



CHAPTER 4

An Act to amend the Youth Protection Act and other legislation

[Assented to 3 April 1984]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The heading of Chapter I of the Youth Protection Act (R.S.Q., chapter P-34.1) is replaced by the following heading:

“CHAPTER I

“INTERPRETATION AND SCOPE”.

2. Section 1 of the said Act is amended

(1) by striking out the word “principally” in the second line of subparagraph *d* of the first paragraph and by adding the words “, in particular,” after the word “dealing” in the same line;

(2) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) “parents” means the father and the mother of a child or, failing them, any other person having parental authority;”;

(3) by striking out subparagraph *h* of the first paragraph.

3. Section 2 of the said Act is replaced by the following sections:

“2. This Act applies to any child whose security or development is or may be considered to be in danger.

“2.1 The alternative measures and guidance mechanism relating to children who have committed an offence against any Act or regulation of Canada are established in the alternative measures program

c. P-34.1
Chapter I,
heading
replaced

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

c. P-34.1,
s. 2,
replaced,
s. 2.1,
added
Applicability

Alternative
measures

authorized in accordance with the Young Offenders Act (Statutes of Canada, 1982, chapter 110)."

c. P-34.1,
Chap. II,
heading
replaced

4. The heading of Chapter II of the said Act is replaced by the following heading and sections:

"CHAPTER II

"GENERAL PRINCIPLES AND CHILDREN'S RIGHTS

Responsi-
bility of
parents

"2.2 The primary responsibility for providing care, maintenance and education for a child and for supervising him rests with the parents.

Prevention

"2.3 Any intervention between a child and his parents by a person entrusted by this Act with responsibilities regarding the child must be aimed at preventing situations that give rise to such interventions and at promoting the involvement of the community."

c. P-34.1,
ss. 3, 4,
replaced

5. Sections 3 and 4 of the said Act are replaced by the following sections:

Decisions

"3. Decisions made under this Act must be in the interest of the child and respect his rights.

Normal
family en-
vironment

"4. Every decision made under this Act must contemplate the child's remaining with his family. If, in the interest of the child, his remaining with or returning to his family is impossible, the decision must contemplate his being provided with continuous care and stable conditions of life corresponding to his needs and his age and as nearly similar to those of a normal family environment as possible."

c. P-34.1,
s. 5, am.

6. Section 5 of the said Act is amended by replacing the second paragraph by the following paragraph:

Protection
and reha-
bilitation

"In the case of an intervention under this Act, a child as well as his parents must obtain a description of the means and stages of protection and rehabilitation envisaged towards ending the intervention."

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

7. Section 9 of the said Act is amended

(1) by replacing the word "him" in the third line of the first paragraph by the words "his situation";

(2) by adding, at the end of the third paragraph, the following sentence: "The decision must be substantiated, rendered in writing and given to the child.";

(3) by inserting the words "or his parents" after the word "child" in the first line of the fourth paragraph.

c. P-34.1,
s. 10, am. **8.** Section 10 of the said Act is amended by replacing the words
“a reception centre” in the first line by the words “an establishment”.

c. P-34.1,
ss. 11.1-11.3,
added **9.** The said Act is amended by inserting, after section 11, the
following sections:

Conditions of
placement **“11.1** Any child placed in an establishment under this Act shall
be kept in premises appropriate to his needs and the respect of his rights,
taking into consideration the organization and resources of existing
establishments or agencies.

Confiden-
tiality **“11.2** Notwithstanding 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), any information obtained under
this Act regarding a child or his parents that makes it possible to identify
them is confidential and in no case may be disclosed without the consent
of the child if he is over fourteen years of age, so far as the information
concerns him, or without the consent of the parents in other cases.
The information may be disclosed on the order of a court of law.

Provisions
applicable **“11.3** Sections 7 to 10 apply also to any child who has committed
an offence against an Act or a regulation in force in Québec.”

c. P-34.1,
ss. 23, 23.1,
replaced **10.** Sections 23 and 23.1 of the said Act are replaced by the
following sections:

Duties of
the Comité **“23.** The Comité shall, in conformity with the other provisions
of this Act, discharge the following duties:

(a) it shall ensure the protection of the rights of the child which
are recognized under this Act and the Young Offenders Act;

(b) upon an application or of its own motion, it shall investigate
any situation where it has reason to believe that the rights of a child
or of a group of children have been encroached upon by persons,
establishments or bodies, unless the Court is already seized of it;

(c) it shall take the legal means it considers necessary to remedy
any situation where the rights of a child are being encroached upon;

(d) it shall collaborate in producing and broadcasting information
programs on the rights of children for the benefit of the general
population and of children in particular;

(e) it may, at all times, make recommendations to the Minister
of Social Affairs, the Minister of Education and to the Minister of Justice;

(f) it may carry out or cause to be carried out studies and research
on any question related to its competence, of its own motion or at the
request of the Minister of Social Affairs and of the Minister of Justice.

