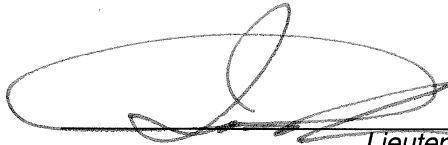


ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

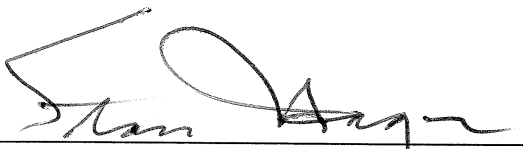
Order in Council No. **867**, Approved and Ordered DEC - 8 2005


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective January 16, 2006,

- (a) sections 33 to 52, 54 to 60, 62 to 86, 88 to 94 and 103 of the *Community Living Authority Act*, S.B.C. 2004, c. 60 are brought into force by this regulation,
- (b) the Adoption Agency Regulation, B.C. Reg. 292/96, is amended as set out in the attached Schedule 1,
- (c) the Adoption Fee Regulation, B.C. Reg. 293/96, is amended as set out in the attached Schedule 2,
- (d) the Adoption Regulation, B.C. Reg. 291/96, is amended as set out in the attached Schedule 3, and
- (e) the Child, Family and Community Service Regulation, B.C. Reg. 527/95, is amended as set out in the attached Schedule 4.



Minister of Children and Family Development



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Community Living Authority Act*, S.B.C. 2004, c. 60, s. 111; *Adoption Act*, R.S.B.C. 1996, c. 5, ss. 91 to 93; *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46, s. 103

Other (specify):- oic 1227/96, 1228/96, 1226/96, 1589/95

SCHEDULE 1

- 1 **Sections 2, 3, 5 (1) (e) and (2), 6, 7 and 11 to 14 of the Adoption Agency Regulation, B.C. Reg. 292/96, are amended by striking out “director” wherever it appears and substituting “Provincial director”.**
- 2 **Section 2 is amended in subsection (2) by striking out “Minister of Finance” and substituting “minister responsible for the *Financial Administration Act*”.**
- 3 **Section 3 is amended**
 - (a) **in subsection (1) by striking out “60 days” and substituting “6 months”,**
 - (b) **in subsection (2) by striking out “Minister of Finance” and substituting “minister responsible for the *Financial Administration Act*”, and**
 - (c) **in subsection (5) by striking out “for a period of 3 years” and substituting “for a period set by the Provincial director of at least 6 months but no more than 3 years”.**
- 4 **Section 5 (1) (g) is repealed and the following substituted:**
 - (g) if the Provincial director suspends or cancels the licence under section 6 or an adoption agency ceases operations voluntarily, the adoption agency must, when ordered to do so by the Provincial director, transfer to a director the care, custody and guardianship of any child of whom the administrator of the adoption agency has care, custody and guardianship.
- 5 **Section 8 is repealed and the following substituted:**
 - 8 (1) If the Provincial director suspends the licence of an adoption agency under section 6, the adoption agency must promptly turn over its active files and records for each client to a director or to another adoption agency as ordered by the Provincial director for the period of suspension.
 - (2) If the Provincial director cancels the licence of an adoption agency under section 6 or does not renew the licence of an adoption agency under section 3, the society must, within 10 days after receipt of the notice of cancellation or non-renewal of the licence, turn over all records to a director or to another adoption agency as ordered by the Provincial director.
 - (3) If an adoption agency ceases operations, it must
 - (a) advise the Provincial director in writing that it intends to cease operations,
 - (b) provide for the orderly transfer of client files and records to a director or another adoption agency as ordered by the Provincial director, and

- (c) advise the Provincial director of any situation respecting a client which may require immediate attention and provide the Provincial director with information necessary to enable a director to make alternative arrangements for that client.

SCHEDULE 2

- 1 *Sections 2 and 3 and Item 9 of the Schedule of the Adoption Fees Regulation, B.C. Reg. 293/96, are amended by striking out “the director” and substituting “a director”.*
- 2 *Section 5 is amended by striking out “as is provided in section 7 of Schedule D of B.C. Reg. 272/96, the BC Benefits (Income Assistance) Regulations, for the cost” and substituting “as is provided in section 7 of Schedule D of the BC Benefits (Income Assistance) Regulations, B.C. Reg. 272/96, as it was before its repeal, for the cost”.*

