

Gouvernement du Québec

**O.C. 492-2013, 15 May 2013**

Youth Protection Act  
(chapter P-34.1)

**Financial assistance to facilitate tutorship to a child  
— Amendment**

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

WHEREAS, under subparagraph *i* of the first paragraph of section 132 of the Youth Protection Act (chapter P-34.1), the Government may make regulations to determine the terms and conditions on which financial assistance may be granted to facilitate tutorship to a child;

WHEREAS, under that power, the Government made the Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child was published in Part 2 of the *Gazette officielle du Québec* of 19 December 2012 with a notice that it could be submitted to the Government to be made on the expiry of 60 days following that publication;

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made;

WHEREAS, under the first paragraph of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and 15 days after that date where the authority that is making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying a shorter period must be published with the regulation;

WHEREAS the urgency due to the following circumstances justifies that the Regulation attached to this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*:

— the financial assistance to facilitate tutorship to a child is based on the group agreements entered into in August 2012 under the Act respecting the representation of family-type resources and certain intermediate

resources and the negotiation process for their group agreements (chapter R-24.0.2), which provide substantial increases of the amounts paid to foster families;

— most amounts were paid to foster families retroactively to 1 January 2012;

— it is important that the new amounts for the financial assistance of tutors may be paid to them as soon as possible in order to reduce the difference between the amounts granted to foster families and the financial assistance granted to tutors;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services and the Minister for Social Services and Youth Protection:

THAT the Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

**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 (chapter 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 (chapter 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 \$2.16 is added to the amount obtained pursuant to the first paragraph as special compensation. The lump sum 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](http://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 (chapter 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 (chapter 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 date of its publication in the *Gazette officielle du Québec*.