Investigation
duties

“23.1 The duty provided for in paragraph *b* of section 23 must be discharged by a group of not less than three members of the Comité, designated by it and including the president; the president may designate the vice-president to replace him.

Review

The Comité may review any decision taken under the first paragraph.”

c. P-34.1,
s. 24, am.

11. Section 24 of the said Act is amended by striking out the second paragraph.

c. P-34.1,
ss. 25-27,
replaced,
ss. 25.1-25.3,
added

12. Sections 25 to 27 of the said Act are replaced by the following sections:

Inquiry

“25. Members of the Comité and any person in its employment may inquire into any matter within the competence of the Comité, and they may enter any establishment where there is a child whose security or development is or may be considered to be in danger.

Autho-
rization

In no case may the persons enter premises other than an establishment without the authorization of a justice of the peace.

Urgency

In a case of urgency, the persons may enter premises other than an establishment without any warrant if they have reasonable and probable cause to believe that the security of a child is in danger.

Powers

“25.1 For the purposes of an inquiry, the president, the vice-president or any other member of the Comité designated by the president is vested with the powers mentioned in sections 9 to 13 of the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to impose imprisonment.

Recom-
mendation

“25.2 The Comité may recommend the cessation of the alleged act or the carrying out, within the time it may fix, of any measure designed to remedy the situation.

Reference to
the Court

“25.3 The Comité may refer the matter to Court when its recommendation has not been complied with within the fixed time.

Examination
of records

“26. Notwithstanding section 7 of the Act respecting health services and social services, the Comité may consult on the premises the record relating to the case of a child and make copies thereof. On request, copy of the record must be sent to the Comité.

Removal of
names

“27. The Comité shall keep a file of the information communicated to it. The name of a child and that of his parents, and any other information making it possible to identify them must be removed from the file not later than on the child's reaching twenty-one years of age.”

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

13. Section 31 of the said Act is amended by inserting the word “direct” before the word “authority” in the penultimate line of the second paragraph.

c. P-34.1,
s. 31.2,
added

14. The said Act is amended by inserting, after section 31.1, the following section:

Removal of
directors

“31.2 No board of directors of a social service centre may dismiss a director or reduce his salary except by a resolution adopted, at a meeting called for that purpose, by not less than two-thirds of the votes of all its members.”

c. P-34.1,
ss. 32, 33,
replaced

15. The said Act is amended by replacing sections 32 and 33 by the following sections:

Exclusive
duties

“32. The director and the members of his staff authorized by him for that purpose have the following exclusive duties:

(a) to determine the admissibility of the information regarding the situation of a child whose security or development is or may be considered to be in danger;

(b) to decide whether or not the security or the development of a child is in danger;

(c) to decide on the direction of a child;

(d) to review the situation of a child;

(e) to decide to close the record;

(f) to exercise the tutorship conferred by the Superior Court;

(g) to receive the general consents required for adoption;

(h) to apply to the Court for a judicial declaration of eligibility for adoption.

Delegation

“33. The director may, in writing and to the extent he may indicate, authorize a natural person to perform one or more of his duties, except those listed in section 32.

Respon-
sibility
resumed

“33.1 The director may, at any time, terminate an authorization and take over responsibility for the situation of a child.

Signature

“33.2 The authorization must be signed by the director or, in his name, by any person authorized by him for that purpose. The required signature may, however, be affixed by means of a facsimile of the signature of the director, provided that the document is countersigned by a person under the authority of the director and authorized for that purpose.

“provincial director”

“33.3 The director has the powers of a “provincial director” under the Young Offenders Act.”

c. P-34.1,
ss. 35, 36,
replaced,
s. 35.1,
added

16. Sections 35 and 36 of the said Act are replaced by the following sections:

Immunity

“35. In no case may the director or any person acting under section 32 or 33 be prosecuted for acts done in good faith in the performance of his duties.

Competence

“35.1 The director or any person acting under section 32 or 33 may inquire into any matter within the competence of the director.

Authoriza-
tion required

In no case may the persons mentioned in the first paragraph enter premises other than an establishment without the authorization of a justice of the peace. For that purpose and on a motion, a justice of the peace may issue to the director, to any person acting under sections 32 and 33 or to a peace officer a warrant to search for or bring before the director any child whose situation has been brought to his attention or whose security or development is or may be considered to be in danger. The warrant may be executed by any peace officer and shall be returned to the justice of the peace who issued it.

