Children and Family Services Act

CHAPTER 5 OF THE ACTS OF 1990

as amended by

1994-95, c. 7, ss. 11-15, 150; 1996, c. 3, ss. 37, 38; 1996, c. 10;
2001, c. 3, s. 4; 2002, c. 5, ss. 2, 3; 2005, c. 15; 2008, c. 12;
2015, c. 37 (except s. 33(2)); 2015, c. 44, ss. 49-52; 2018, c. 33, s. 17

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amended 1994-95, c. 7, ss. 11-15, 150; 1996, c. 3, ss. 37, 38; 1996, c. 10;
2001, c. 3, s. 4; 2002, c. 5, ss. 2, 3; 2005, c. 15; 2008, c. 12;
2015, c. 37 (except s. 33(2)); 2015, c. 44, ss. 49-52; 2018, c. 33, s. 17

An Act Respecting Services to Children and their Families, the Protection of Children and Adoption

NOTE - *Section 73 is subject to proclamation. See Section 109.*

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WHEREAS the family exists as the basic unit of society, and its well-being is inseparable from the common well-being;

AND WHEREAS children are entitled to protection from abuse and neglect;

AND WHEREAS the rights of children are enjoyed either personally or with their family;

AND WHEREAS children have basic rights and fundamental freedoms no less than those of adults and a right to special safeguards and assistance in the preservation of those rights and freedoms;

AND WHEREAS children are entitled, to the extent they are capable of understanding, to be informed of their rights and freedoms, to be heard in the course of and to participate in the processes that lead to decisions that affect them;

AND WHEREAS the basic rights and fundamental freedoms of children and their families include a right to the least invasion of privacy and interference with freedom that is compatible with their own interests and of society's interest in protecting children from abuse and neglect;

AND WHEREAS parents or guardians have responsibility for the care and supervision of their children and children should only be removed from that supervision, either partly or entirely, when all other measures are inappropriate;

AND WHEREAS when it is necessary to remove children from the care and supervision of their parents or guardians, they should be provided for, as nearly as possible, as if they were under the care and protection of wise and conscientious parents;

AND WHEREAS children have a sense of time that is different from that of adults and services provided pursuant to this Act and proceedings taken pursuant to it must respect the child's sense of time;

AND WHEREAS social services are essential to prevent or alleviate the social and related economic problems of individuals and families;

AND WHEREAS the rights of children, families and individuals are guaranteed by the rule of law and intervention into the affairs of individuals and families so as to protect and affirm these rights must be governed by the rule of law;

AND WHEREAS the preservation of a child's cultural, racial and linguistic heritage promotes the healthy development of the child~~:~~[;]

AND WHEREAS the cultural identity of Mi'kmaq and aboriginal children is uniquely important for the exercise of the child's aboriginal and treaty rights~~;~~[:]

preamble amended 2015, c. 37, s. 1.

Short title

1 This Act may be cited as the *Children and Family Services Act*. 1990, c. 5, s. 1.

Purpose and paramount consideration

2 (1) The purpose of this Act is to protect children from harm, promote the integrity of the family and assure the best interests of children.

(2) In all proceedings and matters pursuant to this Act, the paramount consideration is the best interests of the child. 1990, c. 5, s. 2.

Interpretation

3 (1) In this Act,

(a) "aboriginal child" means a child who is registered under the *Indian Act* (Canada) and includes a Mi'kmaq child;

(aa) "agency" means an agency continued by or established and incorporated pursuant to this Act and includes the Minister where the Minister is acting as an agency and Mi'kmaw Family and Children's Services of Nova Scotia;

(b) "band" means a band as defined in the *Indian Act* (Canada) within the Province of Nova Scotia;

(c) "care" means the physical care and control of a child;

(d) "care and custody" means the care and custody of a child pursuant to this Act or an order or agreement made pursuant to this Act;

(e) "child" means a person under nineteen years of age;

(f) "child in care" means, except in Sections 67 to 87, a child who is in the care and custody of an agency

(i) pursuant to an agreement made pursuant to this Act,

(ii) as a result of being taken into care, or

(iii) pursuant to a court order made pursuant to this Act;

(g) "child-care services" means

(i) assessment, counselling and referral services,

(ii) child-protection and child-placing services,

(iii) parenting-skill and support services,

(iv) consulting, research and evaluation services with respect to child-care services,

(v) such other services as the Minister may approve or license as child-care services;

(h) "child-caring facility" means

(i) a foster home,

(ii) and (iii) *repealed 2015, c. 37, s. 2.*

(iv) a secure treatment facility,

(v) a residential child-caring facility,

(vi) a residential treatment centre,

(vii) to (ix) *repealed 2015, c. 37, s. 2.*

(x) a young-offender facility, or

(xi) such other facility as the Minister may approve or license as a child-caring facility;

(i) "common-law relationship" means a relationship between two persons who have cohabitated in a marriage-like relationship for a period of at least two years;

(j) "community", with respect to a child, includes all persons who have a beneficial and meaningful relationship with the child and, where the child is a registered member of a band, includes members of the child's band;

(k) "conference" means a meeting of all or some of

(i) the parties to a proceeding,

(ii) their legal counsel,

(iii) the child who is the subject of the proceeding, if appropriate,

(iv) the guardian *ad litem* of the child who is the subject of the proceeding and the guardian's legal representa-

tive or the legal representative of the child if no guardian *ad litem* is appointed,

(v) any counsellors, therapists or other persons providing services to a party to the proceeding or a child who is the subject of the proceeding, and

(vi) any other person whose attendance would be beneficial to the conferencing process;

