CHILDREN FIRST ACT

Statutes of Alberta, 2013
Chapter C-12.5

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Regulations

The following is a list of the regulations made under the Children First Act that are filed as Alberta Regulations under the Regulations Act.

Children First Act

Disclosure of Information .............................. 231/2013
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Chapter C-12.5

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Preamble

WHEREAS the well-being, safety, security, education and health of children are priorities for Albertans;

WHEREAS Albertans recognize that children are the future of the province and that ensuring that every child has the opportunity to become a successful adult will benefit society as a whole;

WHEREAS programs and services for children are most effective when they are provided through a collaborative and multi-disciplinary approach;

WHEREAS the Government of Alberta is committed to working with individuals, families, communities, non-governmental organizations and the private sector, as well as with other governments, to support and create opportunities for children;

WHEREAS sound, evidence based research is critical in the design and development of effective actions to allow, encourage and support successful outcomes for children and families; and

WHEREAS appropriate sharing of information between individuals and organizations planning or providing programs and services for children is critical to ensuring successful outcomes for children and families;
THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

(a) “child” means a person who is under the age of 18 years;

(b) “custodian” means a custodian as defined in the Health Information Act;

(c) “department” means a department established under section 2 of the Government Organization Act;

(d) “health information” means health information as defined in the Health Information Act;

(e) “Minister” means the Minister determined under section 16 of the Government Organization Act as the Minister responsible for this Act;

(f) “personal information” means personal information as defined in the Freedom of Information and Protection of Privacy Act;

(g) “service provider” means

(i) a department,

(ii) an educational body as defined in the Freedom of Information and Protection of Privacy Act;

(iii) a police service as defined in the Police Act;

(iv) an individual or organization that provides programs or services for children under an agreement with a public body as defined in the Freedom of Information and Protection of Privacy Act;

(v) any other individual or organization provided for in the regulations;

(h) “youth” means an individual who is over the age of 18 years but under the age of 22 years.

Children’s Charter

2(1) The Minister shall establish a Children’s Charter to guide the Government of Alberta and its departments in the development of
policies, programs and services affecting children and to guide collaboration among departments and agencies, service providers and Albertans.

(2) The Children’s Charter must recognize the following principles:

(a) that all children are to be treated with dignity and respect regardless of their circumstances;

(b) that a child’s familial, cultural, social and religious heritage is to be recognized and respected;

(c) that the needs of children are a central focus in the design and delivery of programs and services affecting children;

(d) that prevention and early intervention are fundamental in addressing social challenges affecting children;

(e) while reinforcing and without in any way derogating from the primary responsibility of parents, guardians and families for their children, that individuals, families, communities and governments have a shared responsibility for the well-being, safety, security, education and health of children.

(3) The Minister may review the Children’s Charter from time to time and amend or repeal and replace it as the Minister considers appropriate.

(4) The Children’s Charter and any amendment or repeal and replacement of the Children’s Charter require the approval of the Legislative Assembly.

Review

The Minister shall conduct a Government-wide review of policies, programs and services affecting children and shall, after concluding the review, lay a report respecting the review before the Legislative Assembly if it is then sitting or, if it is not then sitting, within 15 days after the commencement of the next sitting.

Information-sharing for purposes of providing services

(1) For the purposes of enabling or planning for the provision of services or benefits to a child, a service provider may collect and use either or both of the following:

(a) personal information about the child or a parent or guardian of the child from another service provider;
(b) health information about the child from a custodian.

(2) For the purposes of enabling or planning for the provision of services or benefits to a child,

(a) a service provider may disclose to another service provider personal information about the child or a parent or guardian of the child, and

(b) a custodian may disclose to another custodian or to a service provider health information about the child

if, in the opinion of the service provider or custodian making the disclosure, the disclosure is in the best interests of the child.

(3) A service provider may disclose personal information and a custodian may disclose health information about a child to a guardian of the child if

(a) the disclosure is not contrary to the express request of the child, and

(b) the service provider or custodian making the disclosure is of the opinion that the disclosure is in the best interests of the child.

(4) A service provider or custodian shall, in accordance with the procedures set out in the regulations, maintain records about the disclosure of information under this section.

Information-sharing for research purposes

5(1) In this section,

(a) “anonymized health information” means health information from which the identity of the individual who is the subject of the health information cannot readily be ascertained;

(b) “anonymized personal information” means personal information from which the identity of the individual who is the subject of the personal information cannot readily be ascertained.

(2) A department may disclose anonymized personal information about a child, a child’s parent or guardian or a youth, and a department that is a custodian may disclose anonymized health information about a child, a child’s parent or guardian or a youth, to PolicyWise for Children & Families for the purposes of facilitating research that
(a) is being conducted, or is to be conducted, under an agreement with one or more departments that meets the requirement of the regulations, and

(b) is intended by the departments referred to in clause (a) to support one or more of the following:

(i) the development of effective programs and services for children;

(ii) the integration of policies affecting children;

(iii) the co-ordination of programs and services for children.

(3) An agreement referred to in subsection (2)(a) must include, in accordance with the regulations, terms and conditions respecting the use, security, confidentiality, retention and disposition of anonymized personal information and anonymized health information disclosed under subsection (2).

Regulations

6 The Lieutenant Governor in Council may make regulations

(a) defining any term used but not defined in this Act;

(b) respecting individuals or organizations for the purpose of section 1(g)(v);

(c) respecting the procedures for the purpose of section 4(4);

(d) respecting terms and conditions referred to in section 5(3);

(e) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for carrying out the intent of this Act.