Urgency

Notwithstanding the preceding paragraph, the director, any person acting under section 32 or 33 or a peace officer may, in case of urgency, enter any premises without a warrant if he has reasonable and probable cause to believe that the security of a child is in danger.

Sexual as-
sault or
physical ill-
treatment

“36. Notwithstanding section 7 of the Act respecting health services and social services, where the director is informed of the situation of a child who is the victim of sexual abuse or subject to physical ill-treatment or whose physical health is threatened by the lack of appropriate care, he may examine the record kept on the child in any establishment. At his request, the establishment shall provide him with a copy of the record.”

c. P-34.1,
ss. 37.1-37.4,
added

17. The said Act is amended by inserting, after section 37, the following sections:

Security or
development
endangered

“37.1 The director shall record the information as soon as it is brought to his attention that the security or the development of a child is or may be considered to be in danger. Any information so brought to his attention is to be destroyed as soon as the director decides not to keep it.

Keeping of
information

“37.2 The information brought to the attention of the director may be kept for not more than one year where the director finds that, after keeping it, the security or the development of a child is not in danger.

Keeping of
information

“37.3 The information must be kept for one year from the final decision of the Court quashing the director’s decision to the effect that the security or the development of a child is in danger.

Keeping of
information

“37.4 Where the director or the Court decides that the security or the development of a child is in danger, the information must be kept for five years from the final decision or until the child has reached eighteen years of age, whichever is shorter.”

c. P-34.1,
s. 38,
replaced,
s. 38.1,
added

18. Section 38 of the said Act is replaced by the following sections:

Security or
development
endangered

“38. For the purposes of this Act, the security or development of a child is considered to be in danger where

(a) his parents are dead, no longer take care of him or seek to be rid of him;

(b) his mental or affective development is threatened by the lack of appropriate care or by the isolation in which he is maintained or by serious and continuous emotional rejection by his parents;

(c) his physical health is threatened by the lack of appropriate care;

(d) he is deprived of the material conditions of life appropriate to his needs and to the resources of his parents or of the persons having custody of him;

(e) he is in the custody of a person whose behaviour or way of life creates a risk of moral or physical danger for the child;

(f) he is forced or induced to beg, to do work disproportionate to his capacity or to perform for the public in a manner that is unacceptable for his age;

(g) he is the victim of sexual abuse or he is subject to physical ill-treatment through violence or neglect;

(h) he has serious behavioural disturbances and his parents fail to take the measures necessary to remedy the situation or the remedial measures taken by them fail.

Sexual as-
sault or
physical ill-
treatment

Subparagraph g of the first paragraph does not apply if the child is the victim of sexual abuse or is subject to physical ill-treatment from any person other than his parents and the latter take the measures necessary to remedy the situation.

Security or
development
endangered

“38.1 The security or development of a child is considered to be in danger where

(a) he leaves his own home, a foster family, a reception centre or a hospital centre without authorization while his situation is not under the responsibility of the director of youth protection;

(b) he is of school age and does not attend school, or is frequently absent without reason;

(c) his parents do not carry out their obligations to provide him with care, maintenance and education or do not exercise stable supervision over him, while he has been entrusted to the care of an establishment or foster family for two years.”

c. P-34.1,
s. 39,
replaced

Obligation
to inform

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

“**39.** Every person, even one having privileged information, who has reasonable cause to believe that the security or development of a child is in danger within the meaning of paragraph *g* of section 38, is bound to bring the situation to the attention of the director without delay.

Obligation
to inform

Every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the discharge of his duties, has reasonable cause to believe that the security or development of a child is in danger within the meaning of paragraph *a, b, c, d, e, f* or *h* of section 38 or within the meaning of section 38.1, is bound to bring the situation to the attention of the director without delay. The same obligation devolves upon any employee of an establishment, any teacher or any policeman who, in the discharge of his duties, has reasonable cause 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.

Obligation
to inform

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

Exception

The first and second paragraphs do not apply to an advocate who, in the discharge of his profession, receives information respecting a situation contemplated in section 38 or 38.1.”

c. P-34.1,
s. 40,
repealed

20. Section 40 of the said Act is repealed.

c. P-34.1,
s. 45,
replaced

21. Section 45 of the said Act is replaced by the following section:

Transmis-
sion to the
director

“**45.** Any information to the effect that the security or development of a child is or may be considered to be in danger must be transmitted to the director, who shall determine if it is admissible and whether or not urgent measures are required.”

