

Bill 15

**An Act to amend the Youth Protection  
Act and other legislative provisions**

Section 1

**AMENDMENT:**

Replace “a primary consideration of” in the second paragraph of the proposed preamble by “the primary consideration in”;

*adopted  
ML*

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Section 1

**AMENDMENT:**

Replace “the participation of the child and his parents” in the seventh paragraph of the proposed preamble by “the child and his parents have the right to have their voices heard and as their participation”.

*adopté*  
*ML*

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Section 5

**AMENDMENT:**

Replace "a" in paragraph 1 by "the".

*adopté  
ML*

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Section 6

**AMENDMENT:**

*adopted*

In proposed section 4:

1. Replace “If, in the interest of the child, it is not possible to keep the child in his family environment, the decision must seek to entrust the child” in the second paragraph by “If keeping the child in his family environment is not in his interest, priority must be given to entrusting the child”;
2. Replace “If, in the interest of the child, it is not possible to entrust the child to such persons, the decision must then seek to entrust the child” in the third paragraph by “If it is not in the interest of the child to entrust him to such persons, the child must then be entrusted”;
3. Replace “If, in the interest of the child, it is not possible to return the child to his family environment” in the fourth paragraph by “If returning the child to his family environment is not in his interest”.

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Section 6

*adopted*  
*DL*

**AMENDMENT:**

Insert “, provided that such involvement is in the interest of the child” at the end of the first paragraph of proposed section 4.1.

AM 6  
s. 6 (4.3)

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Section 6

*adopté  
1/11*

**AMENDMENT:**

Amendemnt 6 has been withdrawn and renamed amendment bm.

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Section 6

**AMENDMENT:**

Insert “, including when choosing an alternative living environment for the child”  
at the end of paragraph *d* of proposed section 4.3.

*adopté  
ML*

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Section 6

**AMENDMENT:**

Insert “in an optimal manner” after “obtaining” in paragraph *b* of proposed section 4.4.

*adopted*  
*WJ*



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Section 6

**AMENDMENT:**

Replace “minorities” in paragraph *d* of proposed section 4.3, as amended, by  
“communities”.

adopted  
ML

AM 10  
s. 11 (9)

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Section 11

**AMENDMENT:**

Withdraw.

*adopted*

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Section 12

**AMENDMENT:**

*adopted  
ML*

Insert before proposed section 9.1:

**“9.0.1** When a child is entrusted to an alternative living environment, the child’s contacts with persons who are important to him must be encouraged by taking his wishes into account, provided such contacts are in the interest of the child.

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*adopté  
ML*

**AMENDMENT:**

Add the following sentence at the beginning of the first paragraph of proposed section 11.4: "Parents have not only rights in respect of their child, but also obligations towards him."

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Section 17

**AMENDMENT:**

Add at the end of proposed section 30.5:

Members of the forum may solicit the participation, on an ad hoc or permanent basis, of experts or other stakeholders concerned with youth protection.

*adopté  
amendé  
MK*

*Sam 1*

SAM 1  
AM 13  
s. 17 (30.5)

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Section 17

**AMENDMENT:**

Replace “forum” in the paragraph of proposed section 30.5 introduced by amendment by “panel”.

*adopted  
MM*

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Section 17

**AMENDMENT:**

In proposed section 30.5:

1. Replace “directors forum” and “Forum” in the first paragraph by “panel of directors” and “Table”, respectively.
2. Replace “the forum” in the second paragraph by “the panel”.

*adopted  
ML*

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Section 17

**AMENDMENT:**

In the first paragraph of proposed section 30.6:

1. Insert “, by drawing in particular on the expertise of its members in carrying out their responsibilities,” at the end of subparagraph *a*.
2. Insert after subparagraph *b*:
  - (*c*) to ensure the development and continuous adaptation of training in youth protection based on the evolution of evidence-based clinical practices.

*adopte  
amendi  
MC*

*Sam 1*



SAM 1  
AM 15  
s. 17 (30.6)

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Section 17

*adopted  
ML*

**AMENDMENT:**

Strike out “evidence-based” in subparagraph *c* of the first paragraph of proposed section 30.6, introduced by amendment.

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Section 17

**AMENDMENT:**

1. Replace "directors forum" in the first paragraph by "panel of directors".
2. Replace "forum" in the second paragraph by "panel".

*adopted  
ML*

AM 17  
s. 17 (30.7)

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Section 17

**AMENDMENT:**

Replace “directors forum” in proposed section 30.7 by “panel of directors”.