(ka) "court" means, unless the context otherwise requires,

(i) in any area of the Province where the Supreme Court of Nova Scotia (Family Division) is entitled to exercise jurisdiction, the Supreme Court (Family Division), and includes a judge of that Court, or

(ii) in any area of the Province where the Supreme Court (Family Division) is not entitled to exercise jurisdiction, the Family Court, and includes a judge of that Court;

(kb) "cultural connection plan" means a written plan that offers information and guidance to preserve a child's cultural identity and, where the child is a Mi'kmaq child, is developed with input from the child's band and fosters the child's connection with the child's First Nation, culture, heritage, spirituality and traditions;

(kc) "customary care" means the care and supervision of a Mi'kmaq child or aboriginal child by a person who is not the child's parent, according to the custom of the child's band or Aboriginal community;

(l) "custody" means lawful custody, whether by operation of law, written agreement or order of a court of competent jurisdiction;

(la) "emotional abuse" means acts that seriously interfere with a child's healthy development, emotional functioning and attachment to others such as

(i) rejection,

(ii) isolation, including depriving the child from normal social interactions,

(iii) deprivation of affection or cognitive stimulation,

(iv) inappropriate criticism, humiliation or expectations of or threats or accusations toward the child, or

(v) any other similar acts;

(lb) "family group conference" means one or more mediated conferences which may include relatives of the child and members of the child's community;

(m) "former Act" means Chapter 68 of the Revised Statutes, 1989, the *Children's Services Act*;

(n) "foster parent" means a foster parent approved by an agency pursuant to this Act;

(na) "kinship placement" means a placement with a foster parent who

(i) is a relative of the child, or

(ii) has an established relationship with the child;

(o) "Minister" means the Minister of Community Services;

(oa) "Mi'kmaq child" means a child of Mi'kmaq ancestry who is

(i) registered as an Indian under the *Indian Act* (Canada), or

(ii) considered Mi'kmaq according to band custom and law;

(p) "neglect" means the chronic and serious failure to provide to the child

(i) adequate food, clothing or shelter,

(ii) adequate supervision,

(iii) affection or cognitive stimulation, or

(iv) any other similar failure to provide;

(q) "order" includes the refusal to make an order;

(r) "parent or guardian" of a child means

(i) the mother of the child, if the mother

(A) has custody of the child under a written agreement or court order, or

(B) resides with and has care of the child,

(ii) the father of the child, if the father

(A) has custody of the child under a written agreement or court order, or

(B) resides with and has care of the child,

(iii) *repealed 2015, c. 37, s. 2.*

(iv) an individual residing with and having the care of the child,

(v) *repealed 2015, c. 37, s. 2.*

(vi) an individual who, under a written agreement or a court order, has custody of the child, is required to provide support for the child or has a right of access to the child,

(vii) a mother or father who

(A) has an application before a court respecting custody or access or against whom there is an application before a court for support for the child at the time proceedings are commenced pursuant to this Act, or

(B) is providing support or exercising access to the child at the time proceedings are commenced pursuant to this Act,

but does not include a foster parent;

(s) "peace officer" means a member of the Royal Canadian Mounted Police, a police officer appointed by a municipality, a sheriff, a deputy sheriff or a member of the military police of the Canadian Armed Forces;

(t) "relative" of a person means a person related by blood, marriage or common-law relationship or, where the person is adopted, by adoption, marriage or common-law relationship;

(u) "representative" means a person appointed as a representative of an agency pursuant to this Act;

(v) "sexual abuse" means

(i) the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct, or

(ii) the use of a child in, or exposure to, prostitution, pornography or any unlawful sexual practice.

(2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:

(a) the importance for the child's development of a positive relationship with a parent or guardian and a secure place as a member of a family;

(b) the child's relationships with relatives;

(c) the importance of continuity in the child's care and the possible effect on the child of the disruption of that continuity;

(d) the bonding that exists between the child and the child's parent or guardian;

(e) the child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs;

(f) the child's physical, mental and emotional level of development;

(g) the child's cultural, racial and linguistic heritage;

(ga) the child's sexual orientation, gender identity and gender expression;

(h) the religious faith, if any, in which the child is being raised;

(i) the merits of a plan for the child's care proposed by an agency, including a proposal that the child be placed for adoption, compared with the merits of the child remaining with or returning to a parent or guardian;

(j) the child's views and wishes, if they can be reasonably ascertained;

(k) the effect on the child of delay in the disposition of the case;

(l) the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent or guardian;

(m) the degree of risk, if any, that justified the finding that the child is in need of protective services;

(n) any other relevant circumstances.

(3) Where a person is directed pursuant to this Act in respect of a proposed adoption to make an order or determination in the best interests of a child, the person shall take into consideration those of the circumstances enumerated in subsection (2) that are relevant, except clauses (i), (l) and (m) thereof. 1990, c. 5, s. 3; 2015, c. 37, s. 2.

Supervision of Act and right of Minister to appear in court

4 (1) The Minister has the general supervision and management of this Act and the regulations.

(2) The Minister may appear and be heard in any court with respect to any matter arising pursuant to this Act. 1990, c. 5, s. 4.

Delegation of powers, privileges, duties or functions

5 (1) The Minister may designate, in writing, a person to have, perform and exercise any of the powers, privileges, duties and functions of the Minister pursuant to this Act and shall, when so designating, specify the powers, privileges, duties and functions to be had, performed and exercised by the person so designated.

(2) A person designated pursuant to subsection (1) shall, in addition, perform such duties as the Governor in Council or the Minister prescribes. 1990, c. 5, s. 5.

