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Part Three Child and Family Services Act Table of Concordance with Bill C-89

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DATE: March 21, 2017

RE: Table of Concordance between Part III (Child Protection) of the *Child and Family Services Act* and Part V (Child Protection) of Bill 89, *An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts*, (41st Parl, 2nd Sess) Ontario (2017).

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Legend

- *An Act to enact the Child, Youth and Family Services Act, 2016, to amend and repeal the Child and Family Services Act and to make related amendments to other Acts* will be henceforth referred to as “*Bill 89, Supporting Children*” or Bill-89.
- **Bolded** items denote amendments.
- Underlined items denote new/added language.
- ~~Strikethrough~~ items denote terms that have been deleted in Bill 89.
- *Italicized* items refer to subtitles that have been modified.

Interpretation- Definitions

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
37(1)	<p>“child” does not include a child as defined in subsection 3 (1) who is actually or apparently sixteen years of age or older, unless the child is the subject of an order under this Part; (“enfant”)</p> <p>“child protection worker” means a Director, a local director or a person authorized by a Director or local director for the purposes of section 40 (commencing child protection proceedings); (“préposé à la protection de l’enfance”)</p> <p>4. In the case of an adopted child, a parent of the child as provided for under section 158 or 159.</p> <p>place of safety” means a foster home, a hospital, a person’s home that satisfies the requirements of subsection (5) or a place or one of a class of places designated as a place of safety by a Director or local director under section 18, but does not include, (a) a place of secure custody as defined in Part IV, or (b) a place of secure temporary detention as defined in Part IV. (“lieu sûr”)</p>	73(1)	<p>“child protection worker” means a Director, a local director or a person <u>who meets the prescribed requirements and who is authorized by a Director or local director for the purposes of section 80 (commencing child protection proceedings) and for other prescribed purposes;</u> (“préposé à la protection de l’enfance”)</p> <p><u>“extra-provincial child protection order” means a temporary or final order made by a court of another province or a territory of Canada, or of a prescribed jurisdiction outside Canada if it meets prescribed conditions, pursuant to child welfare legislation of that province, territory or other jurisdiction, placing a child into the care and custody of a child welfare authority or other person named in the order;</u> (“ordonnance extraprovinciale de protection d’un enfant”)</p> <p>4. In the case of an adopted child, a parent of the child as provided for under section 214 or 215.</p> <p>“place of safety” means a foster home, a hospital, a person’s home that satisfies the requirements of subsection (5) or a place or one of a class of places designated as a place of safety by a Director or local director under section 38, but does not include a place of temporary detention, of open custody or of secure custody; (“lieu sûr”)</p>

Child in Need of Protection

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
37(2)(c)	the child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child	73(2)(c)	the child has been sexually abused or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child”
37(2)(d)	here is a risk that the child is likely to be sexually molested or sexually exploited as described in clause (c)	73(2)(d)	here is a risk that the child is likely to be sexually abused or sexually exploited as described in clause (c)
37(2)(e)	the child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment	73(2)(e)	the child requires treatment to cure, prevent or alleviate physical harm or suffering and the child’s parent or the person having charge of the child does not provide <u>the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996 and the parent is a substitute decision-maker for the child, the parent refuses or is unavailable or unable to consent to the treatment on the child’s behalf”</u>
37(2)(g)	there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) resulting from the actions, failure to act or pattern of neglect on the part of the child’s parent or the person having charge of the child	73(2)(h)	there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) resulting from the actions, failure to act or pattern of neglect on the part of the child’s parent or the person having charge of the child
37(2)(g.1)	there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) and that the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm	73(2)(i)	there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) and that the child’s parent or the person having charge of the child does not provide <u>services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996,</u> refuses or is unavailable or unable to consent to treatment to prevent the harm
37(2)(h)	the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development and the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition	73(2)(j)	the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development and the child’s parent or the person having charge of the child does not provide <u>treatment or access to treatment, or where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996,</u> refuses or is unavailable or unable to consent to the treatment to remedy or alleviate the condition
37(2)(i)	the child has been abandoned, the child’s parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child’s care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child’s care and custody	73(2)(k)	the child’s parent has died or is unavailable to exercise custodial rights over the child and has not made adequate provision for the child’s care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child’s care and custody

37(2)(j)	the child is less than twelve years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment	73(2)(l)	the child is younger than 12 and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide <u>services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996,</u> refuses or is unavailable or unable to consent to treatment
37(2)(k)	the child is less than twelve years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately; or	73(2)(m)	the child is younger than 12 and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately
37(2)(l)	the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of age or older, with the child's consent, to be dealt with under this Part.	73(2)(n)	the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is 12 or older, with the child's consent, to be dealt with under this Part
		73(2)(o)	<u>the child is 16 or 17 and a prescribed circumstance or condition exists</u>

Best Interests of Child

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
37(3)	Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that he or she considers relevant:	73(3)	Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that the person considers relevant:
37(3)(1)	The child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs.	73(3)(2)	The child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs.
37(3)(2)	The child's physical, mental and emotional level of development.	73(3)(2)	The child's physical, mental and emotional level of development.
37(3)(3)	The child's cultural background .	73(3)(5)	The child's cultural <u>and linguistic heritage</u> .
37(3)(4)	The religious faith, if any, in which the child is being raised.	73(3)(4)	The child's race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender <u>expression</u>
37(3)(5)	The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family.	73(3)(6)	The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family.
37(3)(6)	The child's relationships and emotional ties to a parent, sibling, relative, other member of the child's extended family or member of the child's community.	73(3)(7)	The child's relationships and emotional ties to a parent, sibling, relative, other member of the child's extended family or member of the child's community.
37(3)(7)	The importance of continuity in the child's care and the possible effect on the child of disruption of that continuity.	73(3)(8)	The importance of continuity in the child's care and the possible effect on the child of disruption of that continuity.

37(3)(8)	The merits of a plan for the child’s care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent.	73(3)(9)	The merits of a plan for the child’s care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent.
37(3)(9)	The child’s views and wishes, if they can be reasonably ascertained.	73(3)(1)	The child’s views and wishes, <u>given due weight in accordance with the child’s age and maturity.</u>
37(3)(10)	The effects on the child of delay in the disposition of the case.	73(3)(10)	The effects on the child of delay in the disposition of the case.
37(3)(11)	The risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent	73(3)(11)	The risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.
37(3)(12)	The degree of risk, if any, that justified the finding that the child is in need of protection.	73(3)(12)	The degree of risk, if any, that justified the finding that the child is in need of protection.
37(3)(13)	Any other relevant circumstance.	73(3)(13)	Any other relevant circumstance.

Where child an Indian or native person

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
37(4)	<i>Where child an Indian or native person</i> Where a person is directed in this Part to make an order or determination in the best interests of a child and the child is an Indian or native person , the person shall take into consideration the importance, in recognition of the uniqueness of Indian and native culture, heritage and traditions, of preserving the child’s cultural identity.	73(4)	<u><i>Best interests of First Nations, Inuk or Métis child</i></u> Where a person is directed in this Part to make an order or determination in the best interests of a child and the child is a First Nations, Inuk or Métis child , the person shall <u>also</u> take into consideration the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child’s cultural identity and <u>connection to community</u> .

Place of Safety

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
37(5)	For the purposes of the definition of “place of safety” in subsection (1), a person’s home is a place of safety for a child if, (a) the person is a relative of the child or a member of the child’s extended family or community; and (b) a society or, in the case of a child who is an Indian or native person , an Indian or native child and family service authority designated under section 211 of Part X has conducted an assessment of the person’s home in accordance with the prescribed procedures and is satisfied that the person is willing and able to provide a safe home environment for the child.	73(5)	For the purposes of the definition of “place of safety” in subsection (1), a person’s home is a place of safety for a child if, (a) the person is a relative of the child or a member of the child’s extended family or community; and (b) a society or, in the case of a First Nations, Inuk or Métis child , a child and family service authority, has conducted an assessment of the person’s home in accordance with the prescribed procedures and is satisfied that the person is willing and able to provide a safe home environment for the child.
		73(6)	<u>In subsection (5), “child and family service authority” means a First Nations, Inuit or Métis child and family service authority designated under section 69.</u>

Temporary Care Agreements

In the *CFSA*, temporary care agreements provisions are found in Part II. In Bill-89, such provisions are found under Part V of the proposed *Act* with the title “Voluntary Agreements”.

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
29(1)	A person who is temporarily unable to care adequately for a child in his or her custody, and the society having jurisdiction where the person resides, may make a written agreement for the society’s care and custody of the child.	74(1)	A person who is temporarily unable to care adequately for a child in the person’s custody, and the society having jurisdiction where the person resides, may make a written agreement for the society’s care and custody of the child.
29(2)	No temporary care agreement shall be made in respect of a child, (a) who is sixteen years of age or older; or (b) who is twelve years of age or older, unless the child is a party to the agreement.	74(2)	No temporary care agreement shall be made in respect of a child who is 12 or older unless the child is a party to the agreement.
29(3)	Clause (2) (b) does not apply where it has been determined on the basis of an assessment, not more than one year before the agreement is made, that the child does not have capacity to participate in the agreement because of a developmental disability.	74(3)	Subsection (2) does not apply where it has been determined on the basis of an assessment not more than one year before the agreement is made, that the child does not have capacity to participate in the agreement because of a developmental disability.
29(4)	A society shall not make a temporary care agreement unless the society, (a) has determined that an appropriate residential placement that is likely to benefit the child is available; and (b) is satisfied that no less disruptive course of action , such as care in the child’s own home, is appropriate for the child in the circumstances.	74(4)	A society shall not make a temporary care agreement unless the society, (a) has determined that an appropriate residential placement that is likely to benefit the child is available; and (b) is satisfied that no course of action less disruptive to the child , such as care in the child’s own home, <u>is able to adequately protect the child</u> .
29(5)	No temporary care agreement shall be made for a term exceeding six months, but the parties to a temporary care agreement may, with a Director’s written approval, agree to extend it for a further period or periods if the total term of the agreement, as extended, does not exceed an aggregate of twelve months.	74(5)	No temporary care agreement shall be made for a term exceeding six months, but the parties to a temporary care agreement may, with a Director’s written approval, agree to extend it for a further period or periods if the total term of the agreement, as extended, does not exceed 12 months.
29(6)	No temporary care agreement shall be made or extended so as to result in a child being in a society’s care and custody, for a period exceeding, (a) 12 months, if the child is less than 6 years of age on the day the agreement is entered into or extended; or (b) 24 months, if the child is 6 years of age or older on the day the agreement is entered into or extended.	74(6)	No temporary care agreement shall be made or extended so as to result in a child being in a society’s care and custody, for a period exceeding, (a) 12 months, if the child is younger than 6 on the day the agreement is entered into or extended; or (b) 24 months, if the child is 6 or older on the day the agreement is entered into or extended.
29(6.1)	In calculating the period referred to in subsection (6), time during which a child has been in a society’s care and custody, (a) as a society ward under paragraph 2 of subsection 57 (1); (b) under a temporary care agreement under subsection 29 (1); or (c) under a temporary order made under clause 51 (2) (d), shall be counted.	74(7)	The time during which a child has been in a society’s care and custody pursuant to the following shall be counted in calculating the period referred to in subsection (6): 1. An interim society care order made under paragraph 2 of subsection 98 (1). 2. A temporary care agreement under subsection (1) of this section. 3. A temporary order made under clause 91 (2) (d).
29(6.2)	The period referred to in subsection (6) shall include any previous periods that the child was in a society’s care and custody as described in subsection (6.1) other than	74(8)	The period referred to in subsection (6) shall include any previous periods that the child was in a society’s care and custody as described in subsection (7) other than

	periods that precede a continuous period of five or more years that the child was not in a society's care and custody.		periods that precede a continuous period of five or more years that the child was not in a society's care and custody.
29(7)	A temporary care agreement may provide that the society is entitled to consent to medical treatment for the child where a parent's consent would otherwise be required.	74(9)	A temporary care agreement may provide that, <u>where the child is found incapable of consenting to treatment under the Health Care Consent Act, 1996</u> , the society is entitled to act in the place of a parent in providing consent to treatment on the child's behalf.
29(8)	A temporary care agreement shall include: 1. A statement by all the parties to the agreement that the child's care and custody are transferred to the society. 2. A statement by all the parties to the agreement that the child's placement is voluntary. 3. A statement, by the person referred to in subsection (1), that he or she is temporarily unable to care for the child adequately and has discussed with the society alternatives to residential placement of the child. 4. An undertaking by the person referred to in subsection (1) to maintain contact with the child and be involved in the child's care. 5. If it is not possible for the person referred to in subsection (1) to maintain contact with the child and be involved in the child's care, the person's designation of another named person who is willing to do so. 6. The name of the individual who is the primary contact between the society and the person referred to in subsection (1). 7. Such other provisions as are prescribed.	74(10)	A temporary care agreement shall include <u>the following</u> : 1. A statement by all the parties to the agreement that the child's care and custody are transferred to the society. 2. A statement by all the parties to the agreement that the child's placement is voluntary. 3. A statement, by the person referred to in subsection (1), that the person is temporarily unable to care for the child adequately and has discussed with the society alternatives to residential placement of the child. 4. An undertaking by the person referred to in subsection (1) to maintain contact with the child and be involved in the child's care. 5. If it is not possible for the person referred to in subsection (1) to maintain contact with the child and be involved in the child's care, the person's designation of another person who is willing to do so. 6. The name of the individual who is the primary contact between the society and the person referred to in subsection (1). 7. Such other provisions as are prescribed.
29(9)	Where the person referred to in subsection (1) does not give an undertaking under paragraph 4 or designate another person under paragraph 5 of subsection (8), an advisory committee that has jurisdiction may, in consultation with the society, name a suitable person who is willing to maintain contact with the child and be involved in the child's care.	74(11)	Where the person referred to in subsection (1) does not give an undertaking under paragraph 4 <u>of subsection (10)</u> or designate another person under paragraph 5 of subsection (10) , <u>a residential placement advisory committee established under subsection 62 (1)</u> that has jurisdiction may, in consultation with the society, name a suitable person who is willing to maintain contact with the child and be involved in the child's care.
29(10)	The parties to a temporary care agreement may vary the agreement from time to time in a manner that is consistent with this Part and the regulations made under it.	74(12)	The parties to a temporary care agreement may vary the agreement from time to time in a manner that is consistent with this Part and the regulations made under it.
32	No agreement made under section 29, 30 or 31 shall continue beyond the eighteenth birthday of the person who is its subject.	74(13)	No <u>temporary care</u> agreement shall continue beyond the 18th birthday of the person who is its subject.
33(1)	A party to an agreement made under section 29, 30 or 31 may terminate the agreement at any time by giving every other party written notice that the party wishes to terminate the agreement.	75(1)	A party to a <u>temporary care</u> agreement may terminate the agreement at any time by giving every other party written notice that the party wishes to terminate the agreement.
33(2)	Where notice is given under subsection (1), the agreement terminates on the expiry of five days, or such longer period not exceeding twenty-one days as the agreement specifies, after the day on which every other party has actually received the notice.	75(2)	Where notice is given under subsection (1), the agreement terminates on the expiry of five days, or such longer period not exceeding 21 days as the agreement specifies, after the day on which every other party has actually received the notice.
33(3)	<i>Return of child, etc., by society</i>	75(3)	<i>Society response to notice of termination</i>

	<p>Where notice of a wish to terminate an agreement for care and custody made under subsection 29 (1) or 30 (1) is given by or to a society under subsection (1), the society shall as soon as possible, and in any event before the agreement terminates under subsection (2),</p> <p>(a) cause the child to be returned to the person who made the agreement, or to a person who has obtained an order for the child’s custody since the agreement was made; or</p> <p>(b) where the society is of the opinion that the child would be in need of protection within the meaning of subsection 37 (2) of Part III (Child Protection) if returned to the person referred to in clause (a), bring the child before the court under that Part to determine whether the child would be in need of protection in that case, and thereafter Part III applies to the child, with necessary modifications.</p>		<p>Where notice of a wish to terminate a temporary care agreement is given by or to a society under subsection (1), the society shall as soon as possible, and in any event before the agreement terminates under subsection (2),</p> <p>(a) cause the child to be returned to the person who made the agreement, or to a person who has obtained an order for the child’s custody since the agreement was made; or</p> <p>(b) where the society is of the opinion that the child would be in need of protection if returned to the person referred to in clause (a), bring the child before the court under this Part to determine whether the child would be in need of protection in that case.</p>
33(4)	<p><i>Idem: Minister</i></p> <p>(4) Where notice of a wish to terminate an agreement for care and custody made under subsection 30 (2) is given by or to the Minister under subsection (1), subsection (3) applies to the Minister, with necessary modifications.</p>		
33(5)	<p><i>Idem: expiry of agreement</i></p> <p>Where a temporary care agreement expires or is about to expire under subsection 29 (6), and where a temporary care agreement or a special needs agreement that provides for care and custody expires or is about to expire according to its own terms and is not extended, the society or the Minister, as the case may be, shall before the agreement expires or as soon as practicable thereafter, but in any event within twenty-one days after the agreement expires,</p> <p>(a) cause the child to be returned to the person who made the agreement, or to a person who has obtained an order for the child’s custody since the agreement was made; or</p> <p>(b) where the society or the Minister, as the case may be, is of the opinion that the child would be in need of protection within the meaning of subsection 37 (2) of Part III (Child Protection) if returned to the person referred to in clause (a), bring the child before the court under that Part to determine whether the child would be in need of protection in that case, and thereafter Part III applies to the child, with necessary modifications</p>	75(4)	<p><i>Expiry of agreement</i></p> <p>Where a temporary care agreement expires or is about to expire and is not extended, the society shall, before the agreement expires or as soon as practicable thereafter, but in any event within 21 days after the agreement expires,</p> <p>(a) cause the child to be returned to the person who made the agreement, or to a person who has obtained an order for the child’s custody since the agreement was made; or</p> <p>(b) where the society is of the opinion that the child would be in need of protection if returned to the person referred to in clause (a), bring the child before the court under this Part to determine whether the child would be in need of protection in that case.</p>
		76	<p><u><i>Society agreements with 16 and 17 year olds</i></u></p> <p><u>(1) The society and a child who is 16 or 17 may make a written agreement for services and supports to be provided for the child where,</u></p> <p><u>(a) the society has jurisdiction where the child resides;</u></p> <p><u>(b) the society has determined that the child is or may be in need of protection;</u></p> <p><u>(c) the society is satisfied that no course of action less disruptive to the child, such as care in the child’s own home or with a relative, neighbour or other member of the child’s community or extended family, is able to adequately protect the child; and</u></p>

		<p><u>(d) the child wants to enter into the agreement.</u></p> <p><u><i>Term of agreement</i></u> <u>(2) The agreement may be for a period not exceeding 12 months, but may be renewed if the total term of the agreement, as extended, does not exceed 24 months.</u></p> <p><u><i>Previous or current involvement with society not a bar to agreement</i></u> <u>(3) A child may enter into an agreement under this section regardless of any previous or current involvement with a society, and without regard to any time during which the child has been in a society's care pursuant to an agreement made under section 74 (1) or pursuant to an order made under clause 91 (2) (d) or paragraph 2 or 3 of subsection 98 (1).</u></p> <p><u><i>Notice of termination of agreement</i></u> <u>(4) A party to an agreement made under this section may terminate the agreement at any time by giving every other party written notice that the party wishes to terminate the agreement.</u></p> <p><u><i>Agreement expires at 18</i></u> <u>(5) No agreement made under this section shall continue beyond the 18th birthday of the person who is its subject.</u></p> <p><u><i>Current agreements and orders must be terminated first</i></u> <u>(6) Despite subsection (3), an agreement may not be made under this section until any temporary care agreement under section 74 or order for the care or supervision of a child under this Part is terminated.</u></p> <p><u><i>Representation by Children's Lawyer</i></u> <u>(7) The Children's Lawyer may provide legal representation to the child entering into an agreement under this section if, in the opinion of the Children's Lawyer, such legal representation is appropriate.</u></p>
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Legal Representation

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
38(1)	A child may have legal representation at any stage in a proceeding under this Part.	77(1)	A child may have legal representation at any stage in a proceeding under this Part.
38(2)	Where a child does not have legal representation in a proceeding under this Part, the court, (a) shall, as soon as practicable after the commencement of the proceeding; and (b) may, at any later stage in the proceeding, determine whether legal representation is desirable to protect the child’s interests.	77(2)	Where a child does not have legal representation in a proceeding under this Part, the court, (a) shall, as soon as practicable after the commencement of the proceeding; and (b) may, at any later stage in the proceeding, determine whether legal representation is desirable to protect the child’s interests.
38(3)	Where the court determines that legal representation is desirable to protect a child’s interests, the court shall direct that legal representation be provided for the child.	77(3)	Where the court determines that legal representation is desirable to protect a child’s interests, the court shall direct that legal representation be provided for the child.
38(4)	Where, (a) the court is of the opinion that there is a difference of views between the child and a parent or a society, and the society proposes that the child be removed from a person’s care or be made a society or Crown ward under paragraph 2 or 3 of subsection 57 (1) ; (b) the child is in the society’s care and, (i) no parent appears before the court, or (ii) it is alleged that the child is in need of protection within the meaning of clause 37 (2) (a), (c), (f), (f.1) or (h) ; or (c) the child is not permitted to be present at the hearing, legal representation shall be deemed to be desirable to protect the child’s interests, unless the court is satisfied, taking into account the child’s views and wishes if they can be reasonably ascertained , that the child’s interests are otherwise adequately protected.	77(4)	Where, (a) the court is of the opinion that there is a difference of views between the child and a parent or a society, and the society proposes that the child be removed from a person’s care or be placed in interim or extended society care under paragraph 2 or 3 of subsection 98 (1) ; (b) the child is in the society’s care and, (i) no parent appears before the court, or (ii) it is alleged that the child is in need of protection within the meaning of clause 73 (2) (a), (c), (f), (g) or (j) ; or (c) the child is not permitted to be present at the hearing, legal representation is deemed to be desirable to protect the child’s interests, unless the court is satisfied, taking into account the child’s views and wishes, given due weight in accordance with the child’s age and maturity , that the child’s interests are otherwise adequately protected.
38(5)	Where a child’s parent is less than eighteen years of age , the Children’s Lawyer shall represent the parent in a proceeding under this Part unless the court orders otherwise.	77(5)	Where a child’s parent is younger than 18 , the Children’s Lawyer shall represent the parent in a proceeding under this Part unless the court orders otherwise.

