

Despite the first paragraph, if the application for financial assistance was made jointly by both adopters, financial assistance ends, in the cases provided for in subparagraphs 3 to 5 of the first paragraph, only if both adopters are in one of the situations described therein.

**19.** Financial assistance granted to an adopter who leaves Canada to establish his or her residence in another country is maintained if the adopter

(1) is registered as a student in an educational institution in Québec or Canada while pursuing a program of study outside Canada;

(2) is a trainee outside Canada at a university, an institution affiliated with a university, a research institute, a government or international body or an enterprise or agency affiliated with such an institute or body;

(3) is employed by the government of Québec, the government of another province in Canada or the government of Canada and is posted outside Canada;

(4) holds employment outside Canada on behalf of a legal person, a partnership or an organization having its head office or a place of business in Québec or Canada to which the adopter is directly accountable;

(5) works abroad as an employee of a non-profit organization having its head office in Canada, under an international aid or cooperation program; or

(6) is a member of the Royal Canadian Mounted Police or the Canadian Forces and is posted outside Canada.

An adopter who is in one of the situations referred to in the first paragraph must, to take advantage of the right to maintain financial assistance, provide the institution with a supporting document.

If the application for financial assistance was made jointly by both adopters and both adopters left Canada to establish their residence in another country, only one of the adopters must be in one of the situations described in the first paragraph to maintain financial assistance.

**20.** An adopter who ceased receiving financial assistance because the adopter established his or her residence elsewhere than in Canada and returns to Canada to establish his or her residence may, if the 3-year period following the date on which the first year of financial assistance began has not expired, file a new application for financial assistance in accordance with Chapter II.

In such a case, entitlement to financial assistance begins as of the date of receipt of the duly completed application.

## CHAPTER VI INSTITUTION'S RESPONSIBILITIES

**21.** Any institution operating a child and youth protection centre must ensure that assistance is provided to any person wishing to apply for financial assistance and inform that person of the rights and obligations under this Regulation.

**22.** An institution that receives an application for financial assistance ascertains its admissibility, determines the amount to which the adopter is entitled and pays the financial assistance.

The institution informs the adopter in writing of any decision made pursuant to this Regulation.

## CHAPTER VII FINAL

**23.** The Regulation respecting financial assistance to facilitate the adoption of a child (chapter P-34.1, r. 4) is revoked.

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

103553

### Draft Regulation

Youth Protection Act  
(chapter P-34.1)

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

An Act respecting health services and social services  
for Cree Native persons  
(chapter S-5)

### Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the cases and conditions according to which a person who becomes a tutor or customary tutor to a child whose situation is taken in charge by the director of youth protection may benefit from financial assistance for the child's upkeep. It also provides for the amount of the financial assistance granted and the terms of payment of that assistance.

The draft Regulation also provides that, if a child under tutorship is, under an Act, placed, entrusted or provided with foster care outside the tutor's residence, no financial contribution may be required from the tutor or parents of that child for the length of stay.

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

Further information may be obtained by contacting Pascale Lemay, Director of youth and family services, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 8<sup>e</sup> étage, Québec (Québec) G1S 2M1; telephone: 418 266-6840; email: pascale.lemay@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

LUCIE CHARLEBOIS,  
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Protection, Public Health  
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*Minister of Health and  
Social Services*

## Regulation respecting financial assistance to facilitate tutorship and aboriginal customary tutorship to a child

Youth Protection Act  
(chapter P-34.1, ss. 70.3, 71.3.3 and 132)

An Act respecting health services and social services  
(chapter S-4.2, s. 512)

An Act respecting health services and social services  
for Cree Native persons  
(chapter S-5, s. 159)

### CHAPTER I ELIGIBILITY FOR FINANCIAL ASSISTANCE

**1.** Any person who provides for the upkeep of a child whose situation has been taken in charge by the director of youth protection pursuant to the Youth Protection Act (chapter P-34.1) and who is in one of the following situations is entitled to the financial assistance provided for in this Regulation:

(1) a person referred to in section 70.2 of the Youth Protection Act and appointed as tutor to the child pursuant to section 70.1 of the Act;

(2) the person is covered by a certificate, issued by a competent authority in accordance with article 199.10 of the Civil Code and section 71.3.2 of the Youth Protection Act, certifying that the person is the tutor to the child and the following conditions are met:

(a) the child was entrusted to that person pursuant to the Youth Protection Act under the taking in charge of the child's situation by the director;

(b) the tutorship allowed for the director's intervention with the child to end once the tutorship certificate issued by the competent authority has been received by the director;

(c) neither of the child's parents provide for the child's upkeep.

Entitlement to financial assistance begins, as the case may be, as of the date of the tutorship judgment or the date on which the director's intervention with the child ends, pursuant to the Youth Protection Act.