Consequential and Related Amendments and Coming into Force

Amends RSA 2000 cA-20

7 The Alberta Health Care Insurance Act is amended in section 22(5) by striking out “a director” wherever it occurs and substituting “a director or child intervention worker”.

8 (This section amends the Child and Youth Advocate Act; the amendment has been incorporated into that Act.)
Amends RSA 2000 cC-12

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(2) Section 1 is amended

(a) in subsection (1)

(i) in clause (b)(iv) by striking out “director” and substituting “child intervention worker”;

(ii) by adding the following after clause (f):

(f.1) “child intervention worker” means a person designated under section 129.1 as a child intervention worker;

(iii) by adding the following after clause (h):

(h.01) “Crown” means the Crown in right of Alberta;

(iv) by repealing clause (h.1) and substituting the following:

(h.1) “custodian”, except in sections 129.1 and 132.1, means a custodian as defined in the Health Information Act;

(v) by repealing clause (j) and substituting the following:

(j) “director” means a person designated under section 129 as a director;

(vi) by adding the following after clause (m.1):

(m.11) “kinship care provider” means a person approved as a kinship care provider by a director;

(b) by adding the following after subsection (1):

(1.1) A reference to “person” is to be interpreted as including the Crown

(a) in sections 1(1)(l)(ii), 2, 3.1(3), 56(2)(b), 61(1), 64(1)(d), (4), (5) and (8)(a) and (b), 68(4)(b), 73.1(5)(d), 74(4) and 74.4(2)(c), and

(b) in the expression “the person who was the child’s guardian” in section 59(2);
(c) in subsection (4) by striking out “a person who is”;

(d) in subsection (5) by striking out “a director” and substituting “the Crown”.

(3) Section 6 is amended

(a) in subsection (1) by striking out “investigate” and substituting “ensure that a child intervention worker investigates”;

(b) in subsections (2), (3) and (4) by striking out “director” wherever it occurs and substituting “child intervention worker”.

(4) Section 9 is repealed and the following is substituted:

Custody agreement

9 Subject to section 33, a child intervention worker may enter into an agreement in the prescribed form for terms of not more than 6 months each with the guardian of a child under which custody of the child is given to the Crown if, in the opinion of the child intervention worker,

(a) the child is in need of intervention, and

(b) the survival, security or development of the child cannot be adequately protected if the child remains with the child’s guardian.

(5) Section 10 is amended

(a) by striking out “a director” and substituting “a child intervention worker”;

(b) in clause (c) by striking out “the director” and substituting “the Crown”.

(6) Section 11 is amended

(a) in subsection (1) by striking out “a director may enter into a permanent guardianship agreement in the prescribed form under which the director” and substituting “a child intervention worker may enter into a permanent guardianship agreement in the prescribed form under which the Crown”; 

(b) in subsection (2)(c) by striking out “director” and substituting “Crown”.

(7) Section 12 is amended
(a) in subsection (1) by striking out “the director” and substituting “a child intervention worker”;

(b) in subsections (2) and (4) by striking out “director” wherever it occurs and substituting “child intervention worker”.

(8) Section 13(6)(b) is amended by striking out “guardianship of the child by the director” and substituting “Crown’s guardianship of the child”.

(9) Section 16 is amended

(a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(b) in subsection (2) by striking out “If a director applies under subsection (1), the director shall include with the application” and substituting “An application made under subsection (1) must include”.

(10) Section 18(1) is amended

(a) in the portion preceding clause (a) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(b) in clause (b) by striking out “director” and substituting “Crown”.

(11) Section 19 is amended

(a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(b) by repealing subsection (2) and substituting the following:

(2) If

(a) a child who is in the custody of the Crown under Division 2 or this Division has left or been removed from the custody of the Crown without the consent of a child intervention worker, and

(b) a child intervention worker has reasonable and probable grounds to believe that a child may be found in a place or premises,
a child intervention worker may make an ex parte application to a judge of the Court or, if no judge is reasonably available, to a justice of the peace, for an order under subsection (3).

(c) in subsection (3)

(i) by striking out “the director or” and substituting “the child intervention worker or”;

(ii) by striking out “custody of the director” and substituting “custody of the Crown”;

(d) in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(e) in subsection (5)

(i) by striking out “opinion of the director” and substituting “opinion of the child intervention worker”;

(ii) by striking out “director may make the application” and substituting “the application may be made”;

(f) in subsection (8)

(i) in clause (a) by striking out “director” and substituting “child intervention worker”;

(ii) in clause (c) by striking out “director’s” and substituting “child intervention worker’s”;

(iii) in clause (d) by striking out “the director has custody of the child and the director’s” and substituting “the Crown has custody of the child and the child intervention worker’s”;

(iv) in clause (e) by striking out “director’s” and substituting “child intervention worker’s”;

(v) in clause (f) by striking out “director” and substituting “child intervention worker”;

(g) in subsections (10), (12) and (14) by striking out “director” wherever it occurs and substituting “child intervention worker”.

(12) Section 19.1 is amended by striking out “a director” and substituting “the Crown”.

(13) Section 21.1 is amended
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(10) (a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(b) in subsection (2)

(i) in clause (a) by striking out “a director” and substituting “the Crown”;

(ii) by striking out “director’s” and substituting “child intervention worker’s”.

