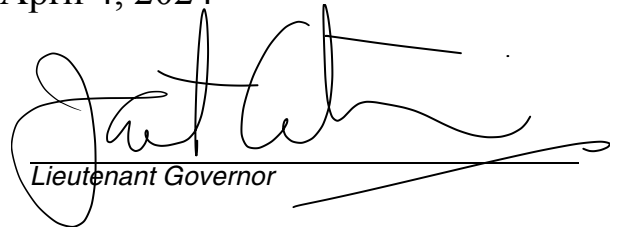


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 160

, Approved and Ordered April 4, 2024


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 April 4, 2024,

- (a) sections 1 to 6 of the *Miscellaneous Statutes Amendment Act (No. 2)*, 2023, S.B.C. 2023, c. 16, are brought into force, and
- (b) the Child, Family and Community Service Regulation, B.C. Reg. 527/95, is amended as set out in the attached Schedule.



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: *Miscellaneous Statutes Amendment Act (No. 2)*, 2023, S.B.C. 2023, c. 16, s. 46; *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46, s. 103 (2)

Other: OIC 1589/95

R20724617

SCHEDULE

1 *Part 2.1 of the Child, Family and Community Service Regulation, B.C. Reg. 527/95, is amended*

(a) by adding the following heading before section 8.1:

Division 1 – Agreements with Youths , and

(b) by adding the following heading before section 8.3:

Division 2 – Agreements with Adults .

2 *Section 8.3 is repealed and the following substituted:*

Agreements under section 12.3 of Act

8.3 (1) In this section:

“eligible child” means a person who is 12 years of age or over but is under 19 years of age;

“specified personal guardianship” means

(a) personal guardianship of a director under

(i) section 51 (1) (a) of the *Infants Act*, or

(ii) section 29 (3) (a) of the *Family Relations Act*, R.S.B.C. 1996, c. 128, as it read immediately before its repeal by the *Family Law Act*, or

(b) personal guardianship of an adoption director under section 24 (1) or 75 of the *Adoption Act*.

(2) A director may enter into an agreement under section 12.3 of the Act with a person who is a specified adult and meets one or more of the following criteria:

(a) the person was, immediately before the person’s 19th birthday,

(i) the subject of a continuing custody order,

(ii) the subject of a specified personal guardianship,

(iii) a party to an agreement under section 12.2 of the Act, or

(iv) the subject of an arrangement under an Indigenous law that is comparable to an arrangement described in any of subparagraphs (i) to (iii);

(b) the person was, while an eligible child, the subject of a permanent transfer of custody under

(i) section 54.01 (5) or 54.1 (3) of the Act, or

(ii) an Indigenous law;

(c) the person was, while an eligible child, adopted and, immediately before the adoption, was the subject of

(i) a continuing custody order,

(ii) a specified personal guardianship, or

- (iii) an arrangement under an Indigenous law that is comparable to an arrangement described in subparagraph (i) or (ii);
- (d) the person was, on at least 730 days while an eligible child,
 - (i) the subject of an agreement under section 6, 7 or 8 of the Act,
 - (ii) a party to an agreement under section 12.2 of the Act,
 - (iii) the subject of an interim order under section 35 (2) (a) or (d), 36 (3) or 42.1 (6) of the Act, other than an interim order that the person be returned to or remain with a parent,
 - (iv) the subject of a temporary custody order,
 - (v) the subject of a continuing custody order,
 - (vi) the subject of a specified personal guardianship, or
 - (vii) the subject of an arrangement under an Indigenous law that is comparable to an arrangement described in any of subparagraphs (i) to (vi).
- (3) A reference in this section to an Indigenous law is a reference to an Indigenous law of any of the following:
 - (a) a First Nation in British Columbia;
 - (b) the Nisga'a Nation;
 - (c) a Treaty First Nation.
- (4) In determining whether arrangements are comparable for the purposes of this section, a director must
 - (a) consult the relevant Indigenous authorities, and
 - (b) consider both the nature and the purpose of the arrangement.

3 *The following sections are added:*

Agreements under section 12.3 of Act – programs and activities

- 8.31** For the purposes of section 12.3 (2) (b) (ii) of the Act, educational, health and cultural programs and activities are prescribed, including, without limitation, programs and activities relating to
- (a) vocational training,
 - (b) life-skills development,
 - (c) rehabilitation or mental health,
 - (d) the specified adult's culture or heritage, or
 - (e) in the case of an Indigenous specified adult, the specified adult's Indigenous identity and connection to an Indigenous community and the land.

Agreements under section 12.4 of Act

- 8.32** A director may enter into an agreement under section 12.4 of the Act with a person in relation to a specified adult if
- (a) the specified adult meets one or more of the criteria set out in section 8.3 (2) (a) to (d) of this regulation, and

- (b) the person provided residential services for the specified adult immediately before the specified adult's 19th birthday.

4 *Section 8.4 is repealed and the following substituted:*

Age and duration caps

- 8.4** (1) A director may not make an agreement under section 12.3 of the Act with a specified adult if the agreement would
- (a) extend beyond the calendar month of the specified adult's 27th birthday,
 - (b) provide for financial assistance for purposes described in section 12.3 (2) (a) beyond the calendar month of the specified adult's 20th birthday,
 - (c) provide for financial assistance for purposes described in section 12.3 (2) (b) (i) beyond the calendar month of the specified adult's 21st birthday, unless the financial assistance is
 - (i) provided while the specified adult is also receiving assistance for a purpose described in section 12.3 (2) (b) (ii), or
 - (ii) limited to a rent supplement, or
 - (d) result in the specified adult receiving under agreements under section 12.3 support services or financial assistance, or both, for purposes described in section 12.3 (2) (b) (ii) for more than 84 months.
- (2) A director may not make an agreement under section 12.4 of the Act for the benefit of a specified adult if the agreement would extend beyond the calendar month of the specified adult's 21st birthday.