

(1) the Indigenous customary tutorship suspended the offices of legal tutor and of person having parental authority with respect to both of the child's parents;

(2) the conditions set out in subparagraphs 1 and 4 of the first paragraph of section 2 of this Regulation were met at the time concerned.

In such a case, entitlement to financial assistance begins on the date of coming into force of this Regulation.

A person who wishes to qualify for financial assistance must apply within 60 days following the date of coming into force of this Regulation. Chapter II applies to such an application, with the necessary modifications.

25. Financial assistance granted pursuant to the Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5) which a person is receiving on the date of coming into force of this Regulation and that concerns a child 18 years of age or older registered in an educational institution to receive instructional services in vocational training governed by the Educational 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) is maintained.

THAT financial assistance continues to be governed by the Regulation respecting financial assistance to facilitate tutorship to a child, except as concerns

(1) the amount of the financial assistance, which is determined in accordance with sections 12 and 13 of this Regulation; and

(2) the cessation of the financial assistance, which takes place upon the occurrence of one of the situations referred to in section 19 of this Regulation or not later than 31 December 2024.

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

27. This Regulation comes into force on 1 February 2024.

106644

Gouvernement du Québec

O.C. 1915-2023, 20 December 2023

Youth Protection Act
(chapter P-34.1)

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

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

Financial assistance to facilitate the adoption and Indigenous customary adoption of a child

Regulation respecting financial assistance to facilitate the adoption and Indigenous customary adoption of a child

WHEREAS, under section 71.3 of the Youth Protection Act (chapter P-34.1), an institution operating a child and youth protection centre may, in the cases and in accordance with the criteria and conditions prescribed by government regulation, grant financial assistance to facilitate the adoption of a child;

WHEREAS, under section 131.19 of the Act, financial assistance may, in the cases and on the terms and conditions prescribed by government regulation, be granted by an institution operating a child and youth protection centre to facilitate in particular Indigenous customary adoption of a child whose situation is taken in charge by a director of youth protection;

WHEREAS, under paragraphs e.1 and f of section 132 of the Act, the Government may make regulations in particular to determine the cases in which and the terms and conditions on which financial assistance may be granted to facilitate Aboriginal customary adoption of a child whose situation is taken in charge by the director, and 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 section 512 of the Act respecting health services and social services (chapter S-4.2), the Government determines, by regulation, the contribution that may be required of users lodged in a facility maintained by a public or private institution under agreement, or taken in charge by an intermediate resource of a public institution or by a family-type resource, and the regulation also determines the amount of personal expense allowance which must be left at the disposal of the user each month;

WHEREAS, under section 159 of the Act respecting health services and social services for Cree Native persons (chapter S-5), the Government determines, by regulation, the contribution that may be required for the beneficiaries who are sheltered in an institution or taken in charge by a foster family;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting financial assistance to facilitate the adoption and Aboriginal customary adoption of a child was published in Part 2 of the *Gazette officielle du Québec* of 27 June 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting financial assistance to facilitate the adoption and Indigenous customary adoption of a child, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting financial assistance to facilitate the adoption and Indigenous customary adoption of a child

Youth Protection Act
(chapter P-34.1, ss. 71.3, 131.19 and 132, par. e.1 and f)

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

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 covered by an order of placement made for the adoption of a child is entitled to the financial assistance provided for in this Regulation, provided that the following conditions are met:

(1) the child was entrusted to that person pursuant to the Youth Protection Act (chapter P-34.1) for a continuous period of at least 6 months before the issue of the order of placement;

(2) the person provides in fact for the child's upkeep.

Entitlement to financial assistance begins on the date of the order of placement.