(14) Section 22 is amended

(a) by striking out “a director” and substituting “the Crown”;

(b) by striking out “the director has returned the child” and substituting “the child has been returned”;

(15) Section 22.1 is amended

(a) in subsections (1) and (2) by striking out “director” and substituting “child intervention worker”;

(b) in subsection (4) by striking out “A director may make an application” and substituting “An application under subsection (2) may be made”;

(c) in subsection (6) by striking out “a director” and substituting “the Crown”.

(16) Section 22.2 is amended

(a) in subsection (1) by striking out “the director” and substituting “a child intervention worker”;

(b) in subsection (3) by striking out “a director” and substituting “the Crown”.

(17) Section 23 is amended

(a) by repealing subsection (1)(b) and substituting the following:

(b) a director or a child intervention worker, if the applicant is not a child intervention worker,

(b) in subsection (3)(a) by adding “or a child intervention worker” after “director”;

(c) in subsection (5)(f) by adding “or the child intervention worker” after “director”;
(d) in subsection (6)(c) by adding “or a child intervention worker” after “director”.

(18) Section 24(2) is amended by striking out “director” and substituting “director, a child intervention worker”.

(19) Section 31 is amended

(a) in subsection (1) by striking out “a director” and substituting “the Crown”;

(b) in subsection (2) by striking out “director” and substituting “Crown”;

(c) in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(d) in subsection (6)

(i) by striking out “other than the director” and substituting “other than the Crown”;

(ii) by striking out “director or” and substituting “child intervention worker or”;

(e) in subsection (7) by striking out “the director” and substituting “a child intervention worker”.

(20) Section 32 is amended

(a) in subsection (1)(a) by striking out “director” and substituting “child intervention worker”;

(b) in subsection (2)(d) by striking out “director” and substituting “Crown”.

(21) Section 33 is amended

(a) by repealing subsection (1) and substituting the following:

Total cumulative time in the care of the Crown

33(1) For the purposes of this section, a child is in the care of the Crown when the child is the subject of one or more of the following:

(a) a custody agreement under section 9 or 57.2(2);

(b) a custody order under section 21.1(2)(a);
(c) a temporary guardianship order under subsection (3) or section 29(1)(b) or 31;

(d) an extension of a temporary guardianship order under section 32(3);

(e) an interim order granting custody to the Crown under section 26(2).

(b) in subsections (2) and (3) by striking out “a director” wherever it occurs and substituting “the Crown”;

(c) in subsection (4)

(i) in clause (a) by striking out “a director” wherever it occurs and substituting “the Crown”;

(ii) in clause (b) by striking out “director” and substituting “Crown”;

(d) in subsection (5) by striking out “a director” and substituting “the Crown”.

(22) Section 34 is amended

(a) in subsection (1) by striking out “a director, may make a permanent guardianship order appointing the director” and substituting “a child intervention worker, may make a permanent guardianship order appointing the Crown”;

(b) in subsection (4) by striking out “director” and substituting “Crown”;

(c) in subsections (8), (10) and (13) by striking out “director” and substituting “child intervention worker”.

(23) Section 35 is amended

(a) in subsection (1) by striking out “the director, if the director” and substituting “a child intervention worker, if the child intervention worker”;

(b) in subsection (1.1) by striking out “person, other than a director, who” and substituting “person who”.

(24) (This provision has been consolidated.)

(25) Section 39 is amended by striking out “a director” wherever it occurs and substituting “the Crown”.

(26) Section 42 is amended
(a) in subsection (1) by striking out “the director” and substituting “a child intervention worker”;

(b) in subsection (2)
   (i) in the portion preceding clause (a) by striking out “the director” and substituting “a child intervention worker”;
   (ii) in clause (a) by striking out “director” and substituting “child intervention worker”.

(27) Section 43.1 is amended

(a) in subsection (1)
   (i) in clause (a) by striking out “a director” and substituting “the Crown”;
   (ii) by striking out “a director has reasonable” and substituting “a child intervention worker has reasonable”;
   (iii) by striking out “the director” wherever it occurs and substituting “the child intervention worker”;

(b) in subsections (2) and (3) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(c) in subsection (3.1) by adding “an” before “application”;

(d) by repealing subsection (3.2) and substituting the following:

   (3.2) If in the opinion of the child intervention worker it would be impracticable to appear personally before a judge or justice of the peace
   (a) to show cause in accordance with subsection (3)(a), or
   (b) to apply for an order in accordance with subsection (3)(b),

   the show cause or the application may be heard by a judge of the Court by telephone or other means of telecommunication in accordance with section 43.2.

(e) in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”.
(f) in subsection (6) by striking out “An application pursuant to subsection (3)” and substituting “An appearance to show cause under subsection (3)(a) or an application under subsection (3)(b)”;

(g) in subsection (7) by adding “a show cause or” before “an application”;

(h) in subsection (8) by striking out “director” and substituting “child intervention worker”.

(28) Section 43.2 is amended

(a) in subsection (1) by striking out “director shows cause” and substituting “child intervention worker appears to show cause”;

(b) in subsection (3) by striking out “director” and substituting “child intervention worker”;

(c) in subsection (4) by striking out “an application made by telephone or other means of telecommunication conforms to the requirements of subsection (3)” and substituting “the requirements of subsection (3) have been complied with”;

(d) in subsection (5)(b) by striking out “director” and substituting “child intervention worker”;

(e) in subsection (6) by adding “showing cause or” before “making”.

(29) Section 44 is amended

(a) in subsection (1)

(i) in clause (a) by striking out “a director” and substituting “the Crown”;

(ii) by striking out “the director” and substituting “the child intervention worker”;

(b) in subsections (3), (4), (5), (6), (7) and (9)(b)(iii) by striking out “director” and substituting “child intervention worker”.