Personnel

6 **(1)** There may be appointed by the Minister, in accordance with the *Civil Service Act*, such persons as the Minister may designate to carry out duties in accordance with this Act and the regulations.

(2) Where an appointment of a person is made pursuant to subsection (1) and the person signs or executes a document in the exercise of a power or function conferred upon the person by this Section, the person shall refer to the name of the person's office together with the words "Authorized pursuant to Section 6 of the *Children and Family Services Act*" and, where a document contains such a reference, the document

(a) shall be received in evidence without further proof of the authority of the person who signed or executed the same; and

(b) may be relied upon by the person to whom the document is directed or given and by all other persons as an effective exercise of the power or function to which the document relates. 1990, c. 5, s. 6.

Payment by Minister of appropriations

7 The Minister may make payments in respect of child-care services and child-caring facilities in such amounts as are appropriated annually for those purposes. 1990, c. 5, s. 7; 2015, c. 37, s. 3.

Agencies

8 **(1)** Every society within the meaning of the former Act is continued as an agency within the meaning of this Act.

(2) On the recommendation of the Minister and the approval of the Governor in Council, an agency may be established and, upon the approval by the Governor in Council of the name, constitution, territorial jurisdiction and by-laws and upon the filing of the constitution and by-laws with the Registrar of Joint Stock Companies, the agency is a body corporate under the name of "The Children's Aid Society of . . ." or "Family and Children's Services of . . ." or such other name as the Governor in Council approves.

(3) The Minister may alter the territorial jurisdiction of an agency.

(4) An agency may

(a) with the approval of the Minister, change its name or amend its constitution and by-laws;

(b) engage such persons as may be necessary for carrying on its affairs;

(c) do such acts and things as may be convenient or necessary for the attainment of its objects, the carrying out of its functions and the exercise of its powers.

(5) The Minister may, in any part of the Province, act as an agency and, whether or not acting as an agency, has throughout the Province all the powers, rights and privileges of an agency. 1990, c. 5, s. 8.

Functions of agency

9 The functions of an agency are to

(a) protect children from harm;

(b) work with other community and social services to prevent, alleviate and remedy the personal, social and economic conditions that might place children and families at risk;

(c) provide guidance, counselling and other services to families for the prevention of circumstances that might require intervention by an agency;

(d) investigate allegations or evidence that children may be in need of protective services;

(e) develop and provide services to families to promote the integrity of families, before and after intervention pursuant to this Act;

(f) supervise children assigned to its supervision pursuant to this Act;

(g) provide care for children in its care or care and custody pursuant to this Act;

(h) provide adoption services and place children for adoption pursuant to this Act;

(i) provide services that respect and preserve the cultural, racial and linguistic heritage of children and their families;

(j) take reasonable measures to make known in the community the services the agency provides; and

(k) perform any other duties given to the agency by this Act or the regulations. 1990, c. 5, s. 9.

Inspection of agency

10 The Minister or a person authorized by the Minister may enter, inspect and evaluate an agency and examine the records, books and accounts of the agency. 1990, c. 5, s. 10.

Suspension of agency board

11 (1) On the recommendation of the Minister, the Governor in Council may, by order, declare that on or after a day specified in the order the pow-

ers of the agency's board of directors are revoked or suspended, for the reasons specified in the order.

(2) Where an order has been made pursuant to subsection (1), the functions of the agency may be assumed by the Minister from the date specified in the order and the Minister may provide for the operation and management of the agency and has all the powers of the agency's board of directors. 1990, c. 5, s. 11.

Representatives

12 The Minister or an agency with the approval of the Minister may appoint representatives in accordance with the regulations to exercise the powers, duties and functions of representatives pursuant to this Act and may prescribe the territorial jurisdiction of the representatives to be the whole of the Province or a part thereof. 1990, c. 5, s. 12; 2015, c. 37, s. 74.

Social worker's investigation powers

12A (1) When conducting an investigation in respect of a child, a social worker employed by an agency may

(a) attend at the residence of the child and any other place frequented by the child;

(b) interview and examine the child;

(c) interview any parent or guardian of the child;

(d) interview any person who cares for or has an opportunity to observe the child;

(e) interview any person who provides health, social, educational or other services to the child or to any parent or guardian of the child;

(f) interview other persons about past parenting; and

(g) interview other persons and gather any evidence that the social worker considers necessary or advisable to complete the investigation.

(2) A social worker employed by an agency may exercise any of the powers enumerated in subsection (1) regardless of whether the social worker has the consent of a parent or guardian of the child. 2015, c. 37, s. 4.

Services to promote integrity of family

13 (1) Where it appears to the Minister or an agency that services are necessary to promote the principle of using the least intrusive means of intervention and, in particular, to enable a child to remain with the child's parent or guardian or be returned to or placed in the care of a parent or guardian of the child, the Minister and the agency shall take reasonable measures to provide services to families and children that promote the integrity of the family.

(2) Services to promote the integrity of the family include, but are not limited to, services provided by the agency or provided by others with the assistance of the agency for the following purposes:

(a) improving the family's financial situation;

(b) improving the family's housing situation;

(c) improving parenting skills;

(d) improving child-care and child-rearing capabilities;

(e) improving homemaking skills;

(f) counselling and assessment;

(g) drug or alcohol treatment and rehabilitation;

(h) child care;

(i) mediation of disputes;

(j) self-help and empowerment of parents whose children have been, are or may be in need of protective services;

(k) such matters prescribed by the regulations. 1990, c. 5, s. 13; 2015, c. 37, s. 5.

