in section 12

(1) by replacing "an application to that effect must be sent" by "a member or a construction work guarantor must send an application to that effect";

(2) by adding the following paragraph at the end:

"Such an application may also be submitted by an instructor or an organization that structures, oversees or provides a continuing education activity. In such a case, the application must be sent to the Corporation at least 60 days before the date on which the activity is set to begin. In addition to the supporting documents listed in the first paragraph, the application must be accompanied by the fees required by the Corporation, which informs the applicant, within 50 days after receipt of the application, of whether it recognizes the continuing education activity or not.".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

105725