

1994, chapter 35

AN ACT TO AMEND THE YOUTH PROTECTION ACT

Bill 31

Introduced by Madam Lucienne Robillard, Minister of Health and Social Services

Introduced 12 May 1994

Passage in principle 24 May 1994

Passage 14 June 1994

Assented to 17 June 1994

Coming into force: on the date or dates fixed by the Government, except paragraph 2 of section 52 and sections 53, 68 and 69 which come into force on 17 June 1994

– 1 September 1994: ss. 1-43, 45-51, 52 (par. 1), 54-60, 61 (par. 1, 2), 62-67, 70
G.O., 1994, Part 2, p. 3813

Act amended:

Youth Protection Act (R.S.Q., chapter P-34.1)





CHAPTER 35

An Act to amend the Youth Protection Act

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. P-34.1,
s. 1, am.

1. Section 1 of the Youth Protection Act (R.S.Q., chapter P-34.1), amended by section 23 of chapter 23 of the statutes of 1994, is again amended

(1) by striking out the words “or a social service centre” in the second and third lines of subparagraph *b* of the first paragraph;

(2) by replacing the words “and any institution giving instruction at the elementary, secondary or college level” in the third and fourth lines of subparagraph *d* of the first paragraph by the words “and any educational body”;

(3) by inserting, after subparagraph *d* of the first paragraph, the following subparagraph:

“educa-
tional body”

“(d.1) “educational body” means any institution providing instruction at the elementary, secondary or college level;”;

(4) by replacing the words “failing them, any other person having parental authority” in the first and second lines of subparagraph *e* of the first paragraph by the words “where applicable, any other person acting as the person having parental authority”;

(5) by adding, at the end of the third paragraph, the words “and also mean, respectively, a “social service centre”, a “reception centre” and a “regional council” within the meaning of the Act respecting health services and social services for Cree Native persons”;

(6) by striking out the fourth paragraph.

c. P-34.1,
s. 2.2, am.

2. Section 2.2 of the said Act is amended by replacing the words “providing care, maintenance and education for a child and for supervising him rests with the” in the first and second lines by the words “the care, maintenance and education of a child and for ensuring his supervision rests with his”.

c. P-34.1,
s. 2.3,
replaced

3. Section 2.3 of the said Act is replaced by the following sections:

Purpose of
intervention

“2.3 Any intervention in respect of a child and his parents must be designed to put an end to and prevent the recurrence of a situation in which the security or development of the child is in danger. For that purpose, any person, body or institution having responsibilities under this Act towards a child and his parents shall encourage the participation of the parents and the involvement of the community.

Parents

The parents must, whenever possible, take an active part in the application of the measures designed to put an end to and prevent the recurrence of the situation in which the security or development of their child is in danger.

Consider-
ations

“2.4 Every person having responsibilities towards a child under this Act, and every person called upon to make decisions with respect to a child under this Act shall, in their interventions, take into account the necessity

(1) of treating the child and the child’s parents with courtesy, fairness and understanding, and in a manner that respects their dignity and autonomy;

(2) of ensuring that any information or explanation that must be furnished to a child under this Act is presented in language appropriate to the child’s age and understanding;

(3) of ensuring that the parents have understood the information or explanations that must be furnished to them under this Act;

(4) of giving the child and the child’s parents an opportunity to present their points of view, express their concerns and be heard at the appropriate time during the intervention; and

(5) of opting for measures, in respect of the child and the child’s parents, which allow action to be taken diligently to ensure the child’s protection, considering that a child’s perception of time differs from that of adults, and which take into consideration the following factors:

(a) the proximity of the chosen resource;

- (b) the characteristics of cultural communities;
- (c) the characteristics of Native communities.”

c. P-34.1,
s. 3, am.

4. Section 3 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Consider-
ations

“In addition to the moral, intellectual, emotional and material needs of the child, his age, health, personality and family environment and the other aspects of his situation must be taken into account.”

c. P-34.1,
s. 4, French
text, am.

5. The French text of section 4 of the said Act is amended by replacing the word “parental” wherever it occurs by the word “familial”.

c. P-34.1,
s. 7, am.