Parties and Notice

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
39(1)	The following are parties to a proceeding under this Part: 1. The applicant. 2. The society having jurisdiction in the matter. 3. The child's parent. 4. Where the child is an Indian or a native person , a representative chosen by the child's band or native community .	78(1)	The following are parties to a proceeding under this Part: 1. The applicant. 2. The society having jurisdiction in the matter. 3. The child's parent. 4. In the case of a First Nations, Inuk or Métis child , <u>the persons described in paragraphs 1, 2 and 3</u> and a representative chosen by <u>each of the child's bands and First Nations, Inuit or Métis communities</u> .
39(2)	At any stage in a proceeding under this Part, the court shall add a Director as a party on his or her motion.	78(2)	At any stage in a proceeding under this Part, the court shall add a Director as a party on the Director's motion.
39(3)	Any person, including a foster parent, who has cared for the child continuously during the six months immediately before the hearing, (a) is entitled to the same notice of the proceeding as a party; (b) may be present at the hearing; (c) may be represented by a solicitor ; and (d) may make submissions to the court, but shall take no further part in the hearing without leave of the court.	78(3)	Any person, including a foster parent, who has cared for the child continuously during the six months immediately before the hearing, (a) is entitled to the same notice of the proceeding as a party; (b) may be present at the hearing; (c) may be represented by a lawyer ; and (d) may make submissions to the court, but shall take no further part in the hearing without leave of the court.
39(4)	<i>Child twelve or older</i> A child twelve years of age or more who is the subject of a proceeding under this Part is entitled to receive notice of the proceeding and to be present at the hearing, unless the court is satisfied that being present at the hearing would cause the child emotional harm and orders that the child not receive notice of the proceeding and not be permitted to be present at the hearing.	78(4)	<i>Child 12 or older</i> A child 12 or older who is the subject of a proceeding under this Part is entitled to receive notice of the proceeding and to be present at the hearing, unless the court is satisfied that being present at the hearing would cause the child emotional harm and orders that the child not receive notice of the proceeding and not be permitted to be present at the hearing.
39(5)	<i>Child under twelve</i> A child less than twelve years of age who is the subject of a proceeding under this Part is not entitled to receive notice of the proceeding or to be present at the hearing unless the court is satisfied that the child, (a) is capable of understanding the hearing; and (b) will not suffer emotional harm by being present at the hearing, and orders that the child receive notice of the proceeding and be permitted to be present at the hearing.	78(5)	<i>Child younger than 12</i> A child younger than 12 who is the subject of a proceeding under this Part is not entitled to receive notice of the proceeding or to be present at the hearing unless the court is satisfied that the child, (a) is capable of understanding the hearing; and (b) will not suffer emotional harm by being present at the hearing, and orders that the child receive notice of the proceeding and be permitted to be present at the hearing.
39(6)	A child who is the applicant under subsection 64 (4) (status review) , receives notice of a proceeding under this Part or has legal representation in a proceeding is entitled to participate in the proceeding and to appeal under section 69 as if he or she were a party.	78(6)	A child who is the applicant under subsection 110 (4) or 112 (4) (status review) , receives notice of a proceeding under this Part or has legal representation in a proceeding is entitled to participate in the proceeding and to appeal under section 118 as if the child were a party.

39(7)	Where the court is satisfied that the time required for notice to a person might endanger the child's health or safety, the court may dispense with notice to that person.	78(7)	Where the court is satisfied that the time required for notice to a person might endanger the child's health or safety, the court may dispense with notice to that person.
		79	<u>A society shall make all reasonable efforts to pursue a plan for customary care for a First Nations, Inuk or Métis child if the child,</u> <u>(a) is in need of protection;</u> <u>(b) cannot remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under this Part; and</u> <u>(c) is a member of or identifies with a band, or is a member of or identifies with a First Nations, Inuit or Métis community.</u>

Commencing Child Protection Proceedings

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
40(1)	A society may apply to the court to determine whether a child is in need of protection.	80(1)	A society may apply to the court to determine whether a child is in need of protection.
40(2)	A justice of the peace may issue a warrant authorizing a child protection worker to bring a child to a place of safety if the justice of the peace is satisfied on the basis of a child protection worker's sworn information that there are reasonable and probable grounds to believe that, (a) the child is in need of protection; and (b) a less restrictive course of action is not available or will not protect the child adequately.	80(2)	A justice of the peace may issue a warrant authorizing a child protection worker to bring a child to a place of safety if the justice of the peace is satisfied on the basis of a child protection worker's sworn information that there are reasonable and probable grounds to believe that, (a) the child is in need of protection; and (b) a less restrictive course of action is not available or will not protect the child adequately.
40(3)	<i>Idem</i> A justice of the peace shall not refuse to issue a warrant under subsection (2) by reason only that the child protection worker may bring the child to a place of safety under subsection (7).	80(3)	<i>When warrant may not be refused</i> A justice of the peace shall not refuse to issue a warrant under subsection (2) by reason only that the child protection worker may bring the child to a place of safety under subsection (7).
40(4)	Where the court is satisfied, on a person's application upon notice to a society, that there are reasonable and probable grounds to believe that, (a) a child is in need of protection, the matter has been reported to the society, the society has not made an application under subsection (1), and no child protection worker has sought a warrant under subsection (2) or apprehended the child under subsection (7); and (b) the child cannot be protected adequately otherwise than by being brought before the court, the court may order, (c) that the person having charge of the child produce him or her before the court at the time and place named in the order for a hearing under subsection 47 (1) to determine whether he or she is in need of protection; or	80(4)	Where the court is satisfied, on a person's application upon notice to a society, that there are reasonable and probable grounds to believe that, (a) a child is in need of protection, the matter has been reported to the society, the society has not made an application under subsection (1), and no child protection worker has sought a warrant under subsection (2) or apprehended the child under subsection (7); and (b) the child cannot be protected adequately otherwise than by being brought before the court, the court may order, (c) that the person having charge of the child produce the child before the court at the time and place named in the order for a hearing under subsection 87 (1) to determine whether the child is in need of protection; or

	(d) where the court is satisfied that an order under clause (c) would not protect the child adequately, that a child protection worker employed by the society bring the child to a place of safety.		(d) where the court is satisfied that an order under clause (c) would not protect the child adequately, that a child protection worker employed by the society bring the child to a place of safety.
40(5)	It is not necessary, in an application under subsection (1), a warrant under subsection (2) or an order made under subsection (4), to describe the child by name or to specify the premises where the child is located.	80(5)	It is not necessary, in an application under subsection (1), a warrant under subsection (2) or an order made under subsection (4), to describe the child by name or to specify the premises where the child is located.
40(6)	A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (4) (d) may at any time enter any premises specified in the warrant or order, by force if necessary, and may search for and remove the child.	80(6)	A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (4) (d) may at any time enter any premises specified in the warrant or order, by force if necessary, and may search for and remove the child.
40(7)	A child protection worker who believes on reasonable and probable grounds that, (a) a child is in need of protection; and (b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a hearing under subsection 47 (1) or obtain a warrant under subsection (2), may without a warrant bring the child to a place of safety.	80(7)	A child protection worker who believes on reasonable and probable grounds that, (a) a child is in need of protection; and (b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a hearing under subsection 87 (1) or obtain a warrant under subsection (2), may without a warrant bring the child to a place of safety.
40(8)	A child protection worker acting under this section may call for the assistance of a peace officer.	80(8)	A child protection worker acting under this section may call for the assistance of a peace officer.
40(9)	A child protection worker acting under subsection (7) or under a warrant issued under subsection (2) or an order made under clause (4) (d) may authorize the child's medical examination where a parent's consent would otherwise be required.	80(9)	A child protection worker acting under subsection (7) or under a warrant issued under subsection (2) or an order made under clause (4) (d) may authorize the child's medical examination where a parent's consent would otherwise be required.
40(10)	Where a child protection worker who brings a child to a place of safety under this section believes on reasonable and probable grounds that no less restrictive course of action is feasible, the child may be detained in a place of safety that is a place of open temporary detention as defined in Part IV (Youth Justice)		References to open temporary detention are made under Part VI (Youth Justice)
40(11)	A child protection worker who believes on reasonable and probable grounds that a child referred to in subsection (7) is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child.	80(10)	A child protection worker who believes on reasonable and probable grounds that a child referred to in subsection (7) is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child.
40(12)	A child protection worker authorized to enter premises under subsection (6) or (11) shall exercise the power of entry in accordance with the regulations.	80(11)	A child protection worker authorized to enter premises under subsection (6) or (10) shall exercise the power of entry in accordance with the regulations.
40(13)	Subsections (2), (6), (7), (10), (11) and (12) apply to a peace officer as if the peace officer were a child protection worker.	80(12)	Subsections (2), (6), (7), (10) and (11) apply to a peace officer as if the peace officer were a child protection worker.
40(14)	No action shall be instituted against a peace officer or child protection worker for any act done in good faith in the execution or intended execution of that person's duty under this section or for an alleged neglect or default in the execution in good faith of that duty.	80(13)	No action shall be instituted against a peace officer or child protection worker for any act done in good faith in the execution or intended execution of that person's duty under this section or for an alleged neglect or default in the execution in good faith of that duty.

Special Cases of Apprehension of Children

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
41(1)	<p><i>Apprehension of children in care</i> <i>Warrant to apprehend child in care</i> A justice of the peace may issue a warrant authorizing a peace officer or child protection worker to bring a child to a place of safety if the justice of the peace is satisfied on the basis of a peace officer's or child protection worker's sworn information that,</p> <p>(a) the child is actually or apparently under the age of sixteen years and has left or been removed from a society's lawful care and custody without its consent; and (b) there are reasonable and probable grounds to believe that there is no course of action available other than bringing the child to a place of safety that would adequately protect the child.</p>	81(1)	<p><i>Apprehension of children who are removed from or leave care</i> <i>With warrant</i> A justice of the peace may issue a warrant authorizing a child protection worker to bring a child to a place of safety if the justice of the peace is satisfied on the basis of a child protection worker's sworn information that,</p> <p>(a) the child, (i) has left or been removed from a society's lawful care and custody without its consent, <u>or</u> (ii) <u>is the subject of an extra-provincial child protection order and has left or been removed from the lawful care and custody of the child welfare authority or other person named in the order;</u> and (b) there are reasonable and probable grounds to believe that there is no course of action available other than bringing the child to a place of safety that would adequately protect the child.</p>
41(2)	<p><i>Idem</i> A justice of the peace shall not refuse to issue a warrant to a person under subsection (1) by reason only that the person may bring the child to a place of safety under subsection (4)</p>	81(2)	<p><i>When warrant may not be refused</i> (2) A justice of the peace shall not refuse to issue a warrant to a person under subsection (1) by reason only that the person may bring the child to a place of safety under subsection (4).</p>
41(3)	It is not necessary in a warrant under subsection (1) to specify the premises where the child is located.	81(3)	It is not necessary in a warrant under subsection (1) to specify the premises where the child is located.
41(4)	<p><i>Apprehension of child in care without warrant</i> A peace officer or child protection worker who believes on reasonable and probable grounds that,</p> <p>(a) a child is actually or apparently under the age of sixteen years and has left or been removed from a society's lawful care and custody without its consent; and (b) there would be a substantial risk to the child's health or safety during the time necessary to obtain a warrant under subsection (1),</p> <p>may without a warrant bring the child to a place of safety.</p>	81(4)	<p><i>Without warrant</i> A peace officer or child protection worker may without a warrant bring the child to a place of safety <u>if</u> the peace officer or child protection worker believes on reasonable and probable grounds that,</p> <p>(a) a child, (i) has left or been removed from a society's lawful care and custody without its consent, or (ii) <u>is the subject of an extra-provincial child protection order and has left or been removed from the lawful care and custody of the child welfare authority or other person named in the order;</u> and (b) there would be a substantial risk to the child's health or safety during the time necessary to obtain a warrant under subsection (1).</p>
41(5)	<i>Apprehension of child absent from place of open temporary detention</i>		<p>References to open temporary detention are made under Part VI (Youth Justice)</p> <p>Open temporary detention is no longer deemed a place of safety.</p>

	<p>Where a child is detained under this Part in a place of safety that has been designated as a place of open temporary detention as defined in Part IV (Youth Justice) and leaves the place without the consent of,</p> <p>(a) the society having care, custody and control of the child; or (b) the person in charge of the place of safety,</p> <p>a peace officer, the person in charge of the place of safety or that person's delegate may apprehend the child without a warrant.</p>		
41(6)	<p><i>Idem</i></p> <p>(6) A person who apprehends a child under subsection (5) shall,</p> <p>(a) take the child to a place of safety to be detained until the child can be returned to the place of safety the child left; or (b) return the child or arrange for the child to be returned to the place of safety the child left.</p>		References to open temporary detention are made under Part VI (Youth Justice).
42(1)	<p><i>Apprehension of child under twelve</i></p> <p>A peace officer who believes on reasonable and probable grounds that a child actually or apparently under twelve years of age has committed an act in respect of which a person twelve years of age or older could be found guilty of an offence may apprehend the child without a warrant and on doing so,</p> <p>(a) shall return the child to the child's parent or other person having charge of the child as soon as practicable; or (b) where it is not possible to return the child to the parent or other person within a reasonable time, shall take the child to a place of safety to be detained there until the child can be returned to the parent or other person.</p>	82(1)	<p><i>Apprehension of child younger than 12</i></p> <p>A peace officer who believes on reasonable and probable grounds that a child actually or apparently younger than 12 has committed an act in respect of which a person 12 or older could be found guilty of an offence may apprehend the child without a warrant and on doing so,</p> <p>(a) shall return the child to the child's parent or other person having charge of the child as soon as practicable; or (b) where it is not possible to return the child to the parent or other person within a reasonable time, shall take the child to a place of safety to be detained there until the child can be returned to the parent or other person.</p>
42(2)	The person in charge of a place of safety in which a child is detained under subsection (1) shall make reasonable efforts to notify the child's parent or other person having charge of the child of the child's detention so that the child may be returned to the parent or other person.	82(2)	The person in charge of a place of safety in which a child is detained under subsection (1) shall make reasonable efforts to notify the child's parent or other person having charge of the child of the child's detention so that the child may be returned to the parent or other person.
42(3)	Where a child detained in a place of safety under subsection (1) cannot be returned to the child's parent or other person having charge of the child within twelve hours of being taken to the place of safety, the child shall be dealt with as if the child had been taken to a place of safety under subsection 40 (7) and not apprehended under subsection (1).	82(3)	Where a child detained in a place of safety under subsection (1) cannot be returned to the child's parent or other person having charge of the child within 12 hours of being taken to the place of safety, the child shall be dealt with as if the child had been taken to a place of safety under subsection 80 (7) and not apprehended under subsection (1).

43(2)	<p><i>Warrant to apprehend runaway child</i> A justice of the peace may issue a warrant authorizing a peace officer or child protection worker to apprehend a child if the justice of the peace is satisfied on the basis of the sworn information of a parent of the child that,</p> <p>(a) the child is under the age of sixteen years;</p> <p>(b) the child has withdrawn from the parent's care and control without the parent's consent; and</p> <p>(c) the parent believes on reasonable and probable grounds that the child's health or safety may be at risk if the child is not apprehended.</p>	83(1)	<p><i>Children who withdraw from parent's care</i> <i>Warrant to apprehend child</i> A justice of the peace may issue a warrant authorizing a peace officer or child protection worker to apprehend a child if the justice of the peace is satisfied on the basis of the sworn information of a person that,</p> <p>(a) the child is younger than 16;</p> <p>(b) the child has withdrawn from the person's care and control without the person's consent; and</p> <p>(c) the person believes on reasonable and probable grounds that the child's health or safety may be at risk if the child is not apprehended.</p>
43(3)	<p><i>Idem</i> A person who apprehends a child under subsection (2) shall return the child to the child's parent as soon as practicable and where it is not possible to return the child to the parent within a reasonable time, take the child to a place of safety.</p>	83(2)	<p><i>Child to be returned or taken to a place of safety</i> A person who apprehends a child under subsection (1) shall return the child to the person with care and control of the child as soon as practicable and where it is not possible to return the child to that person within a reasonable time, take the child to a place of safety.</p>
43(4)	<p><i>Notice to parent, etc.</i> The person in charge of a place of safety to which a child is taken under subsection (3) shall make reasonable efforts to notify the child's parent that the child is in the place of safety so that the child may be returned to the parent.</p>	83(3)	<p><i>Notice to person with care, custody or control</i> The person in charge of a place of safety to which a child is taken under subsection (2) shall make reasonable efforts to notify the person with care and control of the child that the child is in the place of safety so that the child may be returned to that person.</p>
43(5)	<p><i>Where child not returned to parent within twelve hours</i> Where a child taken to a place of safety under subsection (3) cannot be returned to the child's parent within twelve hours of being taken to the place of safety, the child shall be dealt with as if the child had been taken to a place of safety under subsection 40 (2) and not apprehended under subsection (2).</p>	83(4)	<p><i>Where child not returned within 12 hours</i> Where a child taken to a place of safety under subsection (2) cannot be returned to the person with care and control of the child within 12 hours of being taken to the place of safety, the child shall be dealt with as if the child had been taken to a place of safety under subsection 80 (2) and not apprehended under subsection (1).</p>
43(6)	<p>A justice of the peace shall not issue a warrant under subsection (2) where a child has withdrawn from the care and control of one parent with the consent of another parent under circumstances where a proceeding under section 36 of the Children's Law Reform Act would be more appropriate.</p>	83(5)	<p>A justice of the peace shall not issue a warrant under subsection (1) in respect of a child who has withdrawn from the care and control of a person where a proceeding under section 36 of the Children's Law Reform Act would be more appropriate.</p>
43(7)	<p>It is not necessary in a warrant under subsection (2) to specify the premises where the child is located.</p>	83(6)	<p>It is not necessary in a warrant under subsection (1) to specify the premises where the child is located.</p>
43(8)	<p>Where a peace officer or child protection worker believes on reasonable and probable grounds that a child apprehended under this section is in need of protection and there may be a substantial risk to the health or safety of the child if the child were returned to the parent,</p> <p>(a) the peace officer or child protection worker may take the child to a place of safety under subsection 40 (7); or</p> <p>(b) where the child has been taken to a place of safety under subsection (5), the child shall be dealt with as if the child had been taken there under subsection 40 (7).</p>	83(7)	<p>Where a peace officer or child protection worker believes on reasonable and probable grounds that a child apprehended under this section is in need of protection and there may be a substantial risk to the health or safety of the child if the child were returned to the person with the care and control of the child,</p> <p>(a) the peace officer or child protection worker may take the child to a place of safety under subsection 80 (7); or</p> <p>(b) where the child has been taken to a place of safety under subsection (4), the child shall be dealt with as if the child had been taken there under subsection 80 (7).</p>

44(1)	A person authorized to bring a child to a place of safety by a warrant issued under subsection 41 (1) or 43 (2) may at any time enter any premises specified in the warrant, by force, if necessary, and may search for and remove the child.	84(1)	A person authorized to bring a child to a place of safety by a warrant issued under subsection 81 (1) or 83 (1) may at any time enter any premises specified in the warrant, by force, if necessary, and may search for and remove the child.
44(2)	A person authorized under subsection 41 (4) or (5) or 42 (1) who believes on reasonable and probable grounds that a child referred to in the relevant subsection is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child.	84(2)	A person authorized under subsection 81 (4) or 82 (1) who believes on reasonable and probable grounds that a child referred to in the relevant subsection is on any premises may without a warrant enter the premises, by force, if necessary, and search for and remove the child.
44(3)	A person authorized to enter premises under this section shall exercise the power of entry in accordance with the regulations.	84(3)	A person authorized to enter premises under this section shall exercise the power of entry in accordance with the regulations.
44(4)	A child protection worker acting under section 41 or 43 may call for the assistance of a peace officer.	84(4)	A child protection worker acting under section 81 or 83 may call for the assistance of a peace officer.
44(5)	A child protection worker who deals with a child under subsection 42 (3) or 43 (5) as if the child had been taken to a place of safety may authorize the child's medical examination where a parent's consent would otherwise be required.	84(5)	A child protection worker who deals with a child under subsection 82 (3) or 83 (4) as if the child had been taken to a place of safety may authorize the child's medical examination where a parent's consent would be otherwise required.
44(6)	Where a person who brings a child to a place of safety under section 41 or 42 believes on reasonable and probable grounds that no less restrictive course of action is feasible, the child may be detained in a place of safety that is a place of open temporary detention as defined in Part IV (Youth Justice)		References to open temporary detention are made under Part VI (Youth Justice). Open temporary detention is no longer deemed a place of safety.
44(7)	No action shall be instituted against a peace officer or child protection worker for any act done in good faith in the execution or intended execution of that person's duty under this section or section 41 , 42 or 43 or for an alleged neglect or default in the execution in good faith of that duty.	84(6)	No action shall be instituted against a peace officer or child protection worker for any act done in good faith in the execution or intended execution of that person's duty under this section or section 81 , 82 or 83 or for an alleged neglect or default in the execution in good faith of that duty.

Hearings and Orders

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
45(1)	In this section, "media" means the press, radio and television media.	85(1)	In this section, "media" means the press, radio and television media.
45(2)	This section applies to hearings held under this Part, except hearings under section 76 (child abuse register).	85(2)	This section applies to hearings held under this Part, except hearings under section 131 (child abuse register).
45(3)	A hearing shall be held separately from hearings in criminal proceedings.	85(3)	A hearing shall be held separately from hearings in criminal proceedings.
45(4)	A hearing shall be held in the absence of the public, subject to subsection (5), unless the court, after considering, (a) the wishes and interests of the parties; and (b) whether the presence of the public would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding, orders that the hearing be held in public.	85(4)	A hearing shall be held in the absence of the public, subject to subsection (5), unless the court orders that the hearing be held in public after considering, (a) the wishes and interests of the parties; and (b) whether the presence of the public would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding.