(30) Section 44.1 is amended

(a) in subsection (1) by striking out “director” and substituting “child intervention worker”;
(b) in subsection (3) by striking out “a director” and substituting “the Crown”.

(31) Section 44.2(2) is amended by striking out “director” and substituting “director, a child intervention worker”.

(32) Section 48 is amended

(a) in subsections (1) and (2) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(b) in subsection (4)

(i) by striking out “opinion of the director” and substituting “opinion of the child intervention worker”;

(ii) by striking out “director may make the application” and substituting “application may be made”;

(c) in subsection (7)

(i) in clause (a) by striking out “director” and substituting “child intervention worker”;

(ii) in clauses (b) and (c) by striking out “director’s” and substituting “child intervention worker’s”;

(iii) in clause (d) by striking out “director” and substituting “child intervention worker”;

(d) in subsections (9)(b) and (11) by striking out “director” wherever it occurs and substituting “child intervention worker”.

(33) Section 49 is amended

(a) in subsections (1) and (2)(a) by striking out “director” and substituting “child intervention worker”;

(b) in subsection (4) by striking out “If a director” and substituting “If a child intervention worker”;

(c) in subsection (5)(b) by striking out “a director” and substituting “the Crown”;

(d) in subsection (6) by striking out “director” and substituting “child intervention worker”.

(34) Section 52 is amended
(a) in subsection (1) by striking out “a director” and substituting “the Crown”;

(b) in subsections (1.2) and (2) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(35) Section 53(1)(c) is amended by striking out “if a director” and substituting “if the Crown”.

(36) Section 55 is amended

(a) by repealing subsection (1) and substituting the following:

Consent to private guardianship
55(1) A private guardianship order shall not be made without the consent in the prescribed form of

(a) the guardian of the child,

(b) the child, if the child is 12 years of age or older, and

(c) a child intervention worker, if the Crown is not the guardian of the child.

(b) in subsection (2)

(i) in clause (a) by striking out “director” and substituting “Crown”;

(ii) in clause (c) by striking out “a director, unless a director” and substituting “a child intervention worker, unless the Crown”.

(37) Section 56(2)(d) is amended by striking out “if a director” and substituting “if the Crown”.

(38) Section 57.2 is amended

(a) in subsection (1) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(b) in subsection (2)

(i) by striking out “a director” and substituting “a child intervention worker”;

(ii) by striking out “director if the director” and substituting “Crown if the child intervention worker”.
(39) Section 57.4 is amended

(a) in subsection (1)

(i) in clause (a) by striking out “a director” and substituting “the Crown”;

(ii) in clause (b) by striking out “director” and substituting “child intervention worker”;

(iii) by striking out “a director may” and substituting “a child intervention worker may”;

(b) in subsection (2) by striking out “the director” and substituting “a child intervention worker”.

(40) Section 57.5 is amended

(a) in subsection (1) by striking out “a director or the subject of a temporary guardianship order or a permanent guardianship agreement or order or if a director has entered into an agreement with the child under section 57.2, a director” and substituting “the Crown or the subject of a temporary guardianship order or a permanent guardianship agreement or order or if a child intervention worker has entered into an agreement with the child under section 57.2, a child intervention worker”;

(b) in subsection (3)(a) by striking out “a director” and substituting “the Crown”.

(41) Section 57.6 is amended

(a) in subsection (1)(a) by striking out “director” and substituting “child intervention worker”;

(b) in subsection (3)

(i) in clause (a) by striking out “the director” and substituting “a child intervention worker”;

(ii) in clause (b) by striking out “the director” and substituting “a director or a child intervention worker”.

(42) Section 63(1) is amended

(a) in the portion preceding clause (a) by striking out “director” and substituting “child intervention worker”;

(b) in clause (a)
(i) in the portion preceding subclause (i) by striking out “director” and substituting “child intervention worker”;

(ii) in subclause (ii) by striking out “director” and substituting “Crown”;

(iii) in subclause (iv) by striking out “director” and substituting “child intervention worker”;

(c) in clauses (d) and (e) by striking out “director” wherever it occurs and substituting “child intervention worker”.

(43) Sections 68(4)(a), 73.1(2)(e) and 74(1)(c)(i) and (3) are amended by striking out “a director” and substituting “the Crown”.

(44) Section 84(b) is amended by adding “or a child intervention worker” after “director”.

(45) Section 85(2)(b) is amended by striking out “of a director” and substituting “of the Crown”.

(46) Section 105.1 is amended by striking out “a director” and substituting “the Crown”.

(47) Repealed 2014 c7 s20.

(48) Section 107 is amended

(a) in subsections (1), (2) and (3) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(b) in subsection (4) by striking out “a director shall not provide a copy of a supervision order referred to in subsection (3)” and substituting “no copy of a supervision order referred to in subsection (3) shall be provided”.

(49) Section 109(4) and (5) are amended by striking out “director” and substituting “director, a child intervention worker”.

(50) Section 111(2) is amended by striking out “the director” and substituting “a child intervention worker”.

(51) Section 114(1) is amended

(a) in clause (a) by striking out “a director” and substituting “the Crown”;

(b) (This provision has been consolidated.)
(c) in clause (e) by adding “or a child intervention worker” after “director”.

(52) Section 117.1(1) is amended

(a) by striking out “a director” and substituting “a director or a child intervention worker”;

(b) in clause (d) by adding “or the child intervention worker” after “director”.