SCHEDULE 3

- 1 *The Adoption Regulation, B.C. Reg. 291/96, is amended in section 1, in paragraph (a) of the definition of “aboriginal agency” and paragraph (b) (i) of the definition of “social worker”, and in sections 3, 4, 6, 10.1, 11 (2) (b), 19 (4) (b) (ii), 22 (4) (b), 26, 27 (4) and 29 by striking out “the director” wherever it appears and substituting “a director”.*
- 2 *Sections 12, 13 (1), (3), (4) (b), (6) and (7), 14, 19 (2), (3), (4) (a), (5) and (7) to (10), 22 (2), (3), (4) (a), (5) and (7) to (10), 23, 24 and 33 are amended by striking out “the director” wherever it appears and substituting “the Provincial director”.*
- 3 *Sections 13 (4) and (5), 19 (4), 22 (4) and 24 (3) are amended by striking out “The director” and substituting “The Provincial director”.*
- 4 *Sections 22 (3) (b) and 24 (2) (c) are amended by striking out “Minister of Finance and Corporate Relations” and substituting “minister responsible for the Financial Administration Act”.*
- 5 *Section 25 (1) is amended by striking out “as is provided in section 7 of Schedule D of B.C. Reg. 272/96, the BC Benefits (Income Assistance) Regulations, for the cost” and substituting “as is provided in section 7 of Schedule D of the BC Benefits (Income Assistance) Regulations, B.C. Reg. 272/96, as it was before its repeal, for the cost”.*
- 6 *Section 27 is amended*

- (a) *in subsection (1) by striking out “A person is eligible” and substituting “Subject to section 27.1, a person is eligible”,*
- (b) *in subsection (2) by striking out “may apply to the director for financial assistance” and substituting “may apply to a director for financial assistance”, and*
- (c) *in subsection (3) by striking out “The director” and substituting “A director”.*

7 *The following section is added:*

Limit on eligibility

27.1 A person is not eligible to receive financial assistance or other assistance under section 80 of the Act from more than one director in respect of the same child, except by agreement of the directors involved.

8 *Section 35 is amended by repealing subsections (2) and (3) and substituting the following:*

- (2) For the purpose of section 95 (2) of the Act, a reference to the superintendent is deemed to be a reference to
 - (a) the director, if the placement occurred on November 4, 1996 or between November 4, 1996 and January 15, 2006, and
 - (b) a director, if the placement occurred on or after January 16, 2006.
- (3) A reference in the Assisted Adoption Regulation, B.C. Reg. 372/89, to the Director of Assisted Adoption is deemed to be a reference to
 - (a) the director, for the period November 4, 1996 to January 15, 2006, and
 - (b) a director, for any date on or after January 16, 2006.

9 *Schedule 1 is amended by adding the following items:*

Dease River First Nation	First Nation Manager, Social Development Officer or Equivalent
Ts'kw'aylaxw First Nation	First Nation Manager, Social Development Officer or Equivalent

10 *Schedule 2 is amended in Column 2 by striking out “Executive Director of Vancouver Aboriginal Child and Family Services Society” and substituting “Executive Director of Vancouver Aboriginal Friendship Centre Society”.*

11 *Schedule 3 is amended*

(a) in Form 1 by striking out “Ministry of Children and Families” and substituting the following:

Address..... ,

(b) in Form 2 by striking out “Not required where the guardian is the director” and substituting “Not required where the guardian is a director”, and

(c) in Form 4

(i) by striking out “Ministry for Children and Families” and substituting “Provincial Director of Adoption”, and

(ii) by striking out

Director of Adoption
Birth Fathers’ Registry
Ministry of Children and Families
Victoria, British Columbia
V8W 1X4

and substituting the following:

Provincial Director of Adoption
Birth Fathers’ Registry
P.O. Box 9705
Stn. Prov. Govt.
Victoria, British Columbia
V8W 9S1 .

SCHEDULE 4

1 Section 1 of the Child, Family and Community Service Regulation, B.C. Reg. 527/95, is amended by repealing the definitions of “Advocate” and “Children’s Commission”.

2 Section 4 (3) is repealed and the following substituted:

(3) For the purposes of

(a) a return under section 33 (1.1),

(b) section 33 (3), and

(c) section 48 (2)

of the Act, a report or withdrawal must be in Form B.

3 Section 7 (1) is amended by striking out “42.1 (5)” and substituting “42”.

4 Section 8.1 is amended

(a) by striking out “The director may enter into an agreement” and substituting “A director may enter into an agreement”, and

(b) in paragraph (a) (ii) by striking out “the director” and substituting “a director”.

5 *Section 10 is amended by striking out “with the director” and substituting “with a director”.*

6 *Section 13 is repealed.*

7 *Section 15 is amended*

(a) by adding the following subsection:

(0.1) In this section, “**Child and Youth Officer**” means the child and youth officer appointed under section 2 of the *Office for Children and Youth Act.*, *and*

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

(c) the Child and Youth Officer; .

8 *Section 16 (1) is amended*

(a) in paragraph (e) by striking out “or under review by the Children’s Commission”, and

(b) in paragraph (f) by striking out “or the Children’s Commission”.

