

Regulation to amend the Regulation respecting financial assistance to facilitate the adoption of a child

Youth Protection Act
(chapter P-34.1, s. 132)

1. The Regulation respecting financial assistance to facilitate the adoption of a child (c. P-34.1, r. 4) is amended by replacing section 6 by the following:

“6. The amount of financial assistance to which a person is entitled under this Regulation is equal to the amount of financial assistance to which a tutor is entitled in accordance with section 13 of the Regulation respecting financial assistance to facilitate tutorship to a child (c. P-34.1, r. 5), less the amount of the child tax benefit under the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)) and the amount in respect of a child assistance payment to which a person would have also been entitled under sections 1029.8.61.8 to 1029.8.61.60 of the Taxation Act (R.S.Q., c. I-3) that includes, in the latter case, the supplement for handicapped children provided for in that Act.

The level of services required to determine the amount of the financial assistance provided for in the first paragraph is established by means of the Form for the determination and classification of support and assistance services provided for as a schedule to the Regulation respecting the classification of services offered by an intermediate resource and a family-type resource (c. S-4.2, r. 3.1).”

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

2381

Draft Regulation

Youth Protection Act
(chapter P-34.1)

Financial assistance to facilitate tutorship to a child — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and the second paragraph of section 132 of the Youth Protection Act (R.S.Q., c. P-34.1), that the Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation reviews the terms and conditions of calculation of financial assistance granted to tutors and adjusts them to the new terms and conditions of remuneration of foster families that have been determined in accordance with section 32 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., c. R-24.0.2).

The draft Regulation has no significant impact on the public or enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Marie Jacob, 1075, chemin Sainte-Foy, 8^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-6823; fax: 418 266-4595; email: marie.jacob@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to the Minister of Health and Social Services and Minister responsible for Seniors, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

RÉJEAN HÉBERT,
Minister of Health and Social Services and Minister responsible for Seniors

Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child

Youth Protection Act
(chapter P-34.1, s. 132)

1. The Regulation respecting financial assistance to facilitate tutorship to a child (c. P-34.1, r. 5) is amended by replacing “from the first day of the month following” in the fourth paragraph of section 1 by “as of”.

2. Section 3 is amended by replacing “13” by “14”.

3. Section 4 is amended by replacing “as of the first day of the month that follows” in the first paragraph by “as of”.

4. Section 5 is amended by replacing “from the first day of the month following” in the second paragraph by “as of”.

5. Section 6 is amended by replacing “from the first day of the month following” by “as of”.

6. Section 7 is amended by replacing the second paragraph by the following:

“In case of partial suspension, the tutor is only entitled to 60% of what constitutes reasonable operating expenses referred to in subparagraph 2 of the first paragraph of section 13, as financial assistance which is granted to the tutor as of the date of suspension.”

7. Section 9 is amended by replacing “as of the first day of the month following” in the second paragraph by “as of”.

8. Section 10 is amended by replacing “on the first day of the month following” in the third paragraph by “as of”.

9. Section 12 is amended by replacing “as of the first day of the month following” by “as of”.

10. Section 13 is replaced by the following:

“**13.** A tutor is entitled, as financial assistance, to an amount obtained by adding the following amounts:

(1) an amount determined by subtracting the amount to stand in lieu of monetary compensation provided for in subparagraph a of paragraph 4 of section 34 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (R.S.Q., c. R-24.0.2) from the net remuneration, established pursuant to paragraph 3 of section 34, and to which the tutor would be entitled under a group agreement entered into in accordance with the provisions of that Act as a foster family within the meaning of the Act respecting health services and social services;

(2) the amount determined as what constitutes reasonable operating expenses in accordance with paragraph 3 of section 34 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements;

(3) a daily amount of \$5 to cover the child’s personal expenses.

A daily lump sum of \$2.12 is added to the amount obtained pursuant to the first paragraph as special compensation. The amount is adjusted on 1 January of each year, in relation to the preceding year, based on the percentage change in the All-Items Consumer Price Index for Canada, published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). To that end, the consumer price index for a year is the annual average calculated from the monthly indexes for the 12 months ending on 30 September of the preceding year.

An electronic version of the content of the group agreement provided for in subparagraph 1 of the first paragraph, updated by the Ministère de la Santé et des Services sociaux, is available on the department’s website at www.msss.gouv.qc.ca.”

11. Section 14 is replaced by the following:

“**14.** The level of services required to determine the amount of compensation provided for in subparagraph 1 of the first paragraph of section 13 is established at the time of the initial application for financial assistance. Despite the foregoing, it may be reviewed by the institution upon request by the tutor if a significant change, either permanent or chronic, occurs in the condition of the child. Such a situation must be certified by a physician who is a member in good standing of the Collège des médecins du Québec.

For such purposes, the institution uses the Form for the determination and classification of support and assistance services provided for as a schedule to the Regulation respecting the classification of services offered by an intermediate resource and a family-type resource (c. S-4.2, r. 3.1).

The amount adjusted following a review is granted as of the date of receipt of the duly completed application for review.”

12. Not later than 6 months after the coming into force of this Regulation, an institution referred to in the first paragraph of section 1 of the Regulation respecting financial assistance to facilitate tutorship to a child (R.R.Q., c. P-34.1, r. 5) must, in respect of any tutor receiving financial assistance under the Regulation, reassess the level of services required by a child of whom the person is the tutor by means of the form referred to in the second paragraph of section 14 of the Regulation, enacted by section 11. The tutor is entitled to financial assistance, adjusted after the reassessment, as of the coming into force of this Regulation.

13. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.