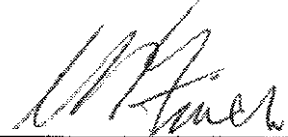


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 832 , Approved and Ordered NOV 30 2007



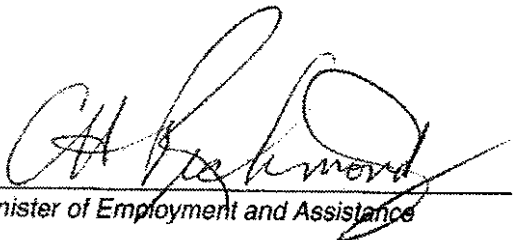
Lieutenant Governor

Administrator

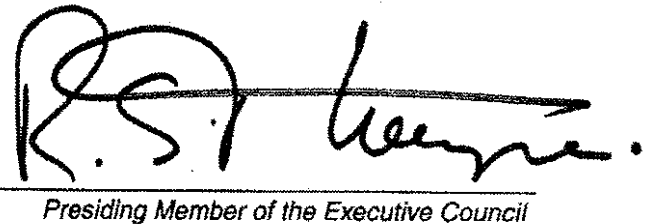
Executive Council Chambers, Victoria

~~Lieutenant Governor~~
Administrator

On the recommendation of the undersigned, the ~~Lieutenant Governor~~, by and with the advice and consent of the Executive Council, orders that, effective December 1, 2007, the Employment and Assistance Regulation, B.C. Reg. 263/2002, is amended as set out in the attached Schedule.



Minister of Employment and Assistance



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: Employment and Assistance Act, S.B.C. 2002, c. 40, s. 35 (2) (b), (c) and (k)

Other (specify): OIC 873/2002

October 30, 2007

SCHEDULE

1 Section 1 is amended by adding the following definition:

“application for a child in the home of a relative income assistance form” means the application for a child in the home of a relative income assistance form prescribed by the minister; .

2 The following section is added:

Application for income assistance for a child in the home of a relative

- 4.4** (1) A person who applies on or after December 1, 2007 for income assistance under section 6 must
- (a) complete and submit to the minister the application for a child in the home of a relative income assistance form, and
 - (b) include, as part of that application, a written authorization that permits the information from
 - (i) the relative of the child with whom the child is residing, and
 - (ii) each person who is 18 years of age or older who is residing in the home referred to in subparagraph (i)to be used and disclosed in the manner set out in subsection (2).
- (2) The written authorization referred to in subsection (1) must permit the minister, in order to make a determination referred to in section 6 (2.1) (d), to use and disclose information about a person referred to in subsection (1) (b) (i) or (ii) in conducting a criminal record check of the person and in reviewing whether the person has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director.

3 Section 6 (2) is repealed and the following substituted:

- (2) Subject to subsection (2.1), a child is eligible for income assistance under section 11 of Schedule A if
- (a) the child resides with his or her relative,
 - (b) the child's parent placed the child with the relative, and
 - (c) the child's parent does not reside with the relative.
- (2.1) A child is not eligible for income assistance under subsection (2) if
- (a) the child ceases to meet the conditions set out in subsection (2),
 - (b) the relative with whom the child resides has entered into an agreement under section 8 of the *Child, Family and Community Service Act* in relation to the child,
 - (c) the relative with whom the child resides or the parent of the child fails
 - (i) to provide accurate and complete information to the minister,
 - (ii) to provide all of the authorizations requested by the minister under section 4.4 or 34.1 within the time, if any, specified by the minister,

- (iii) to attend in person at the ministry office when required to do so by the minister under section 34.1 (2) (c), or
- (iv) to submit the form required by the minister under section 34.1 (2) (a), within the time specified by the minister,
- (d) the minister determines, based on a review of the application of the child provided on or after December 1, 2007 and information obtained under the authorization appended to the application, that there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child, or
- (e) the minister has conducted an audit under section 34.1 and determines, based on information provided under the audit, that there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child.

4 Section 26 (2) is amended

(a) by striking out “and” at the end of paragraph (b), adding “and” at the end of paragraph (c) and by adding the following paragraph:

- (d) for income assistance under section 11 of Schedule A on the date of the applicant’s submission of the application for a child in the home of a relative income assistance form, , *and*

(b) in paragraph (c) by striking out “sections 6 to 11” and substituting “sections 6 to 10”.

5 Section 33 (2) is amended by striking out “may complete” and substituting “must complete”.

6 Section 34 is amended by adding the following subsection:

- (5) This section does not apply to a recipient of income assistance under section 6.

7 The following section is added to Division 3:

Eligibility audit for income assistance under section 6

34.1 (1) The minister may

- (a) audit at any time the eligibility of a child for income assistance under section 6, including conducting a criminal record check of the following people and a review of whether any of the following people has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director
 - (i) the relative of the child with whom the child is residing, and
 - (ii) each person who is 18 years of age or older who is residing in the home referred to in subparagraph (i), and

- (b) make a determination as to whether there is a level of risk to the child in the home that indicates the home where the child resides is not an appropriate place for the child.
- (2) For the purposes of auditing eligibility of a child for income assistance under subsection (1), the minister may require that
- (a) the parent of the child and the relative with whom the child resides submit to the minister a form that contains the same information as is required in the application for a child in the home of a relative income assistance form,
 - (b) the relative with whom the child resides provide a written authorization that permits information from
 - (i) that relative, and
 - (ii) each person who is 18 years of age or older who is residing in the home of the relative with whom the child is residingto be used and disclosed in the manner set out in subsection (3), and
 - (c) the parent of the child and the relative with whom the child resides attend in person on the date, and at the ministry office, specified by the minister.
- (3) The written authorization referred to in subsection (2) (b) must permit the minister, in order to make a determination referred to in section 6 (2.1) (e), to use and disclose information about a person referred to in subsection (2) (b) (i) or (ii) in conducting a criminal record check of the person and in reviewing whether the person has had any prior contact with a director, as defined in section 1 of the *Child, Family and Community Service Act*, or a delegate of the director.

8 Section 81 is amended by adding the following subsection:

- (3) A decision to refuse to provide income assistance on the basis of a determination referred to in section 6 (2.1) (d) or (e) is not appealable to the tribunal.