6. Section 7 of the said Act is amended

(1) by striking out the words “or reception centre” in the second line and in the fourth line of the first paragraph;

(2) by replacing the word “âge” in the last line of the first paragraph of the French text by the word “mesure”;

(3) by replacing the last paragraph by the following paragraph:

Information
and prepara-
tion

“The child must receive the information and preparation necessary for his transfer.”

c. P-34.1,
s. 8, am.

7. Section 8 of the said Act is amended by replacing the words “account being taken of the organization and resources of the institutions or bodies in the education field providing such services” in the third, fourth and fifth lines by the words “taking into account the legislative and regulatory provisions governing the organization and operation of the institution or educational body providing such services and the human, material and financial resources at its disposal”.

c. P-34.1,
s. 9, am.

8. Section 9 of the said Act is amended

(1) by striking out the words “or a reception centre” in the second line of the first paragraph;

(2) by replacing the words “executive director of the institution operating the rehabilitation centre or the reception centre” in the second and third lines of the third paragraph by the words “tribunal decides otherwise or the executive director of the institution operating the rehabilitation centre or the person he authorizes in writing”;

(3) by replacing the last sentence of the third paragraph by the following sentence: “The decision of the executive director must give reasons, be rendered in writing and be given to the child and, whenever possible, to the child’s parents.”

c. P-34.1,
s. 10,
replaced
Disciplinary
measure

9. Section 10 of the said Act is replaced by the following section:

“10. Every disciplinary measure taken by an institution operating a rehabilitation centre in respect of a child must be taken in the child’s interest and in conformity with internal rules that must be approved by the board of directors and posted in a conspicuous place in the facilities of the institution. The institution must ensure that the rules are explained to the child and to the child’s parents.

Copy of the
rules

A copy of the internal rules must be given to the child, if he is capable of understanding, and to the child’s parents. A copy of the rules must also be sent to the Commission, to the Minister of Health and Social Services, to the regional board and to the institution operating the child and youth protection centre.”

c. P-34.1,
s. 11.1,
replaced

10. Section 11.1 of the said Act is replaced by the following section:

Conditions
of placement

“11.1 Any child to whom foster care is provided by an institution under this Act shall be placed in premises appropriate to his needs and rights, taking into account the legislative and regulatory provisions governing the organization and operation of the institution and the human, material and financial resources at its disposal.”

c. P-34.1,
s. 11.2,
replaced

11. Section 11.2 of the said Act is replaced by the following section:

Confiden-
tiality

“11.2 Any information collected under this Act concerning a child or his parents that would allow their identification is confidential and may not be disclosed by anyone except to the extent provided for in Chapter IV.1.”

c. P-34.1,
s. 20,
French text,
am.

12. Section 20 of the said Act is amended

(1) by replacing in the French text the words “Au cas d’absence ou d’incapacité d’agir” in the first line of the second paragraph by the words “En cas d’absence ou d’empêchement”;

(2) by replacing in the French text the word “incapacité” wherever it occurs in the last paragraph by the word “empêchement”.

c. P-34.1,
s. 21,
French text,
am.

13. Section 21 of the said Act is amended by replacing in the French text the words “social est publié dans” in the third and fourth lines of the first paragraph by the words “est publié à”.

c. P-34.1,
s. 23.1, am.

14. Section 23.1 of the said Act is amended

(1) by replacing the word “investigate” in the first line of the second paragraph by the words “hold an investigation, file an application for an order for the disclosure of information under the second paragraph of section 72.5 or disclose information under the second paragraph of section 72.6 or under section 72.7”;

(2) by replacing the words “the preceding paragraphs” in the first and second lines of the third paragraph by the words “this section, except a decision relating to the filing of an application for an order for the disclosure of information made under the second paragraph of section 72.5 or a decision relating to the disclosure of information made under the second paragraph of section 72.6 or under section 72.7”.

c. P-34.1,
s. 27, am.

15. Section 27 of the said Act is amended by replacing the figure “21” in the last line by the figure “18”.

c. P-34.1,
s. 31, am.

16. Section 31 of the said Act is amended

(1) by striking out the words “or a social service centre” in the second line of the first paragraph;

(2) by replacing the first sentence of the last paragraph by the following sentence: “The director shall be appointed by the board of directors of the institution on the recommendation of the executive director, after consultation with the regional board, the bodies and the institutions operating a local community service centre or a rehabilitation centre in the territory served by the institution operating a child and youth protection centre.”

c. P-34.1,
s. 31.1,
French text,
am.

