



CHAPTER 2

An Act to amend the Youth Protection Act

[Assented to 12 June 1981]

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

R.S.Q.,
c. P-34.1,
s. 1, am.

1. Section 1 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended:

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

“body”;
“(d) “body” means any body established under a law of Québec principally dealing with the defence of the rights, the promotion of the interests and the improvement of the living conditions of children and any institution giving instruction at the elementary, secondary or college level;”;

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

“security unit”.
“(h) “security unit” means any architecturally restrictive place located in a reception centre where, by the appropriate staff, rehabilitation services are furnished with a view to the reintegration of the child into society, and where special internal rules and measures designed to restrict the child’s movements are applied for his own benefit and the protection of society;”.

R.S.Q.,
c. P-34.1,
s. 8,
replaced.

2. Section 8 of the said Act is replaced by the following section:

Right to health, social and educational services.
“**8.** A child is entitled to receive adequate health services, social services and educational services, on all scientific, human and social levels, continuously and according to his personal requirements, account being taken of the organization and resources of the establishments or bodies in the education field providing such services.”

R.S.Q.,
c. P-34.1,
s. 9, am.

3. Section 9 of the said Act is amended by replacing the second paragraph by the following paragraphs:

Confidential
communications.

“He may also communicate in all confidentiality with his parents, brothers and sisters, unless the Court decides otherwise.

Confidential
communications.

He may also communicate in all confidentiality with any other person unless the general manager of the reception centre considers it to be in the best interests of the child to prevent him from communicating with that person.

Referral to
the Court.

The child may refer to the Court any decision of the general manager preventing him from communicating with any person. This motion is heard and decided by preference.

Decision of
the Court.

The Court shall confirm or quash the decision of the general manager. It may, in addition, order the general manager to take certain measures relating to the right of the child to communicate thenceforth with the person contemplated in the decision of the general manager or with any other person.”

R.S.Q.,
c. P-34.1,
s. 15,
replaced.

4. Section 15 of the said Act is replaced by the following section:

Quorum
casting
vote.

“**15.** Except for the cases contemplated in the first paragraph of section 23.1, six members including the president or the vice-president are a quorum of the Comité. In case of a tie-vote, the president or, if he is absent, the vice-president has a casting vote.”

R.S.Q.,
c. P-34.1,
s. 23, am.

5. Section 23 of the said Act is amended

(1) by replacing paragraph *c* by the following paragraph:

“(c) it shall, upon demand or at its discretion, reexamine the situation of a child taken in charge by the director;”;

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

“(l) it may carry out studies and research on any question related to youth protection.”

R.S.Q.,
c. P-34.1,
s. 23.1,
added.

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

Division
of the
Comité.

“**23.1** The duties provided for in paragraph *c*, *d* or *f* of section 23 may 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.”

R.S.Q.,
c. P-34.1,
s. 31.1,
added.

7. The said Act is amended by adding, after section 31, the following section:

Replace-
ment.

“31.1 If the director is temporarily absent or unable to act, he is replaced by a person designated by the board of directors who appointed him.”

R.S.Q.,
c. P-34.1,
s. 38, am.

8. Section 38 of the said Act is amended

(1) by striking out paragraph *e*;

(2) by replacing paragraph *i* by the following paragraph:

“(i) he leaves a hospital centre, a reception centre or a foster family without authorization.”;

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

Assump-
tion.

“A child’s security or development may be considered to be in danger if:

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

(b) he leaves his own home without authorization.»

R.S.Q.,
c. P-34.1,
s. 39, am.

9. Section 39 of the said Act is amended by replacing the last three paragraphs by the following paragraphs:

Profes-
sional
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 subparagraph *a, b, c, d, g, h* or *i* of the first paragraph of section 38 or within the meaning of subparagraph *a* or *b* of the second paragraph of the same section, 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 in danger within the meaning of the said subparagraphs of section 38.

Other
cases.

Any person, other than a person contemplated in the preceding paragraph, who 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, g, h* or *i* of the first paragraph of section 38 or within the meaning of subparagraph *a* or *b* of the second paragraph of the same section, may bring the situation to the attention of the director.

Exception.

This section applies notwithstanding section 9 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) but 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."

R.S.Q.,
c. P-34.1,
s. 40, am.

10. Section 40 of the said Act is amended by adding, at the end, the following paragraph:

Excep-
tions.

"The first paragraph does not apply to an offence against the Highway Code (R.S.Q., chapter C-24), except an offence contemplated in section 83 or 84 of the said code, to a regulation made under the Highway Code nor to a municipal parking or traffic by-law."