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

22. Section 46 of the said Act is amended

(1) by striking out paragraph c;

(2) by adding, at the end, the following paragraph:

Obligation
of centres

“Where it is decided to entrust the child to a reception centre or hospital centre, the director shall specify whether or not foster care is included in the measure. The designated reception centre or hospital centre is bound to receive the child.”

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

23. Section 47 of the said Act is amended by replacing the words “to that effect” in the fifth line of the second paragraph by the words “attesting to their necessity”.

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

24. Section 48 of the said Act is amended

(1) by replacing the words “responsible for the child”, at the end of the first paragraph, by the words “whose director has taken charge of the situation of the child”;

(2) by striking out the words “if his condition requires medical attention” at the end of the second paragraph.

c. P-34.1,
s. 48.1,
added

25. The said Act is amended by inserting, after section 48, the following section:

Notice of
release

“**48.1** For the purposes of this division, a hospital centre to which the director has entrusted a child shall notify the director before a physician releases the child in accordance with the Act respecting health services and social services.”

c. P-34.1,
s. 49,
replaced

26. Section 49 of the said Act is replaced by the following section:

Decision of
the director

“**49.** If the director considers admissible information to the effect that the security or development of a child is or may be considered to be in danger, he shall assess the child’s situation and living conditions. He shall decide whether or not the child’s security or development is in danger.”

c. P-34.1,
ss. 51-53,
replaced,
s. 53.1,
added

27. Sections 51 to 53 of the said Act are replaced by the following sections:

Voluntary
measures

“**51.** Where the director is of the opinion that the security or development of a child is in danger, he shall take charge of the situation of the child and decide whereto he is to be directed. For that purpose, the director shall propose the application of voluntary measures or refer the situation to the Court.

Agreement
with parents

“**52.** Where the decision regarding the directing of the child involves the application of voluntary measures, the director shall

communicate with the parents and the child for the purpose of reaching an agreement with them as to the most appropriate measure.

Right to
refuse

The director shall, however, inform the child, if he is 14 years of age or older, and his parents of their right to refuse the application of any measure.

New
measures

If no agreement is reached within twenty days, the director shall attempt to come to an agreement on new measures or refer the child's situation to the Court.

Agreement
in writing

"53. The modalities of the agreement reached between the child, if he is 14 years of age or older, the parents and the director must be recorded in writing.

Term

The term of the agreement shall not exceed one year.

Referral to
the Court

"53.1 Where the child, if he is 14 years of age or older, and his parents withdraw from the agreement and the security or development of the child remains endangered, the director shall refer the matter to the Court.

Information

Before making an agreement, the director shall inform them of that fact."

c. P-34.1,
s. 54, am.

28. Section 54 of the said Act is amended

(1) by inserting, in the first paragraph, after subparagraph *a*, the following subparagraph:

"(a.1) that the parents commit themselves to participating actively in applying the measures intended to correct the situation;"

(2) by inserting, in the first paragraph, after subparagraph *b*, the following subparagraph:

"(b.1) that the child commit himself not to come into contact with certain persons;"

(3) by striking out subparagraph *i* of the first paragraph;

(4) by adding, at the end, the following paragraph:

Foster care

"Where the director recommends that the child be entrusted to a reception centre or hospital centre, he shall specify whether or not foster care is required."

c. P-34.1,
s. 55, am.

29. Section 55 of the said Act is amended by replacing the words **"The social service centre"** in the first line by the words **"Every establishment"**.

c. P-34.1,
s. 56, am.

30. Section 56 of the said Act is amended by replacing the first paragraph by the following paragraph:

Extension of
foster care

“56. Notwithstanding the second paragraph of section 53, the director may extend the term of voluntary foster care of a child in a foster family or reception centre, for successive periods of not more than six months at a time. The director shall obtain the consent of the parents, and of the child if he is 14 years of age or older.”

c. P-34.1,
s. 57,
replaced

31. Section 57 of the said Act is replaced by the following section:

Periodical
review

“57. The director shall periodically review the case of every child whose situation he has taken in charge. He shall, where applicable, satisfy himself that every measure designed to ensure the child's return to his parents is taken, if such a return is in his interest, or ensure that the child has living conditions appropriate to his needs and his age.”

c. P-34.1,
ss. 57.1-57.3,
added

32. The said Act is amended by inserting, after section 57, the following sections:

Periodical
review

“57.1 The director shall review the situation of every child placed pursuant to the Act respecting health services and social services, whose situation he has not taken in charge and who, for two years, has been placed in a foster family or reception centre without having been the object of a decision as to a possible return to his parents.

Prior
decision

The director shall make a prior decision as to whether the security or development of the child is in danger within the meaning of section 38 or 38.1.