17. Section 31.1 of the said Act is amended by replacing, in the French text, the word “incapacité” in the first line by the word “empêchement”.

c. P-34.1,
s. 31.2, am.

18. Section 31.2 of the said Act is amended by replacing the word “No” in the first line by the word “The” and by replacing the words “or a social service centre may” in the second line by the words “may not”.

c. P-34.1,
s. 32, am.

19. Section 32 of the said Act is amended

(1) by replacing the words “the tutorship conferred by the Superior Court” in paragraph *f* by the word “tutorship”;

(2) by striking out the word “judicial” in the first line of paragraph *h*;

(3) by adding, after paragraph *h*, the following paragraph:

“(i) to decide to file an application for an order for the disclosure of information under the second paragraph of section 72.5 or to disclose information under the second paragraph of section 72.6 or under section 72.7”;

(4) by adding, after the first paragraph, the following paragraph:

Voluntary
measures

“Where a decision regarding the directing of a child involves the application of voluntary measures, the director may decide personally to reach an agreement on the voluntary measures with only one of the parents in accordance with the second paragraph of section 52.1.”

c. P-34.1,
s. 34, am.

20. Section 34 of the said Act is amended by striking out the words “or a social service centre” in the second line.

c. P-34.1,
s. 37, am.

21. Section 37 of the said Act is amended

(1) by striking out the words “or a social service centre” in the second line;

(2) by striking out the words “or regional council” in the fourth line.

c. P-34.1,
s. 37.1, am.

22. Section 37.1 of the said Act is amended by replacing the last sentence by the following sentence: “The information may be kept for not more than six months where the director determines that the situation does not warrant his acting upon it.”

c. P-34.1,
s. 38, am.

23. Section 38 of the said Act is amended

(1) by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) his parents are deceased or do not, in fact, assume responsibility for his care, maintenance or education;”;

(2) by replacing the words “remedy the situation” in the second line of subparagraph *h* of the first paragraph by the words “put an end to the situation in which the development or security of their child is in danger”;

(3) by replacing the last paragraph by the following paragraph:

Security or
develop-
ment not
endangered

“However, the security or development of a child whose parents are deceased is not considered to be in danger if a person standing *in loco parentis* has, in fact, assumed responsibility for the child’s care, maintenance and education, taking the child’s needs into account.”

c. P-34.1,
s. 38.1, am.

24. Section 38.1 of the said Act is amended

(1) by striking out the words “, a reception centre” in the second line of paragraph *a*;

(2) by replacing the words “two years” in the fourth line of paragraph *c* by the words “one year”.

c. P-34.1,
s. 39,
replaced

25. Section 39 of the said Act is replaced by the following section:

Duty to
report

“39. Every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the practice of his profession, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of section 38 or 38.1, must bring the situation to the attention of the director without delay. The same obligation is incumbent upon any employee of an institution, any teacher or any policeman who, in the performance of his duties, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of the said provisions.

Duty to
report

Any person, other than a person referred to in the first paragraph, who has reasonable grounds to believe that the security or development of a child is considered to be in danger within the meaning of subparagraph *g* of the first paragraph of section 38 must bring the situation to the attention of the director without delay.

Other cases

Any person, other than a person referred to in the first paragraph, who has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger within the meaning of subparagraph *a*, *b*, *c*, *d*, *e*, *f* or *h* of the first paragraph of section 38 or within the meaning of section 38.1 may bring the situation to the attention of the director.

Applicability

The first and second paragraphs apply even to those persons who are bound by professional secrecy, except to an advocate who, in the practice of his profession, receives information concerning a situation described in section 38 or 38.1.”

c. P-34.1,
s. 46, am.

26. Section 46 of the said Act is amended

(1) by replacing that part which precedes subparagraph *a* of the first paragraph by the following:

Urgent mea-
sures

“46. The director may apply the following, as urgent measures:”;

(2) by striking out the words “, a reception centre” in the first and second lines of subparagraph *b* of the first paragraph.

c. P-34.1,
s. 47,
French text,
am.