(53) Section 119 is amended

(a) by repealing subsection (2) and substituting the following:

(2) If an appeal is made from a decision referred to in section 120(2)(a) to (a.4) or (f.3), the Appeal Panel may, subject to this Act and the regulations, confirm the decision or refer the matter to a director for further consideration.

(b) in subsection (2.1) by striking out “director’s”.

(54) Section 120 is amended

(a) in subsection (1) by adding “or a child intervention worker” after “director”;

(b) in subsection (2)

(i) in the portion preceding clause (a) by adding “or a child intervention worker” after “director”;

(ii) in clause (e) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(c) in subsection (2.1) by striking out “director” and substituting “child intervention worker”;

(d) in subsection (3)

(i) in the portion preceding clause (a) by striking out “in the prescribed form”;

(ii) in clause (a) by adding “must be in the prescribed form and” before “must”;

(iii) in clause (b) by striking out “the director” and substituting “a director”;

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(e) in subsection (5.1) by striking out “back to the director” and substituting “to a director”.

(55) Section 121 is amended

(a) in subsection (2) by adding “or a child intervention worker” after “director”;

(b) in subsection (3)

(i) by striking out “A director” and substituting “A director or a child intervention worker”;

(ii) by striking out “the director” and substituting “the director or the child intervention worker”;

(c) in subsection (4) by striking out “The Minister or a director is authorized to receive any authority delegated to the Minister or director” and substituting “The Minister, a director or a child intervention worker is authorized to receive any authority delegated to the Minister, the director or the child intervention worker”.

(56) The following is added after section 124:

Foster parents and kinship care providers

124.01(1) Where a child is in the custody or under the guardianship of the Crown under this Act, a child intervention worker may place the child in the care of a foster parent or a kinship care provider.

(2) While a child is in the care of a foster parent, the foster parent has authority to make decisions respecting matters prescribed in the regulations.

(3) While a child is in the care of a kinship care provider, the kinship care provider has authority to make decisions respecting matters prescribed in the regulations.

(57) Section 124.1 is amended

(a) in subsection (1)(a) and (b) by striking out “a director” and substituting “the Crown”;

(b) in subsection (2)

(i) by striking out “a director” and substituting “the Crown”;

(ii) by striking out “the director” and substituting “the Crown”;

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(c) in subsection (3) by striking out “a director” and substituting “the Crown”.

(58) Section 126 is amended

(a) in subsection (1) by striking out “on behalf of a director” and substituting “under this Act”;

(b) in subsection (3) by striking out “director or a person acting on behalf of a director, including an agency providing services on behalf of a director, may collect and use personal information, including health information,” and substituting “director, a person acting on behalf of a director, a child intervention worker or an agency providing services under this Act may collect and use personal information and health information”;

(c) in subsections (4) and (5) by striking out “director or a person acting on behalf of a director, including an agency providing services on behalf of a director” and substituting “director, a person acting on behalf of a director, a child intervention worker or an agency providing services under this Act”.

(59) Section 126.11 is amended

(a) in subsection (2) by striking out “director” and substituting “director, a child intervention worker or the Crown”;

(b) in subsection (8)(d) by striking out “a director” and substituting “the Crown”.

(60) Sections 126.12 and 128(1)(a) are amended by striking out “a director” wherever it occurs and substituting “the Crown”.

(61) Section 129(2) is repealed.

(62) The following is added after section 129:

Child intervention workers

**129.1(1)** A director may designate persons as child intervention workers for the purposes of this Act.

(2) An individual designated under subsection (1) must have the qualifications required by the regulations.

(3) Where a child is in the custody of the Crown or the Crown is a guardian of a child, a child intervention worker may
exercise all the powers and perform all the duties and functions of the Crown as custodian or guardian of the child.

(4) A child intervention worker when acting under section 19, 45, 46 or 48 has the powers of a peace officer.

Protection from liability

129.2 No action lies against a director or child intervention worker in respect of anything done or omitted to be done in good faith in the exercise or intended exercise of any power under this Act or in the performance or intended performance of any duty or function under this Act.

(63) Section 130 is amended

(a) (This provision has been consolidated.)

(b) in clause (b) by striking out “a director’s delegate” and substituting “a child intervention worker”.

(64) Section 131 is amended

(a) by repealing subsection (1)(b);

(b) in subsection (2)

(i) by adding the following after clause (m):

(m.1) prescribing matters in respect of which decisions may be made under section 124.01(2) by a foster parent and matters in respect of which decisions may be made by a kinship care provider under section 124.02(3);

(ii) by adding the following after clause (mm):

(mm.1) respecting qualifications of child intervention workers;

(65) The following is added after section 132:

Transitional – custody or guardianship

132.1(1) Where, immediately before the coming into force of this section, a child was in the custody of a director under this Act as it read at any time before the coming into force of this section,

(a) the child is deemed to have been in the custody of the Crown rather than of the director, and

(b) anything done by the director as custodian of the child under this Act as it read at any time before the coming
into force of this section is deemed to have been done by or on behalf of the Crown.

(2) Where, immediately before the coming into force of this section, a child was under the guardianship of a director under this Act as it read at any time before the coming into force of this section,

(a) the child is deemed to have been under the guardianship of the Crown rather than of the director, and

(b) anything done by the director as guardian of the child under this Act as it read at any time before the coming into force of this section is deemed to have been done by or on behalf of the Crown.

(3) Where an application for custody or guardianship of a child was made by a director before the coming into force of this section and the application was not fully disposed of before the coming into force of this section, the application must be dealt with and disposed of in accordance with this Act as it read on the coming into force of this section, as if the application were an application made by a child intervention worker to place the child in the custody or under the guardianship, as the case may be, of the Crown.