### CHAPTER II APPLICATION FOR FINANCIAL ASSISTANCE

**2.** A tutor who wishes to benefit from the financial assistance provided for in this Regulation must apply therefor to the institution of his or her territory operating a child and youth protection centre, within 60 days, as the case may be, of the date of the tutorship judgment or the date on which the director of youth protection ends the intervention with the child.

If an application is not submitted within the time prescribed in the first paragraph, financial assistance may, despite the delay, be granted to the tutor if the tutor shows that he or she was unable to act within the time prescribed for reasonable cause. Where applicable, financial assistance may be granted retroactively for not more than 6 months as of the date of receipt of the duly completed application.

The application must be made using the form provided by the institution. It must also contain the tutor's name, address, date of birth and social insurance number as well as the name of the child for whom financial assistance is applied for.

**3.** Every application for financial assistance must be accompanied by the child's certificate of birth and by affidavits from the tutor and a third person certifying that the tutor provides for the child's upkeep, resides in Canada or, as the case may be, is in a situation described in the first paragraph of section 19.

The third person referred to in the first paragraph may not be the tutor's spouse, an ascendant, a descendant or a relative in the collateral line to the third degree of the tutor. Nor may the third person be the spouse of that ascendant, descendant or relative.

**4.** The application for financial assistance for a tutorship granted under section 70.1 of the Youth Protection Act (chapter P-34.1) must be accompanied, in addition to the documents provided for in the first paragraph of section 3, by the tutorship judgment or a copy of the minutes of the judgment.

**5.** The application for financial assistance for Aboriginal customary tutorship must be accompanied, in addition to the documents provided for in the first paragraph of section 3, by a copy of the certificate issued by the competent authority and a written statement by the director of youth protection indicating that the conditions provided for in subparagraph 2 of the first paragraph of section 1 are met.

**6.** Where the certificate of Aboriginal customary tutorship certifies that the child has 2 tutors, the application for financial assistance may be submitted by one of them or jointly by both tutors.

If the application is submitted jointly, the affidavits provided for in the first paragraph of section 3 must be filed for each of the 2 tutors. Despite the foregoing, if, at the time of the joint application, both tutors have left Canada to establish their residence in another country, only one of them must file a declaration certifying that the tutor is in a situation described in the first paragraph of section 19.

### CHAPTER III

#### TERM AND RENEWAL OF FINANCIAL ASSISTANCE

**7.** Financial assistance is granted, for the first time, for the period beginning, as the case may be, on the date of the tutorship judgment or on the date on which the director of youth protection's intervention ends, and ending on 31 December of the current year.

**8.** Financial assistance may be renewed on 1 January of each year until the child reaches 18 years of age or, if the child attends a school providing secondary school education, except educational services in vocational training, governed by the Education Act (chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or section 5 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15), or if the child is registered therein, and that the child's upkeep is provided by the person who acted as tutor, until the child reaches 21 years of age.

To that end, the tutor must submit a renewal application to the institution not later than on 30 November of the preceding year.

The renewal application must be made using the form provided by the institution, contain the information provided for in the third paragraph of section 2 and be accompanied by the affidavits provided for in the first paragraph of section 3. In addition, if the child is 18 years of age at the time of the application, the application must be accompanied by proof that the child attends an educational institution referred to in the first paragraph or is registered therein.

**9.** Where a renewal application is submitted outside the time prescribed in the second paragraph of section 8, financial assistance may, despite the delay, be granted to the tutor if the tutor shows that he or she was unable to act within the time prescribed for reasonable cause. Where applicable, financial assistance may be granted retroactively for not more than 6 months as of the date of receipt of the duly completed application.

**10.** Where the Aboriginal customary tutorship certificate certifies that the child has 2 tutors, the renewal application for financial assistance may be submitted by only one of them, although the initial application was submitted jointly, and vice versa.

If the renewal application is submitted jointly, the affidavits provided for in the first paragraph of section 3 must be filed for each of the 2 tutors. Despite the foregoing, if at the time of the joint renewal application, both tutors have left Canada to establish their residence in another country, only one of them must file an affidavit certifying that the tutor is in a situation described in the first paragraph of section 19.

### CHAPTER IV

#### AMOUNT AND PAYMENT OF FINANCIAL ASSISTANCE

**11.** Except in the case provided for in section 13, a tutor is entitled, as financial assistance for the child's upkeep, to a daily amount obtained by adding the following amounts:

(1) a daily 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 that Act as a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) the daily 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 \$2.24 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 accordance with the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).

The amounts referred to in subparagraphs 1 and 2 of the first paragraph and determined pursuant to the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, are published on the website of the Ministère de la Santé et des Services sociaux.

**12.** The level of services required to determine the amount of compensation provided for in subparagraph 1 of the first paragraph of section 11 is established by the institution 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 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.

