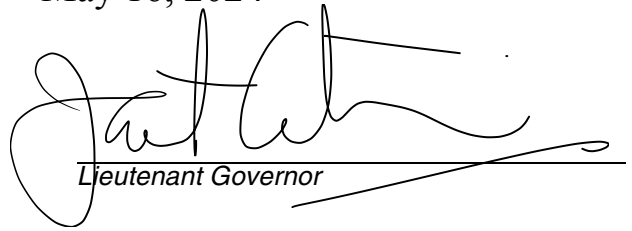


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 251

, Approved and Ordered May 16, 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

- (a) section 5 of the *Child, Family and Community Service Amendment Act, 2024*, S.B.C. 2024, c. 5, is 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 Appendix.



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: *Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46, s. 103 (2);
Child, Family and Community Service Amendment Act, 2024, S.B.C. 2024, c. 5, s. 7

Other: OIC 1589/95

R10771496

APPENDIX

- 1 Section 12.8 of the Child, Family and Community Service Regulation, B.C. Reg. 527/95, is repealed.***
- 2 Schedule 3 is amended***
 - (a) by repealing Forms G, J and K, and***
 - (b) by adding the following forms:***

FORM G



Report to the Provincial Court of British Columbia Withdrawal Due to Indigenous Law

Form G

In the Provincial Court of British Columbia
Under the *Child, Family and Community Service Act*

Court Registry Number:

Court Registry Location:

I, _____ as a delegate of the director under section 92 of the *Child, Family and Community Service Act*, present this written report to the court.

The child(ren) listed below is/are the subject(s) of this report:

Name	Date of Birth (mm/dd/yyyy)

The following is/are the parent(s) of the child(ren):

Name	Date of Birth (mm/dd/yyyy)	
Address	Phone (home)	Phone (work)

The following is/are the sibling(s) of the child(ren):

Name		
Address	Phone (home)	Phone (work)

The following is/are the name(s) of the child(ren) and the name(s) of the/each child's Indigenous community(ies):

Child(ren)'s Name	Name(s) of First Nation(s), Nisga'a Nation, Treaty First Nation, Métis, Inuit or another Indigenous community

The director has withdrawn in accordance with the following section of the *Child, Family and Community Service Act*:

- ☐ s. 33.05(2) *Transition to Indigenous authority - withdrawal before a presentation hearing, or before the conclusion of a presentation hearing*
- ☐ s. 48.4(2) *Transition to Indigenous authority - withdrawal after presentation hearing*

Indigenous authority providing Indigenous child and family services

The following Indigenous authority is providing Indigenous child and family services in accordance with Indigenous law in respect of the child(ren):

Name of Indigenous authority		
Address	City	Province
Postal code	Phone (home)	Fax
Email address (if applicable)		

- ☐ a copy of the Indigenous authority's written confirmation that the Indigenous authority is or will be providing Indigenous child and family services in accordance with an Indigenous law is attached (provided under s. 33.02(b) or 48.1(b)).

The director's withdrawal took effect on:	
Date	Time (am/pm)

- ☐ a copy of the Indigenous authority's written confirmation of the date and time the Indigenous authority began providing or continued to provide Indigenous child and family services in relation to the child(ren) is attached (provided under s. 33.05(2) or s. 48.4(2)).

Proof of Notification or Service

Proof of Notification (if the withdrawal is under section 33.05(2) - Transition to Indigenous authority - withdrawal before a presentation hearing, or before the conclusion of a presentation hearing)

The director certifies that they notified, or attempted to notify, each person entitled under section 33.03(1) about the Indigenous authority confirmation, and that the director's notification included the information required under s. 33.03(2).

- ☐ proof is attached confirming the notification(s) made in accordance with 33.03(2), and providing reasons that a person was not notified, as applicable.

OR

Proof of Service (if the withdrawal is under section 48.4(2) - Transition to Indigenous authority - withdrawal after presentation hearing)

The director certifies that each person entitled to be served notice of the Indigenous authority's confirmation in accordance with s. 48.2(1) was served, and that the notice included the information required in s. 48.2(2), or that the court ordered that service was not required in respect of a person, as applicable:

- ☐ the director has attached certificates of service confirming that those entitled to notice in accordance with s. 48.2(1) were served; and/or
- ☐ a requirement to serve a person(s) was dispensed with by an order of the court, as follows:

--

Notification if application was not made or did not proceed

- ☐ As required in s. 33.05(1) or s. 48.4(1), the director notified the Indigenous authority that no application was made, or provided any other information the director considered relevant, including if an application was made and did not proceed, and a copy of the notification is attached;
- or
- ☐ notification under s. 33.05(1) or s. 48.4(1) was not applicable because an application did proceed, and the court made an order under s. 33.04(8)(b), s. 48.3(8)(b) or s. 48.5(5)(b).