Duty to provide services to child

14 (1) The Minister shall provide to a child under sixteen years of age appropriate child-care services or placement in a child-caring facility if it appears to the Minister that

(a) there is no parent or guardian willing to assume responsibility for the child; or

(b) the child is a child in care who requires child-care services or placement in a child-caring facility.

(2) The Minister shall, where the conditions in subsections (1) and (2) of Section 19A are met, provide to a child sixteen years of age or more but under nineteen years of age appropriate child-care services or placement in a child-caring facility if it appears to the Minister that

(a) there is no parent or guardian willing to assume responsibility for the child; or

(b) the child is a child in care who requires child-care services or placement in a child-caring facility. 2015, c. 37, s. 6.

Approval of facilities and services

15 (1) The Minister may approve or license child-caring facilities and child-care services for the purpose of this Act, and a foster home approved by an agency is deemed to have been approved by the Minister.

(2) No person shall conduct, maintain, operate or manage a child-caring facility or a child-care service that is not approved or licensed by the Minister.

(3) An approval or licence given or issued pursuant to this Act to any person or agency to conduct, maintain, operate or manage a child-caring facility or a child-care service may be suspended or cancelled by the Minister.

(3A) Where the Minister determines that it would otherwise be necessary to suspend or cancel an approval or licence given or issued pursuant to this Act to a person or agency to conduct, maintain, operate or manage a child-caring facility, the Minister may, with the consent of the person or agency, appoint an interim manager to conduct, maintain, operate and manage the child-caring facility until such time as the Minister determines that the circumstance that would otherwise have necessitated the suspension or cancellation have been ameliorated.

(4) A child-caring facility or child-care service is subject to the supervision of the Minister and the Minister or a person authorized by the Minister may enter, inspect and evaluate a child-caring facility or child-care service and examine the records, books and accounts thereof.

(5) A person who contravenes subsection (2) and a director, officer or employee of a corporation who authorizes, permits or concurs in such contravention by the corporation is guilty of an offence and upon summary conviction is liable to a fine of not more than five thousand dollars or to imprisonment for one year or to both. 1990, c. 5, s. 15; 2015, c. 37, s. 7.

Ministerial operation of facilities

16 **(1)** The Minister may maintain and conduct

(a) residential child-caring facilities;

(b) to (d) *repealed 2015, c. 37, s. 8.*

(e) residential treatment centres;

(f) secure treatment facilities;

(g) such child-caring facilities and child-care services as the Minister approves for the purpose of this Act.

(2) The Governor in Council may appoint an advisory board for a facility, centre or service referred to in subsection (1), to assist and advise in the administration and operation of the facility, centre or service and to perform such functions and exercise such powers as are prescribed by the regulations.

(3) The Governor in Council may designate a member of a board to chair the meetings of the board and may prescribe the terms of office of the members of the board.

(4) The members of a board shall be reimbursed for necessary and reasonable expenses incurred by them in carrying out their duties and may be paid such allowances as the Governor in Council prescribes. 1990, c. 5, s. 16; 2015, c. 37, s. 8.

Temporary-care agreement

17 (1) A parent or guardian who is temporarily unable to care adequately for a child in that person's custody and an agency may enter into a written agreement for the agency's temporary care and custody of the child.

(2) An agency shall not enter into a temporary-care agreement unless the agency

(a) has determined that an appropriate placement that is likely to benefit the child is available; and

(b) is satisfied that no less restrictive course of action, such as care in the child's own home, is appropriate for the child in the circumstances.

(3) No temporary-care agreement shall be made for a period exceeding six months, but the parties to a temporary-care agreement may extend it for further periods if the total term of the temporary-care agreement, including its extensions, does not exceed an aggregate of twelve months.

(4) A temporary-care agreement may empower the agency to consent to medical treatment for the child where a parent's consent would otherwise be necessary.

(5) A temporary-care agreement shall be in the form prescribed by the regulations. 1990, c. 5, s. 17.

Special-needs agreement

18 (1) A parent or guardian who is unable to provide the services required by a child in the parent or guardian's custody because the child has special needs, as prescribed by the regulations, may enter into a written agreement with an agency or the Minister for the care and custody of the child or provision of services to meet the child's special needs.

(2) A special-needs agreement made pursuant to this Section shall be made for a period not exceeding one year, but may be extended for further periods each not exceeding one year, with the approval of the Minister.

(3) A special-needs agreement made pursuant to this Section may empower the agency or the Minister to consent to medical treatment for the child where a parent or guardian's consent would otherwise be required.

(4) A special-needs agreement made pursuant to this Section shall be in the form prescribed by the regulations. 1990, c. 5, s. 18.

Services agreement with child 16 to 18

19 (1) A child who is sixteen years of age or more but under nineteen years of age and in need of protective services may enter into a written agreement with an agency or the Minister for the provision of services if the services are likely to ameliorate the circumstances of the child such that the child is no longer in need of protective services.

(2) A services agreement made pursuant to this Section shall be made for a period not exceeding one year, but may be extended for further periods each not exceeding one year, with the approval of the Minister.

(3) A services agreement made pursuant to this Section shall be in the form prescribed by the regulations. 1990, c. 5, s. 19; 2015, c. 37, s. 9.

Placement agreement

19A (1) A child who is sixteen years of age or more but under nineteen years of age and in need of protective services may enter into a written agreement with an agency or the Minister for a placement or assistance in obtaining a placement if the child

(a) does not reside with a parent or guardian; or

(b) is or may be in need of protective services in respect of a parent or guardian with whom the child resides.

(2) An agency may not enter into a placement agreement pursuant to this Section unless the agency determines that

(a) an appropriate placement that is likely to benefit the child is available; and

(b) a placement is not otherwise available to the child from any source.

