

Gouvernement du Québec

O.C. 493-2013, 15 May 2013

Youth Protection Act
(chapter P-34.1)

**Financial assistance to facilitate the adoption
of a child**

— **Amendment**

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

WHEREAS, under subparagraph *f* of the first paragraph of section 132 of the Youth Protection Act (chapter P-34.1), the Government may make regulations to determine in what cases, according to what criteria and on what conditions an institution operating a child and youth protection centre may grant financial assistance to facilitate the adoption of a child;

WHEREAS, under that power, the Government made the Regulation respecting financial assistance to facilitate the adoption of a child (chapter P-34.1, r. 4);

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 the adoption of 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 Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child must come into force on the date of its publication in the *Gazette officielle du Québec* for the reasons provided for in the Order in Council making it;

— this Regulation to amend the Regulation respecting financial assistance to facilitate the adoption of a child refers directly to the new provisions of the Regulation respecting financial assistance to facilitate tutorship to a child for calculating the financial assistance to an adopting parent;

— both Regulations must come into force at the same time in order to avoid questions and ambiguities that could result from a different date of coming into force;

WHEREAS it is expedient to make the Regulation with amendments to take into account certain comments received;

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 the adoption of 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
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 (chapter P-34.1, r. 4) is amended by replacing “and may be renewed for 2 consecutive years following the date of the order. Notwithstanding the foregoing, financial assistance shall cease when the child reaches 18 years of age.” in the first paragraph of section 5 by the following:

“Despite the foregoing, where on that date, the adopting parent receives adoption benefits under the Act respecting parental insurance (chapter A-29.011), the financial assistance payment may, at the parent’s request, begin at the end of the payment of the benefits.

The financial assistance may be renewed for 2 consecutive years. Despite the foregoing, it ceases when the child reaches 18 years of age.”.

2. Section 6 is replaced 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 (chapter 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 (chapter 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 (chapter S-4.2, r. 3.1).”.

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