27. Section 47 of the said Act is amended

(1) by replacing in the French text the word “incapable” in the sixth line of the second paragraph by the word “empêché”;

(2) by replacing in the French text the word “incapables” in the second line of the third paragraph by the word “empêchés”.

c. P-34.1,
s. 48, am.

28. Section 48 of the said Act is amended by striking out the words “or the social service centre” in the fourth line of the first paragraph.

c. P-34.1,
Chap. IV,
Div. III,
heading, am.

29. The heading of Division III of Chapter IV of the said Act is amended by inserting the words “ASSESSING THE SITUATION AND” before the word “DIRECTING”.

c. P-34.1,
s. 50, am.

30. Section 50 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Services and
resources

“The director must, in addition, inform the child and the child’s parents of the services and resources available in their community and the conditions of access to those services and resources. He may, if they consent, direct them to the institutions, bodies or persons best suited to assist them. For that purpose, he may, where applicable, give them advice for the selection of persons or bodies that may accompany and assist them in the action they undertake.”

c. P-34.1,
s. 51, am.

31. Section 51 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Power of
the director

“The director, if he considers it appropriate, informs the person referred to in the first paragraph of section 39 who had brought the situation of the child to his attention that the situation has been taken in charge.”

c. P-34.1,
ss. 52, 53,
replaced

32. Sections 52 and 53 of the said Act are replaced by the following sections:

Right to refuse **“52.** The director, when proposing to a child and to the child’s parents the application of voluntary measures, must, before reaching an agreement with them, inform them of the right of a child 14 years of age or over and of a child’s parents to refuse the application of voluntary measures. However, where the parents of a child under 14 years of age accept the application of voluntary measures, the director must encourage the child to adhere to the agreement.

Agreement Any agreement on voluntary measures must contain the measures most appropriate to put an end to and prevent the recurrence of the situation in which the security or development of the child is in danger.

Referral to the tribunal The director must refer the child’s situation to the tribunal if no agreement is reached within ten days and the security or development of the child remains in danger.

Agreement with only one parent **“52.1** The director may reach an agreement on voluntary measures with only one of the parents where the other parent is deceased or is deprived of parental authority.

Agreement with only one parent The director may also decide to reach such an agreement with only one of the parents where the other parent is unable to express his will or cannot be found despite serious efforts to locate him, or where the latter, having not, in fact, assumed responsibility for the care, maintenance and education of the child, abstains from becoming involved owing to indifference. Such a decision may only be taken by the director personally, and must be in writing and give reasons.

Other parent If, however, during the application of the agreement, the other parent comes forward, the director must allow that parent to present his views, following which the director may, with the consent of the parents and of the child, if 14 years of age or over, make certain changes to the agreement if it is in the interest of the child.

Agreement in writing **“53.** The agreement on voluntary measures must be recorded in a writing. The term of the agreement shall not exceed one year.

New agree-ment The director may, however, reach a new agreement if he believes, in light of the child’s current situation, that the new agreement is likely within a reasonable time to put an end to the situation in which the security or development of the child is in danger. A new agreement shall not be renewed and its term shall not exceed one year.

Term **“53.0.1** Notwithstanding the second paragraph of section 53, the term of a new agreement may not exceed six months if it contains a measure for the voluntary foster care of the child in a foster family or in an institution operating a rehabilitation centre. The new

agreement may be renewed once for a period not exceeding six months if, on the date of the renewal, the child has reached 14 years of age.

Extension However, where a new agreement containing a measure for voluntary foster care ends during the school year, the agreement may be extended until the end of the school year if the child is 14 years of age or over and consents to the extension; if the child is under 14 years of age, the new agreement may be extended with the agreement of the child's parents and of the director.

Obligation to admit An institution which operates a rehabilitation centre and which is designated by the director must admit the child."

c. P-34.1,
s. 53.1, am.

33. Section 53.1 of the said Act is amended

(1) by replacing the words "he is 14 years or older, withdraws or his parents withdraw from the agreement and where the security or development of the child remains endangered" in the second, third and fourth lines of the first paragraph by the words "14 years of age or over or one of his parents, if party to the agreement, withdraws from an agreement and the child's security or development remains in danger";

(2) by replacing the last paragraph by the following paragraphs:

Referral to the tribunal "The director must also refer the matter to the tribunal where an agreement or a new agreement has expired and the child's security or development remains in danger.