(3) A placement agreement made pursuant to this Section shall be made for a period not exceeding one year, but may be extended for further periods each not exceeding one year, with the approval of the Minister.

(4) A placement agreement made pursuant to this Section shall be in the form prescribed by the regulations. 2015, c. 37, s. 10.

Placement considerations

20 Where the Minister or an agency enters into an agreement pursuant to Section 17, 18 or 19, the Minister or the agency shall, where practicable, in order to ensure the child's best interests are served, take into account

(a) the maintenance of regular contact between the child and the parent or guardian;

(b) the desirability of keeping brothers and sisters in the same family unit;

(c) the child's need to maintain contact with the child's relatives and friends;

(d) the preservation of the child's cultural, racial and linguistic heritage; and

(e) the continuity of the child's education and religion. 1990, c. 5, s. 20.

Mediator

21 (1) An agency and a parent or guardian of a child may, at any time, agree to the appointment of a mediator to attempt to resolve matters relating to the child who is or may become a child in need of protective services.

(2) Where a mediator is appointed pursuant to subsection (1) after proceedings to determine whether the child is in need of protective services have been commenced, the court, on the application of the parties, may grant an order for mediation for a period not exceeding three months.

(3) Where an order for mediation is granted pursuant to subsection (2), the court may extend any time limit applicable under subsection (1) of Section 41 or subsection (1) or (2) of Section 45 by a period equal to the period of the mediation.

(4) The court may grant an order for mediation only once in respect of any proceeding. 1990, c. 5, s. 21; 2015, c. 37, s. 11.

Child is in need of protective services

22 (1) In this Section**,** "substantial risk" means a real chance of danger that is apparent on the evidence.

(2) A child is in need of protective services where

(a) the child has suffered physical harm, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;

(b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);

(c) the child has been sexually abused by a parent or guardian of the child, or by another person where a parent or guardian of the child knows or should know of the possibility of sexual abuse and fails to protect the child;

(d) there is a substantial risk that the child will be sexually abused as described in clause (c);

(e) a child requires medical treatment to cure, prevent or alleviate physical harm or suffering, and the child's parent or guard-

ian does not provide, or refuses or is unavailable or is unable to consent to, the treatment;

(f) the child has suffered emotional abuse, inflicted by a parent or guardian of the child or caused by the failure of a parent or guardian to supervise and protect the child adequately;

(g) there is substantial risk that the child will suffer emotional abuse and the parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, services or treatment to remedy or alleviate the abuse;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, services or treatment to remedy or alleviate the condition;

(i) the child has been exposed to, or has been made aware of, violence by or towards

(i) a parent or guardian, or

(ii) another person residing with the child,

and the parent or guardian fails or refuses to obtain services or treatment, or to take other measures, to remedy or alleviate the violence;

(j) the child is experiencing neglect by a parent or guardian of the child;

(k) there is a substantial risk that the child will experience neglect by a parent or guardian of the child, and the parent or guardian does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, services or treatment to remedy or alleviate the harm;

(ka) the child's only parent or guardian has died or is unavailable to exercise custodial rights over the child and has not made adequate provision for the child's care and custody;

(kb) the child is in the care of an agency or another person and the parent or guardian of the child refuses or is unable or unwilling to resume the child's care and custody;

(l) the child is under twelve years of age and has killed or seriously injured another person or caused serious damage to another person's property, and services or treatment are necessary to prevent a recurrence and a parent or guardian of the child does not provide, refuses or is unavailable or unable to consent to, or fails to co-operate with the provision of, the necessary services or treatment;

(m) the child is under twelve years of age and has on more than one occasion injured another person or caused loss or damage to

another person's property, with the encouragement of a parent or guardian of the child or because of the parent or guardian's failure or inability to supervise the child adequately. 1990, c. 5, s. 22; 1996, c. 10, s. 1; 2015, c. 37, s. 12.

Duty to report

23 **(1)** Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.

(2) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.

(3) Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

(4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.

(5) Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c. 5, s. 23; 1996, c. 10, s. 2.

Duty of professionals and officials to report

24 **(1)** In this Section, "suffer abuse", when used in reference to a child, means be in need of protective services within the meaning of clause (a), (c), (e), (f), (h), (i) or (j) of subsection (2) of Section 22.

(2) Notwithstanding any other Act, every person who performs professional or official duties with respect to a child, including

(a) a health care professional, including a physician, nurse, dentist, pharmacist or psychologist;

(b) a teacher, school principal, social worker, family counsellor, member of the clergy, operator or employee of a child-care facility;

(c) a peace officer or a medical examiner;

(d) an operator or employee of a child-caring facility or child-care service;

(e) a youth or recreation worker,

who, in the course of that person's professional or official duties, has reasonable grounds to suspect that a child

(f) has or may have suffered abuse;

(g) is or may be suffering abuse; or

(h) is or may be about to suffer abuse in the imminent future,

shall forthwith report the suspicion and the information upon which it is based to an agency.

(3) This Section applies whether or not the information reported is confidential or privileged.

(4) Nothing in this Section affects the obligation of a person referred to in subsection (2) to report information pursuant to Section 23.

(5) No action lies against a person by reason of that person reporting information pursuant to subsection (2), unless the reporting is done falsely and maliciously.

(6) Every person who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than five thousand dollars or to imprisonment for a period not exceeding one year or to both.

(7) No proceedings shall be instituted pursuant to subsection (6) more than two years after the contravention occurred.

(8) Every person who falsely and maliciously reports information to an agency indicating that a child is or may be suffering or may have suffered abuse is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c. 5, s. 24; 1996, c. 10, s. 3; 2015, c. 37, s. 13; 2018, c. 33, s. 17.