2. Any person covered by a certificate issued by a competent authority in accordance with article 543.1 of the Civil Code and section 131.18 of the Youth Protection Act (chapter P-34.1) and attesting that the person is the adopter of a child is entitled to the financial assistance provided for in this Regulation, provided that the following conditions are met:

(1) the child was entrusted to that person pursuant to the Youth Protection Act for a continuous period of at least 6 months before the issue of the certificate;

(2) the person provides in fact for the child's upkeep;

(3) the Indigenous customary adoption dissolved the bond of filiation between the child and each of the child's parents of origin;

(4) the Indigenous customary adoption allowed the director of youth protection to end the intervention with the child, pursuant to the Youth Protection Act.

Entitlement to financial assistance begins on the date on which the director's intervention with the child ends, pursuant to the Youth Protection Act.

CHAPTER II APPLICATION FOR FINANCIAL ASSISTANCE

3. An adopter 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 order of placement 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 adopter if the adopter gives sufficient grounds to explain the delay. 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 adopter's name, address and date of birth as well as the name and date of birth of the child for whom financial assistance is applied for. In the case of an application submitted by a person referred to in section 1, the application must also contain the date on which the order of placement was made.

4. Every application for financial assistance must be accompanied by affidavits from the adopter and a third person certifying that the adopter 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 20. It must also be accompanied by the documents referred to in the first paragraph of section 13.

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

For the purposes of the second paragraph, "spouse" has the meaning assigned to it by section 61.1 of the Interpretation Act (chapter I-16).

5. The application for financial assistance for an Indigenous customary adoption must be accompanied, in addition to the documents provided for in the first paragraph of section 4, by the following documents:

(1) a copy of the Indigenous customary adoption certificate referred to in the first paragraph of section 2;

(2) a written statement by the director of youth protection indicating that the conditions set out in subparagraphs 1 and 4 of the first paragraph of section 2 are met and indicating the date on which the director's intervention with the child ended.

6. Where there are 2 adopters, the application for financial assistance may be submitted by one of them or jointly by both adopters.

If the application is submitted jointly, the affidavits provided for in the first paragraph of section 4 must be filed for each of the 2 adopters. Despite the foregoing, if, at the time of the joint application, both adopters have left Canada to establish their residence in another country, only one of them must file an affidavit certifying that the adopter is in a situation described in the first paragraph of section 20.

CHAPTER III TERM AND RENEWAL OF FINANCIAL ASSISTANCE

7. Financial assistance is granted for not more than 3 consecutive years.

The financial assistance period begins on the date, determined pursuant to Chapter I, on which the adopter's entitlement for financial assistance begins. Despite the foregoing, where on that date the adopter

receives adoption benefits under the Act respecting parental insurance (chapter A-29.011), the adopter may request that the start date of the financial assistance period be postponed to the date on which payment of those benefits ends. To do so, the adopter must apply to the institution at the time the adopter submits his or her application for financial assistance.

8. To maintain entitlement to financial assistance, the adopter must submit to the institution an application for the renewal of the financial assistance within 60 days preceding the date on which the first and second years of financial assistance end.

The renewal application must be made using the form provided by the institution, contain the information provided for in the third paragraph of section 3 and be accompanied by the documents provided for in the first paragraph of section 4.

Where a renewal application is submitted outside the time prescribed in the first paragraph, financial assistance may, despite the delay, be granted to the adopter if the adopter gives sufficient grounds to explain the delay. Where applicable, financial assistance may be granted retroactively, for the year of financial assistance covered by the application, for not more than 6 months as of the date of receipt of the duly completed application.

9. Where there are 2 adopters, 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 4 must be filed for each of the 2 adopters. Despite the foregoing, if at the time of the joint renewal application, both adopters have left Canada to establish their residence in another country, only one of them must file an affidavit certifying that the adopter is in a situation described in the first paragraph of section 20.

10. The financial assistance period ends 3 years after the start date, determined pursuant to the second paragraph of section 7, even if the financial assistance is granted following an initial application for late financial assistance pursuant to the second paragraph of section 3 or an application for the renewal of late financial assistance pursuant to the third paragraph of section 8.