**13.** A tutor covered by an Aboriginal customary tutorship certificate who, before becoming a tutor, was not receiving the child as a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2) is entitled, as financial assistance for the child's upkeep, to a daily amount of \$74.99, adjusted on 1 January of each year in accordance with the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9), to which a daily amount of \$5 is added to cover the child's personal expenses.

**14.** Financial assistance is paid to the tutor in a single monthly payment.

## CHAPTER V REDUCTION AND CESSATION OF FINANCIAL ASSISTANCE

**15.** The amount of financial assistance granted to a tutor under this Regulation is reduced if the child under tutorship is, under an Act, placed, entrusted or provided with foster care outside the residence of the tutor for a period exceeding 30 consecutive days.

In such a case, the tutor is only entitled, as of the 31st day of the child's stay outside the tutor's residence, to a daily amount of \$16.07. The amount is adjusted on 1 January of each year in accordance with the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).

Financial assistance is entirely granted again as of the date on which the child returns living with his or her tutor.

**16.** An institution that takes charge of a child who is in the situation described in section 15 must so inform the institution that pays financial assistance under this Regulation. It must also inform it of the date on which the child returns living with his or her tutor.

**17.** If a child is in the situation described in section 15, no contribution provided for in section 512 of the Act respecting health services and social services (chapter S-4.2) or in section 159 of the Act respecting health services and social services for Cree Native persons (chapter S-5) may be required from the child's tutor or parents.

**18.** Entitlement to financial assistance ends as soon as

- (1) the child dies;
- (2) the child reaches 18 years of age, or 21 years of age if the child attends or is registered in an institution referred to in the first paragraph of section 8 and the child's upkeep is provided by the person who has acted as tutor;
- (3) at least one of the child's parents has been reinstated as tutor;
- (4) tutorship ends for other reasons, including the tutor's death or replacement; or
- (5) the tutor leaves Canada to establish his or her residence in another country, unless the tutor is in one of the situations described in the first paragraph of section 19.

The tutor is required to notify the institution in writing as soon as one of the situations referred to in the first paragraph occurs and, if leaving Canada, the tutor must do so before leaving.

Despite the first paragraph, if, in the case of Aboriginal customary tutorship, the application for financial assistance was made jointly by both tutors, financial assistance ends, in the cases provided for in subparagraphs 4 and 5 of the first paragraph, only if both tutors are in one of the situations described therein.

**19.** Financial assistance granted to a tutor who leaves Canada to establish his or her residence in another country is maintained if the tutor

(1) is registered as a student in an educational institution in Québec or Canada while pursuing a program of study outside Canada;

(2) is a trainee outside Canada at a university, an institution affiliated with a university, a research institute, a government or international body or an enterprise or agency affiliated with such an institute or body;

(3) is employed by the government of Québec, the government of another province in Canada or the government of Canada and is posted outside Canada;

(4) holds employment outside Canada on behalf of a legal person, a partnership or an organization having its head office or a place of business in Québec or Canada to which the tutor is directly accountable;

(5) works abroad as an employee of a non-profit organization having its head office in Canada, under an international aid or cooperation program; or

(6) is a member of the Royal Canadian Mounted Police or the Canadian Forces and is posted outside Canada.

A tutor who is in one of the situations referred to in the first paragraph must, to take advantage of the right to maintain financial assistance, provide the institution with a supporting document.

If, in the case of Aboriginal customary tutorship, the application for financial assistance was made jointly by both tutors and both tutors left Canada to establish their residence in another country, only one of the tutors must be in one of the situations described in the first paragraph to maintain financial assistance.

**20.** A tutor who ceased receiving financial assistance because the tutor established his or her residence elsewhere than in Canada and returns to Canada to establish his or her residence therein, may file a new application for financial assistance in accordance with Chapter II.

In such a case, entitlement to financial assistance begins as of the date of receipt of the duly completed application.

## CHAPTER VI INSTITUTION'S RESPONSIBILITIES

**21.** Any institution operating a child and youth protection centre must ensure that assistance is provided to any person wishing to apply for financial assistance and inform that person of the rights and obligations under this Regulation.

**22.** An institution that receives an application for financial assistance ascertains its admissibility, determines the amount to which the tutor is entitled and pays the financial assistance.

The institution informs the tutor in writing of any decision made pursuant to this Regulation.

## CHAPTER VII FINAL

**23.** The Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5) is revoked.

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

103552

## Draft Regulation

Highway Safety Code  
(chapter C-24.2)

### Health of drivers — 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 the health of drivers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation abolishes the hearing standard in the Regulation respecting the health of drivers (chapter C-24.2, r. 40.1) applicable to bus and minibus drivers, emergency vehicle drivers and taxi drivers as well as drivers transporting dangerous substances. It also makes certain adjustments to medical standards in that Regulation.