9 *Part 6 is repealed.*

10 *Section 26 is repealed.*

11 *Schedule 1 is amended by adding the following items:*

Dease River First Nation	Dease River First Nation	First Nation Manager, Social Development Officer or Equivalent
Ts’kw’aylaxw First Nation	Ts’kw’aylaxw First Nation	First Nation Manager, Social Development Officer or Equivalent

12 *Schedule 2 is amended in Columns 2 and 3 by striking out “Vancouver Aboriginal Child and Family Services Society” and substituting “Vancouver Aboriginal Friendship Centre Society”.*

13 *Form A of Schedule 3 is amended*

(a) by striking out

If the child/ren is/are aboriginal, the name(s) of the child/ren's aboriginal community or of the band that the child/ren is/are registered or entitled to be registered as member(s) of is/are:

Child's name:	Community or band name:
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and substituting the following:

If the child/ren is/are aboriginal, the following are the name(s) of each child and the name(s) of each child's aboriginal community or the band that the child is registered or entitled to be registered as a member of or whether the child is a Nisga'a child of the Nisga'a Nation:

Child's name:	Community or band name or Nisga'a Nation:
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, and

(b) under the heading, "Statutory Authority for Removal", by striking out

[] section 36 (1) of the Act, which requires the director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) an order made under section 33.2, 35 (2) (b) or 36 (3) of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of an order under section 33.2, 35 (2) (b) or 36 (3) of the Act and the director is required by that order to remove the child in the event of non-compliance.

[] section 42 (1) of the Act, which requires the director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) that a supervision order made under section 41 (1) (a) or (b), (1.1) or (2.1), 42.2 (4) (a) or (c), 46 (3) or 49 (8) of the Act or an interim order made under section 42.1 of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of the supervision or interim order and the director is required by that order to remove the child in the event of non-compliance.

and substituting the following:

[] section 36 (1) of the Act, which requires a director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) an order made under section 33.2, 35 (2) (b) or (d) or 36 (3) of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of an order under section 33.2, 35 (2) (b) or (d) or 36 (3) of the Act and a director is required by that order to remove the child in the event of non-compliance.

[] section 42 (1) of the Act, which requires a director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) that a supervision order made under section 41 (1) (a) or (b), (1.1) or (2.1), 42.2 (4) (a) or (c), 46 (3) or 49 (8) of the Act or an interim order made under section 42.1 of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of the supervision or interim order and a director is required by that order to remove the child in the event of non-compliance.

14 Form B of Schedule 3 is amended

(a) by striking out

If the child/ren is/are aboriginal, the name(s) of the child/ren’s aboriginal community or of the band that the child/ren is/are registered or entitled to be registered as member(s) of is/are:

Child’s name:	Community or band name:
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and substituting the following:

If the child/ren is/are aboriginal, the following are the name(s) of each child and the name(s) of each child’s aboriginal community or the band that the child is registered or entitled to be registered as a member of or whether the child is a Nisga’a child of the Nisga’a Nation:

Child’s name:	Community or band name or Nisga’a Nation:
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(b) by striking out

- The child/ren has/have been returned in accordance with
- section 33 (1.1) of the *Child, Family and Community Service Act*
 - section 33 (3) of the *Child, Family and Community Service Act*
 - section 48 (2) of the *Child, Family and Community Service Act*

and substituting the following:

- The child/ren has/have been returned in accordance with
- section 33 (1) of the *Child, Family and Community Service Act*
 - section 33 (1.1) of the *Child, Family and Community Service Act*
 - section 48 (1) of the *Child, Family and Community Service Act*, **and**

(c) by striking out

section 36 (1) of the Act, which requires the director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) an order made under section 33.2, 35 (2) (b) or 36 (3) of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of an order under section 33.2, 35 (2) (b) or 36 (3) of the Act and the director is required by that order to remove the child in the event of non-compliance.

[] section 42 (1) of the Act, which requires the director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) that a supervision order made under section 41 (1) (a) or (b), (1.1) or (2.1), 42.2 (4) (a) or (c), 46 (3) or 49 (8) of the Act or an interim order made under section 42.1 of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of the supervision or interim order and the director is required by that order to remove the child in the event of non-compliance.

and substituting the following:

[] section 36 (1) of the Act, which requires a director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) an order made under section 33.2, 35 (2) (b) or (d) or 36 (3) of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of an order under section 33.2, 35 (2) (b) or (d) or 36 (3) of the Act and a director is required by that order to remove the child in the event of non-compliance.

[] section 42 (1) of the Act, which requires a director to remove the child if the director has reasonable grounds to believe that either or both of the following apply:

- (i) that a supervision order made under section 41 (1) (a) or (b), (1.1) or (2.1), 42.2 (4) (a) or (c), 46 (3) or 49 (8) of the Act or an interim order made under section 42.1 of the Act no longer protects the child;
- (ii) a person has not complied with a term or condition of the supervision or interim order and a director is required by that order to remove the child in the event of non-compliance.

15 *Forms D and E of Schedule 3 are repealed.*

16 *Form F of Schedule 3 is amended under the heading “Interim Plan of Care” by striking out “If the child/ren is/are aboriginal, the applicable aboriginal organization” and substituting “If the child/ren is/are aboriginal, the applicable aboriginal organization or the Nisga’a Lisims Government”.*