R.S.Q.,
c. P-34.1,
s. 46, am.

11. Section 46 of the said Act is amended by replacing paragraph *b* by the following paragraph:

"(b) entrusting the child to a reception centre, a foster family, a hospital centre, an appropriate body or any other person without delay;"

R.S.Q.,
c. P-34.1,
s. 51, am.

12. Section 51 of the said Act is amended by replacing the second paragraph by the following paragraph:

Voluntary
measures.

"For that purpose, the director shall take charge of the child and he may see to the application of any voluntary measures in accordance with section 54. In such a case, he must inform the child and his parents of their right to refuse the application of such measures."

R.S.Q.,
c. P-34.1,
s. 54, am.

13. Section 54 of the said Act is amended by adding, after the word "following" in the first line, the words ", in particular,".

R.S.Q.,
c. P-34.1,
s. 55,
replaced.

14. Section 55 of the said Act is replaced by the following section:

Voluntary
measures.

"**55.** The social service centre must, by every available means, facilitate the carrying out of the voluntary measures. The same rule applies to every person or body that agrees to apply such measures."

R.S.Q.,
c. P-34.1,
s. 56,
replaced.

15. Section 56 of the said Act is replaced by the following section:

Maximum
period.

"**56.** The maximum period of voluntary foster care in a foster family or in a reception centre is one year. However, the director may, if necessary, extend the term of the foster care for successive periods of not more than six months at a time; he must then obtain the consent of the child's parents and of the child if he is fourteen years of age or over."

Mandatory admission. Any reception centre designated by the director is bound to admit the child."

R.S.Q.,
c. P-34.1,
s. 60, am. **16.** Section 60 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

"(a) where an act contrary to any Act or regulation in force in Québec is imputed to the child except an offence contemplated in the second paragraph of section 40;"

R.S.Q.,
c. P-34.1,
s. 64, am. **17.** Section 64 of the said Act is amended by replacing the first paragraph by the following paragraphs:

Foster
care
during
school
year.

"64. Where a period of compulsory foster care terminates during a school year, the reception centre must continue to provide the child with foster care until the end of the school year if the child, being fourteen years of age or over, consents to it; when the child is less than fourteen years of age, foster care shall continue with the consent of the parents and the director.

Foster
care
during
school
year.

Where a period of compulsory foster care ends during a school year, the foster family may continue to provide foster care to the child on the same conditions."

R.S.Q.,
c. P-34.1,
s. 74,
replaced,
ss. 74.1,
74.2,
added.

18. Section 74 of the said Act, replaced by section 14 of chapter 42 of the statutes of 1979, is again replaced by the following sections:

Juris-
diction
of the
Court.

"74. Except in the urgent cases provided for in section 47, the Court shall take cognizance of the case of a child whose security or development is considered to be in danger or to whom an act contrary to any act or regulation in force in Québec is imputed, only on reference by

(a) the director acting in cooperation with a person designated by the Minister of Justice,

(b) the Comité or by the arbitrator designated by it in the case contemplated in paragraph *f* of section 23, or

(c) another person acting pursuant to a decision taken in conformity with this Act to refer the case of a child to the Court.

Exception.

The first paragraph does not apply to an offence contemplated in the second paragraph of section 40. In such a case, a demand for payment of a fine and costs may be made to the child. On default of payment, the case may be referred to the Court by any person authorized to bring an action under the code or the regulations referred to in the second paragraph of section 40.

Juris-
diction
of the
Court.

"74.1 The Court may also take cognizance of the case of a child on reference by the child himself or at his request, or by his parents or at their request, if they disagree with

(a) a joint decision of the director and a person designated by the Minister of Justice or a decision of the Comité or the arbitrator under paragraph *f* of section 23;

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

(c) the decision of the director, under section 49, determining whether or not a child's security or development is in danger;

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

Juris-
diction
of the
Court.

"74.2 The Comité may refer to the Court every situation where it is of the opinion that the security or development of the child is in danger."

R.S.Q.,
c. P-34.1,
s. 76.1,
added.

Voluntary
measures.

19. The said Act is amended by adding, after section 76, the following section:

"76.1 The Court may, if it considers it necessary for the security or development of the child, give any order for the execution, while proceedings are in progress, of one or several of the measures applicable under section 54.

Review.

The Court may review its decision at any time."

R.S.Q.,
c. P-34.1,
s. 79,
replaced.