(66) The following provisions are amended by striking out “director” wherever it occurs and substituting “child intervention worker”:

section 2.1;
section 3.1(1);
sections 7 and 8;
section 14;
section 17;
section 20(1) and (4);
section 21(1) and (11)(a);
section 28(2) and (3);
section 29(1);
section 30(1);
sections 45, 46 and 47;
section 50(3);
section 57.8(1) and (2);
section 64(1)(f);
section 67;
section 74.4(7);
section 112(1)(a).
Amends SA 2006 cD-17

10(1) The Drug-endangered Children Act is amended by this section.

(2) Section 1(1) is amended

(a) by adding the following after clause (a):

(a.1) “child intervention worker” means a child intervention worker as defined in the Child, Youth and Family Enhancement Act;

(b) by adding the following after clause (b):

(b.1) “Crown” means the Crown in right of Alberta;

(c) in clause (c) by striking out “under” and substituting “as defined in”;

(d) in clause (h) by striking out “designated with the responsibility” and substituting “determined under section 16 of the Government Organization Act as the Minister responsible”.

(3) Section 2 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Apprehension order

2(1) If a child intervention worker or a police officer has reasonable and probable grounds to believe that a child is a drug-endangered child, the child intervention worker or police officer may make an ex parte application to a judge of the Court or to a justice of the peace for an order

(a) authorizing the child intervention worker or police officer to apprehend the child, and

(b) if the judge or justice of the peace is satisfied that the child may be found in a place or premises, authorizing the child intervention worker or police officer or any person named in the order to enter, by force if necessary, that place or those premises to search for and apprehend the child.

(2) If, in the opinion of a child intervention worker or police officer, it would be impracticable to appear personally before a judge or justice of the peace to apply for an order in accordance with subsection (1), the application may be made by telephone
or other means of telecommunication to a judge of the Court or a justice of the peace.

(b) in subsection (5)

(i) in clause (a) by striking out “director” and substituting “child intervention worker”;

(ii) in clauses (c) and (d) by striking out “director’s” and substituting “child intervention worker’s”;

(iii) in clause (e) by striking out “director” and substituting “child intervention worker”;

(c) in subsection (7)(b) by striking out “director” and substituting “child intervention worker”;

(d) in subsection (9) by striking out “director” wherever it occurs and substituting “child intervention worker”;  

(4) Section 3(1) and (4) are amended by striking out “director” and substituting “child intervention worker”.  

(5) Sections 4 and 5 are repealed and the following is substituted:

Custody in the Crown

4 If a child has been apprehended under this Act, the Crown has exclusive custody of the child and is responsible for the care, maintenance and well-being of the child while the child is apprehended under this Act.

Child intervention worker acts for Crown

4.1 Where under this Act a child is in the custody of the Crown, a child intervention worker may exercise all the powers and perform all the duties and functions of the Crown as custodian of the child.

Deemed apprehension

5 If a child intervention worker does not return the child to the child’s guardian within 2 days from the date of the apprehension, the child is deemed to have been apprehended under section 19 of the Child, Youth and Family Enhancement Act and to be in the custody of the Crown under section 22 of that Act.

(6) Section 7 is amended

(a) (This provision has been consolidated.)

(b) in clause (b) by striking out “director” and substituting “child intervention worker”.
(7) The following is added after section 7:

**Transitional**

7.1 Where, immediately before the coming into force of this section, a child was in the custody of a director under this Act as it read at any time before the coming into force of this section,

(a) the child is deemed to have been in the custody of the Crown rather than of a director, and

(b) anything done by the director as custodian of the child under this Act as it read at any time before the coming into force of this section is deemed to have been done by or on behalf of the Crown.

Amends SA 2012 cE-0.3

11(1) The *Education Act* is amended by this section.

(2) Section 4 is amended

(a) in subsection (5) by adding “or child intervention worker” after “director”;

(b) by repealing subsection (6)(c)(i) and substituting the following:

(i) who is in the custody or under the guardianship of the Crown under the *Child, Youth and Family Enhancement Act*, and

Amends SA 2003 cF-4.5

12(1) The *Family Law Act* is amended by this section.

(2) Section 17(1)(c)(ii)(A) and (B) are amended by striking out “a director” and substituting “the Crown”.

(3) Section 21(8) is amended by adding “or child intervention worker” after “director”.

(4) Section 23(6) is amended by striking out “a director under” and substituting “the Crown pursuant to”.

(5) Section 30(3) is amended by adding “or child intervention worker” after “director”.

(6) to (9) *These provisions have been consolidated.*)
Amends RSA 2000 cF-9

13. The *Fatality Inquiries Act* is amended by repealing section 13 and substituting the following:

**Notification of death of child**

13. A director under the *Child, Youth and Family Enhancement Act* shall immediately notify a medical examiner of the death of any child who is in the custody or under the guardianship of the Crown.

14 to 16. (These sections amend other Acts; the amendments have been incorporated into those Acts.)

Amends RSA 2000 cM-13

17. The *Mental Health Act* is amended in section 1(1)(f)(ii) by striking out “a director as defined in” and substituting “the Crown in accordance with”.

18. (This section amend the Premier’s Council on Alberta’s Promise Act; the amendment has been incorporated into that Act.)

Amends RSA 2000 cP-27

19(1) The *Protection Against Family Violence Act* is amended by this section.

(2) (These provisions have been consolidated.)