45(5)	<i>Media representatives</i> Media representatives chosen in accordance with subsection (6) may be present at a hearing that is held in the absence of the public, unless the court makes an order excluding them under subsection (7).	85(5)	<i>Media representatives may attend</i> Media representatives chosen in accordance with subsection (6) may be present at a hearing that is held in the absence of the public, unless the court makes an order excluding them under subsection (7).
45(6)	Idem The media representatives who may be present at a hearing that is held in the absence of the public shall be chosen as follows: 1. The media representatives in attendance shall choose not more than two persons from among themselves. 2. Where the media representatives in attendance are unable to agree on a choice of persons, the court may choose not more than two media representatives who may be present at the hearing. 3. The court may permit additional media representatives to be present at the hearing.	85(6)	Selection of media representatives The media representatives who may be present at a hearing that is held in the absence of the public shall be chosen as follows: 1. The media representatives in attendance shall choose not more than two persons from among themselves. 2. Where the media representatives in attendance are unable to agree on a choice of persons, the court may choose not more than two media representatives who may be present at the hearing. 3. The court may permit additional media representatives to be present at the hearing.
45(7)	The court may make an order, (a) excluding a particular media representative from all or part of a hearing; (b) excluding all media representatives from all or a part of a hearing; or (c) prohibiting the publication of a report of the hearing or a specified part of the hearing, where the court is of the opinion that the presence of the media representative or representatives or the publication of the report, as the case may be, would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding	85(7)	Where the court is of the opinion that the presence of the media representative or representatives or the publication of the report, as the case may be, would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding, the court may make an order, (a) excluding a particular media representative from all or part of a hearing; (b) excluding all media representatives from all or a part of a hearing; or (c) prohibiting the publication of a report of the hearing or a specified part of the hearing.
45(8)	Prohibition: identifying child No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding, or the child's parent or foster parent or a member of the child's family.	85(8)	Prohibition re identifying child No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding, or the child's parent or foster parent or a member of the child's family.
45(9)	Idem: order re adult The court may make an order prohibiting the publication of information that has the effect of identifying a person charged with an offence under this Part.	85(9)	Prohibition re identifying person charged The court may make an order prohibiting the publication of information that has the effect of identifying a person charged with an offence under this Part.
45(10)	No person except a party or a party's solicitor shall be given a copy of a transcript of the hearing, unless the court orders otherwise.	85(10)	No person except a party or a party's lawyer shall be given a copy of a transcript of the hearing, unless the court orders otherwise.
46(1)	Time of detention limited As soon as practicable, but in any event within five days after a child is brought to a place of safety under section 40 or subsection 79 (6) or a homemaker remains or is placed on premises under subsection 78 (2), (a) the matter shall be brought before a court for a hearing under subsection 47 (1) (child protection hearing);	86	Time in place of safety limited As soon as practicable, but in any event within five days after a child is brought to a place of safety under section 80 or subsection 133 (5), (a) the matter shall be brought before a court for a hearing under subsection 87 (1) (child protection hearing); (b) the child shall be returned to the person who last had charge of the child or, where there is an order for the child's custody that is enforceable in Ontario, to the person entitled to custody under the order;

	<p>(b) the child shall be returned to the person who last had charge of the child or, where there is an order for the child’s custody that is enforceable in Ontario, to the person entitled to custody under the order; or</p> <p>(c) a temporary care agreement shall be made under subsection 29 (1) of Part II (Voluntary Access to Services).</p>		<p><u>(c) if the child is the subject of an extra-provincial child protection order, the child shall be returned to the child welfare authority or other person named in the order;</u></p> <p><u>(d) a temporary care agreement shall be made under subsection 74 (1); or</u></p> <p><u>(e) an agreement shall be made under section 76 (agreements with 16 and 17 year olds)</u></p>
46(2)	<p>Within twenty-four hours after a child is brought to a place of safety that is a place of open temporary detention, or as soon thereafter as is practicable, the matter shall be brought before a court for a hearing and the court shall,</p> <p>(a) where it is satisfied that no less restrictive course of action is feasible, order that the child remain in the place of open temporary detention for a period or periods not exceeding an aggregate of thirty days and then be returned to the care and custody of the society;</p> <p>(b) order that the child be discharged from the place of open temporary detention and returned to the care and custody of the society; or</p> <p>(c) make an order under subsection 51 (2) (temporary care and custody).</p>		<p>References to open temporary detention are made under Part VI (Youth Justice).</p> <p>Open temporary detention is no longer deemed a place of safety.</p>
47(1)	<p>Where an application is made under subsection 40 (1) or a matter is brought before the court to determine whether the child is in need of protection, the court shall hold a hearing to determine the issue and make an order under section 57.</p>	87(1)	<p>Where an application is made under subsection 80 (1) or a matter is brought before the court to determine whether the child is in need of protection, the court shall hold a hearing to determine the issue and make an order under section 98.</p>
47(2)	<p>As soon as practicable, and in any event before determining whether a child is in need of protection, the court shall determine,</p> <p>(a) the child’s name and age;</p> <p>(b) the religious faith, if any, in which the child is being raised;</p> <p>(c) whether the child is an Indian or a native person and, if so, the child’s band or native community; and</p> <p>(d) where the child was brought to a place of safety before the hearing, the location of the place from which the child was removed.</p>	87(2)	<p>As soon as practicable, and in any event before determining whether a child is in need of protection, the court shall determine,</p> <p>(a) the child’s name and age;</p> <p>(b) whether the child is a First Nations, Inuk or Métis child and, if so, the child’s bands and First Nations, Inuit or Métis communities; and</p> <p>(c) where the child was brought to a place of safety before the hearing, the location of the place from which the child was removed.</p>
47(3)	<p>Despite anything else in this Part, where the child was under the age of sixteen years when the proceeding was commenced or when the child was apprehended, the court may hear and determine the matter and make an order under this Part as if the child were still under the age of sixteen years.</p>		
48(1)	<p>In this section, “territorial jurisdiction” means a society’s territorial jurisdiction under subsection 15 (2).</p>	88(1)	<p>In this section, “territorial jurisdiction” means a society’s territorial jurisdiction under subsection 33 (1)</p>

48(2)	A hearing under this Part with respect to a child shall be held in the territorial jurisdiction in which the child ordinarily resides, except that, (a) where the child is brought to a place of safety before the hearing, the hearing shall be held in the territorial jurisdiction in which the place from which the child was removed is located; (b) where the child is in a society's care under an order for society wardship under section 57 or an order for Crown wardship under section 57 or 65.2 , the hearing shall be held in the society's territorial jurisdiction; and (c) where the child is the subject of an order for society supervision under section 57 or 65.2 , the hearing may be held in the society's territorial jurisdiction or in the territorial jurisdiction in which the parent or other person with whom the child is placed resides.	88(2)	A hearing under this Part with respect to a child shall be held in the territorial jurisdiction in which the child ordinarily resides, except that, (a) where the child is brought to a place of safety before the hearing, the hearing shall be held in the territorial jurisdiction in which the place from which the child was removed is located; (b) where the child is in <u>interim</u> society care under an order made under paragraph 2 or 4 of subsection 98 (1) or extended society care under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c) , the hearing shall be held in the society's territorial jurisdiction; and (c) where the child is the subject of an order for society supervision under paragraph 1 of subsection 98 (1) or clause 113 (1) (a) , the hearing may be held in the society's territorial jurisdiction or in the territorial jurisdiction in which the parent or other person with whom the child is placed resides.
48(3)	Where the court is satisfied at any stage of a proceeding under this Part that there is a preponderance of convenience in favour of conducting it in another territorial jurisdiction, the court may order that the proceeding be transferred to that other territorial jurisdiction and be continued as if it had been commenced there.	88(3)	Where the court is satisfied at any stage of a proceeding under this Part that there is a preponderance of convenience in favour of conducting it in another territorial jurisdiction, the court may order that the proceeding be transferred to that other territorial jurisdiction and be continued as if it had been commenced there.
48(4)	The court shall not make an order placing a child in the care or under the supervision of a society unless the place where the court sits is within the society's territorial jurisdiction.	88(4)	The court shall not make an order placing a child in the care or under the supervision of a society unless the place where the court sits is within the society's territorial jurisdiction.
49	The court may, on its own initiative, summon a person to attend before it, testify and produce any document or thing, and may enforce obedience to the summons as if it had been made in a proceeding under the Family Law Act.	89	The court may, on its own initiative, summon a person to attend before it, testify and produce any document or thing, and may enforce obedience to the summons as if it had been made in a proceeding under the Family Law Act.
50(1)	Despite anything in the Evidence Act, in any proceeding under this Part, (a) the court may consider the past conduct of a person toward any child if that person is caring for or has access to or may care for or have access to a child who is the subject of the proceeding; and (b) any oral or written statement or report that the court considers relevant to the proceeding, including a transcript, exhibit or finding or the reasons for a decision in an earlier civil or criminal proceeding, is admissible into evidence.	90(1)	Despite anything in the Evidence Act, in any proceeding under this Part, (a) the court may consider the past conduct of a person toward any child if that person is caring for or has access to or may care for or have access to a child who is the subject of the proceeding; and (b) any oral or written statement or report that the court considers relevant to the proceeding, including a transcript, exhibit or finding or the reasons for a decision in an earlier civil or criminal proceeding, is admissible into evidence.
50(2)	<i>Evidence re disposition not admissible before finding</i> In a hearing under subsection 47 (1), evidence relating only to the disposition of the matter shall not be admitted before the court has determined that the child is in need of protection.	90(2)	<i>Evidence re disposition and finding</i> In a hearing under subsection 87 (1), evidence relating only to the disposition of the matter shall not be considered in determining if the child is in need of protection.
51(1)	The court shall not adjourn a hearing for more than thirty days, (a) unless all the parties present and the person who will be caring for the child during the adjournment consent; or (b) if the court is aware that a party who is not present at the hearing objects to the longer adjournment.	91(1)	The court shall not adjourn a hearing for more than 30 days, (a) unless all the parties present and the person who will be caring for the child during the adjournment consent; or (b) if the court is aware that a party who is not present at the hearing objects to the longer adjournment.

51(2)	<p>Where a hearing is adjourned, the court shall make a temporary order for care and custody providing that the child,</p> <p>(a) remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under this Part;</p> <p>(b) remain in or be returned to the care and custody of the person referred to in clause (a), subject to the society’s supervision and on such reasonable terms and conditions as the court considers appropriate;</p> <p>(c) be placed in the care and custody of a person other than the person referred to in clause (a), with the consent of that other person, subject to the society’s supervision and on such reasonable terms and conditions as the court considers appropriate; or</p> <p>(d) remain or be placed in the care and custody of the society, but not be placed in,</p> <p>(i) a place of secure custody as defined in Part IV (Youth Justice), or</p> <p>(ii) a place of open temporary detention as defined in that Part that has not been designated as a place of safety.</p>	91(2)	<p>Where a hearing is adjourned, the court shall make a temporary order for care and custody providing that the child,</p> <p>(a) remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under this Part;</p> <p>(b) remain in or be returned to the care and custody of the person referred to in clause (a), subject to the society’s supervision and on such reasonable terms and conditions as the court considers appropriate;</p> <p>(c) be placed in the care and custody of a person other than the person referred to in clause (a), with the consent of that other person, subject to the society’s supervision and on such reasonable terms and conditions as the court considers appropriate; or</p> <p>(d) remain or be placed in the care and custody of the society, but not be placed in a place of temporary detention, of open or of secure custody.</p>
		91(3)	<p><u>Where child is subject to extra-provincial order</u></p> <p><u>Where a court makes an order under clause 2 (d) in the case of a child who is the subject of an extra-provincial child protection order the society may, during the period of the adjournment, return the child to the care and custody of the child welfare authority or other person named in the order.</u></p> <p><u>Criteria</u></p> <p><u>(4) The court shall not make an order under clause (2) (c) or (d) unless the court is satisfied that there are reasonable grounds to believe that there is a risk that the child is likely to suffer harm and that the child cannot be protected adequately by an order under clause (2) (a) or (b).</u></p>
51(3)	The court shall not make an order under clause (2) (c) or (d) unless the court is satisfied that there are reasonable grounds to believe that there is a risk that the child is likely to suffer harm and that the child cannot be protected adequately by an order under clause (2) (a) or (b).	91(4)	The court shall not make an order under clause (2) (c) or (d) unless the court is satisfied that there are reasonable grounds to believe that there is a risk that the child is likely to suffer harm and that the child cannot be protected adequately by an order under clause (2) (a) or (b).
51(3.1)	Before making a temporary order for care and custody under clause (2) (d), the court shall consider whether it is in the child’s best interests to make an order under clause (2) (c) to place the child in the care and custody of a person who is a relative of the child or a member of the child’s extended family or community.	91(5)	Before making a temporary order for care and custody under clause (2) (d), the court shall consider whether it is in the child’s best interests to make an order under clause (2) (c) to place the child in the care and custody of a person who is a relative of the child or a member of the child’s extended family or community.
51(3.2)	A temporary order for care and custody of a child under clause (2) (b) or (c) may impose, <p>(a) reasonable terms and conditions relating to the child’s care and supervision;</p> <p>(b) reasonable terms and conditions on the child’s parent, the person who will have care and custody of the child under the order, the child and any other person, other than a foster parent, who is putting forward a plan or who would participate in a plan for care and custody of or access to the child; and</p>	91(6)	A temporary order for care and custody of a child under clause (2) (b) or (c) may impose, <p>(a) reasonable terms and conditions relating to the child’s care and supervision;</p> <p>(b) reasonable terms and conditions on the child’s parent, the person who will have care and custody of the child under the order, the child and any other person, other than a foster parent, who is putting forward a plan or who would participate in a plan for care and custody of or access to the child; and</p>

	(c) reasonable terms and conditions on the society that will supervise the placement, but shall not require the society to provide financial assistance or to purchase any goods or services.		(c) reasonable terms and conditions on the society that will supervise the placement, but shall not require the society to provide financial assistance or to purchase any goods or services.
51(4)	Application of s. 62 Where the court makes an order under clause (2) (d), section 62 (parental consents) applies with necessary modifications.	91(7)	Application of s. 107 Where the court makes an order under clause (2) (d), section 107 (child in interim society care) applies with necessary modifications.
51(5)	An order made under clause (2) (c) or (d) may contain provisions regarding any person's right of access to the child on such terms and conditions as the court considers appropriate.	91(8)	An order made under clause (2) (c) or (d) may contain provisions regarding any person's right of access to the child on such terms and conditions as the court considers appropriate.
51(6)	The court may at any time vary or terminate an order made under subsection (2).	91(9)	The court may at any time vary or terminate an order made under subsection (2).
51(7)	For the purpose of this section, the court may admit and act on evidence that the court considers credible and trustworthy in the circumstances.	91(10)	For the purpose of this section, the court may admit and act on evidence that the court considers credible and trustworthy in the circumstances.
51.1	At any time during a proceeding under this Part, the court may, in the best interests of the child and with the consent of the parties, adjourn the proceeding to permit the parties to attempt through a prescribed method of alternative dispute resolution to resolve any dispute between them with respect to any matter that is relevant to the proceeding.	92	At any time during a proceeding under this Part, the court may, in the best interests of the child and with the consent of the parties, adjourn the proceeding to permit the parties to attempt through a prescribed method of alternative dispute resolution to resolve any dispute between them with respect to any matter that is relevant to the proceeding.
52	Where an application is made under subsection 40 (1) or a matter is brought before the court to determine whether a child is in need of protection and the determination has not been made within three months after the commencement of the proceeding, the court, (a) shall by order fix a date for the hearing of the application, and the date may be the earliest date that is compatible with the just disposition of the application; and (b) may give such directions and make such orders with respect to the proceeding as are just.	93	Where an application is made under subsection 80 (1) or a matter is brought before the court to determine whether a child is in need of protection and the determination has not been made within three months after the commencement of the proceeding, the court, (a) shall by order fix a date for the hearing of the application, and the date may be the earliest date that is compatible with the just disposition of the application; and (b) may give such directions and make such orders with respect to the proceeding as are just.
53(1)	Where the court makes an order under this Part, the court shall give, (a) a statement of any terms or conditions imposed on the order; (b) a statement of every plan for the child's care proposed to the court; (c) a statement of the plan for the child's care that the court is applying in its decision; and (d) reasons for its decision, including, (i) a brief statement of the evidence on which the court bases its decision, and (ii) where the order has the effect of removing or keeping the child from the care of the person who had charge of the child immediately before intervention under this Part, a statement of the reasons why the child cannot be adequately protected while in the person's care.	94(1)	Where the court makes an order under this Part, the court shall give, (a) a statement of any terms or conditions imposed on the order; (b) a statement of every plan for the child's care proposed to the court; (c) a statement of the plan for the child's care that the court is applying in its decision; and (d) reasons for its decision, including, (i) a brief statement of the evidence on which the court bases its decision, and (ii) where the order has the effect of removing or keeping the child from the care of the person who had charge of the child immediately before intervention under this Part, a statement of the reasons why the child cannot be adequately protected while in the person's care.

53(2)	Idem Clause (1) (b) does not require the court to identify a person with whom or a place where it is proposed that a child be placed for care and supervision.	94(2)	No requirement to identify person or place Clause (1) (b) does not require the court to identify a person with whom or a place where it is proposed that a child be placed for care and supervision.
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Assessments

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
54(1)	In the course of a proceeding under this Part, the court may order that one or more of the following persons undergo an assessment within a specified time by a person appointed in accordance with subsections (1.1) and (1.2): 1. The child. 2. A parent of the child. 3. Any other person, other than a foster parent, who is putting forward or would participate in a plan for the care and custody of or access to the child.	95(1)	In the course of a proceeding under this Part, the court may order that one or more of the following persons undergo an assessment within a specified time by a person appointed in accordance with subsections (3) and (4): 1. The child. 2. A parent of the child. 3. Any other person, other than a foster parent, who is putting forward or would participate in a plan for the care and custody of or access to the child.
54(1.1)	An order under subsection (1) shall specify a time within which the parties to the proceeding may select a person to perform the assessment and submit the name of the selected person to the court.	95(3)	An order under subsection (1) shall specify a time within which the parties to the proceeding may select a person to perform the assessment and submit the name of the selected person to the court.
54(1.2)	Appointment by court The court shall appoint the person selected by the parties to perform the assessment if the court is satisfied that the person meets the following criteria: 1. The person is qualified to perform medical, emotional, developmental, psychological, educational or social assessments. 2. The person has consented to perform the assessment.	95(4)	Appointment of person selected by parties The court shall appoint the person selected by the parties to perform the assessment if the court is satisfied that the person meets the following criteria: 1. The person is qualified to perform medical, emotional, developmental, psychological, educational or social assessments. 2. The person has consented to perform the assessment.
54(1.3)	Same If the court is of the opinion that the person selected by the parties under subsection (1.1) does not meet the criteria set out in subsection (1.2), the court shall select and appoint another person who does meet the criteria.	95(5)	Appointment of a person not selected by parties If the court is of the opinion that the person selected by the parties under subsection (3) does not meet the criteria set out in subsection (4), the court shall select and appoint another person who does meet the criteria.
54(1.4)	An order under subsection (1) and the assessment required by that order shall comply with such requirements as may be prescribed.	95(6)	An order under subsection (1) and the assessment required by that order shall comply with such requirements as may be prescribed.
54(2)	The person performing an assessment under subsection (1) shall make a written report of the assessment to the court within the time specified in the order, which shall not be more than thirty days unless the court is of the opinion that a longer assessment period is necessary.	95(7)	The person performing an assessment under subsection (1) shall make a written report of the assessment to the court within the time specified in the order, which shall not be more than 30 days, unless the court is of the opinion that a longer assessment period is necessary.
54(3)	At least seven days before the court considers the report at a hearing, the court or, where the assessment was requested by a party, that party, shall provide a copy of the report to, (a) the person assessed, subject to subsections (4) and (5);	95(8)	At least seven days before the court considers the report at a hearing, the court or, where the assessment was requested by a party, that party, shall provide a copy of the report to, (a) the person assessed, subject to subsections (9) and (10);

	<p>(b) the child's solicitor or agent of record; (c) a parent appearing at the hearing, or the parent's solicitor of record; (d) the society caring for or supervising the child; (e) a Director, where he or she requests a copy; (f) where the child is an Indian or a native person, a representative chosen by the child's band or native community; and (g) any other person who, in the opinion of the court, should receive a copy of the report for the purposes of the case.</p>		<p>(b) the child's lawyer or agent; (c) a parent appearing at the hearing, or the parent's lawyer; (d) the society caring for or supervising the child; (e) a Director, where the Director requests a copy; (f) in the case of a First Nations, Inuk or Métis child, the persons described in clauses (a), (b) (c), (d) and (e) and a representative chosen by <u>each of the child's bands and First Nations, Inuit or Métis communities</u>; and (g) any other person who, in the opinion of the court, should receive a copy of the report for the purposes of the case.</p>
54(4)	<p>Child under twelve Where the person assessed is a child less than twelve years of age, the child shall not receive a copy of the report unless the court considers it desirable that the child receive a copy of the report.</p>	95(9)	<p>Child younger than 12 Where the person assessed is a child younger than 12, the child shall not receive a copy of the report unless the court considers it desirable that the child receive a copy of the report.</p>
54(5)	<p>Child twelve or older Where the person assessed is a child twelve years of age or more, the child shall receive a copy of the report, except that where the court is satisfied that disclosure of all or part of the report to the child would cause the child emotional harm, the court may withhold all or part of the report from the child.</p>	95(10)	<p>Child 12 or older Where the person assessed is a child 12 or older, the child shall receive a copy of the report, except that where the court is satisfied that disclosure of all or part of the report to the child would cause the child emotional harm, the court may withhold all or part of the report from the child.</p>
54(5.1)	Subsections (4) and (5) prevail despite anything in the Personal Health Information Protection Act, 2004.	95(11)	Subsections (9) and (10) prevail despite anything in the Personal Health Information Protection Act, 2004.
54(6)	The report of an assessment ordered under subsection (1) is evidence and is part of the court record of the proceeding.	95(12)	The report of an assessment ordered under subsection (1) is evidence and is part of the court record of the proceeding.
54(7)	The court may draw any inference it considers reasonable from a person's refusal to undergo an assessment ordered under subsection (1).	95(13)	The court may draw any inference it considers reasonable from a person's refusal to undergo an assessment ordered under subsection (1).
54(8)	<p>The report of an assessment ordered under subsection (1) is not admissible into evidence in any other proceeding except, (a) a proceeding under this Part, including an appeal under section 69; (b) a proceeding referred to in section 81; (b.1) a proceeding under Part VII respecting an application to make, vary or terminate an openness order; or (c) a proceeding under the Coroners Act, without the consent of the person or persons assessed.</p>	95(14)	<p>The report of an assessment ordered under subsection (1) is not admissible into evidence in any other proceeding except, (a) a proceeding under this Part, including an appeal under section 118; (b) a proceeding referred to in section 134; (c) a proceeding under Part VIII (Adoption and Adoption Licensing) respecting an application to make, vary or terminate an openness order; or (d) a proceeding under the Coroners Act, without the consent of the person or persons assessed.</p>
55	<p>Where a child is brought before the court on consent as described in clause 37 (2) (1), the court shall, before making an order under section 57 or 57.1 that would remove the child from the parent's care and custody, (a) ask whether, (i) the society has offered the parent and child services that would enable the child to remain with the parent, and (ii) the parent and, where the child is twelve years of age or older, the child has consulted independent legal counsel in connection with the consent; and</p>	96	<p>Where a child is brought before the court on consent as described in clause 73 (2) (n), the court shall, before making an order under section 98 or 99 that would remove the child from the parent's care and custody, (a) ask whether, (i) the society has offered the parent and child services that would enable the child to remain with the parent, and (ii) the parent and, where the child is 12 or older, the child, has consulted independent legal counsel in connection with the consent; and</p>

	<p>(b) be satisfied that,</p> <p>(i) the parent and, where the child is twelve years of age or older, the child understands the nature and consequences of the consent,</p> <p>(ii) every consent is voluntary, and</p> <p>(iii) the parent and, where the child is twelve years of age or older, the child consents to the order being sought.</p>		<p>(b) be satisfied that,</p> <p>(i) the parent and, where the child is 12 or older, the child, understands the nature and consequences of the consent,</p> <p>(ii) every consent is voluntary, and</p> <p>(iii) the parent and, where the child is 12 or older, the child, consents to the order being sought.</p>
56	<p>The court shall, before making an order under section 57, 57.1, 65 or 65.2, obtain and consider a plan for the child's care prepared in writing by the society and including,</p> <p>(a) a description of the services to be provided to remedy the condition or situation on the basis of which the child was found to be in need of protection;</p> <p>(b) a statement of the criteria by which the society will determine when its wardship or supervision is no longer required;</p> <p>(c) an estimate of the time required to achieve the purpose of the society's intervention;</p> <p>(d) where the society proposes to remove or has removed the child from a person's care,</p> <p>(i) an explanation of why the child cannot be adequately protected while in the person's care, and a description of any past efforts to do so, and</p> <p>(ii) a statement of what efforts, if any, are planned to maintain the child's contact with the person;</p> <p>(e) where the society proposes to remove or has removed the child from a person's care permanently, a description of the arrangements made or being made for the child's long-term stable placement; and</p> <p>(f) a description of the arrangements made or being made to recognize the importance of the child's culture and to preserve the child's heritage, traditions and cultural identity</p>	97	<p>The court shall, before making an order under section 98, 99, 111 or 113, obtain and consider a plan for the child's care prepared in writing by the society and including,</p> <p>(a) a description of the services to be provided to remedy the condition or situation on the basis of which the child was found to be in need of protection;</p> <p>(b) a statement of the criteria by which the society will determine when its care or supervision is no longer required;</p> <p>(c) an estimate of the time required to achieve the purpose of the society's intervention;</p> <p>(d) where the society proposes to remove or has removed the child from a person's care,</p> <p>(i) an explanation of why the child cannot be adequately protected while in the person's care, and a description of any past efforts to do so, and</p> <p>(ii) a statement of what efforts, if any, are planned to maintain the child's contact with the person;</p> <p>(e) where the society proposes to remove or has removed the child from a person's care permanently, a description of the arrangements made or being made for the child's long-term stable placement; and</p> <p>(f) a description of the arrangements made or being made to recognize the importance of the child's culture and to preserve the child's heritage, traditions and cultural identity.</p>
57 (1)	<p>Where the court finds that a child is in need of protection and is satisfied that intervention through a court order is necessary to protect the child in the future, the court shall make one of the following orders or an order under section 57.1, in the child's best interests:</p> <p><i>Supervision order</i></p> <p>1. That the child be placed in the care and custody of a parent or another person, subject to the supervision of the society, for a specified period of at least three months and not more than 12 months.</p> <p><i>Society wardship</i></p> <p>2. That the child be made a ward of the society and be placed in its care and custody for a specified period not exceeding twelve months.</p> <p><i>Crown wardship</i></p>	98(1)	<p>Where the court finds that a child is in need of protection and is satisfied that intervention through a court order is necessary to protect the child in the future, the court shall make one of the following orders or an order under section 99, in the child's best interests:</p> <p><i>Supervision order</i></p> <p>1. That the child be placed in the care and custody of a parent or another person, subject to the supervision of the society, for a specified period of at least three months and not more than 12 months.</p> <p><i>Interim society care</i></p> <p>2. That the child be placed in <u>interim society</u> care and custody for a specified period not exceeding 12 months.</p> <p><i>Extended society care</i></p>