*adopted  
MM*

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Section 17

*adopté  
amendé  
M*

**AMENDMENT:**

Insert the following subdivision after proposed section 30.7:

“§ 3. — *Reporting*

“30.8. The National Director of Youth Protection shall report annually to the Minister of Health and Social Services, within four months after the end of the fiscal year, on the exercise of his responsibilities and those of the panel.

*Sam 1*

The report shall be published on the website of the Ministère de la Santé et des Services sociaux.”

SAM 1

AM 18

s. 17 (Chap. III, Div. 1.2, subd. 3, s. 30.8)

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Section 17

*adopted  
ML*

**AMENDMENT:**

Replace “within four” in the first paragraph of proposed section 30.8, introduced by amendment, by “not later than six”.

AM 19

s. 17 (Chap. III, Div. 1.2, subdiv. 2, heading)

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Section 17

*adopté  
ML*

**AMENDMENT:**

Replace "*Directors forum*" in the proposed heading of subdivision 2 by "*Panel of directors*".

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Section 18

*adopté  
ML*

**AMENDMENT:**

Insert “the professional qualifications required of the candidates and” after “in particular” in the second paragraph of proposed section 31.0.1.

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Section 21

*adopted  
ML*

**AMENDMENT:**

Replace subparagraph *b* of the first paragraph of proposed section 35.4 by:

(*b*) such information makes it possible to confirm or deny the existence of a situation related to new events that have occurred since the decision on the child's security or development being in danger was made, the knowledge of which could make it possible to review the child's situation.



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Section 34

*adopte  
amende  
MK*

**AMENDMENT:**

Replace proposed section 57.2.2 by:

**“57.2.2.** With a view to a child’s transitioning to adulthood, the director who intervenes in respect of the child shall, in the year before the child reaches 18 years of age, or at any moment the director considers appropriate, agree with the child on a plan for ensuring that transition.

*Sam 1*

The director shall also inform the child of the support services offered by persons, institutions or bodies and meet with the child and the staff of the service provider concerned if the child consents to it.”

*Sam 2*

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Section 34

*adopté ML*

**AMENDMENT:**

In the first paragraph of proposed section 57.2.2, replaced by amendment:

1. Replace “in the year” by “in the two years”.
2. Strike out “or at any moment the director considers appropriate,”.

SAM 2  
AM 22  
s. 34 (57.2.2)

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Section 34

*adopted  
AM*

**AMENDMENT:**

Insert “, as well as of the possibility for him to stay in his alternative living environment in accordance with section 64.1,” after “bodies” in the second paragraph of proposed section 57.2.2 introduced by amendment.

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Section 38

**AMENDMENT:**

*adopted  
ML*

Replace subparagraph *b* of paragraph 1 by:

(*b*) by replacing “the disclosure necessary to ensure the child’s protection in accordance with this Act” by “that the disclosure is in the interest of the child”.

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Section 45.1

**AMENDMENT:**

*adopted  
ML*

Insert after section 45:

**45.1.** Section 76.4 of the Act is amended by striking out “establishing that the security or development of the child is in danger and”.

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Section 46

*adopted  
ML*

**AMENDMENT:**

1. Insert “or, if there is more than one child concerned by a proceeding, the children” at the end of the proposed second paragraph of section 78.
2. Replace “child’s advocate” by “advocate of a child” in the proposed third paragraph of section 78.

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Section 48

*adopte  
ML*

**AMENDMENT:**

Replace paragraph 2 by:

(2) by inserting the following paragraphs after the first paragraph:

“The first paragraph applies to the filing of a psychosocial report referred to in section 86, except as regards the time period which is to be 10 days.

An analysis, report, study or expert opinion produced under this section must describe the elements that are necessary or relevant to assist the tribunal in assessing the child’s situation, in determining whether or not the security or development of the child is in danger or remains in danger or in making any decision under this Act.”

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Section 49

**AMENDMENT:**

Replace paragraph 2 by:

- (2) by striking out the second and third paragraphs.

*adopted  
ML*



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Section 50

*adopt  
ML*

**AMENDMENT:**

Strike out "ill-treatment or" in the third paragraph of proposed section 87.

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Section 51

*adopte MK*

**AMENDMENT:**

1. Replace “or of a psychological or medical assessment referred to in section 87” and “report or assessment” in paragraph 1 by “and, if applicable, of any assessment or expert opinion referred to in section 87 attached to it” and “report, assessment or expert opinion”.
2. Replace “the report or assessment and to ultimately dispute it” in paragraph 2 by “the psychosocial report and, if applicable, any attached assessment or expert opinion and to ultimately dispute them”.

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Section 51.1

*adopté  
ML*

**AMENDMENT:**

Insert after section 51:

**51.1.** Section 91.1 of the Act is amended by replacing “aimed at ensuring” in the third and fifth paragraphs by “that ensures”.