Statutory Authority for Removal (only complete if withdrawal is under s. 33.02 - Withdrawal before a presentation hearing, or before the conclusion of a presentation hearing)

The child was removed in accordance with the following:

- ☐ section 30 of the *Child, Family and Community Service Act* in the following circumstance(s) as described by section 13 of the Act:
- (a) ☐ the child has been, or is likely to be, physically harmed by the child's parent
 - (b) ☐ the child has been, or is likely to be, sexually abused or exploited by the child's parent
 - (c) ☐ the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and the child's parent is unwilling or unable to protect the child
 - (d) ☐ the child has been, or is likely to be, physically harmed because of neglect by the child's parent
 - (e)(i) ☐ the child is emotionally harmed by the parent's conduct
 - (e)(ii) ☐ the child is emotionally harmed by living in a situation where there is domestic violence by or towards a person with whom the child resides
 - (f) ☐ the child is deprived of necessary health care
 - (g) ☐ the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment
 - (h) ☐ the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care
 - (i) ☐ the child is or has been absent from home in circumstances that endanger the child's safety or well-being
 - (j) ☐ the child's parent is dead and adequate provision has not been made for the child's care
 - (k) ☐ the child has been abandoned and adequate provision has not been made for the child's care
 - (l) ☐ the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force
- ☐ section 36(1) of the Act, because the director had reasonable grounds to believe that one or both of the following apply:
- (a) ☐ an order made under section 33.2, 35(2)(b), 35(2)(d) or 36(3) of the Act no longer protects the child;
 - (b) ☐ 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 if the person has not complied with that term or condition.
- ☐ section 42(1) of the Act, because the director had reasonable grounds to believe that one or both of the following apply:
- (a) ☐ 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), 49(8) or 54.01(10) of the Act or an interim order made under section 42.1 of the Act no longer protects the child;
 - (b) ☐ 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 if the person has not complied with that term or condition.

Sign, type or print name of the director's delegate: _____

Business address of director's delegate: _____

Email address of director's delegate: _____

Business phone number of director's delegate: _____ After-hours emergency phone number: _____

Date: _____

FORM J



Director's Notification/Notice of Indigenous Authority Confirmation (Withdrawal) Form J

SECTION A: PARENT AND CHILD INFORMATION			
Name(s) of the parent(s)			
Name(s) of the child(ren)		Date of Birth (mm/dd/yyyy)	
Indigenous community/communities			
The following is/are the name(s) of the child(ren) and the name(s) of the/each child's Indigenous community or communities:			
Child(ren)'s Name		Name(s) of First Nation(s), Nisga'a Nation, Treaty First Nation, Métis, Inuit or another Indigenous community	
SECTION B: NOTIFICATION/NOTICE FROM			
Name of director's delegate			
Address		City	Province
			BC
Postal Code	Phone	Fax	
Email Address			
SECTION C: NOTIFICATION/NOTICE TO			
Name			
Address		City	Province
Postal Code	Phone	Fax	
Email Address (if applicable)			

SECTION D: CONFIRMATION OF WITHDRAWAL

An Indigenous authority has provided written confirmation to the director that it is or will be providing Indigenous child and family services to the child(ren) listed in **SECTION A** in accordance with an Indigenous law and has requested the director withdraw under the following section of the *Child, Family and Community Service Act*:

- ☐ s. 33.02 *Withdrawal of director due to Indigenous law - before a presentation hearing, or before the conclusion of a presentation hearing*
- ☐ s. 48.1 *Withdrawal of director due to Indigenous law - after a presentation hearing*

SECTION E: INDIGENOUS AUTHORITY INFORMATION

Name of Indigenous authority		
Contact person or position held by a person		
Alternate contact person (if applicable)		
Address	City	Province
Postal Code	Phone	Fax
Email Address (if applicable)		

SECTION F: ACCESSING INDIGENOUS LAW

- ☐ Please contact the Indigenous authority directly about the applicable Indigenous law (see contact information above).
- ☐ The Indigenous authority has provided a link to the Indigenous law (as applicable):

SECTION G: OPTIONS UPON RECEIVING THIS NOTICE

- 1) You may agree that the Indigenous law referred to in this notice applies to the child(ren) listed in **SECTION A** or take no position. If so, you do not need to make an application.