Purpose of
the review

“57.2 The purpose of the review is to determine whether the director shall

(a) maintain the child in the same situation;

(b) propose other measures of assistance for the child;

(c) propose measures of assistance to the parents with a view to returning the child to his parents;

(d) refer to the Court for an order of foster care for a period determined by the Court;

(e) file an application to be named tutor or cause any person he recommends to be named tutor of the child;

(f) act with a view to causing the child to be adopted.

New review

“57.3 If the director concludes that the child is to remain in the same situation, he shall determine when a new review is to be carried out.”

c. P-34.1,
ss. 58-61,
repealed

33. Sections 58 to 61 of the said Act are repealed.

c. P-34.1,
s. 66,
replaced

34. The said Act is amended by replacing section 66 by the following section:

Notification
of the
director

“66. Where a child whose situation is taken in charge by the director leaves, without authorization, his parents or the establishment to which or the person to whom he has been entrusted, they shall so notify the director. The director is bound to notify the parents of a child whose situation he has taken in charge where the child, without authorization, leaves the establishment to which or the person to whom he has been entrusted.”

c. P-34.1,
s. 67,
replaced

35. Section 67 of the said Act is replaced by the following section:

Domicile

“67. A director shall not entrust the taking in charge of a child’s situation to another director unless the domicile of the child’s parents is situated in the territory of the social service centre in which such other director works. However, the case of a child shall not be entrusted to another director if the child is provided with foster care in a place situated in the territory of the social service centre in which the director who has taken charge of the child’s situation works.”

c. P-34.1,
s. 69, am.

36. Section 69 of the said Act is amended by replacing the words “ordinary living environment”, in the third line, by the words “living conditions”.

c. P-34.1,
s. 73, am.

37. Section 73 of the said Act is amended by adding, at the end, the following paragraph:

Place of
hearing

“When the child has no known domicile or residence in Québec, applications are brought before the Court where the director who received the information exercises his responsibilities.”

c. P-34.1,
ss. 74-75,
replaced

38. Sections 74 to 75 of the said Act are replaced by the following sections:

Opposition
to urgent
measure

“74. The director shall refer the matter to the Court where the parents or the child are opposed to the application of an urgent measure.

Security or
development
endangered

“74.1 The director or the Comité may refer to the Court the case of a child whose security or development is considered to be in danger.

Protection of
child’s rights

The Comité may also refer to the Court any situation where it has reason to believe that the rights of the child have been wronged by persons, bodies or establishments.

Disagree-
ment

“74.2 A child or his parents may apply to the Court where they disagree with

(a) the decision of the director as to whether or not the security or development of the child is in danger;

(b) the decision of the director as to the directing of the child;

(c) the decision whether or not to prolong the period of voluntary foster care in a reception centre or a foster family;

(d) the decision of the director on review;

(e) the decision of the general manager, in accordance with section 9.

Sworn
declaration

“75. The Court takes cognizance by the filing of a sworn declaration containing, if possible, the names of the child and of his parents, their address, their ages and a summary of the facts justifying the intervention of the Court.

Assistance

Every officer of the Court and every person working in an establishment shall, when so required, assist a person who wishes to file a declaration under this chapter.”

c. P-34.1,
s. 76.1, am.

39. Section 76.1 of the said Act is amended by replacing the figure “54”, at the end of the first paragraph, by the figure “91”.

c. P-34.1,
s. 79, am.

40. Section 79 of the said Act is amended

(1) by inserting, in the second line of the first paragraph, after the word “child”, the following words: “in a foster family or reception centre”;

(2) by replacing the third paragraph by the following paragraph:

Maximum
period

“No provisional compulsory foster care measure may exceed 30 days. However, where justified by the facts, the Court may order a single extension for a period of not over thirty days.”

c. P-34.1,
s. 81, am.

41. Section 81 of the said Act is amended by adding, at the end of the second paragraph, the following: “; any other person may intervene therein if he demonstrates to the Court that he is acting in the interests of the child.”

c. P-34.1,
s. 84, am.