Duty to report location of child

24A (1) Every person who receives notice from an agency that there are reasonable and probable grounds to believe that a child is in need of protective services shall, upon obtaining information that would allow the child to be located, forthwith report the information to the agency.

(2) This Section applies whether or not the information obtained is confidential or privileged.

(3) No action lies against a person by reason of that person reporting information pursuant to subsection (1), unless the reporting of that information is done falsely and maliciously.

(4) Every person who contravenes subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

(5) No proceedings may be instituted pursuant to subsection (4) more than two years after the contravention occurred.

(6) Every person who falsely and maliciously reports information to an agency pursuant to subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 2015, c. 37, s. 14.

Duty to report third-party abuse

25 (1) In this Section, a child is abused by a person other than a parent or guardian if the child

(a) suffers physical harm, inflicted by a person other than a parent or guardian of the child or caused by the failure of a person other than a parent or guardian of the child to supervise and protect the child adequately;

(b) is sexually abused by a person other than a parent or guardian of the child or by another individual where the person, not being a parent or guardian of the child, with the care of the child knows or should know of the possibility of sexual abuse and fails to protect the child; or

(c) suffers emotional abuse, caused by the intentional conduct of a person other than a parent or guardian of the child.

(2) Every person who has information, whether or not it is confidential or privileged, indicating that a child under the age of sixteen

(a) has or may have suffered abuse;

(b) is or may be suffering abuse; or

(c) is or may be about to suffer abuse in the imminent future,

by a person other than a parent or guardian shall forthwith report the information to an agency.

(3) Every person who contravenes subsection (2) is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

(4) No proceedings shall be instituted pursuant to subsection (3) more than two years after the contravention occurred.

(5) No action lies against a person by reason of that person reporting information pursuant to subsection (2) unless the reporting of that information is done falsely and maliciously.

(6) Every person who falsely and maliciously reports information to an agency indicating that a child is or may be suffering or may have suffered

abuse by a person other than a parent or guardian is guilty of an offence and upon summary conviction is liable to a fine or not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both. 1990, c. 5, s. 25; 1996, c. 10, s. 4; 2015, c. 37, s. 15.

Confidential information

25A The duty to report pursuant to Sections 23 to 25 applies even if the information on which the person's belief is based is confidential and its disclosure is restricted by legislation or otherwise, but it does not apply to information that is privileged because of a solicitor-client relationship. 2015, c. 37, s. 16.

Order to produce documents for inspection or for access or entry

26 (1) Upon the *ex parte* application of an agency, where the court is satisfied that

(a) there are reasonable and probable grounds to believe that a person or organization has possession, custody or control of records or documents containing information necessary for the agency to determine whether a child is in need of protective services; and

(b) that person or organization has refused or is unwilling to permit the production and inspection of those records or documents,

the court may grant an order directing that person or organization to produce the records or documents for inspection by a representative.

(2) Where a representative has been refused access to a child or entry to premises where a child resides or is located, the agency may apply *ex parte* to the court and, where the court is satisfied that there are reasonable and probable grounds to believe that the child may be in need of protective services and that it is necessary to

(a) enter specified premises;

(b) conduct a physical examination of the child;

(c) interview the child;

(d) search specified premises and take possession of anything that there are reasonable and probable grounds to believe will afford evidence that a child is in need of protective services;

(e) remove the child and attend with the child for a medical examination of, or interview, the child on such reasonable terms and conditions as the court may order, including the presence of a parent or guardian or, in their absence, some other suitable adult person,

to determine whether the child is in need of protective services, the court may grant an order authorizing a representative named therein to do anything referred to in clauses (a) to (e) as the court considers necessary to so determine.

(3) ~~An agent~~ [A representative] acting pursuant to subsection (2) may enlist the assistance of a peace officer.

(4) A hearing in respect of an application made pursuant to this Section shall be held *in camera* except that the court may permit any person to be present if the court considers it appropriate. 1990, c. 5, s. 26; 2015, c. 37, s. 74.

Detention of child by peace officer

27 (1) Where a peace officer has reasonable and probable grounds to believe that a child who is under the age of sixteen years or who is a child in care is in need of protective services, the peace officer may detain the child and shall forthwith take such reasonable steps as are necessary to

(a) notify an agency and the child's parent or guardian of the detention; and

(b) at the direction of the representative,

(i) deliver the child to the representative,

(ii) return the child to the child's parent or guardian, or

(iii) deliver the child to the child's placement.

(2) Where a peace officer has reasonable and probable grounds to believe that a child has committed an offence for which the child cannot be convicted because the child was under twelve years of age, the peace officer may detain the child and shall forthwith take such reasonable steps as are necessary to

(a) notify an agency and the child's parent or guardian of the detention; and

(b) at the direction of the representative,

(i) deliver the child to the representative,

(ii) return the child to the child's parent or guardian, or

(iii) deliver the child to the child's placement.

(3) Where a child is delivered to a representative pursuant to subsection (1) or (2), the representative shall immediately return the child to the child's parent or guardian or, as permitted by and in accordance with Section 33, take the child into care. 1990, c. 5, s. 27; 2015, c. 37, ss. 17, 74.

Abandoned child

28 (1) Subject to subsection (1A), where it appears to a representative that a child has been abandoned, a child's only parent or guardian has died, or no parent or guardian of the child is available to exercise custodial rights over the child or has made adequate provision for the child's care, the agency may assume

the temporary care and custody of the child, for a period not to exceed seventy-two hours, during which time the agency shall make all reasonable efforts to locate or contact a parent or guardian or, in the absence of a parent or guardian, a relative of the child who is willing and able to provide for the child's care.