If no one makes an application, the director's withdrawal from court proceedings will take effect on the date and time that the Indigenous authority decides, and any applicable court orders under the *Child, Family and Community Service Act* will be cancelled when the director withdraws.

2) You may make an application to the court for an order that the Indigenous law referred to in this notice does not apply to the child(ren) listed in **SECTION A** within 7 days after the date of being notified or served this notice. If you decide to make an application, the following section of the *Child, Family and Community Service Act* applies:

- ☐ s. 33.04(2) *Application as to whether Indigenous law applies - before a presentation hearing or before the conclusion of a presentation hearing, or*
☐ s. 48.3(2) *Application as to whether Indigenous law applies - withdrawal after a presentation hearing.*

3) You may make an application to the court for an order to extend the 7-day period to make the above noted application in Option 2. If you decide to make an application for an extension, the following section of the *Child, Family and Community Service Act* applies:

- ☐ s. 33.04(4) *Application as to whether Indigenous law applies - before a presentation hearing or before the conclusion of a presentation hearing, or*
☐ s. 48.3(4) *Application as to whether Indigenous law applies - withdrawal after a presentation hearing.*

SECTION H: TIMING OF NOTIFICATION OR SERVICE OF NOTICE

☐ You were notified in accordance with *Child, Family and Community Service Act* s. 33.03(1) *Withdrawal notification - before a presentation hearing, or before the conclusion of a presentation hearing.*

If you choose to make an application, you must do so within 7 days after the date you were first notified, as applicable, by:

- ☐ telephone (date: _____); or
☐ written notification (this notice).

☐ You were served with this notice in accordance with *Child, Family and Community Service Act* s. 48.2(1) *Withdrawal notification - after a presentation hearing.*

If you choose to make an application, you must do so within 7 days after the date you were served this notice.

SECTION I: HOW TO MAKE AN APPLICATION

If you choose to make an application, you, or someone on your behalf, must complete Form 3.1 Application for an Order Respecting Indigenous Law and file it with the Provincial Court Registry indicated below within the required timeline indicated in **SECTION H**. Forms are available at the registry or online at www.gov.bc.ca/courtforms/prov-family.

Applications must be filed in person at the Provincial Court Registry location noted below or via email, if email filing is available at the court registry.

Provincial Court Registry Location

Court Registry File Number

Court Registry Address

Court Registry Telephone

Signature of director's delegate:

Sign, type or print name of the director's delegate _____ Dated _____

Address for service for director's delegate if different than in SECTION B above:		
Address		City
		Province
		BC
Postal Code	Phone	Fax
Email Address		

FORM K



Director's Notice of Indigenous Authority Intent to Have Custody Form K

SECTION A: PARENT AND CHILD INFORMATION			
Name(s) of the parent(s)			
Name(s) of the child(ren)		Date of Birth (mm/dd/yyyy)	
Indigenous community/communities			
The following is/are the name(s) of the child(ren) and the name(s) of the/each child's Indigenous community or communities:			
Child(ren)'s Name		Name(s) of First Nation(s), Nisga'a Nation, Treaty First Nation, Métis, Inuit or another Indigenous community	

SECTION B: NOTICE FROM			
Name of director's delegate			
Address		City	Province
			BC
Postal Code	Phone	Fax	
Email Address			

SECTION C: NOTICE TO			
Name			
Address		City	Province
Postal Code	Phone	Fax	
Email Address (if applicable)			

SECTION D: CONFIRMATION OF INTENT TO HAVE CUSTODY	
An Indigenous authority has provided written confirmation to the director that it intends to have custody of the child(ren) listed in SECTION A , under an Indigenous law, in accordance with the following section of the <i>Child, Family and Community Service Act</i> :	
s. 50.02 - <i>Indigenous authority intention to have custody - continuing custody order.</i>	

SECTION E: INDIGENOUS AUTHORITY INFORMATION		
Name of Indigenous authority		
Contact person or position held by a person		
Alternate contact person (if applicable)		
Address	City	Province
Postal Code	Phone	Fax
Email Address (if applicable)		

SECTION F: ACCESSING INDIGENOUS LAW
<input type="checkbox"/> Please contact the Indigenous authority directly about the applicable Indigenous law (see contact information above). <input type="checkbox"/> The Indigenous authority has provided a link to the Indigenous law (as applicable):