42. Section 84 of the said Act is amended by striking out the word “serious” in the third line.

c. P-34.1,
s. 85,
replaced

43. Section 85 of the said Act is replaced by the following section:

Procedure **“85.** Articles 2, 14 to 20, 46, 49 to 54 and 280 to 331 of the Code of Civil Procedure apply before the Court to the extent that they are not inconsistent with the provisions of this Act.”

c. P-34.1,
s. 86, am. **44.** Section 86 of the said Act is amended by replacing the first paragraph by the following paragraph:

Study of the
child's social
situation **“86.** Before rendering a decision on the measures applicable, the Court shall request the director to make a study of the social situation of the child.”

c. P-34.1,
s. 87, am. **45.** Section 87 of the said Act is amended by replacing the letter “f”, in the third line of the second paragraph, by the letter “g”.

c. P-34.1,
ss. 91, 92,
replaced **46.** Sections 91 and 92 of the said Act are replaced by the following sections:

Order of
the Court **“91.** Where the Court concludes that the security or the development of the child is in danger, it may, for such period as it may determine, order the execution of one or several of the measures listed in section 54. It may, in addition,

(a) order a person to ensure that the child and his parents comply with the conditions imposed upon them and to report periodically to the director;

(b) withdraw the exercise of certain rights of parental authority from the parents;

(c) recommend that measures be taken to have a tutor appointed to the child;

(d) make any other recommendation that it considers to be in the interests of the child.

Order of
the Court Where the Court concludes that the rights of a child in difficulty have been wronged by persons, bodies or establishments, it may order the situation to be corrected.

Child's case
entrusted to
the director **“92.** Where the Court orders the carrying out of a measure with regard to a child, it shall entrust the situation of the child to the director, who shall then see that the measure is carried out.”

c. P-34.1,
s. 95,
replaced,
ss. 95.1-95.2,
added **47.** Section 95 of the said Act is replaced by the following sections:

Review of
decision **“95.** The child, his parents, the director and any party to the proceedings may apply to the Court for the review of a decision or an order, when new facts have arisen since it was rendered.

Extension They may also apply to the Court for the extension of a decision or an order if the child's situation so requires.

Application
to the judge

“95.1 An application for review or extension is presented to the judge who pronounced the first judgment. If the judge is absent or unable to act, the application is presented before another judge of the Court.

District

If the child no longer lives in the district where the decision or order was rendered, the application may be brought before the Court of his domicile or residence.

Transmis-
sion of copy

“95.2 Where the initial decision or order and that granting an application for review or extension are rendered in different districts, the clerk of the district in which the decision or the order for review or extension is rendered shall send a copy thereof to the clerk of the other district so that he may add it to the record.”

c. P-34.1,
s. 96, am.

48. Section 96 of the said Act is amended

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

“(e) the director who has taken the situation of the child in charge;”;

(2) by striking out subparagraphs *f* and *i* of the first paragraph.

c. P-34.1,
Chap. V,
Div. I,
Subdiv. 3,
repealed

49. Subdivision 3 of Division I of Chapter V of the said Act is repealed.

c. P-34.1,
s. 100, am.

50. Section 100 of the said Act is amended by replacing the first paragraph by the following paragraph:

Appeal

“100. An appeal lies to the Court from any decision or order of the Youth Court rendered under the authority of this Act.”

c. P-34.1,
s. 101,
replaced

51. Section 101 of the said Act is replaced by the following section:

Appelants

“101. The appeal may be brought by the child, his parents, the director, the Comité, the Attorney-General or any party in first instance, and each of them may, in addition, if not a party to the appeal, take part *ex officio* in the proof and hearing as if a party thereto. Notice of at least one clear day to the parties in appeal is required.”

c. P-34.1,
s. 115, am.

52. Section 115 of the said Act is amended by striking out the second paragraph.

c. P-34.1,
Chap. VI,
heading
replaced

53. The heading of Chapter VI is replaced by the following heading:

“REGULATIONS AND DIRECTIVES”.

c. P-34.1,
s. 132,
replaced

54. Section 132 of the said Act is replaced by the following section:

Regulations

“132. The Government may make regulations

(a) to determine the formalities by which the child and his parents may give their consent to voluntary measures;

(b) to determine the elements an agreement respecting the carrying out of voluntary measures must contain;

(c) to determine the norms relating to the review of a child's situation by the director;

(d) to determine the reports or documents necessary for the review and the time limits within which the reports and documents are required to be sent to the director;

(e) to prescribe the norms relating to the content of the summary of the child's and the adopter's antecedents;

(f) to determine in what cases, according to what criteria and on what conditions the Minister of Social Affairs may grant financial assistance to facilitate the adoption of a child.

Publication

The Minister of Social Affairs shall publish in the *Gazette officielle du Québec* a draft regulation with a notice that at the expiry of not less than 60 days following publication, it may be adopted by the Government with or without amendments.”

c. P-34.1,
s. 133.1,
added

55. The said Act is amended by inserting, after section 133, the following section:

Directives

“133.1 The Minister of Social Affairs may, with the prior approval of the Government, give directives to the establishments to ensure that the objectives of the social intervention are achieved.