	<p>3. That the child be made a ward of the Crown, until the wardship is terminated under section 65.2 or expires under subsection 71 (1), and be placed in the care of the society.</p> <p>Consecutive orders of society wardship and supervision</p> <p>4. That the child be made a ward of the society under paragraph 2 for a specified period and then be returned to a parent or another person under paragraph 1, for a period or periods not exceeding an aggregate of twelve months.</p>		<p>3. That the child be placed in extended society care until <i>the order</i> is terminated under section 113 or expires under section 120.</p> <p>Consecutive orders of interim society care and supervision</p> <p>4. That the child <u>be placed in interim society care and custody</u> under paragraph 2 for a specified period and then be returned to a parent or another person under paragraph 1, for a period or periods not exceeding a total of 12 months.</p>
57(2)	In determining which order to make under subsection (1) or section 57.1 , the court shall ask the parties what efforts the society or another agency or person has made to assist the child before intervention under this Part.	98(2)	In determining which order to make under subsection (1) or section 99 , the court shall ask the parties what efforts the society or another agency or person has made to assist the child before intervention under this Part.
57(3)	The court shall not make an order removing the child from the care of the person who had charge of him or her immediately before intervention under this Part unless the court is satisfied that alternatives that are less disruptive to the child, including non-residential services and the assistance referred to in subsection (2), would be inadequate to protect the child.	98(3)	The court shall not make an order removing the child from the care of the person who had charge of the child immediately before intervention under this Part unless the court is satisfied that alternatives that are less disruptive to the child, including non-residential care and the assistance referred to in subsection (2), would be inadequate to protect the child.
57(4)	Where the court decides that it is necessary to remove the child from the care of the person who had charge of him or her immediately before intervention under this Part, the court shall, before making an order for society or Crown wardship under paragraph 2 or 3 of subsection (1), consider whether it is possible to place the child with a relative, neighbour or other member of the child's community or extended family under paragraph 1 of subsection (1) with the consent of the relative or other person.	98(4)	Where the court decides that it is necessary to remove the child from the care of the person who had charge of the child immediately before intervention under this Part, the court shall, before making an order under paragraph 2 or 3 of subsection (1), consider whether it is possible to place the child with a relative, neighbour or other member of the child's community or extended family under paragraph 1 of subsection (1) with the consent of the relative or other person.
57(5)	<i>Idem: where child an Indian or a native person</i> Where the child referred to in subsection (4) is an Indian or a native person , unless there is a substantial reason for placing the child elsewhere, the court shall place the child with, (a) a member of the child's extended family; (b) a member of the child's band or native community; or (c) another Indian or native family.	98(5)	<i>First Nations, Inuk or Métis child</i> Where the child referred to in subsection (4) is a First Nations, Inuk or Métis child , unless there is a substantial reason for placing the child elsewhere, the court shall place the child with a member of the child's extended family if it is possible or, if it is not possible, (a) in the case of a First Nations child, another First Nations family; (b) in the case of an Inuk child, another Inuit family; or (c) in the case of a Métis child, another Métis family.
57(7)	<i>Idem</i> When the court has dispensed with notice to a person under subsection 39 (7), the court shall not make an order for Crown wardship under paragraph 3 of subsection (1), or an order for society wardship under paragraph 2 of subsection (1) for a period exceeding thirty days, until a further hearing under subsection 47 (1) has been held upon notice to that person.	98(6)	<i>Further hearing with notice for orders for interim or extended society care</i> When the court has dispensed with notice to a person under subsection 78 (7), the court shall not make an order for interim society care under paragraph 2 of subsection (1) for a period exceeding 30 days or an order for extended society care under paragraph 3 of subsection (1) until a further hearing under subsection 87 (1) has been held upon notice to that person.
57(8)	If the court makes a supervision order under paragraph 1 of subsection (1), the court may impose, (a) reasonable terms and conditions relating to the child's care and supervision; (b) reasonable terms and conditions on, (i) the child's parent,	98(7)	If the court makes a supervision order under paragraph 1 of subsection (1), the court may impose, (a) reasonable terms and conditions relating to the child's care and supervision; (b) reasonable terms and conditions on, (i) the child's parent,

	(ii) the person who will have care and custody of the child under the order, (iii) the child, and (iv) any other person, other than a foster parent, who is putting forward or would participate in a plan for the care and custody of or access to the child; and (c) reasonable terms and conditions on the society that will supervise the placement, but shall not require the society to provide financial assistance or purchase any goods or services.		(ii) the person who will have care and custody of the child under the order, (iii) the child, and (iv) any other person, other than a foster parent, who is putting forward or would participate in a plan for the care and custody of or access to the child; and (c) reasonable terms and conditions on the society that will supervise the placement, but shall not require the society to provide financial assistance or purchase any goods or services.
57(9)	<i>Where no court order necessary</i> (9) Where the court finds that a child is in need of protection but is not satisfied that a court order is necessary to protect the child in the future, the court shall order that the child remain with or be returned to the person who had charge of the child immediately before intervention under this Part.	98(8)	<i>Order for child to remain or return to person who had charge before intervention</i> Where the court finds that a child is in need of protection but is not satisfied that a court order is necessary to protect the child in the future, the court shall order that the child remain with or be returned to the person who had charge of the child immediately before intervention under this Part.
		98(9)	<i>No order where child not subject to parental control</i> <u>Where the court finds that a child who was not subject to parental control immediately before intervention under this Part by virtue of having withdrawn from parental control or who withdraws from parental control after intervention under this Part is in need of protection, but is not satisfied that a court order is necessary to protect the child in the future, the court shall make no order in respect of the child.</u>
57.1(1)	Subject to subsection (6), if a court finds that an order under this section instead of an order under subsection 57 (1) would be in a child’s best interests, the court may make an order granting custody of the child to one or more persons, other than a foster parent of the child, with the consent of the person or persons.	99(1)	Subject to subsection (6), if a court finds that an order under this section instead of an order under subsection 98 (1) would be in a child’s best interests, the court may make an order granting custody of the child to one or more persons, other than a foster parent of the child, with the consent of the person or persons.
57.1(2)	<i>Deemed to be order under Children’s Law Reform Act</i> An order made under subsection (1) and any access order under section 58 that is made at the same time as the order under subsection (1) shall be deemed to be made under section 28 of the Children’s Law Reform Act and the court, (a) may make any order under subsection (1) that the court may make under section 28 of that Act; and (b) may give any directions that it may give under section 34 of that Act.	99(2)	<i>Deemed to be order under s. 28 Children’s Law Reform Act</i> An order made under subsection (1) and any access order under section 101 that is made at the same time as the order under subsection (1) is deemed to be made under section 28 of the Children’s Law Reform Act and the court, (a) may make any order under subsection (1) that the court may make under section 28 of that Act; and (b) may give any directions that it may give under section 34 of that Act.
57.1(3)	When making an order under subsection (1), the court may, without a separate application, make a restraining order in accordance with section 35 of the Children’s Law Reform Act.	99(3)	When making an order under subsection (1), the court may, without a separate application, make a restraining order in accordance with section 35 of the Children’s Law Reform Act.
57.1(4)	<i>Same</i> An order under subsection (3) is deemed to be a final order made under section 35 of the Children’s Law Reform Act, and shall be treated for all purposes as if it had been made under that section.	99(4)	<i>Deemed to be final order under s. 35 Children’s Law Reform Act</i> An order under subsection (3) is deemed to be a final order made under section 35 of the Children’s Law Reform Act, and shall be treated for all purposes as if it had been made under that section.
57.1(5)	<i>Appeal under s. 69</i>	99(5)	<i>Appeal under s. 118</i>

	Despite subsections (2) and (4), an order under subsection (1) or (3) and any access order under section 58 that is made at the same time as an order under subsection (1) are orders under this Part for the purposes of appealing from the orders under section 69 .		Despite subsections (2) and (4), an order under subsection (1) or (3) and any access order under section 101 that is made at the same time as an order under subsection (1) are orders under this Part for the purposes of appealing from the orders under section 118 .
57.1(6)	No order shall be made under this section if, (a) an order granting custody of the child has been made under the Divorce Act (Canada); or (b) in the case of an order that would be made by the Ontario Court of Justice, the order would conflict with an order made by a superior court	99(6)	No order shall be made under this section if, (a) an order granting custody of the child has been made under the Divorce Act (Canada); or (b) in the case of an order that would be made by the Ontario Court of Justice, the order would conflict with an order made by a superior court.
57.1(7)	<i>Application of s. 57 (3)</i> Subsection 57 (3) applies for the purposes of this section.	99(7)	<i>Application of s. 98 (3)</i> Subsection 98 (3) applies for the purposes of this section
57.2	If, under this Part, a proceeding is commenced or an order for the care, custody or supervision of a child is made, any proceeding respecting custody of or access to the same child under the Children’s Law Reform Act is stayed except by leave of the court in the proceeding under that Act.	100	If, under this Part, a proceeding is commenced or an order for the care, custody or supervision of a child is made, any proceeding respecting custody of or access to the same child under the Children’s Law Reform Act is stayed except by leave of the court in the proceeding under that Act.

Access

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
58(1)	The court may, in the child’s best interests, (a) when making an order under this Part; or (b) upon an application under subsection (2), make, vary or terminate an order respecting a person’s access to the child or the child’s access to a person, and may impose such terms and conditions on the order as the court considers appropriate	101(1)	The court may, in the child’s best interests, (a) when making an order under this Part; or (b) upon an application under subsection (2), make, vary or terminate an order respecting a person’s access to the child or the child’s access to a person, and may impose such terms and conditions on the order as the court considers appropriate.
58(2)	Where a child is in a society’s care and custody or supervision, (a) the child; (b) any other person, including, where the child is an Indian or a native person , a representative chosen by the child’s band or native community ; or (c) the society, may apply to the court at any time for an order under subsection (1).	101(2)	Where a child is in a society’s care and custody or supervision, <u>the following</u> may apply to the court at any time for an order under subsection (1): 1. The child. 2. Any other person, including, in the case of a First Nations, Inuk or Métis child , a representative chosen by each of the child’s bands and First Nations, Inuit or Métis communities . 3. The society.
58(3)	An applicant referred to in clause (2) (b) shall give notice of the application to the society.	101(3)	An applicant referred to in paragraph 2 of subsection (2) shall give notice of the application to the society.

58(4)	<p>Idem A society making or receiving an application under subsection (2) shall give notice of the application to,</p> <ul style="list-style-type: none"> (a) the child, subject to subsections 39 (4) and (5) (notice to child); (b) the child’s parent; (c) the person caring for the child at the time of the application; and (d) where the child is an Indian or a native person, a representative chosen by the child’s band or native community. 	101(4)	<p>Society to give notice of application A society making or receiving an application under subsection (2) shall give notice of the application to,</p> <ul style="list-style-type: none"> (a) the child, subject to subsections 78 (4) and (5) (notice to child); (b) the child’s parent; (c) the person caring for the child at the time of the application; and (d) in the case of a First Nations, Inuk or Métis child, <u>the persons described in clauses (a), (b) and (c)</u> and a representative chosen by each of the child’s bands and First Nations, Inuit or Métis communities.
58(5)	<p>Child over sixteen No order respecting access to a person sixteen years of age or more shall be made under subsection (1) without the person’s consent</p>	101(5)	<p>Child older than 16 No order respecting access to a person 16 or older shall be made under subsection (1) without the person’s consent.</p>
58(6)	<p>No application shall be made under subsection (2) by a person other than a society within six months of,</p> <ul style="list-style-type: none"> (a) the making of an order under section 57; (b) the disposition of a previous application by the same person under subsection (2); (c) the disposition of an application under section 64 or 65.1; or (d) the final disposition or abandonment of an appeal from an order referred to in clause (a), (b) or (c), <p>whichever is later.</p>	101(6)	<p>No application shall be made under subsection (2) by a person other than a society within six months of,</p> <ul style="list-style-type: none"> (a) the making of an order under section 98; (b) the disposition of a previous application by the same person under subsection (2); (c) the disposition of an application under section 110 or 112; or (d) the final disposition or abandonment of an appeal from an order referred to in clause (a), (b) or (c), <p>whichever is later.</p>
58(7)	<p>No person or society shall make an application under subsection (2) where the child,</p> <ul style="list-style-type: none"> (a) is a Crown ward; (b) has been placed in a person’s home by the society or by a Director for the purpose of adoption under Part VII (Adoption); and (c) still resides in that person’s home. 	101(7)	<p>No person or society shall make an application under subsection (2) where the child,</p> <ul style="list-style-type: none"> (a) is in extended society care under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c); (b) has been placed in a person’s home by the society or by a Director for the purpose of adoption under Part VIII (Adoption and Adoption Licensing); and (c) still resides in that person’s home.
59(1)	<p>Where an order is made under paragraph 1 or 2 of subsection 57 (1) removing a child from the person who had charge of the child immediately before intervention under this Part, the court shall make an order for access by the person unless the court is satisfied that continued contact with him or her would not be in the child’s best interests.</p>	102(1)	<p>Where an order is made under paragraph 1 or 2 of subsection 98 (1) removing a child from the person who had charge of the child immediately before intervention under this Part, the court shall make an order for access by the person unless the court is satisfied that continued contact with the person would not be in the child’s best interests.</p>

59(1.1)	<p><i>Access after custody order under s. 57.1</i> If a custody order is made under section 57.1 removing a child from the person who had charge of the child immediately before intervention under this Part, the court shall make an order for access by the person unless the court is satisfied that continued contact will not be in the child’s best interests.</p>	102(2)	<p><i>Access after custody order under s. 99</i> If a custody order is made under section 99 removing a child from the person who had charge of the child immediately before intervention under this Part, the court shall make an order for access by the person unless the court is satisfied that continued contact will not be in the child’s best interests.</p>
59(1.2)	<p><i>Access after supervision order or custody order under s. 65.2 (1)</i> If an order is made for supervision under clause 65.2 (1) (a) or for custody under clause 65.2 (1) (b), the court shall make an order for access by every person who had access before the application for the order was made under section 65.1, unless the court is satisfied that continued contact will not be in the child’s best interests</p>	102(3)	<p><i>Access after supervision order or custody order under s. 113 (1)</i> If an order is made for supervision under clause 113 (1) (a) or for custody under clause 113 (1) (b), the court shall make an order for access by every person who had access before the application for the order was made under section 112, unless the court is satisfied that continued contact will not be in the child’s best interests.</p>
59(2)	<p><i>Termination of access to Crown ward</i> Where the court makes an order that a child be made a ward of the Crown, any order for access made under this Part with respect to the child is terminated.</p>	102(4)	<p><i>Existing access order terminated if order made for extended society care</i> Where the court makes an order that a child be in extended society care <u>under paragraph 3 of subsection 98 (1) or clause 113 (1) (c)</u>, any order for access made under this Part with respect to the child is terminated.</p>
59(2.1)	<p><i>Access: Crown ward</i> A court shall not make or vary an access order made under section 58 with respect to a Crown ward unless the court is satisfied that,</p> <ul style="list-style-type: none"> (a) the relationship between the person and the child is beneficial and meaningful to the child; and (b) the ordered access will not impair the child’s future opportunities for adoption. 	102(5)	<p><i>When court may order access to child in extended society care</i> A court shall not make or vary an access order under section 101 with respect to a child who is in extended society care <u>under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c)</u> unless the court is satisfied that,</p> <ul style="list-style-type: none"> (a) the relationship between the person and the child is beneficial and meaningful to the child; and (b) the ordered access will not impair the child’s future opportunities for adoption.
		102(6)	<p><i>Court to specify access holders and access recipients</i> <u>Where a court makes or varies an access order under section 101 with respect to a child who is in extended society care under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c), the court shall specify,</u></p> <ul style="list-style-type: none"> <u>(a) every person who has been granted a right of access; and</u> <u>(b) every person with respect to whom access has been granted.</u>
59(3)	<p><i>Termination of access: Crown ward</i> The court shall terminate an access order with respect to a Crown ward if,</p> <ul style="list-style-type: none"> (a) the order is no longer in the best interests of the child; or (b) the court is no longer satisfied that the requirements set out in clauses (2.1) (a) and (b) are satisfied. 	102(7)	<p><i>When court to terminate access to child in extended society care</i> The court shall terminate an access order with respect to a child who is in extended society care <u>under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c) if,</u></p>

			<p>(a) the order is no longer in the best interests of the child; or</p> <p>(b) the court is no longer satisfied that the requirements set out in clauses (5) (a) and (b) are satisfied.</p>
59(4)	If a society believes that contact or communication between a person and a Crown ward is in the best interests of the Crown ward and no openness order under Part VII or access order is in effect with respect to the person and the Crown ward , the society may permit contact or communication between the person and the Crown ward .	102(8)	If a society believes that contact or communication between a person and a child who is in extended society care <u>under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c)</u> is in the best interests of the child and no openness order under Part VIII (Adoption and Adoption Licensing) or access order is in effect with respect to the person and the child , the society may permit contact or communication between the person and the child .
59.1	No order for access under section 58 is subject to review under this Act if it is made at the same time as a custody order under section 57.1 , but it may be the subject of an application under section 21 of the <i>Children's Law Reform Act</i> and the provisions of that Act apply as if the order had been made under that Act.	103	No order for access under section 101 is subject to review under this Act if it is made at the same time as a custody order under section 99 , but it may be the subject of an application under section 21 of the <i>Children's Law Reform Act</i> and the provisions of that Act apply as if the order had been made under that Act.
59.2	If a society has applied to a court for an order under this Act respecting access to a child by a parent of the child and the court makes the order, the court shall specify in the order the supervision to which the access is subject if, at the time of making the order, the parent has been charged with or convicted of an offence under the <i>Criminal Code</i> (Canada) involving an act of violence against the child or the other parent of the child, unless the court considers it appropriate not to make the access subject to such supervision.	104	If a society has applied to a court for an order under this Act respecting access to a child by a parent of the child and the court makes the order, the court shall specify in the order the supervision to which the access is subject if, at the time of making the order, the parent has been charged with or convicted of an offence under the <i>Criminal Code</i> (Canada) involving an act of violence against the child or the other parent of the child, unless the court considers it appropriate not to make the access subject to such supervision.

Payment Orders

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
60(1)	Where the court places a child in the care of, (a) a society; or (b) a person other than the child’s parent, subject to a society’s supervision, the court may order a parent or a parent’s estate to pay the society a specified amount at specified intervals for each day the child is in the society’s care or supervision.	105(1)	Where the court places a child in the care of, (a) a society; or (b) a person other than the child’s parent, subject to a society’s supervision, the court may order a parent or a parent’s estate to pay the society a specified amount at specified intervals for each day the child is in the society’s care or supervision.
60(2)	In making an order under subsection (1), the court shall consider those of the following circumstances of the case that the court considers relevant: 1. The assets and means of the child and of the parent or the parent’s estate. 2. The child’s capacity to provide for his or her own support. 3. The capacity of the parent or the parent’s estate to provide support. 4. The child’s and the parent’s age and physical and mental health. 5. The child’s mental, emotional and physical needs. 6. Any legal obligation of the parent or the parent’s estate to provide support for another person. 7. The child’s aptitude for and reasonable prospects of obtaining an education. 8. Any legal right of the child to support from another source, other than out of public money.	105(2)	In making an order under subsection (1), the court shall consider those of the following circumstances of the case that the court considers relevant: 1. The assets and means of the child and of the parent or the parent’s estate. 2. The child’s capacity to provide for their own support. 3. The capacity of the parent or the parent’s estate to provide support. 4. The child’s and the parent’s age and physical and mental health. 5. The child’s mental, emotional and physical needs. 6. Any legal obligation of the parent or the parent’s estate to provide support for another person. 7. The child’s aptitude for and reasonable prospects of obtaining an education. 8. Any legal right of the child to support from another source, other than out of public money.
60(3)	<i>Order ends at eighteen</i> No order made under subsection (1) shall extend beyond the day on which the child attains the age of eighteen years.	105(3)	<i>Order ends at 18</i> No order made under subsection (1) shall extend beyond the day on which the child turns 18.
60(4)	The court may vary, suspend or terminate an order made under subsection (1) where the court is satisfied that the circumstances of the child or parent have changed.	105(4)	The court may vary, suspend or terminate an order made under subsection (1) where the court is satisfied that the circumstances of the child or parent have changed.
60(5)	The council of a municipality may enter into an agreement with the board of directors of a society providing for the collection by the municipality, on the society’s behalf, of the amounts ordered to be paid by a parent under subsection (1).	105(5)	The council of a municipality may enter into an agreement with the board of directors of a society providing for the collection by the municipality, on the society’s behalf, of the amounts ordered to be paid by a parent under subsection (1).
60(6)	An order made against a parent under subsection (1) may be enforced as if it were an order for support made under Part III of the <i>Family Law Act</i> .	105(6)	An order made against a parent under subsection (1) may be enforced as if it were an order for support made under Part III of the <i>Family Law Act</i> .

Society and Crown Wardship

In the proposed legislation, society and crown wardship are referred to as interim and extended society care respectively.