(3) The following is added after section 1:

**Part 1**

**Protection Orders and Related Matters**

(4) Sections 12(a) and (b) and 13 are amended by striking out “this Act” wherever it occurs and substituting “this Part”.

(5) Section 14 is amended

(a) in clauses (a), (b), (e) and (f) by striking out “this Act” wherever it occurs and substituting “this Part”;

(b) by adding the following after clause (f):

(f.1) respecting the enforcement of court orders made in other provinces and territories that are substantially equivalent to protection orders that may be made under this Act, including, without limitation, regulations
(i) respecting the circumstances in which and the extent to which such orders may be enforced or otherwise relied on by law enforcement officials or other categories of persons;

(ii) respecting protection from liability for law enforcement officials and other categories of persons referred to in subclause (i);

(c) in clause (g) by striking out “this Act” and substituting “this Part”.

(6) (This provision has been consolidated.)

Amends RSA 2000 cP-30.3

20(1) The Protection of Sexually Exploited Children Act is amended by this section.

(2) Section 1(1) is amended

(a) by adding the following after clause (a.1):

(a.2) “child intervention worker” means a child intervention worker as defined in the Child, Youth and Family Enhancement Act;

(b) by adding the following after clause (b):

(b.1) “Crown” means the Crown in right of Alberta;

(c) in clause (c) by striking out “under” and substituting “as defined in”;

(d) in clause (e) by striking out “designated with the responsibility” and substituting “determined under section 16 of the Government Organization Act as the Minister responsible”.

(3) Section 2 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Apprehension order

2(1) If a child intervention worker or a police officer believes on reasonable and probable grounds that a person is a child and is in need of protection, the child intervention worker or police officer may apply to a judge of the Court or to a justice of the peace for an order, and the Court may grant an order,
(a) authorizing the child intervention worker or police officer to apprehend and convey the child to the child’s guardian or to an adult who in the opinion of the child intervention worker or police officer is a responsible adult who has care and control of the child, or

(b) authorizing the child intervention worker or police officer to apprehend and convey the child to a protective safe house and authorizing a child intervention worker to confine the child for up to 5 days to ensure the safety of the child and to assess the child,

and if the judge of the Court or justice of the peace is satisfied that the child may be found in a place or premises, the judge of the Court or justice of the peace may, by order, authorize the child intervention worker or police officer to enter, by force if necessary, the place or premises to search for and apprehend the child.

(2) If, in the opinion of the child intervention worker or police officer, it would be impracticable to appear personally before a judge of the Court or justice of the peace to apply for an order in accordance with subsection (1), the application may be made by telephone or other means of telecommunication to a judge of the Court or justice of the peace.

(b) in subsection (5)

(i) in clause (a) by striking out “police officer or director” and substituting “child intervention worker or police officer”;

(ii) in clause (c) by striking out “police officer’s or director’s” and substituting “child intervention worker’s or police officer’s”;

(iii) in clause (d) by striking out “police officer or director” and substituting “child intervention worker or police officer”;

(c) in subsections (7) and (9) by striking out “police officer or director” wherever it occurs and substituting “child intervention worker or police officer”;

(d) in subsection (10) by striking out “a director may confine for up to 5 days a child conveyed to a protective safe house under subsection (9) if the director” and substituting “a child intervention worker may confine for up to 5 days a child conveyed to a protective safe house under subsection (9) if the child intervention worker”;

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(e) in subsection (11) by striking out “police officer or director” and substituting “child intervention worker or police officer”;

(f) in subsection (12) by striking out “a director confines a child pursuant to subsection (10), the director” and substituting “a child intervention worker confines a child pursuant to subsection (10), the child intervention worker”;

(g) in subsection (13)

(i) by striking out “A director” and substituting “A child intervention worker”;

(ii) in clause (a) by striking out “director’s” and substituting “child intervention worker’s”;

(h) in subsections (14) and (15) by striking out “director” wherever it occurs and substituting “child intervention worker”.

(4) Section 2.1 is amended

(a) in subsection (1)

(i) by striking out “section 3(1)(b)(iii)” and substituting “section 3(1.2)(c)”;

(ii) by striking out “director” and substituting “child intervention worker”;

(iii) in clauses (a) and (b) by striking out “director’s” and substituting “child intervention worker’s”;

(b) in subsection (2)

(i) by striking out “section 3(1)(b)(iii)” and substituting “section 3(1.2)(c)”;

(ii) by striking out “director’s” and substituting “child intervention worker’s”;

(iii) by adding “the child intervention worker or” before “a director”;

(c) in subsection (3) by striking out “of filing and serving on a director the request for review” and substituting “after a request for review is filed and served under subsection (2)”;

(d) in subsection (4) by striking out “director” wherever it occurs and substituting “child intervention worker”;

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(e) in subsection (5) by striking out “director under section 3(1)(b)(iii)” and substituting “child intervention worker under section 3(1.2)(c)”;

(f) in subsection (6) by striking out “director’s” and substituting “child intervention worker’s”;

(g) in subsection (7) by striking out “director under section 3(1)(b)(iii)” and substituting “child intervention worker under section 3(1.2)(c)”.

(5) Section 3 is amended

(a) by repealing subsection (1) and substituting the following:

Child intervention worker’s decision

3(1) Where a police officer apprehends a child under section 2, the police officer must forthwith notify a director or child intervention worker of the apprehension.

(1.1) Where a child is apprehended under section 2, a child intervention worker or a police officer must forthwith convey the child to a protective safe house.