Directives

These establishments are required to follow the directives.”

c. P-34.1,
ss. 134, 135,
replaced

56. Sections 134 and 135 of the said Act are replaced by the following sections:

Offences

“134. No person may

(a) refuse to comply with a decision or an order rendered under this Act or advise, encourage or incite a person not to comply with it;

(b) refuse to answer the director, any person authorized under section 32 or 33, or any person employed by the Comité and acting under section 25, hinder or attempt to hinder him, or mislead or attempt to mislead him by concealment or false declaration, when the director or the latter person is acting in the performance of his duties;

(c) hinder or attempt to hinder a member of the Comité acting in the performance of his duties;

(d) if he is required to do so, fail to bring the situation of a child to the attention of the director if he has reasonable grounds to believe that the child's security or development is or may be considered to be in danger;

(e) advise, encourage or incite a child to leave an establishment where he has been placed under this Act;

(f) retain or attempt to retain a child where a person acting pursuant to this Act requests that the child be handed over to him;

(g) knowingly divulge a piece of information declared confidential by this Act.

Offences and penalties

Every person who contravenes this section is guilty of an offence and liable, in addition to costs, to a fine of \$200 to \$500.

Offences

"135. No person may

(a) fail, refuse or neglect to protect a child in his custody or perform acts that may endanger the security or development of a child;

(b) publish or release a piece of information making it possible to identify a child or his parents who are party to proceedings other than to enable the enforcement of an Act or a regulation.

Offences and penalties

Every person who contravenes this section is guilty of an offence and liable, in addition to costs, to a fine of \$500 to \$1 000."

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

57. Section 135.1 of the said Act, amended by section 13 of chapter 50 of the statutes of 1983, is again amended by striking out the second paragraph.

c. P-34.1,
s. 135.2,
added

58. The said Act is amended by inserting, after section 135.1, the following section:

Subsequent offence

"135.2 For each subsequent offence within two years of a conviction for the same offence, the amounts of the fines provided for in sections 134, 135 and 135.1 are doubled."

c. P-34.1,
s. 136,
replaced

59. The said Act is amended by replacing section 136 by the following section:

Proceedings

"136. Penal proceedings under this Act are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15)."

c. P-34.1,
s. 152,
repealed

60. Section 152 of the said Act is repealed.

c. P-34.1,
s. 156, am.

61. Section 156 of the said Act is amended by striking out, in the second line, the following: "140 to 145, 148, 149".

c. E-8,
s. 21.1,
added **62.** The Fire Investigations Act (R.S.Q., chapter E-8) is amended by inserting, after section 21, the following section:

Person under 18 years of age **“21.1** If the person arrested is under 18 years of age, he is required to be entrusted to the director of youth protection until his appearance.

Notification of parents The director of youth protection shall place the person so arrested in a reception centre and notify without delay his parents, or any other person having parental authority, of the place where he is, of the time and place at which he is to appear and of the proceedings of which he is the object.”

c. E-8,
s. 22, am. **63.** Section 22 of the said Act is amended by replacing the second paragraph by the following paragraph:

Incriminating questions **“The investigation commissioner shall inform a witness of his right to request the protection of section 5 of the Canada Evidence Act (R.S.C., 1970, chapter E-10) in respect of any question tending to criminate him.”**

c. E-8,
s. 22.1,
added **64.** The said Act is amended by inserting, after section 22, the following section:

Advocate **“22.1** If the investigation commissioner is of the opinion that it would be in the interest of a person under 18 years of age to be represented by an advocate, he shall inform that person of his right to be represented by an advocate and grant him a reasonable time to obtain the services of an advocate and if necessary, delay for that purpose the giving of his testimony.”

c. P-15,
s. 1, am. **65.** Section 1 of the Summary Convictions Act (R.S.Q., chapter P-15) is amended

(1) by adding, at the end of paragraph 4, the following: “and, in the case of a person under 18 years of age, a reception centre in which such person is placed in custody;”;

(2) by inserting, after the words “Provincial Court” in the second line of paragraph 5, the following words: “, judges of the Youth Court”;

(3) by inserting, at the end, the following paragraph:

“parents” **“The expression “parents” has the same meaning as in the Youth Protection Act (R.S.Q., chapter P-34.1) and the expression “reception centre” has the same meaning as in the Act respecting health services and social services (R.S.Q., chapter S-5).”**

c. P-15,
s. 1.1, added **66.** The said Act is amended by inserting, after section 1, the following section:

Person under 18 years of age

“1.1 The provisions of this Act which relate to persons under eighteen years of age apply to any person who commits an offence before having reached that age, for the prosecution of that offence.”

c. P-15, s. 2.1, added

67. The said Act is amended by inserting, after section 2, the following section:

Person under 14 years of age

“2.1 No natural person under 14 years of age who contravenes an Act or a regulation of Québec may be prosecuted for that offence.”

c. P-15, s. 3, am.