(1A) Where the agency is unable to locate or contact a parent or guardian, the agency may place the child with

(a) a relative of the child; or

(b) a person who has an established relationship with the child,

who is willing and able to provide for the child's care.

(2) Where a parent or guardian is located or contacted, the agency shall immediately

(a) return the child to the parent or guardian;

(b) at the request of the parent or guardian, place the child with another person with the consent of that other person; or

(c) take the child into care as permitted by and in accordance with Section 33.

(2A) The agency shall commence an application in accordance with Section 32 if

(a) the child has been placed with a relative of the child or a person who has an established relationship with the child pursuant to subsection (1A); and

(b) within thirty days of placing the child,

(i) the agency is unable to locate or contact a parent or guardian of the child, and

(ii) the relative of the child or the person who has an established relationship with the child does not commence an application for care and custody of the child.

(3) Where the agency is unable within seventy-two hours to locate or contact a parent or guardian or, in the absence of a parent or guardian, a relative of the child who is willing and able to provide for the child's care, the representative shall take the child into care as permitted by and in accordance with Section 33. 1990, c. 5, s. 28; 2015, c. 37, ss. 18, 74.

Run-away child

29 (1) Upon the *ex parte* application of a parent or guardian, or an agency having the care and custody of a child, where the court is satisfied that

(a) the child has withdrawn from the care and control of the parent or guardian or the agency, as the case may be, without the consent of the parent or guardian or the agency, respectively; and

(b) the parent or guardian or the agency, as the case may be, has reasonable and probable grounds to believe that the child's health or safety may be at risk,

the court may issue an order authorizing a peace officer to locate and detain the child and, upon detaining the child, the peace officer shall, as soon as is practicable,

(c) return the child to the parent or guardian or the agency named in the order;

(d) deliver the child to a representative; or

(e) deliver the child to a child-caring facility as directed by a representative.

(2) Where a child is delivered to a representative pursuant to subsection (1), the representative shall immediately either return the child to the child's parent or guardian or, as permitted by and in accordance with Section 33, take the child into care.

(3) A hearing in respect of an application made pursuant to this Section shall be held *in camera* except that the court may permit any person to be present if the court considers it appropriate.

(4) This Section does not apply to a child sixteen years of age or more unless the child is a child in care. 1990, c. 5, s. 29; 2015, c. 37, ss. 19, 74.

Protective-intervention order

30 (1) Upon the application of an agency, a judge of the Supreme Court may make a protective-intervention order pursuant to this Section directed to any person where the judge is satisfied that the person's contact with a child is causing, or is likely to cause, the child to be a child in need of protective services.

(2) The judge may make a protective-intervention order in the child's best interests, ordering that the person named in the order

(a) cease to reside with the child;

(b) not contact the child or associate in any way with the child,

and imposing such terms and conditions as the judge considers appropriate for implementing the order and protecting the child.

(3) A protective-intervention order made pursuant to this Section is in force for such period, not exceeding six months, as the order specifies.

(4) Upon the application of the agency or the person named in the protective-intervention order, a judge of the Supreme Court may from time to time vary or terminate the order or extend the order for a further period, each not exceeding six months.

(5) Where an order is made pursuant to this Section, the agency may enlist the assistance of a peace officer to enforce the order.

(6) Any person who contravenes a protective-intervention order is guilty of an offence and upon summary conviction is liable to a fine of not more than five thousand dollars or to imprisonment for a period not exceeding one year or to both.

(7) Section 94 applies *mutatis mutandis* to a hearing pursuant to this Section. 1990, c. 5, s. 30; 2015, c. 37, s. 20.

Interpretation

31 In Sections 32 to 49,

(a) "proceeding" means a proceeding pursuant to those Sections;

(b) "third party" means a person added to a proceeding pursuant to clause (f) of subsection (1) of Section 36. 2015, c. 37, s. 21.

Court application by agency

32 An agency may make application to the court to determine whether a child under sixteen years of age is in need of protective services or, where a representative has taken a child into care pursuant to Section 33 without an application having been made pursuant to this Section, the agency shall make such application. 1990, c. 5, s. 32; 2015, c. 37, ss. 22, 74.

Taking into care

33 **(1)** ~~An agent~~ [A representative] may,

(a) at any time before or after an application to determine whether a child is in need of protective services has been commenced, if the child is under sixteen years of age; or

(b) at any time after an application to determine whether a child is in need of protective services has been commenced, if the child is sixteen years of age or more but under nineteen years of age,

without warrant or court order take a child into care where the representative has reasonable and probable grounds to believe that the child is in need of protective services and the child's health or safety cannot be protected adequately otherwise than by taking the child into care.

(2) On taking a child into care, a representative shall forthwith serve a notice of taking a child into care upon the parent or guardian if known and available to be served.

(3) ~~An agent~~ [A representative] taking a child into care may enlist the assistance of a peace officer.

(4) Where a child has been taken into care pursuant to this Section, an agency has the temporary care and custody of the child until a court orders otherwise or the child is returned to the parent or guardian. 1990, c. 5, s. 33; 2015, c. 37, ss. 23, 74.

Entry and search

34 (1) Where a parent or guardian or other person has refused to give up the child or to permit entry to premises where the child may be located and the court is satisfied on the basis of ~~an agent's~~ [a representative's] sworn information that there are reasonable and probable grounds to believe that

(a) the child is in need of protective services; and

(b) the child's health or safety cannot be protected adequately otherwise than by taking the child into care,

the court may issue an order *ex parte* authorizing a representative named therein to enter, by force if necessary, any premises specified in the order and to search for the child for the purpose of taking the child into care as permitted by and in accordance with Section 33.