Information The director must, before reaching an agreement with the child and the child's parents, inform them of the circumstances described in this section in which he is required to refer the matter to the tribunal."

c. P-34.1,
ss. 54, 55,
replaced

34. Sections 54 and 55 of the said Act are replaced by the following sections:

Voluntary measures

"54. The director may propose as voluntary measures that may be included in an agreement

(a) that the child remain with his family and that the child's parents report periodically to the director on the measures they apply in their own regard or in their child's regard to put an end to the situation in which the security or development of the child is in danger;

(b) that the child and the child's parents undertake to take an active part in the application of the measures designed to put an end

to the situation in which the security or development of the child is in danger;

(c) that the parents ensure that the child not come into contact with certain persons or that certain persons not come into contact with the child;

(d) that the child undertake not to come into contact with certain persons;

(e) that the parents entrust the child to other persons;

(f) that a person working for an institution or body provide aid, counselling or assistance to the child and the child's family;

(g) that the parents entrust the child to an institution operating a hospital centre or local community service centre or to another body so that he may receive the care and assistance he needs;

(h) that the child or the child's parents report in person, at regular intervals, to the director to inform him of the current situation;

(i) that the parents ensure that the child receive health services required by his situation;

(j) that the parents entrust the child for a fixed period to an institution operating a rehabilitation centre or to a foster family, chosen by the institution operating a child and youth protection centre;

(k) that the parents ensure that the child attend a place of learning other than a school and that the child undertake to do so.

Community For the purposes of this section, the director must, whenever possible, call upon persons or bodies active in the community where the child lives. He must also ensure that the required services are provided to the child or to the child's parents for the implementation of the voluntary measures.

Foster care Where the director proposes that the parents entrust the child to an institution operating a rehabilitation centre or a hospital centre, he must specify whether or not foster care is required.

**Implementa-
tion of volun-
tary mea-
sures** **“55.** Every institution and every educational body must, by all available means, contribute to the implementation of the voluntary measures. The same applies to every person and to every other body that agrees to apply such measures.”

c. P-34.1,
s. 56,
repealed
c. P-34.1,
s. 57.1,
replaced

35. Section 56 of the said Act is repealed.

36. Section 57.1 of the said Act, enacted by section 32 of chapter 4 of the statutes of 1984 and amended by section 227 of chapter 21 of the statutes of 1992 and by section 23 of chapter 23 of the statutes of 1994, is replaced by the following section:

Review

“57.1 The director shall review the situation of any child placed pursuant to the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons, whose situation he has not taken in charge and who, for one year, has been entrusted to a foster family or to an institution operating a rehabilitation centre without a decision having been made as to the possibility of his being returned to his parents.

Decision of
the director

The director must, at that time, decide whether the security or development of the child is in danger within the meaning of section 38 or 38.1.”

c. P-34.1,
s. 57.2, am.

37. Section 57.2 of the said Act is amended

(1) by inserting the words “, in particular,” after the word “tribunal” in the first line of paragraph *d*;

(2) by adding, after paragraph *f*, the following paragraph:

“(g) put an end to the intervention.”;

(3) by adding, after the first paragraph, the following paragraph:

Services and
resources

“When he puts an end to an intervention, the director must inform the child and the child’s parents of the services and resources available in their community and the conditions of access to those services and resources. He may, if they consent, direct them to the institutions, bodies or persons best suited to assist them. For that purpose, he may, where applicable, give them advice for the selection of the persons or bodies that may accompany and assist them in the action they undertake.”

c. P-34.1,
s. 62, am.

38. Section 62 of the said Act is amended

(1) by striking out the words “or a reception centre” in the third line of the first paragraph;

(2) by striking out the words “, a reception centre” in the first line of the second paragraph;

(3) by replacing the words “or a social service centre must send a copy of the record of the child to the executive director of the designated institution operating a rehabilitation centre or a reception centre” in the first, second, third and fourth lines of the third paragraph by the words “must send a copy of the record of the child to the executive director of the designated institution operating a rehabilitation centre”.

c. P-34.1,
s. 64, am.