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
61(1)	<i>Placement of wards</i> This section applies where a child is made a society ward under paragraph 2 of subsection 57 (1) or a Crown ward under paragraph 3 of subsection 57 (1) or under subsection 65.2 (1) .	106(1)	<i>Placement of children</i> This section applies where a child is in interim society care <u>under an order made</u> under paragraph 2 of subsection 98 (1) or extended society care <u>under an order made</u> under paragraph 3 of subsection 98 (1) or clause 113 (1) (c) .
61(2)	The society having care of a child shall choose a residential placement for the child that, (a) represents the least restrictive alternative for the child; (b) where possible, respects the religious faith, if any, in which the child is being raised; (c) where possible, respects the child’s linguistic and cultural heritage; (d) where the child is an Indian or a native person, is with a member of the child’s extended family, a member of the child’s band or native community or another Indian or native family, if possible; and (e) takes into account the child’s wishes, if they can be reasonably ascertained, and the wishes of any parent who is entitled to access to the child.	106(2)	The society having care of a child shall choose a residential placement for the child that, (a) represents the least restrictive alternative for the child; (b) where possible, respects the child’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, creed, sex, sexual orientation, gender identity and gender expression; (c) where possible, respects the child’s cultural and linguistic heritage; (d) in the case of a First Nations, Inuk or Métis child, is with, if possible, a member of the child’s extended family or, if that is not possible, (i) in the case of a First Nations child, another First Nations family, (ii) in the case of an Inuk child, another Inuit family, or (iii) in the case of a Métis child, another Métis family; and (e) takes into account the child’s views and wishes, given due weight in accordance with the child’s age and maturity, and the views and wishes of any parent who is entitled to access to the child.
61(3)	The society having care of a child shall ensure that the child receives an education that corresponds to his or her aptitudes and abilities.	106(3)	The society having care of a child shall ensure that the child receives an education that corresponds to the child’s aptitudes and abilities.
61(4)	The society having care of a child shall not place the child outside Ontario or permit a person to remove the child from Ontario permanently unless a Director is satisfied that extraordinary circumstances justify the placement or removal.	106(4)	The society having care of a child shall not place the child outside Ontario or permit a person to remove the child from Ontario permanently unless a Director is satisfied that extraordinary circumstances justify the placement or removal.
61(5)	The society having care of a child shall ensure that, (a) the child is afforded all the rights referred to in Part V (Rights of Children) ; and (b) the wishes of any parent who is entitled to access to the child and, where the child is a Crown ward, of any foster parent with whom the child has lived continuously for two years are taken into account in the society’s major decisions concerning the child.	106(5)	The society having care of a child shall ensure that, (a) the child is afforded all the rights referred to in Part II (Children’s and Young Persons’ Rights) ; and (b) the wishes of any parent who is entitled to access to the child and, where the child is in extended society care <u>under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c),</u> of any foster parent with whom the

			child has lived continuously for two years are taken into account in the society's major decisions concerning the child.
61(6)	The society having care of a child may remove the child from a foster home or other residential placement where, in the opinion of a Director or local director, it is in the child's best interests to do so.	106(6)	The society having care of a child may remove the child from a foster home or other residential placement where, in the opinion of a Director or local director, it is in the child's best interests to do so.
61(7)	If a child is a Crown ward and has lived continuously with a foster parent for two years and a society proposes to remove the child from the foster parent under subsection (6), the society shall, <p>(a) give the foster parent at least 10 days notice in writing of the proposed removal and of the foster parent's right to apply for a review under subsection (7.1); and</p> <p>(b) if the child is an Indian or native person,</p> <p>(i) give at least 10 days notice in writing of the proposed removal to a representative chosen by the child's band or native community, and</p> <p>(ii) after the notice is given, consult with representatives chosen by the band or community relating to the plan for the care of the child.</p>	106(7)	If a child is in extended society care under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c) and has lived continuously with a foster parent for two years and a society proposes to remove the child from the foster parent under subsection (6), the society shall, <p>(a) give the foster parent at least 10 days notice in writing of the proposed removal and of the foster parent's right to apply for a review under subsection (8); and</p> <p>(b) in the case of a First Nations, Inuk or Métis child, give the notice required by clause (a), and</p> <p>(i) give at least 10 days notice in writing of the proposed removal to a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities, and</p> <p>(ii) after the notice is given <u>under subclause (i)</u>, consult with representatives chosen by the bands and communities relating to the plan of care for the child.</p>
61(7.1)	A foster parent who receives a notice under clause (7) (a) may, within 10 days after receiving the notice, apply to the Board in accordance with the regulations for a review of the proposed removal.	106(8)	A foster parent who receives a notice under clause (7) (a) may, within 10 days after receiving the notice, apply to the Board in accordance with the regulations for a review of the proposed removal.
61(8)	Upon receipt of an application by a foster parent for a review of a proposed removal, the Board shall hold a hearing under this section.	106(9)	Upon receipt of an application by a foster parent for a review of a proposed removal, the Board shall hold a hearing under this section.
61(8.1)	Where child is Indian or native person Upon receipt of an application for review of a proposed removal of a child who is an Indian or native person , the Board shall give a representative chosen by the child's band or native community notice of receipt of the application and of the date of the hearing.	106(10)	First Nations, Inuk or Métis child Upon receipt of an application for review of a proposed removal of a First Nations, Inuk or Métis child , the Board shall <u>also</u> give notice of receipt of the application and of the date of the hearing to a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.
61(8.2)	The <i>Statutory Powers Procedure Act</i> applies to a hearing under this section and the Board shall comply with such additional practices and procedures as may be prescribed.	106(11)	The <i>Statutory Powers Procedure Act</i> applies to a hearing under this section and the Board shall comply with such additional practices and procedures as may be prescribed.
61(8.3)	At a hearing under this section, the Board shall be composed of members with the prescribed qualifications and prescribed experience.	106(12)	At a hearing under this section, the Board shall be composed of members with the prescribed qualifications and prescribed experience.
61(8.4)	The following persons are parties to a hearing under this section: 1. The applicant.	106(13)	The following persons are parties to a hearing under this section:

	<p>2. The society.</p> <p>3. If the child is an Indian or a native person, a representative chosen by the child’s band or native community.</p> <p>4. Any person that the Board adds under subsection (8.5).</p>		<p>1. The applicant.</p> <p>2. The society.</p> <p>3. If the child is a First Nations, Inuk or Métis child, the persons described in paragraphs 1 and 2 and a representative chosen by each of the child’s bands and First Nations, Inuit or Métis communities.</p> <p>4. Any person that the Board adds under subsection (14).</p>
61(8.5)	The Board may add a person as a party to a review if, in the Board’s opinion, it is necessary to do so in order to decide all the issues in the review.	106(14)	The Board may add a person as a party to a review if, in the Board’s opinion, it is necessary to do so in order to decide all the issues in the review.
61(8.6)	The Board shall, in accordance with its determination of which action is in the best interests of the child, confirm the proposal to remove the child or direct the society not to carry out the proposed removal, and shall give written reasons for its decision.	106(15)	The Board shall, in accordance with its determination of which action is in the best interests of the child, confirm the proposal to remove the child or direct the society not to carry out the proposed removal, and shall give written reasons for its decision.
61(8.7)	<p>Subject to subsection (9), the society shall not carry out the proposed removal of the child unless,</p> <p>(a) the time for applying for a review of the proposed removal under subsection (7.1) has expired and an application is not made; or</p> <p>(b) if an application for a review of the proposed removal is made under subsection (7.1), the Board has confirmed the proposed removal under subsection (8.6).</p>	106(16)	<p>Subject to subsection (17), the society shall not carry out the proposed removal of the child unless,</p> <p>(a) the time for applying for a review of the proposed removal under subsection (8) has expired and an application is not made; or</p> <p>(b) if an application for a review of the proposed removal is made under subsection (8), the Board has confirmed the proposed removal under subsection (15).</p>
61(9)	A society may remove the child from the foster home before the expiry of the time for applying for a review under subsection (7.1) or at any time after the application for a review is made if, in the opinion of a local director, there would be a risk that the child is likely to suffer harm during the time necessary for a review by the Board.	106(17)	A society may remove the child from the foster home before the expiry of the time for applying for a review under subsection (8) or at any time after the application for a review is made if, in the opinion of a local director, there is a risk that the child is likely to suffer harm during the time necessary for a review by the Board.
61(10)	Sections 34, 35 and 36 (review by Residential Placement Advisory Committee, further review by Children’s Services Review Board) of Part II (Voluntary Access to Services) apply to a residential placement made by a society.	106(18)	Sections 62, 63, 64 and 65 (review by residential placement advisory committee, further review by the Board) apply with necessary modifications to a residential placement made by a society <u>under this section</u> .
61(11)	This section as it read on the day before this subsection came into force continues to apply in respect of proposed removals and requests for review under section 68 if the notice of the proposed removal of the child was given by the society on or before that day.		
		106(19)	<u>In this section,</u> <u>“residential placement” has the same meaning as in section 61.</u>

62(1)	<p><i>Society ward: consent to medical treatment</i> Where a child is made a society ward under paragraph 2 of subsection 57 (1), the society may consent to and authorize medical treatment for the child where a parent’s consent would otherwise be required, unless the court orders that the parent shall retain any right that he or she may have to give or refuse consent to medical treatment for the child.</p>	107(2)	<p><i>Consent to treatment — society or parent may act</i> Where a child is in interim society care under <u>an order made</u> under paragraph 2 of subsection 98 (1), <u>and the child is found incapable of consenting to treatment under the <i>Health Care Consent Act, 1996</i></u>, the society may act in the place of a parent in providing consent to treatment on behalf of the child, unless the court orders that the parent shall retain the authority under that Act to give or refuse consent to treatment on behalf of the incapable child.</p>
62(2)	<p><i>Idem</i> The court shall not make an order under subsection (1) where failure to consent to necessary medical treatment was a ground for finding that the child was in need of protection.</p>	107(3)	<p><i>Exception</i> The court shall not make an order under subsection (2) where failure to consent to necessary treatment was a ground for finding that the child was in need of protection.</p>
62(3)	<p><i>Court order</i> Where a parent referred to in an order made under subsection (1) refuses or is unavailable or unable to consent to medical treatment for the child and the court is satisfied that the treatment would be in the child’s best interests, the court may authorize the society to consent to the treatment.</p>	107(4)	<p><i>Court may authorize society to act re consent to treatment</i> Where a parent referred to in an order made under subsection (2) refuses or is unavailable or unable to consent to treatment for the <u>incapable child</u> and the court is satisfied that the treatment would be in the child’s best interests, the court may authorize the society to act in the place of a parent in providing consent to the treatment on the child’s behalf.</p>
62(4)	Where a child is made a society ward under paragraph 2 of subsection 57 (1) , the child’s parent retains any right that he or she may have under the <i>Marriage Act</i> to give or refuse consent to the child’s marriage.	107(5)	Where a child is in interim society care <u>under an order made</u> under paragraph 2 of subsection 98 (1) , the child’s parent retains any right that the parent may have under the <i>Marriage Act</i> to give or refuse consent to the child’s marriage.
63(1)	Where a child is made a Crown ward under paragraph 3 of subsection 57 (1) or under subsection 65.2 (1) , the Crown has the rights and responsibilities of a parent for the purpose of the child’s care, custody and control and has the right to give or refuse consent to medical treatment for the child where a parent’s consent would otherwise be required , and the Crown’s powers, duties and obligations in respect of the child, except those assigned to a Director by this Act or the regulations, shall be exercised and performed by the society caring for the child.	108(1)	Where a child is in extended society care <u>under an order made</u> under paragraph 3 of subsection 98 (1) or clause 113 (1) (c) , the Crown has the rights and responsibilities of a parent for the purpose of the child’s care, custody and control, and the Crown’s powers, duties and obligations in respect of the child, except those assigned to a Director by this Act or the regulations, shall be exercised and performed by the society caring for the child.
63(2)	<p><i>Society custodian of society wards</i> Where a child is made a society ward under paragraph 2 of subsection 57 (1), the society has the rights and responsibilities of a parent for the purpose of the child’s care, custody and control.</p>	107(1)	<p><i>Child in interim society care</i> Where a child is in interim society care <u>under an order made</u> under paragraph 2 of subsection 98 (1), the society has the rights and responsibilities of a parent for the purpose of the child’s care, custody and control.</p>
63.1	<p><i>Society’s obligation to a Crown ward</i> Where a child is made a Crown ward, the society shall make all reasonable efforts to assist the child to develop a positive, secure and enduring relationship within a family through one of the following: 1. An adoption. 2. A custody order under subsection 65.2 (1).</p>	109	<p><i>Society’s obligation to pursue family relationship for child in extended society care</i> Where a child is in extended society care <u>under an order made</u> under paragraph 3 of subsection 98 (1) or clause 113 (1) (c), the society shall make all reasonable efforts to assist the child to develop a positive, secure and enduring relationship within a family through one of the following:</p>

	<p>3. In the case of a child who is an Indian or native person, a plan for customary care as defined in Part X.</p>		<ol style="list-style-type: none">1. An adoption.2. A custody order under subsection 113 (1).3. In the case of a First Nations, Inuk or Métis child,<ol style="list-style-type: none">i. a plan for customary care,ii. an adoption, oriii. a custody order under subsection 113 (1).
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<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
64(1)	This section applies where a child is the subject of an order under subsection 57 (1) for society supervision or society wardship .	110(1)	This section applies where a child is the subject of an order made under paragraph 1 or 4 of subsection 98 (1) for society supervision or under paragraph 2 of subsection 98 (1) for interim society care .
64(2)	The society having care, custody or supervision of a child, (a) may apply to the court at any time for a review of the child's status; (b) shall apply to the court for a review of the child's status before the order expires, unless the expiry is by reason of subsection 71 (1) ; and (c) shall apply to the court for a review of the child's status within five days after removing the child, if the society has removed the child from the care of a person with whom the child was placed under an order for society supervision.	110(2)	The society having care, custody or supervision of a child, (a) may apply to the court at any time for a review of the child's status; (b) shall apply to the court for a review of the child's status before the order expires, unless the expiry is by reason of section 120 ; and (c) shall apply to the court for a review of the child's status within five days after removing the child, if the society has removed the child from the care of a person with whom the child was placed under an order for society supervision.
64(3)	<i>Application of cl. (2) (a) and (c)</i> If a child is the subject of an order for society supervision, clauses (2) (a) and (c) also apply to the society that has jurisdiction in the county or district in which the parent or other person with whom the child is placed resides.	110(3)	<i>Application of subs. (2) (a) and (c)</i> If a child is the subject of an order for society supervision, clauses (2) (a) and (c) also apply to the society that has jurisdiction in the county or district in which the parent or other person with whom the child is placed resides.
64(4)	An application for review of a child's status may be made on notice to the society by, (a) the child, if the child is at least 12 years of age ; (b) a parent of the child; (c) the person with whom the child was placed under an order for society supervision; or (d) a representative chosen by the child's band or native community, if the child is an Indian or native person.	110(4)	An application for review of a child's status may be made on notice to the society by, (a) the child, if the child is at least 12; (b) a parent of the child; (c) the person with whom the child was placed under an order for society supervision; or (d) in the case of a First Nations, Inuk or Métis child, a person described in clause (a), (b) or (c) or a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.
64(5)	A society making an application under subsection (2) or receiving notice of an application under subsection (4) shall give notice of the application to, (a) the child, except as otherwise provided under subsection 39 (4) or (5); (b) the child's parent; (c) the person with whom the child was placed under an order for society supervision; (d) any foster parent who has cared for the child continuously during the six months immediately before the application; and (e) a representative chosen by the child's band or native community, if the child is an Indian or native person.	110(5)	A society making an application under subsection (2) or receiving notice of an application under subsection (4) shall give notice of the application to, (a) the child, except as otherwise provided under subsection 78 (4) or (5); (b) the child's parent; (c) the person with whom the child was placed under an order for society supervision; (d) any foster parent who has cared for the child continuously during the six months immediately before the application; and

			(e) in the case of a First Nations, Inuk or Métis child, the persons described in clauses (a), (b), (c) and (d) and a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.
64(6)	No application shall be made under subsection (4) within six months after the latest of, (a) the day the original order was made under subsection 57 (1); (b) the day the last application by a person under subsection (4) was disposed of; or (c) the day any appeal from an order referred to in clause (a) or the disposition referred to in clause (b) was finally disposed of or abandoned.	110(6)	No application shall be made under subsection (4) within six months after the latest of, (a) the day the original order was made under subsection 98 (1); (b) the day the last application by a person under subsection (4) was disposed of; or (c) the day any appeal from an order referred to in clause (a) or the disposition referred to in clause (b) was finally disposed of or abandoned.
64(7)	Subsection (6) does not apply if the court is satisfied that a major element of the plan for the child's care that the court applied in its decision is not being carried out.	110(7)	Subsection (6) does not apply if the court is satisfied that a major element of the plan for the child's care that the court applied in its decision is not being carried out.
64(8)	If an application is made under this section, the child shall remain in the care and custody of the person or society having charge of the child until the application is disposed of, unless the court is satisfied that the child's best interests require a change in the child's care and custody.	110(8)	If an application is made under this section, the child shall remain in the care and custody of the person or society having charge of the child until the application is disposed of, unless the court is satisfied that the child's best interests require a change in the child's care and custody.
65(1)	Where an application for review of a child's status is made under section 64 , the court may, in the child's best interests, (a) vary or terminate the original order made under subsection 57 (1), including a term or condition or a provision for access that is part of the order; (b) order that the original order terminate on a specified future date; (c) make a further order or orders under section 57 ; or (d) make an order under section 57.1 .	111	Where an application for review of a child's status is made under section 110 , the court may, in the child's best interests, (a) vary or terminate the original order made under subsection 98 (1), including a term or condition or a provision for access that is part of the order; (b) order that the original order terminate on a specified future date; (c) make a further order or orders under section 98 ; or (d) make an order under section 99 .
65.1(1)	<i>Status review, Crown ward and former Crown wards</i> This section applies where a child is a Crown ward or is the subject of an order for society supervision under clause 65.2 (1) (a) or a custody order under clause 65.2 (1) (b) .	112(1)	<i>Status review for children in, or formerly in, extended society care</i> This section applies where a child is in extended society care under an order made under <u>paragraph 3 of subsection 98 (1) or clause 113 (1) (c)</u> , or is subject to an order for society supervision made under clause 113 (1) (a) or for custody made under clause 113 (1) (b) .
65.1(2)	The society that has or had care, custody or supervision of the child, (a) may apply to the court at any time, subject to subsection (9), for a review of the child's status; (b) shall apply to the court for a review of the child's status before the order expires if the order is for society supervision, unless the expiry is by reason of subsection 71 (1) ; and (c) shall apply to the court for a review of the child's status within five days after removing the child, if the society has removed the child, (i) from the care of a person with whom the child was placed under an order for society supervision described in clause 65.2 (1) (a) , or	112(2)	The society that has or had care, custody or supervision of the child, (a) may apply to the court at any time, subject to subsection (9), for a review of the child's status; (b) shall apply to the court for a review of the child's status before the order expires if the order is for society supervision, unless the expiry is by reason of section 120 ; and (c) shall apply to the court for a review of the child's status within five days after removing the child, if the society has removed the child,

	(ii) from the custody of a person who had custody of the child under a custody order described in clause 65.2 (1) (b). 2006, c. 5, s. 24.		(i) from the care of a person with whom the child was placed under an order for society supervision described in clause 113 (1) (a), or (ii) from the custody of a person who had custody of the child under a custody order described in clause 113 (1) (b).
65.1(3)	<i>Application of cl. (2) (a) and (c)</i> Clauses (2) (a) and (c) also apply to the society that has jurisdiction in the county or district, (a) in which the parent or other person with whom the child is placed resides, if the child is the subject of an order for society supervision under clause 65.2 (1) (a); or (b) in which the person who has custody resides, if the child is the subject of a custody order under clause 65.2 (1) (b). 2006, c. 5, s. 24.	112(3)	<i>Application of subs. (2) (a) and (c)</i> Clauses (2) (a) and (c) also apply to the society that has jurisdiction in the county or district, (a) in which the parent or other person with whom the child is placed resides, if the child is the subject of an order for society supervision under clause 113 (1) (a); or (b) in which the person who has custody resides, if the child is the subject of a custody order under clause 113 (1) (b).
65.1(4)	An application for review of a child's status under this section may be made on notice to the society by, (a) the child, if the child is at least 12 years of age ; (b) a parent of the child; (c) the person with whom the child was placed under an order for society supervision described in 65.2 (1) (a); (d) the person to whom custody of the child was granted, if the child is subject to an order for custody described in clause 65.2 (1) (b); (e) a foster parent, if the child has lived continuously with the foster parent for at least two years immediately before the application; or (f) a representative chosen by the child's band or native community, if the child is an Indian or native person.	112(4)	An application for review of a child's status under this section may be made on notice to the society by, (a) the child, if the child is at least 12; (b) a parent of the child; (c) the person with whom the child was placed under an order for society supervision described in clause 113 (1) (a); (d) the person to whom custody of the child was granted, if the child is subject to an order for custody described in clause 113 (1) (b); (e) a foster parent, if the child has lived continuously with the foster parent for at least two years immediately before the application; or (f) in the case of a First Nations, Inuk or Métis child, a person described in clause (a), (b), (c), (d) or (e) or a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.
65.1(5)	Despite clause (4) (b), a parent of a child shall not make an application under subsection (4) without leave of the court if the child has, immediately before the application, received continuous care for at least two years from the same foster parent or from the same person under a custody order.	112(5)	Despite clause (4) (b), a parent of a child shall not make an application under subsection (4) without leave of the court if the child has, immediately before the application, received continuous care for at least two years from the same foster parent or from the same person under a custody order.
65.1(6)	A society making an application under subsection (2) or receiving notice of an application under subsection (4) shall give notice of the application to, (a) the child, except as otherwise provided under subsection 39 (4) or (5); (b) the child's parent, if the child is under 16 years of age ; (c) the person with whom the child was placed, if the child is subject to an order for society supervision described in clause 65.2 (1) (a); (d) the person to whom custody of the child was granted, if the child is subject to an order for custody described in clause 65.2 (1) (b);	112(6)	A society making an application under subsection (2) or receiving notice of an application under subsection (4) shall give notice of the application to, (a) the child, except as otherwise provided under subsection 78 (4) or (5); (b) the child's parent, if the child is younger than 16; (c) the person with whom the child was placed, if the child is subject to an order for society supervision described in clause 113 (1) (a);