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Section 51.2

*adopté  
ML*

**AMENDMENT:**

Insert after section 51.1, introduced by amendment:

**51.2.** Section 91.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“To determine the length of that period, the tribunal must take into account the duration of any measure, taken within the framework of this Act, that entrusts the child to an alternative living environment and that is related to the same situation. It may also take into account the duration of any previous period during which the child was entrusted to an alternative living environment within the framework of this Act, but that is not related to the same situation. A situation means the period from the accepted report to the end of the director’s intervention.”

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Section 51.3

**AMENDMENT:**

*adopted  
ML*

Insert after section 51.2, introduced by amendment:

**51.3.** Section 91.1 of the Act is amended by replacing the fourth paragraph by the following paragraph:

“However, if the interest of the child demands it, the tribunal may disregard the periods specified in the first paragraph if it is expected that the child will be returned to his family environment in the short term or if there are serious reasons for doing so. Serious reasons include the fact that services mentioned in an agreement or in an order of the tribunal have not been provided.”

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Section 51.4

*adopté  
MK*

**AMENDMENT:**

Insert after section 51.3, introduced by amendment:

**51.4.** Section 91.2 of the Act is amended by replacing “tendant” in the French text by “visant”.

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Section 54

*adopted  
ML*

**AMENDMENT:**

Replace paragraph *b* of proposed section 131.6 by:

(*b*) the services offered by the service providers to support the parents in the exercise of their responsibilities and to help them meet those needs.

Bill 15

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Section 54

*adopted  
ML*

**AMENDMENT:**

Add “, including customary and traditional care” at the end of subparagraph *b* of the first paragraph of proposed section 131.7.



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Section 54

*adopted  
ML*

**AMENDMENT:**

Replace “a member of his extended family or to a person belonging to his community or nation” in proposed section 131.8 by “an alternative living environment in accordance with section 131.5”.

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Section 54

*adopté  
7/6*

**AMENDMENT:**

Insert after the fifth paragraph of proposed section 131.20:

The Nunavik Regional Board of Health and Social Services governed by the Act respecting health services and social services must be a party to the agreement entered into with the Makivik Corporation.

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Section 55.1

*adopted  
ML*

**AMENDMENT:**

Insert after section 55:

**55.1.** Section 135 of the Act is amended by replacing “11.2.1” by “9.2”.

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Section 56

**AMENDMENT:**

Insert "131.17," after "131.15," in paragraph 1.

*adopted  
ML*

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Section 27.1

**AMENDMENT:**

*adopted  
ML*

Insert after section 27:

**27.1** Section 38 of the Act is amended

(1) by replacing “is abandoned, neglected, subjected to psychological ill-treatment” in the first paragraph by “is in a situation of abandonment, neglect, psychological ill-treatment, exposure to domestic violence”;

(2) in the second paragraph,

(a) by replacing “conjugal or domestic” in subparagraph *c* by “family”;  
and

(b) by inserting the following subparagraph after subparagraph *c*:

“(c.1) “exposure to domestic violence” refers to a situation in which a child is directly or indirectly exposed to violence between the child’s parents or between one of his parents and a person with whom the parent has an intimate relationship, including in a post-separation context, among other things if the child witnesses such violence or develops in an atmosphere of fear or tension, and where such exposure could cause harm to the child;”

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Section 27.2

*adopte ML*

**AMENDMENT:**

Insert after section 27.1, introduced by amendment:

**27.2** The Act is amended by inserting the following section after section 38.2.1:

**“38.2.2.** For the purposes of section 38.2, any decision relating to a report for a situation of exposure to domestic violence must, in particular, take into consideration the following factors:

- (a) the consequences for the child of exposure to such violence;
- (b) the acknowledgment of the consequences for the child by the perpetrator of the violence and the means taken by the perpetrator to prevent other situations of exposure to violence, if applicable;
- (c) the measures taken by the parent who is not the perpetrator of the violence to protect the child from exposure to such violence and the obstacles to such measures caused by the perpetrator of the violence, if applicable;
- (d) the local resources' ability to support the parents in carrying out their responsibilities; and
- (e) the order, condition or measure, whether civil or criminal in nature, concerning the security or development of the child.”

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Section 50

*adopte  
ML*

**AMENDMENT:**

In the third paragraph of proposed section 87:

1. Insert "exposure to domestic violence," after "psychological ill-treatment,".
2. Insert "c.1," after "c,".

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Section 28

**AMENDMENT:**

Replace by:

**28.** Section 39 of the Act is amended

- (1) by inserting “, c.1” after “c” in the third paragraph;
- (2) by striking out the fourth and fifth paragraphs.