20. Section 79 of the said Act is replaced by the following section:

Provisional
compul-
sory
foster
care.

"79. In application of section 76.1, the Court shall order the provisional compulsory foster care of a child if, after an assessment of the situation, it concludes that the child's remaining with or returning to his parents or to his residence is likely to cause him serious prejudice.

Notice to
parents.

The Court shall without delay notify the parents of the child who is the subject of a measure carried out under this section.

Maximum
period.

No provisional compulsory foster care measure may exceed twenty-one days. The Court may, however, prolong it for a period not longer than ten days where the facts justify such action."

R.S.Q.,
c. P-34.1,
s. 86,
replaced.

21. Section 86 of the said Act is replaced by the following section:

Study of
the child's
social
situation.

"86. Before rendering a decision on the measures applicable, the Court may request the director to make a study of the social

situation of a child who is guilty of an offence against an Act or a regulation of Québec. In all other cases, the Court must demand such a study.

Expert's
assessment.

The director may, at his discretion, or must, if the Court so requires, attach to it a psychological or medical assessment of the child and of the members of his family or any other expert opinion that may be useful.

Costs.

The cost of such studies, assessments or expert opinions shall be at the expense of the social service centre."

R.S.Q.,
c. P-34.1,
s. 91, am.

22. Section 91 of the said Act is amended

(1) by replacing the part preceding paragraph *a* by the following:

Order of
the Court.

"91. Where the Court concludes that the security or the development of the child is in danger or that the child is guilty of an act contrary to an Act or a regulation in force in Québec, it may, for such period as it may determine, order the execution of one or several of the measures applicable under section 54. It may, in addition,";

(2) by replacing paragraph *e* by the following paragraph:

"(e) order the foster care of a child fourteen years of age or over in a security unit, for a maximum period of six months, if it is of opinion that the child will attempt to elude the application of the law or that he represents a danger to himself or to others.";

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

Maximum
period.

"An order rendered under subparagraph *e* of the first paragraph may be extended for a maximum period of six months if the director, after consultation with the general manager of the reception centre and after notifying the parents and the child, demonstrates to the Court that the measure is necessary in the interest of the child. A new extension for a maximum period of six months may take place under the same conditions."

R.S.Q.,
c. P-34.1,
s. 96, am.

23. Section 96 of the said Act is amended

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

Confidentiality
of records.

"96. Every record of the Court is confidential. No person may take cognizance of it or receive a copy or duplicate of it except";

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

“(i) the Régie de l’assurance automobile du Québec, for the application of a regulation passed by the Government under section 25 of the Highway Victims Idemnity Act (R.S.Q., chapter I-5).”

R.S.Q.,
c. P-34.1,
s. 96.1,
added.

24. The said Act is amended by adding, after section 96, the following section:

Confiden-
tiality of
records.

“96.1 A person authorized to take cognizance of a record under section 96 is bound to respect the confidential nature of the information thus obtained. He is also bound, if a copy of or extract from a document filed in the Court record has been issued to him, to destroy that copy or extract as soon as it is of no further use to him.”

R.S.Q.,
c. P-34.1,
s. 98.1,
added.

25. The said Act is amended by adding, after section 98, the following:

“ § 3.—*Special intervention*

Warrants.

“98.1 On the motion of the director, the Court may issue a warrant to bring a child before the director in cases where the director has the power to remove the child from the place where he is staying or in cases where the child, without authorization, leaves a reception centre, foster home or hospital centre where he was staying following a compulsory foster care order.

Execution.

The warrant may be executed by any peace officer.”

R.S.Q.,
c. P-34.1,
s. 132, am.

26. Section 132 of the said Act is amended by replacing subparagraph *c* of the first paragraph by the following subparagraph:

“(c) to determine the reception centres which are security units or include security units;”.

Coming
into force.

27. This Act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by the proclamation, which will come into force, in whole or in part, on any later date that may be fixed by proclamation of the Government.

1981, chapter 3

AN ACT TO AMEND THE CIVIL SERVICE ACT

Bill No. 12

Introduced by Madam Denise LeBlanc-Bantey

First reading: 28 May 1981

Second reading: 4 June 1981

Third reading: 12 June 1981

Assented to: 12 June 1981

Coming into force: by proclamation of the Government

23 June 1981: ss. 1, 2, 3 (subpar. *a* and *b* of s. 50)
G.O., 1981, Part 2, p. 2499

Act amended:

Civil Service Act (R.S.Q., chapter F-3.1)