	<p>(e) any foster parent who has cared for the child continuously during the six months immediately before the application; and</p> <p>(f) a representative chosen by the child's band or native community, if the child is an Indian or native person.</p>		<p>(d) the person to whom custody of the child was granted, if the child is subject to an order for custody described in clause 113 (1) (b);</p> <p>(e) any foster parent who has cared for the child continuously during the six months immediately before the application; and</p> <p>(f) in the case of a First Nations, Inuk or Métis child, the persons described in clause (a), (b), (c), (d) or (e) and a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.</p>
65.1(7)	<p>No application shall be made under subsection (4) within six months after the latest of,</p> <p>(a) the day the order was made under subsection 57 (1) or 65.2 (1), whichever is applicable;</p> <p>(b) the day the last application by a person under subsection (4) was disposed of; or</p> <p>(c) the day any appeal from an order referred to in clause (a) or a disposition referred to in clause (b) was finally disposed of or abandoned.</p>	112(7)	<p>No application shall be made under subsection (4) within six months after the latest of,</p> <p>(a) the day the order was made under subsection 98 (1) or 113 (1), whichever is applicable;</p> <p>(b) the day the last application by a person under subsection (4) was disposed of; or</p> <p>(c) the day any appeal from an order referred to in clause (a) or a disposition referred to in clause (b) was finally disposed of or abandoned.</p>
65.1(8)	<p>Subsection (7) does not apply if,</p> <p>(a) the child is the subject of,</p> <p>(i) an order for society supervision described in clause 65.2 (1) (a),</p> <p>(ii) an order for custody described in clause 65.2 (1) (b), or</p> <p>(iii) an order for Crown wardship under subsection 57 (1) or clause 65.2 (1) (c) and an order for access under section 58; and</p> <p>(b) the court is satisfied that a major element of the plan for the child's care that the court applied in its decision is not being carried out.</p>	112(8)	<p>Subsection (7) does not apply if,</p> <p>(a) the child is the subject of,</p> <p>(i) an order for society supervision made under clause 113 (1) (a),</p> <p>(ii) an order for custody made under clause 113 (1) (b), or</p> <p>(iii) an order for extended society care <u>made</u> under paragraph 3 of subsection 98 (1) or clause 113 (1) (c) and an order for access under section 101; and</p> <p>(b) the court is satisfied that a major element of the plan for the child's care that the court applied in its decision is not being carried out.</p>
65.1(9)	<p>No person or society shall make an application under this section with respect to a Crown ward who has been placed in a person's home by the society or by a Director for the purposes of adoption under Part VII, if the Crown ward still resides in the person's home.</p>	112(9)	<p>No person or society shall make an application under this section with respect to a child who is in extended society care <u>under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c)</u> who has been placed in a person's home by the society or by a Director for the purposes of adoption under Part VIII (Adoption and Adoption Licensing), if the child still resides in the person's home.</p>
65.1(10)	<p>If an application is made under this section, the child shall remain in the care and custody of the person or society having charge of the child until the application is disposed of, unless the court is satisfied that the child's best interests require a change in the child's care and custody.</p>	112(10)	<p>If an application is made under this section, the child shall remain in the care and custody of the person or society having charge of the child until the application is disposed of, unless the court is satisfied that the child's best interests require a change in the child's care and custody.</p>
65.2(1)	<p>If an application for review of a child's status is made under section 65.1, the court may, in the child's best interests,</p>	113(1)	<p>If an application for review of a child's status is made under section 112, the court may, in the child's best interests,</p>

	<p>(a) order that the child be placed in the care and custody of a parent or another person, subject to the supervision of the society, for a specified period of at least three months and not more than 12 months;</p> <p>(b) order that custody be granted to one or more persons, including a foster parent, with the consent of the person or persons;</p> <p>(c) order that the child be made a ward of the Crown until wardship is terminated under this section or expires under subsection 71 (1); or</p> <p>(d) terminate or vary any order made under section 57 or this section.</p>		<p>(a) order that the child be placed in the care and custody of a parent or another person, subject to the supervision of the society, for a specified period of at least three months and not more than 12 months;</p> <p>(b) order that custody be granted to one or more persons, including a foster parent, with the consent of the person or persons;</p> <p>(c) order that the child be placed in extended society care until the order is terminated under this section or expires under section 120; or</p> <p>(d) terminate or vary any order made under section 98 or this section.</p>
65.2(2)	<p><i>Variation, etc</i></p> <p>When making an order under subsection (1), the court may, subject to section 59, vary or terminate an order for access or make a further order under section 58.</p>	113(2)	<p><i>Variation, termination or new order</i></p> <p>When making an order under subsection (1), the court may, subject to section 102, vary or terminate an order for access or make a further order under section 101.</p>
65.2(3)	<p><i>Same</i></p> <p>Any previous order for Crown wardship is terminated if an order described in clause (1) (a) or (b) is made in respect of a child.</p>	113(3)	<p><i>Termination of extended society care order</i></p> <p>Any previous order for extended society care <u>made under paragraph 3 of subsection 98 (1) or clause (1) (c)</u> is terminated if an order described in clause (1) (a) or (b) is made in respect of a child.</p>
65.2(4)	<p>If the court makes a supervision order described in clause (1) (a), the court may impose,</p> <p>(a) reasonable terms and conditions relating to the child’s care and supervision;</p> <p>(b) reasonable terms and conditions on the child’s parent, the person who will have care and custody of the child under the order, the child and any other person, other than a foster parent, who is putting forward a plan or who would participate in a plan for care and custody of or access to the child; and</p> <p>(c) reasonable terms and conditions on the society that will supervise the placement, but shall not require the society to provide financial assistance or purchase any goods or services.</p>	113(4)	<p>If the court makes a supervision order described in clause (1) (a), the court may impose,</p> <p>(a) reasonable terms and conditions relating to the child’s care and supervision;</p> <p>(b) reasonable terms and conditions on,</p> <p>(i) the child’s parent,</p> <p>(ii) the person who will have care and custody of the child under the order,</p> <p>(iii) the child, and</p> <p>(iv) any other person, other than a foster parent, who is putting forward a plan or who would participate in a plan for care and custody of or access to the child; and</p> <p>(c) reasonable terms and conditions on the society that will supervise the placement, but shall not require the society to provide financial assistance or purchase any goods or services.</p>
65.2(5)	<p>Section 59 applies with necessary modifications if the court makes an order described in clause (1) (a), (b) or (c).</p>	113(5)	<p>Section 102 applies with necessary modifications if the court makes an order described in clause (1) (a), (b) or (c).</p>
65.2(6)	<p>Where an order is made under this section or a proceeding is commenced under this Part, any proceeding respecting custody of or access to the same child under the <i>Children’s Law Reform Act</i> is stayed except by leave of the court in the proceeding under that Act.</p>	113(6)	<p>Where an order is made under this section or a proceeding is commenced under this Part, any proceeding respecting custody of or access to the same child under the <i>Children’s Law Reform Act</i> is stayed except by leave of the court in the proceeding under that Act.</p>

65.2(7)	A person to whom custody of a child is granted by an order under this section has the rights and responsibilities of a parent in respect of the child and must exercise those rights and responsibilities in the best interests of the child.	113(7)	A person to whom custody of a child is granted by an order under this section has the rights and responsibilities of a parent in respect of the child and must exercise those rights and responsibilities in the best interests of the child.
66(1)	<i>Director's annual review of Crown wards</i> A Director or a person authorized by a Director shall, at least once during each calendar year, review the status of every child, (a) who is a Crown ward ; (b) who was a Crown ward throughout the immediately preceding twenty-four months; and (c) whose status has not been reviewed under this section or under section 65.2 during that time.	114(1)	<i>Director's annual review of children in extended society care</i> A Director or a person authorized by a Director shall, at least once during each calendar year, review the status of every child, (a) who is in extended society care under an order made under paragraph 3 of subsection 98 (1) or clause 113 (1) (c); (b) who was in extended society care under an order described in clause (a) throughout the immediately preceding 24 months; and (c) whose status has not been reviewed under this section or under section 113 during that time.
66(2)	<i>Idem</i> After a review under subsection (1), the Director may direct the society to make an application for review of the child's status under subsection 65 (1) or give any other direction that, in the Director's opinion, is in the child's best interests.	114(2)	<i>Direction to society</i> After a review under subsection (1), the Director may direct the society to make an application for review of the child's status under subsection 112 (2) or give any other direction that, in the Director's opinion, is in the child's best interests.
67(1)	The Minister may appoint a judge of the Court of Ontario to investigate a matter relating to a child in a society's care or the proper administration of this Part, and a judge who is appointed shall conduct the investigation and make a written report to the Minister.	115(1)	The Minister may appoint a judge of the Court of Ontario to investigate a matter relating to a child in a society's care or the proper administration of this Part, and a judge who is appointed shall conduct the investigation and make a written report to the Minister.
67(2)	Section 33 of the <i>Public Inquiries Act, 2009</i> applies to an investigation by a judge under subsection (1).	115(2)	Section 33 of the <i>Public Inquiries Act, 2009</i> applies to an investigation by a judge under subsection (1).
68(1)	A person may make a complaint to a society relating to a service sought or received by that person from the society in accordance with the regulations.	116(1)	A person may make a complaint to a society relating to a service sought or received by that person from the society in accordance with the regulations.
68(2)	Where a society receives a complaint under subsection (1), it shall deal with the complaint in accordance with the complaint review procedure established by regulation, subject to subsection 68.1 (2) .	116(2)	Where a society receives a complaint under subsection (1), it shall deal with the complaint in accordance with the complaint review procedure established by regulation, subject to subsection 117 (2) .
68(3)	<i>Available to public</i> A society shall make information relating to the complaint review procedure available to any person upon request.	116(3)	<i>Public availability</i> A society shall make information relating to the complaint review procedure available to any person upon request.
68(4)	Subject to subsection (5), the decision of a society made upon completion of the complaint review procedure is final.	116(4)	Subject to subsection (5), the decision of a society made upon completion of the complaint review procedure is final.
68(5)	If a complaint relates to one of the following matters, the complainant may apply to the Board in accordance with the regulations for a review of the decision made by the society upon completion of the complaint review procedure: 1. An alleged inaccuracy in the society's files or records regarding the complainant. 2. A matter described in subsection 68.1 (4) .	116(5)	If a complaint relates to one of the following matters, the complainant may apply to the Board in accordance with the regulations for a review of the decision made by the society upon completion of the complaint review procedure: 1. A matter described in subsection 117 (4) . 2. Any other prescribed matter.

	3. Any other prescribed matter.		
68(6)	Upon receipt of an application under subsection (5), the Board shall give the society notice of the application and conduct a review of the society's decision.	116(6)	Upon receipt of an application under subsection (5), the Board shall give the society notice of the application and conduct a review of the society's decision.
68(7)	The Board shall be composed of members with the prescribed qualifications and prescribed experience.	116(7)	The Board shall be composed of members with the prescribed qualifications and prescribed experience.
68(8)	The Board may hold a hearing and, if a hearing is held, the Board shall comply with the prescribed practices and procedures.	116(8)	The Board may hold a hearing and, if a hearing is held, the Board shall comply with the prescribed practices and procedures.
68(9)	The <i>Statutory Powers Procedure Act</i> does not apply to a hearing under this section.	116(9)	The <i>Statutory Powers Procedure Act</i> does not apply to a hearing under this section.
68(10)	Upon completing its review of a decision by a society in relation to a complaint, the Board may, (a) in the case of a review of a matter described in paragraph 1 of subsection (5), order that a notice of disagreement be added to the complainant's file; (b) in the case of a matter described in subsection 68.1 (4), make any order described in subsection 68.1 (7), as appropriate; (c) redirect the matter to the society for further review; (d) confirm the society's decision; or (e) make such other order as may be prescribed.	116(10)	Upon completing its review of a decision by a society in relation to a complaint, the Board may, (a) in the case of a matter described in subsection 117 (4), make any order described in subsection 117 (7), as appropriate; (b) redirect the matter to the society for further review; (c) confirm the society's decision; or (d) make such other order as may be prescribed.
68(11)	Notice of disagreement (11) A notice of disagreement referred to in clause (10) (a) shall be in the prescribed form if the regulations so provide.		
68(12)	A society shall not conduct a review of a complaint under this section if the subject of the complaint, (a) is an issue that has been decided by the court or is before the court; or (b) is subject to another decision-making process under this Act or the <i>Labour Relations Act, 1995</i> .	116(11)	A society shall not conduct a review of a complaint under this section if the subject of the complaint, (a) is an issue that has been decided by the court or is before the court; or (b) is subject to another decision-making process under this Act or the <i>Labour Relations Act, 1995</i> .
68(13)	Transitional (13) This section as it read immediately before the day this subsection came into force continues to apply in respect of complaints made to a society before that day and of any reviews requested of the Director before that day.		
68.1(1)	If a complaint in respect of a service sought or received from a society relates to a matter described in subsection (4), the person who sought or received the service may, (a) decide not to make the complaint to the society under section 68 and make the complaint directly to the Board under this section; or (b) where the person first makes the complaint to the society under section 68 , submit the complaint to the Board before the society's complaint review procedure is completed.	117(1)	If a complaint in respect of a service sought or received from a society relates to a matter described in subsection (4), the person who sought or received the service may, (a) decide not to make the complaint to the society under section 116 and make the complaint directly to the Board under this section; or (b) where the person first makes the complaint to the society under section 116 , submit the complaint to the Board before the society's complaint review procedure is completed.
68.1(2)	If a person submits a complaint to the Board under clause (1) (b) after having brought the complaint to the society under section 68 , the Board shall give the society notice of that fact and the society may terminate or stay its review, as it considers appropriate.	117(2)	If a person submits a complaint to the Board under clause (1) (b) after having brought the complaint to the society under section 116 , the Board shall give the society notice of that fact and the society may terminate or stay its review, as it considers appropriate.

68.1(3)	A complaint to the Board under this section shall be made in accordance with the regulations.	117(3)	A complaint to the Board under this section shall be made in accordance with the regulations.
68.1(4)	The following matters may be reviewed by the Board under this section: 1. Allegations that the society has refused to proceed with a complaint made by the complainant under subsection 68 (1) as required under subsection 68 (2). 2. Allegations that the society has failed to respond to the complainant's complaint within the timeframe required by regulation. 3. Allegations that the society has failed to comply with the complaint review procedure or with any other procedural requirements under this Act relating to the review of complaints. 4. Allegations that the society has failed to comply with clause 2 (2) (a) . 5. Allegations that the society has failed to provide the complainant with reasons for a decision that affects the complainant's interests. 6. Such other matters as may be prescribed.	117(4)	The following matters may be reviewed by the Board under this section: 1. Allegations that the society has refused to proceed with a complaint made by the complainant under subsection 116 (1) as required under subsection 116 (2). 2. Allegations that the society has failed to respond to the complainant's complaint within the timeframe required by regulation. 3. Allegations that the society has failed to comply with the complaint review procedure or with any other procedural requirements under this Act relating to the review of complaints. 4. Allegations that the society has failed to comply with subsection 14 (2) . 5. Allegations that the society has failed to provide the complainant with reasons for a decision that affects the complainant's interests. 6. Such other matters as may be prescribed.
68.1(5)	Upon receipt of a complaint under this section, the Board shall conduct a review of the matter.	117(5)	Upon receipt of a complaint under this section, the Board shall conduct a review of the matter.
68.1(6)	Subsections 68 (7), (8) and (9) apply with necessary modification to a review of a complaint made under this section.	117(6)	Subsections 116 (7), (8) and (9) apply with necessary modification to a review of a complaint made under this section.
68.1(7)	After reviewing the complaint, the Board may, (a) order the society to proceed with the complaint made by the complainant in accordance with the complaint review procedure established by regulation; (b) order the society to provide a response to the complainant within a period specified by the Board; (c) order the society to comply with the complaint review procedure established by regulation or with any other requirements under this Act; (d) order the society to provide written reasons for a decision to a complainant; (e) dismiss the complaint; or (f) make such other order as may be prescribed.	117(7)	After reviewing the complaint, the Board may, (a) order the society to proceed with the complaint made by the complainant in accordance with the complaint review procedure established by regulation; (b) order the society to provide a response to the complainant within a period specified by the Board; (c) order the society to comply with the complaint review procedure established by regulation or with any other requirements under this Act; (d) order the society to provide written reasons for a decision to a complainant; (e) dismiss the complaint; or (f) make such other order as may be prescribed.
68.1(8)	The Board shall not conduct a review of a complaint under this section if the subject of the complaint, (a) is an issue that has been decided by the court or is before the court; or (b) is subject to another decision-making process under this Act or the <i>Labour Relations Act, 1995</i> .	117(8)	The Board shall not conduct a review of a complaint under this section if the subject of the complaint, (a) is an issue that has been decided by the court or is before the court; or (b) is subject to another decision-making process under this Act or the <i>Labour Relations Act, 1995</i> .

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
69(1)	An appeal from a court’s order under this Part may be made to the Superior Court of Justice by, (a) the child, if the child is entitled to participate in the proceeding under subsection 39 (6) (child’s participation); (b) any parent of the child; (c) the person who had charge of the child immediately before intervention under this Part; (d) a Director or local director; or (e) where the child is an Indian or a native person, a representative chosen by the child’s band or native community.	118(1)	An appeal from a court’s order under this Part may be made to the Superior Court of Justice by, (a) the child, if the child is entitled to participate in the proceeding under subsection 78 (6) (child’s participation); (b) any parent of the child; (c) the person who had charge of the child immediately before intervention under this Part; (d) a Director or local director; or (e) in the case of a First Nations, Inuk or Métis child, a person described in clause (a), (b), (c) or (d) or a representative chosen by each of the child’s bands and First Nations, Inuit or Métis communities.
69(2)	Subsection (1) does not apply to an order for an assessment under section 54.	118(2)	Subsection (1) does not apply to an order for an assessment under section 95.
69(3)	Where a decision regarding the care and custody of a child is appealed under subsection (1), execution of the decision shall be stayed for the ten days immediately following service of the notice of appeal on the court that made the decision, and where the child is in the society’s custody at the time the decision is made, the child shall remain in the care and custody of the society until, (a) the ten -day period of the stay has expired; or (b) an order is made under subsection (4), whichever is earlier.	118(3)	Where a decision regarding the care and custody of a child is appealed under subsection (1), execution of the decision shall be stayed for the 10 days immediately following service of the notice of appeal on the court that made the decision, and where the child is in the society’s <u>care and</u> custody at the time the decision is made, the child shall remain in the care and custody of the society until, (a) the 10 -day period of the stay has expired; or (b) an order is made under subsection (4), whichever is earlier.
69(4)	The Superior Court of Justice may, in the child’s best interests, make a temporary order for the child’s care and custody pending final disposition of the appeal, except an order placing the child in a place of secure custody as defined in Part IV (Youth Justice) or a place of secure temporary detention as defined in that Part that has not been designated as a place of safety, and the court may, on any party’s motion before the final disposition of the appeal, vary or terminate the order or make a further order.	118(4)	The Superior Court of Justice may, in the child’s best interests, make a temporary order for the child’s care and custody pending final disposition of the appeal, and the court may, on any party’s motion before the final disposition of the appeal, vary or terminate the order or make a further order.
69(5)	No extension of the time for an appeal shall be granted where the child has been placed for adoption under Part VII (Adoption).	118(5)	No extension of the time for an appeal shall be granted where the child has been placed for adoption under Part VIII (Adoption and Adoption Licensing).
69(6)	The court may receive further evidence relating to events after the appealed decision.	118(6)	The court may receive further evidence relating to events after the appealed decision.
69(7)	An appeal under this section shall be heard in the county or district in which the order appealed from was made.	118(7)	<u>An</u> appeal under this section shall be heard in the county or district in which the order appealed from was made.
69(8)	<i>s. 45 applies</i> Section 45 (hearings private, etc.) applies with necessary modifications to an appeal under this section.	118(8)	Application of s. 85 Section 85 (rules re hearings) applies with necessary modifications to an appeal under this section.

Expiry of Orders

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
70(1)	Subject to subsections (3) and (4), the court shall not make an order for society wardship under this Part that results in a child being a society ward for a period exceeding, (a) 12 months, if the child is less than 6 years of age on the day the court makes an order for society wardship ; or (b) 24 months, if the child is 6 years of age or older on the day the court makes an order for society wardship .	119(1)	Subject to subsections (4) and (5), the court shall not make an order for interim society care under paragraph 2 of subsection 98 (1) that results in a child being in the care and custody of a society for a period exceeding, (a) 12 months, if the child is younger than 6 on the day the court makes the order; or (b) 24 months, if the child is 6 or older on the day the court makes the order.
70(2)	<i>Same</i> In calculating the period referred to in subsection (1), time during which a child has been in a society’s care and custody under, (a) an agreement made under subsection 29 (1) or 30 (1) (temporary care or special needs agreement); or (b) a temporary order made under clause 51 (2) (d), shall be counted.	119(2)	<i>Calculation of time limit</i> The time during which a child has been in a society’s care and custody pursuant to the following shall be counted in calculating the period referred to in subsection (1): 1. An agreement made under subsection 74 (1) (temporary care agreement). 2. A temporary order made under clause 91 (2) (d) (custody during adjournment).
70(2.1)	The period referred to in subsection (1) shall include any previous periods that the child was in a society’s care and custody as a society ward or as described in subsection (2) other than periods that precede a continuous period of five or more years that the child was not in a society’s care and custody	119(3)	The period referred to in subsection (1) shall include any previous periods that the child was in a society’s care and custody under an interim society care order made under paragraph 2 of subsection 98 (1) or as described in subsection (2) other than periods that precede a continuous period of five or more years that the child was not in a society’s care and custody.
70(3)	<i>Idem</i> Where the period referred to in subsection (1) or (4) expires and, (a) an appeal of an order made under subsection 57 (1) has been commenced and is not yet finally disposed of; or (b) the court has adjourned a hearing under section 65 (status review), the period shall be deemed to be extended until the appeal has been finally disposed of and any new hearing ordered on appeal has been completed or an order has been made under section 65, as the case may be.	119(4)	<i>Deemed extension of time limit</i> Where the period referred to in subsection (1) or (5) expires and, (a) an appeal of an order made under subsection 98 (1) has been commenced and is not yet finally disposed of; or (b) the court has adjourned a hearing under section 111 (status review), the period is deemed to be extended until the appeal has been finally disposed of and any new hearing ordered on appeal has been completed or an order has been made under section 111, as the case may be.
70(4)	Subject to paragraphs 2 and 4 of subsection 57 (1), the court may by order extend the period permitted under subsection (1) by a period not to exceed six months if it is in the child’s best interests to do so.	119(5)	Subject to paragraphs 2 and 4 of subsection 98 (1), the court may by order extend the period permitted under subsection (1) by a period not to exceed six months if it is in the child’s best interests to do so.
71(1)	An order under this Part expires when the child who is the subject of the order, (a) attains the age of eighteen years ; or (b) marries, whichever comes first.	120	An order under this Part expires when the child who is the subject of the order, (a) turns 18 ; or (b) marries, <u>whichever comes first.</u>

Extended Care

Extended care is named to “Continued Care and Support” in Bill-89.