39. Section 64 of the said Act is amended

(1) by striking out the words “or a reception centre” in the second line of the first paragraph;

(2) by replacing the last paragraph by the following paragraphs:

End of foster
care

“An order for foster care ceases to have effect when the person to which it applies reaches the age of 18 years. However, foster care may continue in accordance with the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons, if the person consents to it.

Foster care
continued

An institution must continue to provide foster care to a person having reached the age of 18 years if the person consents to it and if the person’s condition does not allow his return to or reinsertion in his home environment. Foster care shall continue until the person’s admission to another institution or any of its intermediate resources or to a family-type resource where he will receive the services required by his condition is assured.”

c. P-34.1,
ss. 67, 68,
am.

40. Sections 67 and 68 of the said Act are amended by striking out the words “or the social service centre” wherever they occur.

c. P-34.1,
s. 70, am.

41. Section 70 of the said Act, amended by section 23 of chapter 23 of the statutes of 1994, is again amended

(1) by replacing the words “operating a child and youth protection centre” in the second and third lines of the first paragraph by the words “governed by the said Act”;

(2) by adding, at the end of the first paragraph, the following sentence: “In addition, section 489 of the Act respecting health services and social services, adapted as required, applies to any institution governed by the said Act to ascertain whether this Act and the regulations thereunder are complied with.”

c. P-34.1,
s. 72.1,
French text,
am.

42. Section 72.1 of the said Act is amended by replacing, in the French text, the word “adoptable” in paragraph *d* by the words “admissible à l’adoption”.

c. P-34.1,
s. 72.3.2, am.

43. Section 72.3.2 of the said Act is amended by replacing the figure “614.2” in the second line by the figure “564”.

c. P-34.1,
s. 72.4, am.

44. Section 72.4 of the said Act is amended by replacing the words “The Minister of Health and Social Services” in the first line by the words “An institution operating a child and youth protection centre”.

c. P-34.1,
ss. 72.5-72.7,
added

45. The said Act is amended by inserting, after section 72.4, the following:

“CHAPTER IV.1

“CONFIDENTIAL INFORMATION

Authoriza-
tion
required for
disclosure

“72.5 Notwithstanding subparagraph 1 of the first paragraph of section 53 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no information collected under this Act in respect of a child or his parents that would allow the identification of the child or parents may be disclosed except with the authorization of the child himself if he is 14 years of age or over, where the information relates to him, or with the authorization of one of his parents where the information relates to a child under 14 years of age. However, where the information relates solely to the parents, it may not be disclosed except with the authorization of the parent to whom it relates.

Order of the
tribunal

Such information may, on application, be disclosed by order of the tribunal where the disclosure is intended to ensure the protection of the child to whom the information relates or the protection of another child. Only the director or the Commission, according to their respective powers, may apply to the tribunal for an order for the disclosure of such information.

Power of a
court

This section shall not be construed as limiting the power of a court to order of its own motion or on application the disclosure of such information in the exercise of its powers and functions.

Authoriza-
tion not
required

“72.6 Notwithstanding the provisions of section 72.5, confidential information may be disclosed without the authorization of the person to whom it relates or an order of the tribunal to any person, body or institution having responsibilities under this Act and

to every court of justice called upon, under this Act, to make decisions respecting a child, where the disclosure is necessary for the purposes of this Act.

Authoriza-
tion not
required

Notwithstanding the provisions of section 72.5, confidential information may also be disclosed by the director or the Commission, according to their respective powers, without it being necessary to obtain the authorization of the person to whom it relates or an order of the tribunal,

(1) to the members of the personnel of the Ministère de la Justice to whom the Minister of Justice has delegated the exercise of his powers under the Act respecting assistance and compensation for victims of crime (1993, chapter 54), where the disclosure is necessary for the purposes of the said Act in respect of a claim relating to a child whose situation has been brought to the attention of the director under this Act;

(2) to the Attorney General, where the information is required for the prosecution of an offence under a provision of this Act.

Confiden-
tiality

A disclosure of information under this section must take place in a manner that will ensure its confidentiality.