68. Section 3 of the said Act is amended by adding, at the end, the following paragraph:

Person under 18 years of age

“Notwithstanding the foregoing, a judge of the Youth Court has exclusive jurisdiction where the defendant is a person under eighteen years of age.”

c. P-15, s. 6, am.

69. Section 6 of the said Act is amended by inserting after the words “Provincial Court” in the first line, the following: “, judge of the Youth Court”.

c. P-15, s. 16, am.

70. Section 16 of the said Act is amended by adding, at the end, the following subsection:

Service on parents

“(6) Except in the case of a parking offence, a copy of any summons issued to a person under 18 years of age is served on his parents. Subsections 4 and 5 apply to the service.”

c. P-15, s. 23.1, added

71. The said Act is amended by adding, after section 23, the following section:

Person under 18 years of age

“23.1 A person under 18 years of age who is arrested in execution of a warrant of arrest is required to be entrusted to the custody of the director of youth protection until the person’s appearance.

Notification of parents

The director of youth protection shall place the person so arrested in a reception centre and notify his parents without delay of the place where he is, of the time and place at which he is to appear and of the proceedings of which he is the object.”

c. P-15, s. 28, am.

72. Section 28 of the said Act is amended by striking out, in subsection 2, the following words: “or sheltered in a security unit contemplated in paragraph *h* of section 1 of the Youth Protection Act (R.S.Q., chapter P-34.1).”

c. P-15, s. 28.1, am.

73. The said Act is amended by inserting, after section 28, the following section:

Warrant **"28.1** Section 23.1 applies, *mutatis mutandis*, in the case of a person under 18 years of age against whom a warrant to bring has been ordered."

c. P-15,
s. 29.1,
added **74.** The said Act is amended by inserting, after section 29, the following section:

Powers of
the justice of
the peace **"29.1** A justice of the peace may proceed against a person under 18 years of age notwithstanding the absence of the notice contemplated in subsection 6 of section 16 or that contemplated in section 23.1, or adjourn the hearing on such conditions as he may determine and order that notice thereof be given to the parents."

c. P-15,
s. 63.1, am. **75.** Section 63.1 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Person under
18 years
of age "The collector shall, if the defendant is a person under 18 years of age, entrust the determination of the nature of the compensatory work and the supervision of its carrying out to the director of youth protection having jurisdiction in the place where the person is domiciled.

Written
agreement The agreement to carry out compensatory work is recorded in writing."

c. P-15,
s. 63.8, am. **76.** Section 63.8 of the said Act is amended by adding, after the first paragraph, the following paragraph:

Notification
of parents "The collector shall, if the defendant is a person under 18 years of age, notify the person's parents of his intention to present an application in accordance with this section. Subsections 4 and 5 of section 16 and section 29.1 apply, *mutatis mutandis*, to the notice."

c. P-15,
s. 63.14, am. **77.** Section 63.14 of the said Act is amended by adding, at the end of the first paragraph, the following sentence: "If the defendant is a person under 18 years of age, a copy of the warrant is required to be remitted to the director of youth protection without delay."

c. P-15,
s. 63.15, am. **78.** Section 63.15 of the said Act is amended by adding, at the end, the following paragraph:

Person under
18 years
of age "If the person contemplated in the warrant of commitment is a person under 18 years of age, he must be handed over with the warrant to the director of youth protection."

c. P-15,
s. 72.1,
added **79.** The said Act is amended by inserting, after section 72, the following section:

Maximum
fine **"72.1** Notwithstanding any general law or special Act, no person under 18 years of age may be fined more than \$100."

c. P-15,
s. 73, am.

80. Section 73 of the said Act is amended by replacing the words “or judge of the Provincial Court” by the words “, judge of the Provincial Court or judge of the Youth Court”.

c. P-15,
s. 74.7,
added

81. The said Act is amended by inserting, after section 74.6, the following section:

Defendant
under 18
years of age

“74.7 This section does not apply if the offender is under 18 years of age.”

c. T-16,
s. 114, am.

82. Section 114 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing paragraph *a* by the following paragraph:

“(a) cases of young persons within the meaning of the Young Offenders Act (Statutes of Canada, 1982, chapter 110);”.

c. T-16,
s. 116.1,
repealed

83. Section 116.1 of the said Act is repealed.

Exception

84. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force

85. This Act will come into force on the date fixed by proclamation of the Government, except those provisions excluded by such proclamation, which will come into force on such later dates as may be fixed by proclamation of the Government.