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
71.1(1)	<p>Extended care A society may provide care and maintenance to a person in accordance with the regulations if, (a) a custody order under subsection 65.2 (1) or an order for Crown wardship was made in relation to that person as a child; and (b) the order expires under section 71.</p>	121(1)	<p>Continued care and support A society and, <u>in the case of a First Nations, Inuk or Métis person, an agency,</u> may provide care and support to a person in accordance with the regulations <u>in one of the following circumstances:</u> 1. A custody order under clause 113 (1) (b) or an order for extended society care under paragraph 3 of subsection 98 (1) or clause 113 (1) (c) was made in relation to that person as a child and the order expires under section 120. 2. <u>The person entered into an agreement with the society under section 76 and the agreement expires on the person’s 18th birthday.</u> 3. <u>The person is 18 or older and, when the person was 16 or 17, the person was eligible for the prescribed support services, whether or not the person was receiving such services.</u> 4. <u>In the case of a First Nations, Inuk or Métis person who is 18 or older, paragraph 1, 2 or 3 applies or the person was being cared for under customary care immediately before their 18th birthday and the person who was caring for them was receiving a subsidy from the society or an entity under section 70.</u></p>
71.1(2)	<p>Same, Indian and native person (2) A society or agency may provide care and maintenance in accordance with the regulations to a person who is an Indian or native person who is 18 years of age or more if, (a) immediately before the person’s 18th birthday, he or she was being cared for under customary care as defined in section 208; and (b) the person who was caring for the child was receiving a subsidy from the society or agency under section 212.</p>		
71.1(3)	<p>Same, prescribed support services (3) A society or agency may provide care and maintenance in accordance with the regulations to a person who is 18 years of age or more if, when the person was 16 or 17 years of age, he or she was eligible for support services prescribed by the regulations, whether or not he or she was receiving such support services.</p>		
71.1(4)	<p>Subject to the terms and conditions in this section, a person who chooses to stop receiving care and maintenance under this section may choose to resume receiving it.</p>	121(2)	<p>Subject to the terms and conditions in this section, a person who chooses to stop receiving care and support under this section may choose to resume receiving it.</p>
71.1(5)	<p>Subsection (4) applies where the person has chosen to stop receiving care and maintenance on one occasion or, at the discretion of the society or agency providing the care and maintenance, on more than one occasion.</p>	121(3)	<p>Subsection (2) applies where the person has chosen to stop receiving care and support on one occasion or, at the discretion of the society or agency providing the care and support on more than one occasion.</p>

Duty to Report

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
72(1)	<p>Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:</p> <ol style="list-style-type: none"> 1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person’s, <ol style="list-style-type: none"> i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child. 2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person’s, <ol style="list-style-type: none"> i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child. 3. The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child. 4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3. 5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment. 6. The child has suffered emotional harm, demonstrated by serious, <ol style="list-style-type: none"> i. anxiety, ii. depression, iii. withdrawal, iv. self-destructive or aggressive behaviour, or v. delayed development, and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child’s parent or the person having charge of the child. 7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm. 	122(1)	<p>Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall immediately report the suspicion and the information on which it is based to a society:</p> <ol style="list-style-type: none"> 1. The child has suffered physical harm inflicted by the person having charge of the child or caused by or resulting from that person’s, <ol style="list-style-type: none"> i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child. 2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person’s, <ol style="list-style-type: none"> i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child. 3. The child has been sexually abused or sexually exploited by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual abuse or sexual exploitation and fails to protect the child. 4. There is a risk that the child is likely to be sexually abused or sexually exploited as described in paragraph 3. 5. The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child’s parent or the person having charge of the child does not provide <u>the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, the treatment on the child’s behalf.</u> 6. The child has suffered emotional harm, demonstrated by serious, <ol style="list-style-type: none"> i. anxiety, ii. depression, iii. withdrawal, iv. self-destructive or aggressive behaviour, or v. delayed development, and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child’s parent or the person having charge of the child. 7. The child has suffered emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child’s parent or the person having charge of the child does not

	<p>8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child’s parent or the person having charge of the child.</p> <p>9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and that the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.</p> <p>10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development and the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.</p> <p>11. The child has been abandoned, the child’s parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child’s care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child’s care and custody.</p> <p>12. The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person’s property, services or treatment are necessary to prevent a recurrence and the child’s parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.</p> <p>13. The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person’s property, with the encouragement of the person having charge of the child or because of that person’s failure or inability to supervise the child adequately.</p>	<p><u>provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the harm.</u></p> <p>8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v resulting from the actions, failure to act or pattern of neglect on the part of the child’s parent or the person having charge of the child.</p> <p>9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child’s parent or the person having charge of the child does not provide <u>services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to prevent the harm.</u></p> <p>10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development and the child’s parent or the person having charge of the child does not provide the <u>treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.</u></p> <p>11. The child’s parent has died or is unavailable to exercise custodial rights over the child and has not made adequate provision for the child’s care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child’s care and custody.</p> <p>12. The child is younger than 12 and has killed or seriously injured another person or caused serious damage to another person’s property, services or treatment are necessary to prevent a recurrence and the child’s parent or the person having charge of the child does not provide <u>services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the Health Care Consent Act, 1996, refuses or is unavailable or unable to consent to treatment.</u></p> <p>13. The child is younger than 12 and has on more than one occasion injured another person or caused loss or damage to another person’s property, with the encouragement of the person having charge of the child or because of that person’s failure or inability to supervise the child adequately.</p>
72(2)	A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child.	122(2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if the person has made previous reports with respect to the same child.
72(3)	A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on his or her behalf.	122(3) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the society and shall not rely on any other person to report on the person’s behalf.
		122(4) <i>Duty to report does not apply to older children</i>

			Subsections (1) and (2) do not apply in respect of a child who is 16 or 17, but a person may make a report under subsection (1) or (2) in respect of a child who is 16 or 17 if either a circumstance or condition described in paragraphs 1 to 11 of subsection (1) or a prescribed circumstance or condition exists.
72(4)	A person referred to in subsection (5) is guilty of an offence if, (a) he or she contravenes subsection (1) or (2) by not reporting a suspicion; and (b) the information on which it was based was obtained in the course of his or her professional or official duties.	122(5)	A person referred to in subsection (6) is guilty of an offence if, (a) the person contravenes subsection (1) or (2) by not reporting a suspicion; and (b) the information on which it was based was obtained in the course of the person's professional or official duties.
72(5)	Same Subsection (4) applies to every person who performs professional or official duties with respect to children including, (a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist; (b) a teacher, person appointed to a position designated by a board of education as requiring an early childhood educator, school principal, social worker, family counsellor, youth and recreation worker, and operator or employee of a child care centre or home child care agency or provider of licensed child care within the meaning of the Child Care and Early Years Act, 2014; (b.1) a religious official, including a priest, a rabbi and a member of the clergy; (b.2) a mediator and an arbitrator; (c) a peace officer and a coroner; (d) a solicitor ; and (e) a service provider and an employee of a service provider.	122(6)	Professionals and officials Subsection (5) applies to every person who performs professional or official duties with respect to children including, (a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist; (b) a teacher, person appointed to a position designated by a board of education as requiring an early childhood educator, school principal, social worker, family counsellor, youth and recreation worker, and operator or employee of a child care centre or home child care agency or provider of licensed child care within the meaning of the Child Care and Early Years Act, 2014; (c) a religious official; (d) a mediator and an arbitrator; (e) a peace officer and a coroner; (f) a lawyer ; and (g) a service provider and an employee of a service provider.
72(6)	Same In clause (5) (b), “youth and recreation worker” does not include a volunteer.	122(7)	Volunteer excluded In clause (6) (b), “youth and recreation worker” does not include a volunteer.
72(6.1)	Same A director, officer or employee of a corporation who authorizes, permits or concurs in a contravention of an offence under subsection (4) by an employee of the corporation is guilty of an offence.	122(8)	Director, officer or employee of corporation A director, officer or employee of a corporation who authorizes, permits or concurs in the commission of an offence under subsection (5) by an employee of the corporation is guilty of an offence.
72(6.2)	Same A person convicted of an offence under subsection (4) or (6.1) is liable to a fine of not more than \$1,000 .	122(9)	Penalty A person convicted of an offence under subsection (5) or (8) is liable to a fine of not more than \$5,000 .
72(7)	Section overrides privilege This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion	122(10)	Section overrides privilege; protection from liability This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion.
72(8)	Exception: solicitor client privilege	122(11)	Solicitor-client privilege

	Nothing in this section abrogates any privilege that may exist between a solicitor and his or her client.		Nothing in this section abrogates any privilege that may exist between a lawyer and the lawyer's client.
72(9)	This section prevails despite anything in the <i>Personal Health Information Protection Act</i> , 2004.	122(12)	This section prevails despite anything in the <i>Personal Health Information Protection Act</i> , 2004.
		123(1)	<i>Society to assess and verify report of child in need of protection</i> <u>A society that receives a report under section 122 that a child, including a child in the society's care or supervision, is or may be in need of protection shall as soon as possible carry out an assessment as prescribed and verify the reported information, or ensure that the information is assessed and verified by another society.</u>
		123(2)	<i>Protection from liability</i> <u>No action or other proceeding for damages shall be instituted against an officer or employee of a society, acting in good faith, for an act done in the execution or intended execution of the duty imposed on the society by subsection (1) or for an alleged neglect or default of that duty.</u>
72.1(1)	<i>Duty of society</i> A society that obtains information that a child in its care and custody is or may be suffering or may have suffered abuse shall forthwith report the information to a Director.	124(1)	<i>Society to report abuse of child in its care and custody</i> A society that obtains information that a child in its care and custody is or may be suffering or may have suffered abuse shall report the information to a Director <u>as soon as possible</u> .
72.1(2)	In this section and sections 73 and 75 , “to suffer abuse”, when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f), (f.1) or (h) .	124(2)	In this section and in sections 126 and 130 , “to suffer abuse”, when used in reference to a child, means to be in need of protection within the meaning of clause 73 (2) (a), (c), (e), (f), (g) or (j) .
72.2	A person or society that obtains information that a child has died shall report the information to a coroner if, (a) a court made an order under this Act denying access to the child by a parent of the child or making the access subject to supervision; (b) on the application of a society, a court varied the order to grant the access or to make it no longer subject to supervision; and (c) the child subsequently died as a result of a criminal act committed by a parent or family member who had custody or charge of the child at the time of the act.	125	A person or society that obtains information that a child has died shall report the information to a coroner if, (a) a court made an order under this Act denying access to the child by a parent of the child or making the access subject to supervision; (b) on the application of a society, a court varied the order to grant the access or to make it no longer subject to supervision; and (c) the child subsequently died as a result of a criminal act committed by a parent or family member who had custody or charge of the child at the time of the act.

Review Teams

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
73(1)	In this section, “review team” means a team established by a society under subsection (2).	126(1)	In this section, “review team” means a team established by a society under subsection (2).
73(2)	Same Every society shall establish a review team that includes, (a) persons who are professionally qualified to perform medical, psychological, developmental, educational or social assessments; and (b) at least one legally qualified medical practitioner	126(2)	Composition Every society shall establish a review team that includes, (a) persons who are professionally qualified to perform medical, psychological, developmental, educational or social assessments; and (b) at least one legally qualified medical practitioner.
73(3)	The members of a review team shall choose a chair from among themselves.	126(3)	The members of a review team shall choose a chair from among themselves.
73(4)	Whenever a society refers the case of a child who may be suffering or may have suffered abuse to its review team, the review team or a panel of at least three of its members, designated by the chair, shall, (a) review the case; and (b) recommend to the society how the child may be protected.	126(4)	Whenever a society refers the case of a child who may be suffering or may have suffered abuse to its review team, the review team or a panel of at least three of its members, designated by the chair, shall, (a) review the case; and (b) recommend to the society how the child may be protected.
73(5)	Despite the provisions of any other Act, a person may disclose to a review team or to any of its members information reasonably required for a review under subsection (4).	126(5)	Despite the provisions of any other Act, a person may disclose to a review team or to any of its members information reasonably required for a review under subsection (4).
73(6)	Subsection (5) applies although the information disclosed may be confidential or privileged and no action for disclosing the information shall be instituted against a person who acts in accordance with subsection (5), unless the person acts maliciously or without reasonable grounds.	126(6)	Subsection (5) applies although the information disclosed may be confidential or privileged and no action for disclosing the information shall be instituted against a person who acts in accordance with subsection (5), unless the person acts maliciously or without reasonable grounds.
73(7)	Where a society with a review team has information that a child placed in its care under subsection 51 (2) (temporary care and custody) or subsection 57 (1) (order where child in need of protection) may have suffered abuse, the society shall not return the child to the care of the person who had charge of the child at the time of the possible abuse unless, (a) the society has, (i) referred the case to its review team, and (ii) obtained and considered the review team’s recommendations; or (b) the court has terminated the order placing the child in the society’s care.	126(7)	Where a society with a review team has information that a child placed in its care under subsection 91 (2) (custody during adjournment) or subsection 98 (1) (order where child in need of protection) may have suffered abuse, the society shall not return the child to the care of the person who had charge of the child at the time of the possible abuse unless, (a) the society has, (i) referred the case to its review team, and (ii) obtained and considered the review team’s recommendations; or (b) the court has terminated the order placing the child in the society’s care.

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
74(1)	<p>Record</p> <p>In this section and sections 74.1 and 74.2, “record” means recorded information, regardless of physical form or characteristics; (“dossier”)</p> <p>“record of personal health information” has the same meaning as in the <i>Mental Health Act</i>. (“dossier de renseignements personnels sur la santé”)</p>	127(1)	<p>Production of records</p> <p>Definition</p> <p>In this section and sections 128 and 129, “record of personal health information” has the same meaning as in the <i>Mental Health Act</i>.</p>
74(2)	A Director or a society may at any time make a motion or an application for an order under subsection (3) or (3.1) for the production of a record or part of a record.	127(2)	A Director or a society may at any time make a motion or an application for an order under subsection (3) or (4) for the production of a record or part of a record.
74(3)	<p>Order</p> <p>Where the court is satisfied that a record or part of a record that is the subject of a motion referred to in subsection (2) contains information that may be relevant to a proceeding under this Part and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court.</p>	127(3)	<p>Order <i>on motion</i></p> <p>Where the court is satisfied that a record or part of a record that is the subject of a motion referred to in subsection (2) contains information that may be relevant to a proceeding under this Part and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court.</p>
74(3.1)	<p>Same</p> <p>Where the court is satisfied that a record or part of a record that is the subject of an application referred to in subsection (2) may be relevant to assessing compliance with one of the following and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court:</p> <ol style="list-style-type: none"> 1. An order under clause 51 (2) (b) or (c) that is subject to supervision. 2. An order under clause 51 (2) (c) or (d) with respect to access. 3. A supervision order under section 57. 4. An access order under section 58. 5. An order with respect to access or supervision on an application under section 64 or 65.1. 5.1 A custody order under section 65.2. 6. A restraining order under section 80. 	127(4)	<p>Order on application</p> <p>Where the court is satisfied that a record or part of a record that is the subject of an application referred to in subsection (2) may be relevant to assessing compliance with one of the following and that the person in possession or control of the record has refused to permit a Director or the society to inspect it, the court may order that the person in possession or control of the record produce it or a specified part of it for inspection and copying by the Director, by the society or by the court:</p> <ol style="list-style-type: none"> 1. An order under clause 91 (2) (b) or (c) that is subject to supervision. 2. An order under clause 91 (2) (c) or (d) with respect to access. 3. A supervision order <u>under paragraph 1 or 4 of subsection 98 (1)</u>. 4. An access order under section 101. 5. An order with respect to access or supervision on an application under section 110 or 112. 6. A custody order under section 113. 7. A restraining order under section 134.
74(4)	In considering whether to make an order under subsection (3) or (3.1) , the court may examine the record.	127(5)	In considering whether to make an order under subsection (3) or (4) , the court may examine the record.

74(5)	No person who obtains information by means of an order made under subsection (3) or (3.1) shall disclose the information except, (a) as specified in the order; and (b) in testimony in a proceeding under this Part.	127(6)	No person who obtains information by means of an order made under subsection (3) or (4) shall disclose the information except, (a) as specified in the order; and (b) in testimony in a proceeding under this Part.
74(5.1)	Subsection (5) prevails despite anything in the <i>Personal Health Information Protection Act, 2004</i> .	127(7)	Subsection (6) prevails despite anything in the <i>Personal Health Information Protection Act, 2004</i> .
74(6)	Application: <i>solicitor client privilege excepted</i> Subject to subsection (7), this section applies despite any other Act, but nothing in this section abrogates any privilege that may exist between a solicitor and his or her client.	127(8)	<i>Solicitor-client privilege</i> Subject to subsection (9), this section applies despite any other Act, but nothing in this section abrogates any privilege that may exist between a lawyer and the lawyer's client.
74(7)	Matters to be considered by court Where a motion or an application under subsection (2) concerns a record of personal health information, subsection 35 (6) (attending physician's statement, hearing) of the <i>Mental Health Act</i> applies and the court shall give equal consideration to, (a) the matters to be considered under subsection 35 (7) of that Act; and (b) the need to protect the child.	127(9)	Application of Mental Health Act Where a motion or an application under subsection (2) concerns a record of personal health information, subsection 35 (6) (attending physician's statement, hearing) of the <i>Mental Health Act</i> applies and the court shall give equal consideration to, (a) the matters to be considered under subsection 35 (7) of that Act; and (b) the need to protect the child.
74(8)	Same Where a motion or an application under subsection (2) concerns a record that is a record of a mental disorder within the meaning of section 183, that section applies and the court shall give equal consideration to, (a) the matters to be considered under subsection 183 (6); and (b) the need to protect the child.	127(10)	Application of s. 290 Where a motion or an application under subsection (2) concerns a record that is a record of a mental disorder within the meaning of section 290, that section applies and the court shall give equal consideration to, (a) the matters to be considered under subsection 290 (6); and (b) the need to protect the child.
74.1(1)	The court or a justice of the peace may issue a warrant for access to a record or a specified part of it if the court or justice of the peace is satisfied on the basis of information on oath from a Director or a person designated by a society that there are reasonable grounds to believe that the record or part of the record is relevant to investigate an allegation that a child is or may be in need of protection	128(1)	The court or a justice of the peace may issue a warrant for access to a record or a specified part of it if the court or justice of the peace is satisfied on the basis of information on oath from a Director or a person designated by a society that there are reasonable grounds to believe that the record or part of the record is relevant to investigate an allegation that a child is or may be in need of protection.
74.1(2)	The warrant authorizes the Director or the person designated by the society to, (a) inspect the record specified in the warrant during normal business hours or during the hours specified in the warrant; (b) make copies from the record in any manner that does not damage the record; and (c) remove the record for the purpose of making copies.	128(2)	The warrant authorizes the Director or the person designated by the society to, (a) inspect the record specified in the warrant during normal business hours or during the hours specified in the warrant; (b) make copies from the record in any manner that does not damage the record; and (c) remove the record for the purpose of making copies.
74.1(3)	A person who removes a record under clause (2) (c) shall promptly return it after copying it.	128(3)	A person who removes a record under clause (2) (c) shall promptly return it after copying it.
74.1(4)	A copy of a record that is the subject of a warrant under this section and that is certified as being a true copy of the original by the person who made the copy is admissible in evidence to the same extent as and has the same evidentiary value as the record.	128(4)	A copy of a record that is the subject of a warrant under this section and that is certified as being a true copy of the original by the person who made the copy is admissible in evidence to the same extent as and has the same evidentiary value as the record.
74.1(5)	The warrant is valid for seven days	128(5)	The warrant is valid for seven days.

74.1(6)	The Director or the person designated by the society may call on a peace officer for assistance in executing the warrant.	128(6)	The Director or the person designated by the society may call on a peace officer for assistance in executing the warrant.
74.1(7)	This section applies despite any other Act, but nothing in this section abrogates any privilege that may exist between a solicitor and his or her client.	128(7)	This section applies despite any other Act, but nothing in this section abrogates any privilege that may exist between a lawyer and the lawyer's client.
74.1(8)	<i>Matters to be considered</i> If a warrant issued under this section concerns a record of personal health information and the warrant is challenged under subsection 35 (6) (attending physician's statement, hearing) of the <i>Mental Health Act</i> , equal consideration shall be given to, (a) the matters set out in subsection 35 (7) of that Act; and (b) the need to protect the child.	128(8)	<i>Application of Mental Health Act</i> If a warrant issued under this section concerns a record of personal health information and the warrant is challenged under subsection 35 (6) (attending physician's statement, hearing) of the <i>Mental Health Act</i> , equal consideration shall be given to, (a) the matters set out in subsection 35 (7) of that Act; and (b) the need to protect the child.
74.1(9)	<i>Same</i> If a warrant issued under this section concerns a record of a mental disorder within the meaning of section 183 and the warrant is challenged under section 183 , equal consideration shall be given to, (a) the matters set out in subsection 183 (6); and (b) the need to protect the child.	128(9)	<i>Application of s. 290</i> If a warrant issued under this section concerns a record of a mental disorder within the meaning of section 290 and the warrant is challenged under section 290 , equal consideration shall be given to, (a) the matters set out in subsection 290 (6); and (b) the need to protect the child.
74.2(1)	Where a Director or a person designated by a society believes that there are reasonable grounds for the issuance of a warrant under section 74.1 and that it would be impracticable to appear personally before the court or a justice of the peace to make application for a warrant in accordance with section 74.1 , the Director or person designated by the society may submit an information on oath by telephone or other means of telecommunication to a justice designated for the purpose by the Chief Justice of the Ontario Court of Justice.	129(1)	Where a Director or a person designated by a society believes that there are reasonable grounds for the issuance of a warrant under section 128 and that it would be impracticable to appear personally before the court or a justice of the peace to make application for a warrant in accordance with section 128 , the Director or person designated by the society may submit an information on oath by telephone or other means of telecommunication to a justice designated for the purpose by the Chief Justice of the Ontario Court of Justice.
74.2(2)	The information shall, (a) include a statement of the grounds to believe that the record or part of the record is relevant to investigate an allegation that a child is or may be in need of protection; and (b) set out the circumstances that make it impracticable for the Director or person designated by the society to appear personally before a court or justice of the peace.	129(2)	The information shall, (a) include a statement of the grounds to believe that the record or part of the record is relevant to investigate an allegation that a child is or may be in need of protection; and (b) set out the circumstances that make it impracticable for the Director or person designated by the society to appear personally before a court or justice of the peace.
74.2(3)	The justice may issue a warrant for access to the record or the specified part of it if the justice is satisfied that the application discloses, (a) reasonable grounds to believe that the record or the part of a record is relevant to investigate an allegation that a child is or may be in need of protection; and (b) reasonable grounds to dispense with personal appearance for the purpose of an application under section 74.1 .	129(3)	The justice may issue a warrant for access to the record or the specified part of it if the justice is satisfied that the application discloses, (a) reasonable grounds to believe that the record or the part of a record is relevant to investigate an allegation that a child is or may be in need of protection; and (b) reasonable grounds to dispense with personal appearance for the purpose of an application under section 128 .

74.2(4)	A warrant issued under this section is not subject to challenge by reason only that there were not reasonable grounds to dispense with personal appearance for the purpose of an application under section 74.1 .	129(4)	A warrant issued under this section is not subject to challenge by reason only that there were not reasonable grounds to dispense with personal appearance for the purpose of an application under section 128 .
74.2(5)	Subsections 74.1 (2) to (9) apply with necessary modifications with respect to a warrant issued under this section.	129(5)	Subsections 128 (2) to (9) apply with necessary modifications with respect to a warrant issued under this section.
74.2(6)	In this section, “justice” means justice of the peace, a judge of the Ontario Court of Justice or a judge of the Family Court of the Superior Court of Justice.	129(6)	In this section, “justice” means justice of the peace, a judge of the Ontario Court of Justice or a judge of the Family Court of the Superior Court of Justice.