CHAPTER IV AMOUNT AND PAYMENT OF FINANCIAL ASSISTANCE

11. Except in the case provided for in section 12, the adopter is entitled, as financial assistance for the child's upkeep, to the amount of financial assistance to which a tutor is entitled in accordance with section 12 of the Regulation respecting financial assistance to facilitate tutorship and Indigenous customary tutorship to a child made by Order in Council 1914-2023 dated 20 December 2023, less the amounts, that are reasonably attributable to the child, to which the adopter and the adopter's spouse are entitled, on a daily basis, as the family allowance provided for in section 1029.8.61.18 of the Taxation Act (chapter I-3) and the Canada child benefit provided for in section 122.61 of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)).

For the purposes of the first paragraph, the adopter's spouse is his or her "cohabiting spouse" according to the definition of that expression provided for in section 1029.8.61.8 of the Taxation Act, or his or her "cohabiting spouse or common-law partner" according to the definition provided for in section 122.6 of the Income Tax Act.

The level of services required to determine the amount of compensation provided for in the first paragraph is established by the institution at the time of the initial application for financial assistance. 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).

12. An adopter who, before becoming an adopter, met the following conditions is entitled, as financial assistance for the child's upkeep, to the amount of financial assistance to which a tutor is entitled in accordance with section 14 of the Regulation respecting financial assistance to facilitate tutorship and Indigenous customary tutorship to a child made by Order in Council 1914-2023 dated 20 December 2023, less the amounts, that are reasonably attributable to the child, to which the adopter and the adopter's spouse are entitled, on a daily basis, as the family allowance provided for in section 1029.8.61.18 of the Taxation Act (chapter I-3) and the Canada child benefit provided for in section 122.61 of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)):

(1) the child was entrusted to the adopter pursuant to the Youth Protection Act (chapter P-34.1) in a capacity other than as foster family within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) the adopter's assessment had been made, as the case may be, by a social service centre pursuant to the Act respecting health services and social services for Cree Native persons (chapter S-5) or by a Native community or a group of communities pursuant to an agreement entered into under section 131.20 and 131.23 of the Youth Protection Act.

For the purposes of the first paragraph, the adopter's spouse is his or her "cohabiting spouse" according to the definition of that expression provided for in section 1029.8.61.8 of the Taxation Act, or his or her "cohabiting spouse or common-law partner" according to the definition provided for in section 122.6 of the Income Tax Act.

13. For the purposes of sections 11 and 12, the amounts considered by the institution as family allowance and Canada child benefit, to which the adopter and his or her spouse are entitled, are those determined in the documents issued by the authorities concerned.

Where the amounts are changed during a year of financial assistance, the adopter must so inform the institution and provide documents indicating the new amounts.

14. In the first year of financial assistance, the adopter is entitled to 100% of the amount calculated, as the case may be, in accordance with section 11 or 12. The adopter is entitled to only 75% of that amount in the second year and to only 50% of that amount in the third year.

15. Financial assistance is paid to the adopter in a single monthly payment.

Where there are 2 adopters, the monthly amount of financial assistance is paid to the adopter who submitted the initial application for financial assistance or the renewal application, as the case may be; it is paid to both adopters if the initial application for financial assistance or the renewal application, as the case may be, was submitted jointly by both adopters.

CHAPTER V REDUCTION AND CESSATION OF FINANCIAL ASSISTANCE

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

In such a case, the adopter is only entitled, as of the 31st day of the child's stay outside the adopter's residence, to a daily amount of \$19.33, 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), less the amounts, that are reasonably attributable to the child, to which the adopter and the adopter's spouse are entitled, on a daily basis, as the family allowance provided for in section 1029.8.61.18 of the Taxation Act (chapter I-3) and the Canada child benefit provided for in section 122.61 of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)).

Financial assistance is entirely granted again as of the date on which the child returns living with the adopter.