(1.2) After a child is conveyed to a protective safe house under subsection (1.1), a child intervention worker must

(a) return the child to the custody of the child’s guardian or to an adult who in the opinion of the child intervention worker is a responsible adult who has care and control of the child,

(b) release the child if the child has attained the age of 16 years and in the opinion of the child intervention worker the child is capable of providing for the child’s own needs and safety, or

(c) confine the child, pursuant to section 2, in a protective safe house to ensure the safety of the child and to assess the child.

(b) in subsection (2) by striking out “director” wherever it occurs and substituting “child intervention worker”;

(c) in subsection (3)

(i) by striking out “a director does not make an application under subsection (2) and the director” and substituting
“no application under subsection (2) is made and a child intervention worker”;

(ii) **by adding** “and to be in the custody of the Crown under section 22 of that Act” **after** “Child, Youth and Family Enhancement Act”;

(d) **in subsections (5) and (6) by striking out “director” wherever it occurs and substituting “child intervention worker”**.

(6) **Section 3.3 is amended**

(a) **in subsection (1)**

(i) **in clause (a) by striking out “director” and substituting “child intervention worker”;**

(ii) **by repealing clause (b) and substituting the following:**

(b) if the applicant is the child intervention worker, on the guardian, unless the Crown is the guardian of the child, and on the child, and

(iii) **in clause (c) by striking out “director” and substituting “child intervention worker”;**

(b) **in subsection (2)(c) by striking out “director” and substituting “child intervention worker”.**

(7) **Section 4 is amended**

(a) **in subsection (1)**

(i) **by striking out “a director” and substituting “a child intervention worker”;**

(ii) **in clause (b) by striking out “director to confine the child pursuant to section 3(1)(b)(iii)” and substituting “child intervention worker to confine the child pursuant to section 3(1.2)(c)”;**

(b) **in subsection (1.1) by striking out “director” wherever it occurs and substituting “child intervention worker”;**

(c) **in subsection (3) by striking out “director’s” and substituting “child intervention worker’s”.**

(8) **Section 5 is repealed and the following is substituted:**
Custody in the Crown

5 If a child has been apprehended and conveyed to a protective safe house, the Crown has exclusive custody of the child and is responsible for the child’s care, maintenance and well-being while the child is confined in the protective safe house.

Child intervention worker acts for Crown

5.1 Where under this Act a child is in the custody of the Crown, a child intervention worker may exercise all the powers and perform all the duties and functions of the Crown as custodian of the child.

(9) Section 6.2(2) is amended by striking out “director or a lawyer representing a child” and substituting “director, a child intervention worker or a lawyer representing any of the parties”.

(10) Section 6.3 is amended

(a) in subsection (5) by striking out “a director” wherever it occurs and substituting “the Crown”;

(b) by adding the following after subsection (5):

6 Where, at any time before the coming into force of this subsection, a director was a guardian of the child, a reference in this section to “guardian” includes the person who was the guardian of the child immediately before the director became the guardian of the child.

(11) Section 6.5 is amended

(a) in subsection (4)

(i) by striking out “a director” and substituting “a director, a child intervention worker”;

(ii) by striking out “either of them” and substituting “any of them”;

(b) in subsection (5) by striking out “A director” and substituting “A child intervention worker”.

(12) Section 7.1(1) is amended

(a) by repealing clause (a) and substituting the following:

(a) the child, a child intervention worker and the child’s guardian if other than the Crown, or
(b) in clause (b) by striking out “director” and substituting “child intervention worker”.

(13) *(This provision has been consolidated.)*

(14) **The following is added after section 9:**

**Transitional**

10(1) Where, immediately before the coming into force of this section, a child was in the custody of a director under this Act as it read at any time before the coming into force of this section,

(a) the child is deemed to have been in the custody of the Crown rather than of a director, and

(b) anything done by the director as custodian of the child under this Act as it read at any time before the coming into force of this section is deemed to have been done by or on behalf of the Crown.

(2) Where, on the coming into force of this section, an application made by a director is before the Court, a judge of the Court or a justice of the peace, the application must be dealt with and disposed of in accordance with this Act as it read on the coming into force of this section, as if the application had been made by a child intervention worker.

(15) **The following sections are amended by striking out “director” wherever it occurs and substituting “child intervention worker”:**

- section 3.1(1)(a);
- section 3.2(1) and (2);
- section 3.4(1)(a);
- section 6(1).

Amends RSA 2000 cS-3

21(1) The *School Act* is amended by this section.

(2) **Section 44 is amended**

(a) in subsection (5) by striking out “A director” and substituting “A child intervention worker”;

(b) by repealing subsection (7)(c)(i) and substituting the following:
(i) who is in the custody or under the guardianship of the Crown under the Child, Youth and Family Enhancement Act, and

**22 and 23** (These sections amend other Acts; the amendments have been incorporated into those Acts.)

**Amends SA 2007 cV-4.1**

**24** The Vital Statistics Act is amended in section 1(1)(k) by **striking out “a director under” and substituting “the Crown pursuant to”**.

**Coming into force**

**25** This Act comes into force on Proclamation.

*(NOTE: The preamble and sections 1, 2, 3, 6(a), (b) and (e), 8, 9(1), (51)(b) and (63)(a), 10(1) and (6)(a), 12(1), (7) and (8), 14, 15, 16, 18, 19(1), (2) and (6), 20(1) and (13), 22 and 23 proclaimed in force November 1, 2013. Sections 4, 5, 6(c) and (d), 9(24) and 12(6) and (9) proclaimed in force January 1, 2014.)*