Child Abuse Register

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
75(1)	In this section and in section 76 , “Director” means the person appointed under subsection (2); (“directeur”) “register” means the register maintained under subsection (5); (“registre”) “registered person” means a person identified in the register, but does not include, (a) a person who reports to a society under subsection 72 (2) or (3) and is not the subject of the report, or (b) the child who is the subject of a report. (“personne inscrite”)	130(1)	In this section and in section 131 , “Director” means the person appointed under subsection (2); (“directeur”) “register” means the register maintained under subsection (5); (“registre”) “registered person” means a person identified in the register, but does not include, (a) a person who reports to a society under subsection 122 (1) or (2) and is not the subject of the report, or (b) the child who is the subject of a report. (“personne inscrite”)
75(2)	The Minister may appoint an employee of the Ministry as Director for the purposes of this section.	130(2)	The Minister may appoint an employee in the Ministry as Director for the purposes of this section.
75(3)	A society that receives a report under section 72 that a child, including a child in the society’s care, is or may be suffering or may have suffered abuse shall forthwith verify the reported information, or ensure that the information is verified by another society, in the manner determined by the Director, and if the information is verified, the society that verified it shall forthwith report it to the Director in the prescribed form.	130(3)	A society that receives a report under section 122 that a child, including a child in the society’s care, is or may be suffering or may have suffered abuse shall verify the reported information <u>as soon as possible</u> , or ensure that the information is verified by another society, in the manner determined by the Director, and if the information is verified, the society that verified it shall report it to the Director in the prescribed form <u>as soon as possible</u> .
75(4)	No action or other proceeding for damages shall be instituted against an officer or employee of a society, acting in good faith, for an act done in the execution or intended execution of the duty imposed on the society by subsection (3) or for an alleged neglect or default of that duty.	130(4)	No action or other proceeding for damages shall be instituted against an officer or employee of a society, acting in good faith, for an act done in the execution or intended execution of the duty imposed on the society by subsection (3) or for an alleged neglect or default of that duty.
75(5)	The Director shall maintain a register in the manner prescribed by the regulations for the purpose of recording information reported to the Director under subsection (3), but the register shall not contain information that has the effect of identifying a person who reports to a society under subsection 72 (2) or (3) and is not the subject of the report.	130(5)	The Director shall maintain a register in the prescribed manner for the purpose of recording information reported to the Director under subsection (3), but the register shall not contain information that has the effect of identifying a person who reports to a society under subsection 122 (1) or (2) and is not the subject of the report.

75(6)	Despite any other Act, no person shall inspect, remove, alter or permit the inspection, removal or alteration of information maintained in the register, or disclose or permit the disclosure of information that the person obtained from the register, except as this section authorizes.	130(6)	Despite <u>Part X (Personal Information)</u> and any other Act, no person shall inspect, remove or alter or permit the inspection, removal or alteration of information in the register, or disclose or permit the disclosure of information that the person obtained from the register, except as this section authorizes.
75(7)	A person who is, (a) a coroner, or a legally qualified medical practitioner or peace officer authorized in writing by a coroner, acting in connection with an investigation or inquest under the <i>Coroners Act</i> ; or (b) the Children’s Lawyer or the Children’s Lawyer’s authorized agent, may inspect, remove and disclose information in the register in accordance with his or her authority.	130(7)	The following persons may inspect, remove and disclose information in the register in accordance with that person’s authority: 1. A coroner, or a legally qualified medical practitioner or peace officer authorized in writing by a coroner, acting in connection with an investigation or inquest under the <i>Coroners Act</i> . 2. The Children’s Lawyer or the Children’s Lawyer’s authorized agent.
75(8)	The Minister or the Director may permit, (a) a person who is employed by , (i) the Ministry, (ii) a society, or (iii) a recognized child protection agency outside Ontario; or (b) a person who is providing or proposes to provide counselling or treatment to a registered person, to inspect and remove information in the register and to disclose the information to a person referred to in subsection (7) or to another person referred to in this subsection, subject to such terms and conditions as the Director may impose.	130(8)	The Minister or the Director may permit <u>the following persons</u> to inspect and remove information in the register and to disclose the information to a person referred to in subsection (7) or to another person referred to in this subsection, subject to such terms and conditions as the Director may impose: 1. A person who is employed, i. <u>in</u> the Ministry, ii. <u>by</u> a society, or iii. <u>by a child welfare authority</u> outside Ontario. 2. A person who is providing or proposes to provide counselling or treatment to a registered person.
75(9)	<i>Director may disclose information</i> The Minister or the Director may disclose information in the register to a person referred to in subsection (7) or (8).	130(9)	<i>Minister or Director may disclose information</i> The Minister or the Director may disclose information in the register to a person referred to in subsection (7) or (8).
75(10)	A person who is engaged in research may, with the Director’s written approval, inspect and use the information in the register, but shall not, (a) use or communicate the information for any purpose except research, academic pursuits or the compilation of statistical data; or (b) communicate any information that may have the effect of identifying a person named in the register.	130(10)	A person who is engaged in research may, with the Director’s written approval, inspect and use the information in the register, but shall not, (a) use or communicate the information for any purpose except research, academic pursuits or the compilation of statistical data; or (b) communicate any information that may have the effect of identifying a person named in the register.
75(11)	<i>Registered person</i> A child, a registered person or the child’s or registered person’s solicitor or agent may inspect only the information in the register that refers to the child or registered person.	130(11)	<i>Access by child or registered person</i> A child, a registered person or the child’s or registered person’s lawyer or agent may inspect only the information in the register that refers to the child or registered person.
75(12)	A legally qualified medical practitioner may, with the Director’s written approval, inspect the information in the register that is specified by the Director.	130(12)	A legally qualified medical practitioner may, with the Director’s written approval, inspect the information in the register that is specified by the Director.
75(13)	The Director or an employee of the Ministry acting under the Director’s authority,	130(13)	The Director or an employee in the Ministry acting under the Director’s authority,

	(a) shall remove a name from or otherwise amend the register where the regulations require the removal or amendment; and (b) may amend the register to correct an error.		(a) shall remove a name from or otherwise amend the register where the regulations require the removal or amendment; and (b) may amend the register to correct an error.
75(14)	The register shall not be admitted into evidence in a proceeding except, (a) to prove compliance or non-compliance with this section; (b) in a hearing or appeal under section 76 ; (c) in a proceeding under the <i>Coroners Act</i> ; or (d) in a proceeding referred to in section 81 (recovery on child's behalf).	130(14)	The register shall not be admitted into evidence in a proceeding except, (a) to prove compliance or non-compliance with this section; (b) in a hearing or appeal under section 131 ; (c) in a proceeding under the <i>Coroners Act</i> ; or (d) in a proceeding referred to in section 135 .
76(1)	In this section, “hearing” means a hearing held under clause (4) (b).	131(1)	In this section, “hearing” means a hearing held under clause (4) (b).
76(2)	Where an entry is made in the register, the Director shall forthwith give written notice to each registered person referred to in the entry indicating that, (a) the person is identified in the register; (b) the person or the person’s solicitor or agent is entitled to inspect the information in the register that refers to or identifies the person; and (c) the person is entitled to request that the Director remove the person’s name from or otherwise amend the register.	131(2)	Where an entry is made in the register, the Director shall as soon as possible give written notice to each registered person referred to in the entry indicating that, (a) the person is identified in the register; (b) the person or the person’s lawyer or agent is entitled to inspect the information in the register that refers to or identifies the person; and (c) the person is entitled to request that the Director remove the person’s name from or otherwise amend the register.
76(3)	A registered person who receives notice under subsection (2) may request that the Director remove the person’s name from or otherwise amend the register.	131(3)	A registered person who receives notice under subsection (2) may request that the Director remove the person’s name from or otherwise amend the register.
76(4)	On receiving a request under subsection (3), the Director may, (a) grant the request; or (b) hold a hearing, on ten days written notice to the parties, to determine whether to grant or refuse the request.	131(4)	On receiving a request under subsection (3), the Director may, (a) grant the request; or (b) hold a hearing, on 10 days written notice to the parties, to determine whether to grant or refuse the request.
76(5)	The Director may authorize another person to hold a hearing and exercise the Director’s powers and duties under subsection (8).	131(5)	The Director may authorize another person to hold a hearing and exercise the Director’s powers and duties under subsection (8).
76(6)	The <i>Statutory Powers Procedure Act</i> applies to a hearing and a hearing shall be conducted in accordance with the prescribed practices and procedures.	131(6)	The <i>Statutory Powers Procedure Act</i> applies to a hearing and a hearing shall be conducted in accordance with the prescribed practices and procedures.
76(7)	The parties to a hearing are, (a) the registered person; (b) the society that verified the information referring to or identifying the registered person; and (c) any other person specified by the Director.	131(7)	The parties to a hearing are, (a) the registered person; (b) the society that verified the information referring to or identifying the registered person; and (c) any other person specified by the Director.
76(8)	Where the Director determines, after holding a hearing, that the information in the register with respect to a registered person is in error or should not be in the register, the Director shall remove the registered person’s name from or otherwise amend the register, and may order that the society’s records be amended to reflect the Director’s decision.	131(8)	Where the Director determines, after holding a hearing, that the information in the register with respect to a registered person is in error or should not be in the register, the Director shall remove the registered person’s name from or otherwise amend the register, and may order that the society’s records be amended to reflect the Director’s decision.
76(9)	A party to a hearing may appeal the Director’s decision to the Divisional Court.	131(9)	A party to a hearing may appeal the Director’s decision to the Divisional Court.

76(10)	A hearing or appeal under this section shall be held in the absence of the public and no media representative shall be permitted to attend.	131(10)	A hearing or appeal under this section shall be held in the absence of the public and no media representative shall be permitted to attend.
76(11)	No person shall publish or make public information that has the effect of identifying a witness at or a participant in a hearing, or a party to a hearing other than a society.	131(11)	No person shall publish or make public information that has the effect of identifying a witness at or a participant in a hearing, or a party to a hearing other than a society.
76(12)	The record of a hearing or appeal under this section shall not be admitted into evidence in any other proceeding except a proceeding under clause 85 (1) (d) (confidentiality of register) or clause 85 (1) (e) (amendment of society's records).	131(12)	The record of a hearing or appeal under this section shall not be admitted into evidence in any other proceeding except a proceeding under clause 139 (1) (c) (confidentiality of child abuse register) or clause 139 (1) (d) (amendment of society's records).

Powers of Director

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
77(1)	A Director may direct, in the best interests of a child in the care or supervision of a society, that the child, (a) be transferred to the care or supervision of another society; or (b) be transferred from one placement to another placement designated by the Director.	132(1)	A Director may direct, in the best interests of a child in the care or supervision of a society, that the child, (a) be transferred to the care or supervision of another society; or (b) be transferred from one placement to another placement designated by the Director.
77(2)	In determining whether to direct a transfer under clause (1) (b), the Director shall take into account, (a) the length of time the child has spent in the existing placement; (b) the views of the foster parents; and (c) the views and preferences of the child, where they are reasonably ascertainable.	132(2)	In determining whether to direct a transfer under clause (1) (b), the Director shall take into account, (a) the length of time the child has spent in the existing placement; (b) the views of the foster parents; and (c) the views and wishes of the child, given due weight in accordance with the child's age and maturity.

Please note that the sections titled “Homemakers” and “Child’s Religious Faith” in the *Child and Family Services Act* have been deleted. Moreover, Bill-89 merges the sections of “Offences, Restraining Orders, Recovery on Child’s Behalf” with “Injunctions.” As such, the following subtitle reflects the one found in Bill-89.

Offences, Restraining Orders, Recovery on Child’s Behalf and Injunctions

<i>Child and Family Services Act</i>		<i>Bill 89, Supporting Children</i>	
S#	Current Language	S#	Proposed Language
79(1)	In this section, “abuse” means a state or condition of being physically harmed, sexually molested or sexually exploited.	133(1)	In this section, “abuse” means a state or condition of being physically harmed, sexually abused or sexually exploited.
79(2)	No person having charge of a child shall, (a) inflict abuse on the child; or (b) by failing to care and provide for or supervise and protect the child adequately, (i) permit the child to suffer abuse, or (ii) permit the child to suffer from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development.	133(2)	No person having charge of a child shall, (a) inflict abuse on the child; or (b) by failing to care and provide for or supervise and protect the child adequately, (i) permit the child to suffer abuse, or (ii) permit the child to suffer from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development.
79(3)	No person having charge of a child less than sixteen years of age shall leave the child without making provision for his or her supervision and care that is reasonable in the circumstances.	133(3)	No person having charge of a child younger than 16 shall leave the child without making provision for the child’s supervision and care that is reasonable in the circumstances.
79(4)	<i>Reverse onus</i> (4) Where a person is charged with contravening subsection (3) and the child is less than ten years of age, the onus of establishing that the person made provision for the child’s supervision and care that was reasonable in the circumstances rests with the person.		
79(5)	No parent of a child less than sixteen years of age shall permit the child to, (a) loiter in a public place between the hours of midnight and 6 a.m.; or (b) be in a place of public entertainment between the hours of midnight and 6 a.m., unless the parent accompanies the child or authorizes a specified individual eighteen years of age or older to accompany the child.	133(4)	No parent of a child younger than 16 shall permit the child to, (a) loiter in a public place between the hours of midnight and 6 a.m.; or (b) be in a place of public entertainment between the hours of midnight and 6 a.m., unless the parent accompanies the child or authorizes a specified individual 18 or older to accompany the child.
79(6)	Where a child who is actually or apparently less than sixteen years of age is in a place to which the public has access between the hours of midnight and 6 a.m. and is not accompanied by a person described in clause (5) (b), a peace officer may apprehend the child without a warrant and proceed as if the child had been apprehended under subsection 42 (1).	133(5)	Where a child who is actually or apparently younger than 16 is in a place to which the public has access between the hours of midnight and 6 a.m. and is not accompanied by a person described in clause (4) (b), a peace officer may apprehend the child without a warrant and proceed as if the child had been apprehended under subsection 82 (1).
79(7)	The court may, in connection with a case arising under subsection (2), (3) or (5), proceed under this Part as if an application had been made under subsection 40 (1) (child protection proceeding) in respect of the child.	133(6)	The court may, in connection with a case arising under subsection (2), (3) or (4), proceed under this Part as if an application had been made under subsection 80 (1) (child protection proceeding) in respect of the child.
80(1)	Instead of making an order under subsection 57 (1) or section 65.2 or in addition to making a temporary order under subsection 51 (2) or an order under subsection 57 (1) or section 65.2 , the court may make one or more of the following orders in the child’s best interests:	134(1)	Instead of making an order under subsection 98 (1) or section 113 or in addition to making a temporary order under subsection 91 (2) or an order under subsection 98 (1) or section 113 , the court may make one or more of the following orders in the child’s best interests:

	<p>1. An order restraining or prohibiting a person's access to or contact with the child, and may include in the order such directions as the court considers appropriate for implementing the order and protecting the child.</p> <p>2. An order restraining or prohibiting a person's contact with the person who has lawful custody of the child following a temporary order under subsection 51 (2) or an order under subsection 57 (1) or clause 65.2 (1) (a) or (b).</p>		<p>1. An order restraining or prohibiting a person's access to or contact with the child, and may include in the order such directions as the court considers appropriate for implementing the order and protecting the child.</p> <p>2. An order restraining or prohibiting a person's contact with the person who has lawful custody of the child following a temporary order made under subsection 91 (2) or an order made under subsection 98 (1) or clause 113 (1) (a) or (b).</p>
80(2)	<p><i>Idem</i>: <i>notice</i></p> <p>An order shall not be made under subsection (1) unless notice of the proceeding has been served personally on the person to be named in the order.</p>	134(2)	<p><i>Notice</i></p> <p>An order shall not be made under subsection (1) unless notice of the proceeding has been served personally on the person to be named in the order.</p>
80(3)	<p>An order made under subsection (1) shall continue in force for such period as the court considers in the best interests of the child and,</p> <p>(a) if the order is made in addition to a temporary order under subsection 51 (2) or an order made under subsection 57 (1) or clause 65.2 (1) (a), (b) or (c), the order may provide that it continues in force, unless it is varied, extended or terminated by the court, as long as the temporary order under subsection 51 (2) or the order under subsection 57 (1) or clause 65.2 (1) (a), (b) or (c), as the case may be, remains in force; or</p> <p>(b) if the order is made instead of an order under subsection 57 (1) or clause 65.2 (1) (a), (b) or (c) or if the order is made in addition to an order under clause 65.2 (1) (d), the order may provide that it continues in force until it is varied or terminated by the court.</p>	134(3)	<p>An order made under subsection (1) shall continue in force for such period as the court considers in the best interests of the child and,</p> <p>(a) if the order is made in addition to a temporary order made under subsection 91 (2) or an order made under subsection 98 (1) or clause 113 (1) (a), (b) or (c), the order may provide that it continues in force, unless it is varied, extended or terminated by the court, as long as the temporary order made under subsection 91 (2) or the order made under subsection 98 (1) or clause 113 (1) (a), (b) or (c), as the case may be, remains in force; or</p> <p>(b) if the order is made instead of an order under subsection 98 (1) or clause 113 (1) (a), (b) or (c) or if the order is made in addition to an order under clause 113 (1) (d), the order may provide that it continues in force until it is varied or terminated by the court.</p>
80(4)	<p><i>Extension, variation and termination</i></p> <p>An application for the extension, variation or termination of an order made under subsection (1) may be made by,</p> <p>(a) the person who is the subject of the order;</p> <p>(b) the child;</p> <p>(c) the person having charge of the child;</p> <p>(d) a society;</p> <p>(e) a Director; or</p> <p>(f) where the child is an Indian or a native person, a representative chosen by the child's band or native community.</p>	134(4)	<p><i>Application for extension, variation or termination</i></p> <p>An application for the extension, variation or termination of an order made under subsection (1) may be made by,</p> <p>(a) the person who is the subject of the order;</p> <p>(b) the child;</p> <p>(c) the person having charge of the child;</p> <p>(d) a society;</p> <p>(e) a Director; or</p> <p>(f) in the case of a First Nations, Inuk or Métis child, a person described in clause (a), (b), (c), (d) or (e) or a representative chosen by each of the child's bands and First Nations, Inuit or Métis communities.</p>
80(5)	<p><i>Idem</i></p> <p>Where an application is made under subsection (4), the court may, in the child's best interests,</p>	134(5)	<p><i>Order for extension, variation or termination</i></p> <p>Where an application is made under subsection (4), the court may, in the child's best interests,</p>

	(a) extend the order for such period as the court considers to be in the best interests of the child, in the case of an order described in clause (3) (a); or (b) vary or terminate the order.		(a) extend the order for such period as the court considers to be in the best interests of the child, in the case of an order described in clause (3) (a); or (b) vary or terminate the order.
80(6)	Where a society has care of a child and an order made under subsection (1) prohibiting a person's access to the child is in force, the society shall not return the child to the care of, (a) the person named in the order; or (b) a person who may permit that person to have access to the child.	134(6)	Where a society has care of a child and an order made under subsection (1) prohibiting a person's access to the child is in force, the society shall not return the child to the care of, (a) the person named in the order; or (b) a person who may permit that person to have access to the child.
81(1)	<i>Recovery because of abuse</i> In this section, “to suffer abuse”, when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f), (f.1) or (h) .	135(1)	<i>Legal claim for recovery because of abuse</i> In this section, “to suffer abuse”, when used in reference to a child, means to be in need of protection within the meaning of clause 73 (2) (a), (c), (e), (f), (g) or (j) .
81(2)	When the Children's Lawyer is of the opinion that a child has a cause of action or other claim because the child has suffered abuse, the Children's Lawyer may, if he or she considers it to be in the child's best interests, institute and conduct proceedings on the child's behalf for the recovery of damages or other compensation.	135(2)	When the Children's Lawyer is of the opinion that a child has a cause of action or other claim because the child has suffered abuse <u>and</u> considers it to be in the child's best interests, the Children's Lawyer may institute and conduct proceedings on the child's behalf for the recovery of damages or other compensation.
81(3)	<i>Idem: society</i> Where a child is in a society's care and custody, subsection (2) also applies to the society with necessary modifications.	135(3)	<i>Society may apply</i> Where a child is in a society's care and custody, subsection (2) also applies to the society with necessary modifications.
82	No person shall place a child in the care and custody of a society, and no society shall take a child into its care and custody, except, (a) in accordance with this Part; or (b) under an agreement made under subsection 29 (1) or 30 (1) (temporary care or special needs agreement) of Part II (Voluntary Access to Services).	136	No person shall place a child in the care and custody of a society, and no society shall take a child into its care and custody, except in accordance with this Part.
83	<i>Offence</i> If a child is the subject of an order for society wardship under subsection 57 (1) or an order for society supervision or Crown wardship under that subsection or subsection 65.2 (1), no person shall, (a) induce or attempt to induce the child to leave the care of the person with whom the child is placed by the court or by the society, as the case may be; (b) detain or harbour the child after the person or society referred to in clause (a) requires that the child be returned; (c) interfere with the child or remove or attempt to remove the child from any place; or (d) for the purpose of interfering with the child, visit or communicate with the person referred to in clause (a).	137	<i>Offences re interfering, etc. with child in society supervision or care</i> If a child is the subject of an order for society supervision, interim society care or extended society care made under paragraph 1, 2 or 3 of subsection 98 (1) or clause 113 (1) (a) or (c) , no person shall, (a) induce or attempt to induce the child to leave the care of the person with whom the child is placed by the court or by the society, as the case may be; (b) detain or harbour the child after the person or society referred to in clause (a) requires that the child be returned; (c) interfere with the child or remove or attempt to remove the child from any place; or (d) for the purpose of interfering with the child, visit or communicate with the person referred to in clause (a).

84	<p><i>Offence</i> No person shall, (a) knowingly give false information in an application under this Part; or (b) obstruct, interfere with or attempt to obstruct or interfere with a child protection worker or a peace officer who is acting under section 40, 41, 42, 43 or 44.</p>	138	<p><i>Offences re false information, obstruction, etc.</i> No person shall, (a) knowingly give false information in an application under this Part; or (b) obstruct, interfere with or attempt to obstruct or interfere with a child protection worker or a peace officer who is acting under section 80, 81, 82, 83 or 84.</p>
85(1)	<p><i>Offences</i> A person who contravenes, (a) an order for access made under subsection 58 (1); (b) REPEALED: 1999, c. 2, s. 30 (1). (c) subsection 74 (5) (disclosure of information obtained by court order); (d) subsection 75 (6) or (10) (confidentiality of child abuse register); (e) an order made under subsection 76 (8) (amendment of society's records); (f) subsection 79 (3) or (5) (leaving child unattended, etc.); (g) a restraining order made under subsection 80 (1); (h) section 82 (unauthorized placement); (i) any provision of section 83 (interference with child, etc.); or (j) clause 84 (a) or (b), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.</p>	139(1)	<p><i>Other offences</i> A person who contravenes, (a) an order for access made under subsection 101 (1); (b) subsection 127 (6) (disclosure of information); (c) subsection 130 (6) or (10) (confidentiality of child abuse register); (d) an order made under subsection 131 (8) (amendment of society's records); (e) subsection 133 (3) or (4) (leaving child unattended, etc.); (f) a restraining order made under subsection 134 (1); (g) section 136 (unauthorized placement); (h) any provision of section 137 (interference with child, etc.); or (i) clause 138 (a) or (b) (false information, obstruction, etc.), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than one year, or to both.</p>
85(2)	<p><i>Idem</i> A person who contravenes subsection 79 (2) (child abuse), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.</p>	139(2)	<p><i>Offence of child abuse</i> A person who contravenes subsection 133 (2) (child abuse), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years, or to both.</p>
85(3)	<p><i>Idem</i> A person who contravenes subsection 45 (8) or 76 (11) (publication of identifying information) or an order prohibiting publication made under clause 45 (7) (c) or subsection 45 (9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than three years, or to both.</p>	139(3)	<p><i>Offences re publication</i> A person who contravenes subsection 85 (8) or 131 (11) (publication of identifying information) or an order prohibiting publication made under clause 85 (7) (c) or subsection 85 (9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than three years, or to both.</p>
87(1)	<p>The Superior Court of Justice may grant an injunction to restrain a person from contravening section 83, on the society's application.</p>	140(1)	<p>The Superior Court of Justice may grant an injunction to restrain a person from contravening section 137, on the society's application.</p>
87(2)	<p>The court may vary or terminate an order made under subsection (1), on any person's application.</p>	140(2)	<p>The court may vary or terminate an order made under subsection (1), on any person's application.</p>