*adopté ML*



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Section 29

*adopté  
ML*

**AMENDMENT:**

Replace “The first and second paragraphs of section 39 and section 40” in proposed section 41 by “Sections 39 and 40”.

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Section 33.1

**AMENDMENT:**

*adapte  
ML*

Insert after section 33:

**33.1.** Section 57.2 of the Act is amended by inserting the following paragraph after paragraph *a*:

“(a.1) consider the security or development of the child to be in danger within the meaning of section 38 or 38.1 when new facts have arisen since the decision on the child’s security or development being in danger was made;”

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Section 5

**AMENDMENT:**

*adopted  
ML*

Replace paragraph 2 of section 5, as amended, by:

- (2) in the second paragraph,
  - (a) by inserting “, including the socioeconomic conditions in which the child lives,” after “family environment”;
  - (b) by striking out the last sentence.

Bill 15

**An Act to amend the Youth Protection  
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Section 6

*adopte  
ML*

**AMENDMENT:**

Insert after proposed section 4:

“4.0.1. Where the child is removed from his family environment, keeping the child and his siblings in the same alternative living environment must be favoured, provided it is in the child’s interest.

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Section 61.1

**AMENDMENT:**

Insert after section 61:

*adopted  
ML*

**COURTS OF JUSTICE ACT**

**61.1** Section 85 of the Courts of Justice Act (chapter T-16) is amended by replacing “308” by “319”.

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Section 53.1

**AMENDMENT:**

Insert after section 53:

*adopté  
ML*

**53.1** The Act is amended by inserting the following section after the heading of Division IV of Chapter V:

“**130.** To facilitate access to justice and to reduce delays, the Minister of Justice may, by regulation, modify a rule of procedure governing judicial interventions provided for in Chapter V or a rule of procedure provided for in any other section that the Minister of Justice is responsible for administering under section 156, or introduce a new one, for the purposes of a pilot project conducted in judicial districts specified by the Minister. The regulation sets the duration of the pilot project, which may not exceed three years.

Before making the regulation, the Minister must consider the effects of the pilot project on the rights of individuals and consult the Chief Judge of the Court of Québec, the Barreau du Québec and, if applicable, the Chambre des huissiers de justice du Québec.”

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Section 54.1

**AMENDMENT:**

*adopté  
ML*

Insert after section 54:

**54.1.** The Act is amended by inserting the following section after section 132:

“133. With a view to studying, improving or defining standards and obligations applicable to the responsibilities or to the social intervention of the director in order to, among other things, reduce response times, the Minister of Health and Social Services may, by regulation, implement a pilot project within the scope of the provisions of sections 32 or 33, of Divisions II, III or III.1 of Chapter IV or of Division II of Chapter V.1.

Such a regulation sets out the standards and obligations applicable within the framework of a pilot project, which may differ from those provided for in the provisions referred to in the first paragraph. It also sets out the monitoring and reporting mechanisms applicable to the project and its duration, which may not exceed three years.

The Minister must consult with the panel of directors before making such a regulation. The Minister must also obtain the approval of the representatives designated by the Indigenous communities concerned regarding the standards and obligations applicable to the matters within the scope of Division II of Chapter V.1.”

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Section 57

**AMENDMENT:**

*adopté  
ML*

Add the following at the end:

(q) take the necessary steps to support young persons under 26 years of age who were taken in charge by the director of youth protection, in order to facilitate their transition to adulthood.



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Section 1

**AMENDMENT:**

Insert after the seventh paragraph of the proposed preamble:

AS it is important to facilitate the transition to adulthood;

*adopte  
amende ML*

*Sam 1*

SAM 1  
AM 52  
s. 1 (Preamble)

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Section 1

*Adopte  
m*

**AMENDMENT:**

Replace “the transition” in the paragraph inserted by amendment by “a child’s transition”.

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Section 1

*adopted  
ML*

**AMENDMENT:**

Replace “an ethnocultural minority” in the eighth paragraph of the proposed preamble by “ethnocultural communities”.

Bill 15

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Section 6

*adopte  
ML*

**AMENDMENT:**

Replace “protection” in paragraph *b* of proposed section 4.3 by “security or development”.

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Section 1

**AMENDMENT:**

Replace paragraph 1 by:

(1) the provisions of section 17 insofar as it enacts section 30.8 of the Youth Protection Act, paragraph 2 of section 20, section 21 insofar as it enacts section 35.4 of the Youth Protection Act, sections 22, 27.1, 27.2, 32, 34, 35 and 38 and paragraph 2 of section 55, which come into force on *(insert the date that is one year after the date of assent to this Act)*;

*adopté  
ML*