Authoriza-
tion not
required

“72.7 Notwithstanding the provisions of section 72.5, if there are reasonable grounds to believe that the security or development of a child is in danger on any of the grounds set out in subparagraph *c* or *g* of the first paragraph of section 38, the director or the Commission, according to their respective powers, may, to ensure the protection of the child or of another child, report the situation to the Attorney General or to a police force without it being necessary to obtain the authorization of the person to whom it relates or an order of the tribunal where

(1) the disclosure is necessary owing to the urgency or gravity of the situation; or

(2) there are reasonable grounds to believe that the security or development of the child is endangered by any person other than the child's parents.

Applicability

The provisions of this section apply notwithstanding subparagraphs 1, 3 and 4 of the second paragraph of section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information.”

c. P-34.1,
s. 74.2, am. **46.** Section 74.2 of the said Act is amended by striking out the words “or a reception centre” in the second and third lines of paragraph c.

c. P-34.1,
s. 77, am. **47.** Section 77 of the said Act is amended by adding, after the last paragraph, the following paragraph:

Interpreter “To assist in the cross-examination of a witness, the tribunal may retain the services of an interpreter, whose remuneration shall be paid by the Minister of Justice.”

c. P-34.1,
s. 79, am. **48.** Section 79 of the said Act is amended by striking out the words “or a reception centre” in the third line of the first paragraph.

c. P-34.1,
s. 83,
replaced **49.** Section 83 of the said Act is replaced by the following section:

Confiden-
tiality **“83.** No person may publish or broadcast any information that would allow the identification of a child or his parents who are parties to proceedings or of a child who is a witness at proceedings under this Act, unless the publication or broadcast is ordered by the tribunal or is necessary for the purposes of this Act or any regulation thereunder.

Prohibition Furthermore, the tribunal may, in a special case, prohibit or restrict, on the conditions it fixes, the publication or broadcast of information relating to a hearing of the tribunal.”

c. P-34.1,
s. 85, am. **50.** Section 85 of the said Act is amended by replacing the figures and words “20, 46, 49 to 54, 279 to 300 and 302” in the first line by the figures and words “17, 19, 20, 46, 49 to 54, 279 to 292, 294 to 299, 302 to 304, 306 to 318 and 321”.

c. P-34.1,
s. 85.1, am. **51.** Section 85.1 of the said Act is amended

(1) by replacing the words “older is competent to testify under oath or after making a solemn affirmation” in the first and second lines by the words “over is competent to testify under oath”;

(2) by striking out the words “or solemn affirmation” in the fifth line.

c. P-34.1,
s. 85.2, am. **52.** Section 85.2 of the said Act is amended

(1) by striking out the words “or solemn affirmation” in the second line;

(2) by adding, after the first paragraph, the following paragraph:

No corroboration

“Such testimony does not require corroboration.”

c. P-34.1,
s. 85.5, am.

53. Section 85.5 of the said Act is amended by replacing the first paragraph by the following paragraph:

Declaration admissible

“85.5 The declaration made by a child who is not competent to testify at the proceedings or who has been dispensed therefrom by the tribunal is admissible as evidence of the existence of the facts stated therein.”

c. P-34.1,
s. 86, am.

54. Section 86 of the said Act is amended by striking out the words “or the social service centre” in the second and third lines of the third paragraph.

c. P-34.1,
s. 91, am.

55. Section 91 of the said Act is amended by replacing that which precedes subparagraph *a* of the first paragraph by the following:

Order of the tribunal

“91. Where the tribunal concludes that the security or development of the child is in danger, it may, for the period it determines, order the implementation of one or more of the following measures:

(a) that the child remain with his family and that the child’s parents report periodically to the director on the measures they apply in their own regard or in their child’s regard to put an end to the situation in which the security or development of the child is in danger;

(b) that the child and the child’s parents take an active part in the application of any of the measures ordered by the tribunal;

(c) that certain persons designated by the tribunal not come into contact with the child;

(d) that the child not come into contact with certain persons designated by the tribunal;

(e) that the child be entrusted to other persons;

(f) that a person working for an institution or body provide aid, counselling or assistance to the child and the child’s family;

(g) that the child be entrusted to an institution operating a hospital centre or local community service centre or to another body so that he may receive the care and assistance he needs;

(h) that the child or the child’s parents report in person, at regular intervals, to the director to inform him of the current situation;

(i) that the child receive certain health services;

(j) that the child be entrusted to an institution operating a rehabilitation centre or to a foster family, chosen by the institution operating a child and youth protection centre;

(k) that the child attend a place of learning other than a school.