For the purposes of the second paragraph, the adopter's spouse is his or her "cohabiting spouse" according to the definition of that expression provided for in section 1029.8.61.8 of the Taxation Act, or his or her "cohabiting spouse or common-law partner" according to the definition provided for in section 122.6 of the Income Tax Act. In addition, the adopter is subject to the requirement provided for in the second paragraph of section 13 of this Regulation.

17. An institution that takes charge of a child who is in the situation described in section 16 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 the adopter.

18. If a child is in the situation described in section 16, 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 an adopter.

19. Entitlement to financial assistance ends as soon as

- (1) the child dies;
- (2) the child reaches 18 years of age;
- (3) the adopter ceases to provide for the child's upkeep;
- (4) the bond of filiation between the child and the adopter is dissolved;
- (5) the adopter leaves Canada to establish his or her residence in another country, unless the adopter is in one of the situations described in the first paragraph of section 20; or
- (6) the adopter dies.

The adopter is required to notify the institution in writing as soon as one of the situations referred to in subparagraphs 1 to 5 of the first paragraph occurs and, if leaving Canada, the adopter must do so before the adopter leaves.

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 6 of the first paragraph, only if both adopters are in one of the situations described therein.

20. 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.

21. 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

during which the adopter is entitled to financial assistance has not elapsed, file a new application for financial assistance in accordance with Chapter II.

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

CHAPTER VI INSTITUTION'S RESPONSIBILITIES

22. 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.

23. An institution that receives an application for financial assistance must ensure that the application contains all the information and is accompanied by all the documents necessary for making the decision. If it finds that that is not the case, it must communicate with the adopter and give the adopter the opportunity to provide the relevant information or documents.

The institution ascertains the admissibility of the application for financial assistance, determines the amount to which the adopter is entitled and pays the financial assistance.

The institution must give the reasons and inform the adopter in writing of any decision made pursuant to this Regulation.

CHAPTER VII TRANSITIONAL AND FINAL

24. Every person who, on the date of coming into force of this Regulation, provides in fact for the upkeep of a child in respect of whom a certificate issued by a competent authority in accordance with article 543.1 of the Civil Code and section 131.18 of the Youth Protection Act (chapter P-34.1) certifies that the person is the adopter is entitled to the financial assistance provided for in this Regulation, provided that the following conditions are met:

(1) the Indigenous customary adoption dissolved the bond of filiation between the child and each of the child's parents of origin;

(2) the conditions set out in subparagraphs 1 and 4 of the first paragraph of section 2 of this Regulation were met at the time concerned.

In such a case, entitlement to financial assistance begins on the date of coming into force of this Regulation.

A person who wishes to qualify for financial assistance must apply within 60 days following the date of coming into force of this Regulation. Chapter II applies to such an application, with the necessary modifications.

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

Despite the first paragraph, the financial assistance granted to an adopter pursuant to the Regulation respecting financial assistance to facilitate the adoption of a child remains governed by it, except that section 6 of that Regulation is replaced by section 11 of this Regulation.

26. This Regulation comes into force on 1 February 2024.

106645

Gouvernement du Québec

O.C. 1916-2023, 20 December 2023

Combative sports between amateur athletes in the territory of Québec

WHEREAS, under subsection 1 of section 83 of the Criminal Code (R.S.C., 1985, c. C-46), every one who engages as a principal in a prize fight, advises, encourages or promotes a prize fight, or is present at a prize fight as an aid, second, surgeon, umpire, backer or reporter, is guilty of an offence punishable on summary conviction;

WHEREAS, under paragraph *a* of subsection 2 of section 83 of the Criminal Code, a contest between amateur athletes in a combative sport with fists, hands or feet held in a province if the sport is on the programme of the International Olympic Committee or the International Paralympic Committee and, in the case where the province's lieutenant governor in council or any other person or body specified by him or her requires it, the contest is held with their permission, is not included in the definition of prize fight;

WHEREAS, under paragraph *b* of subsection 2 of section 83 of the Criminal Code, a contest between amateur athletes in a combative sport with fists, hands or feet held in a province if the sport has been designated by the