SECTION G: OPTIONS UPON RECEIVING THIS NOTICE
<p>1) You may agree that the Indigenous law referred to in this notice applies to the child(ren) listed in SECTION A or take no position. If so, you do not need to make an application.</p> <p>If no one makes an application, the Indigenous authority will have custody of the child(ren) listed in SECTION A on the date and time that the Indigenous authority decides and the applicable continuing custody order(s) under the <i>Child, Family and Community Service Act</i> will terminate automatically on that date and time.</p>
<p>2) You may make an application to the court for an order that the Indigenous law referred to in this notice does not apply to the child(ren) listed in SECTION A within 10 days after the date of served this notice. If you decide to make an application, the following section of the <i>Child, Family and Community Service Act</i> applies:</p> <p style="padding-left: 40px;">s. 50.03(3) - <i>Application as to whether continuing custody order maintained</i></p>
<p>3) You may make an application to the court for an order to extend the 10-day period to make the above noted application in Option 2. If you decide to make an application for an extension, the following section of the <i>Child, Family and Community Service Act</i> applies:</p> <p style="padding-left: 40px;">s. 50.03(4) - <i>Application as to whether continuing custody order maintained</i></p>

SECTION H: TIMING OF NOTICE

You were served this notice in accordance with *Child, Family and Community Service Act* s. 50.02(2) *Indigenous authority intention to have custody - continuing custody order*.

If you choose to make an application, you must do so within 10 days after the date you were served notice.

SECTION I: HOW TO MAKE AN APPLICATION

If you choose to make an application, you, or someone on your behalf, must complete Form 3.1 Application for an Order Respecting Indigenous Law and file it with the Provincial Court Registry indicated below within the required timeline indicated in **SECTION H**. Forms are available at the registry or online at www.gov.bc.ca/courtforms/prov-family.

Applications must be filed in person at the Provincial Court Registry location noted below or via email, if email filing is available at the court registry.

Provincial Court Registry

Court Registry File Number

Court Registry Address

Court Registry Telephone

Signature of director's delegate:

Sign, type or print name of the director's delegate _____ Dated _____

Address for service for director's delegate if different than in SECTION B above:		
Address	City	Province
		BC
Postal Code	Phone	Fax
Email Address		

FORM L



BRITISH
COLUMBIA

Ministry of Children
and Family Development

**NOTIFICATION LETTER TO A PERSON
AFTER PERSONAL HEALTH
INFORMATION HAS BEEN RECEIVED BY
A DIRECTOR UNDER SECTION 96 OF
THE *CHILD, FAMILY AND COMMUNITY
SERVICE ACT***

[Date of Mailing]

[Recipient's Name]

[Recipient's Address]

Dear [Recipient's Name],

Re: Notice of personal health information being received under Section 96 of the *Child, Family and Community Service Act* (CFCSA)

This letter is written notice that a delegated director under the CFCSA (the worker signing this letter) has received personal health information from a public body about:

- ☐ You, and/or
- ☐ A child of whom you are a parent.

The details are as follows:

- On [Date], your personal health information (or your child's) was obtained by a delegated worker under the CFCSA (the worker signing this letter) without written consent.
- Access to the information was determined to be reasonably required to:
 - Determine whether a child is in need of protection; or,
 - Determine whether a child is no longer in need of protection.

[Specify the nature of the personal health information received from the public body. Copy/paste the same information as noted in the request form.]

This information has been requested and received under section 96 of the CFCSA. Your personal health information will be treated as confidential and will be shared with another person only as authorized by law.

To request a copy of your personal health information as received by the delegated director under the CFCSA, please refer to the British Columbia government website: [Name of Webpage to Request Records].

If you have any concerns regarding the collection of your personal health information, you have a right to request an Administrative Review. For further information on the Administrative Review process, you may:

- Visit this website: [Website Address for Administrative Review Information], and/or,
- Contact the Ministry of Children and Family Development Complaints Team via email [Email Address to Contact the Complaints Team], or, phone number [Phone Number to Speak to a Complaints Specialist] and ask to speak to a Complaints Specialist, or,
- Provide your concerns and contact information to the delegated director (the worker, below) and your complaint will be forwarded to a Complaints Specialist.

For any questions regarding this notification please contact the worker or team leader below.

Thank you.

Sincerely,

[Worker's Name/Last Name] [Title] [Branch, MCFD] [Contact Information]

[Team Leader's Name/Last Name] [Title] [Branch, MCFD] [Contact Information]

Attachment(s):

1 – A copy/copies of the s.96 demand(s) titled CFCSA Director's Request for Personal Health Information from a Public Body