Powers of
the tribunal

The tribunal may, in addition,”

c. P-34.1,
s. 95.1,
French text,
am.

56. Section 95.1 of the said Act is amended by replacing in the French text the words “ne peut agir, pour cause d’absence ou d’incapacité” in the second and third lines of the first paragraph by the words “est absent ou empêché d’agir”.

c. P-34.1,
s. 98, am.

57. Section 98 of the said Act is amended by striking out the second paragraph.

c. P-34.1,
s. 128,
French text,
am.

58. Section 128 of the said Act is amended by replacing in the French text the word “juridiction” in the second line by the word “compétence”.

c. P-34.1,
s. 129, am.

59. Section 129 of the said Act is amended by inserting the word and figure “96 to” after the word “Sections” in the first line.

c. P-34.1,
s. 130,
repealed
c. P-34.1,
s. 132, am.

60. Section 130 of the said Act is repealed.

61. Section 132 of the said Act is amended

(1) by striking out subparagraph *a* of the first paragraph;

(2) by striking out the words “the carrying out of” in the first line of subparagraph *b* of the first paragraph;

(3) by replacing the words “the Minister of Health and Social Services” in the second line of subparagraph *f* of the first paragraph by the words “an institution operating a child and youth protection centre”.

c. P-34.1,
s. 134, am.

62. Section 134 of the said Act is amended

(1) by adding, at the end of subparagraph *d* of the first paragraph, the words “or advise, encourage or incite a person required to do so not to bring such a situation to the attention of the director”;

(2) by replacing the words “divulge a piece of information declared confidential by” in the first line of subparagraph *g* of the first

paragraph by the words “disclose confidential information contrary to the provisions of”;

(3) by replacing the figure “\$625” in the last line of the second paragraph by the figure “\$2 500”.

c. P-34.1,
s. 135,
replaced

63. Section 135 of the said Act is replaced by the following section:

Offence and
penalty

“135. Every person who contravenes any provision of the first paragraph of section 83 or fails, refuses or neglects to protect a child in his custody or performs acts that may endanger the security or development of a child is guilty of an offence and is liable to a fine of \$625 to \$5 000.”

c. P-34.1,
s. 135.1, am.

64. Section 135.1 of the said Act is amended

(1) by replacing the words “, in the case of an individual, and to a fine” in the last two lines by the words “in the case of a natural person or”;

(2) by replacing the words “, in the case of a corporation” in the last line by the words “in the case of a legal person”.

c. P-34.1,
s. 135.1.1,
am.

65. Section 135.1.1 of the said Act is amended by replacing the figures and word “614.1 and 614.2” in the fourth line by the figures and word “563 and 564”.

c. P-34.1,
s. 135.1.3,
am.

66. Section 135.1.3 of the said Act is amended

(1) by replacing the words “an individual” in the third line of the first paragraph by the words “a natural person”;

(2) by replacing the word “corporation” wherever it occurs by the words “legal person”.

c. P-34.1,
ss. 76, 87,
94, 96, 131.1,
am.

67. The said Act is amended by replacing the words “or older” wherever they occur in sections 76, 87, 94, 96 and 131.1 by the words “or over”.

Provisions
applicable

68. The provisions of section 53 apply, from the date of their coming into force, to proceedings brought before that date in the Youth Division of the Court of Québec under Chapter V of the Youth Protection Act, unless the court has, by that date, ruled as to whether the safety or development of the child is in danger or taken the case under advisement on that point.

- Effect **69.** Paragraph 2 of section 52 has effect from 1 January 1994.
- Reference **70.** Until section 20 of chapter 23 of the statutes of 1994 comes into force, a reference to the Act respecting health services and social services for Cree Native persons in the Youth Protection Act, as amended by this Act, is a reference to the Act respecting health services and social services for Cree and Inuit Native persons (R.S.Q., chapter S-5).
- Coming into
force **71.** The provisions of this Act will come into force on the date or dates fixed by the Government, except paragraph 2 of section 52 and sections 53, 68 and 69 which come into force on 17 June 1994.