(2) Where it is not practicable, an order made pursuant to subsection (1) need not describe the child by name or specify any particular premises.

(3) Where a representative has reasonable and probable grounds to believe a child is in need of protective services and the health or safety of a child is in immediate jeopardy, the representative may, without warrant or court order, enter, by force if necessary, any premises and search for the child for the purpose of taking the child into care as permitted by and in accordance with Section 33.

(4) ~~An agent~~ [A representative] acting pursuant to this Section may enlist the assistance of a peace officer.

(5) A hearing pursuant to this Section shall be held *in camera* except that the court may permit any person to be present if the court considers it appropriate. 1990, c. 5, s. 34; 2015, c. 37, ss. 24, 74.

Return of child

35 ~~An agent~~ [A representative] may, at any time prior to the first hearing of an application to determine whether a child is a child in need of protective services, return the child taken into care to the parent or guardian, where such return would be consistent with the purpose of this Act and not contrary to any outstanding court order or written agreement, and, where the child is returned, the agency may withdraw its application. 1990, c. 5, s. 35; 2015, c. 37, s. 25.

Parties to proceeding

36 **(1)** The parties to a proceeding pursuant to Sections 32 to 49 are

(a) the agency;

(b) the child's parent or guardian;

(c) the child, where the child is sixteen years of age or more, unless the court otherwise orders pursuant to subsection (1) of Section 37;

(d) the child, where the child is twelve years of age or more, if so ordered by the court pursuant to subsection (2) of Section 37;

(e) the child, if so ordered by the court pursuant to subsection (3) of Section 37; and

(f) a third party added as a party at any stage in the proceeding pursuant to the *Civil Procedure Rules* or *Family Court Rules*, as the case may be.

(2) At any stage of a proceeding, where an agency other than the Minister is a party, the court shall add the Minister as a party upon application by the Minister.

(3) Where the child who is the subject of a proceeding is or is entitled to be a Mi'kmaq child, the Mi'kmaw Family and Children's Services of Nova Scotia shall receive notice in the same manner as a party to the proceedings and may, with its consent, be substituted for the agency that commenced the proceeding.

(4) On a hearing to review a disposition order pursuant to Section 46 or on an application to terminate, or vary access under, an order for permanent care and custody pursuant to Section 48, a foster parent of the child

(a) is entitled to the same notice of the proceeding as a party;

(b) may be present at the hearing;

(c) may be represented by counsel; and

(d) may make submissions to the court,

but shall take no further part in the hearing without leave of the court.

(4A) Where the child who is the subject of a proceeding is or is entitled to be a Mi'kmaq child,

(a) at an interim hearing;

(b) at a disposition hearing;

(c) on a hearing to review a disposition order pursuant to Section 46; or

(d) on an application to terminate, or vary access under, an order for permanent care and custody pursuant to Section 48,

the child's band, if known,

(e) is entitled to the same notice of the proceeding as a party, which notice may be served upon any member of the band council;

(f) may have a designate present at the hearing;

(g) may be represented by counsel; and

(h) may make submissions to the court,

but shall take no further part in the hearing without leave of the court. 1990, c. 5, s. 36; 1996, c. 10, s. 5; 2015, c. 37, s. 25.

Parties requiring notice of proceeding

36A (1) Where the child who is the subject of the proceeding is under one year of age when the proceeding is commenced, and the mother or father of the child is not the child's parent or guardian, notice of the proceeding shall be served upon the mother or father, as the case may be, not later than forty-five days after the proceeding is commenced.

(2) Where the identity or whereabouts of the mother or father is unknown to the agency, the court shall inquire of each party to the proceeding to attempt to ascertain the identity or whereabouts of the mother or father, as the case may be.

(3) Where more than one person is identified as a possible father, each such person shall be served with notice pursuant to subsection (1). 2015, c. 37, s. 26.

Child as party and appointment of guardian

37 (1) A child who is sixteen years of age or more is a party to a proceeding unless the court otherwise orders and, if a party, is, upon the request of the child, entitled to counsel for the purposes of a proceeding.

(2) A child who is twelve years of age or more shall receive notice of a proceeding and, upon request by the child at any stage of the proceeding, the court may order that the child be made a party to the proceeding, where the court determines that such status is desirable to protect the child's interests.

(2A) Where the court orders that a child under sixteen years of age be made a party to a proceeding, the court shall appoint a guardian *ad litem* for the child.

(3) Upon the application of a party or on its own motion, the court may, at any stage of a proceeding, order that a guardian *ad litem* be appointed for a child who is the subject of the proceeding and, where the child is not a party to the

proceeding, that the child be made a party to the proceeding, if the court determines that such a guardian is desirable to protect the child's interests and, where the child is sixteen years of age or more, that the child is not capable of instructing counsel.

(4) Where a child is represented by counsel or a guardian *ad litem* pursuant to this Section, the Minister shall in accordance with the regulations, pay the reasonable fees and disbursements of the counsel or guardian as the case may be, including the reasonable fees and disbursements of counsel for the guardian. 1990, c. 5, s. 37; 2015, c. 37, s. 27.

Disclosure or discovery

38 (1) Subject to any claims of privilege, an agency shall make full, adequate and timely disclosure, to a parent or guardian and to any other party, of the allegations, intended evidence and orders sought in a proceeding.

(2) Upon the application by a party, the court may order disclosure or discovery by any other party in accordance with the *Family Court Rules* and the *Civil Procedure Rules*. 1990, c. 5, s. 38.

Interim hearing

39 (1) As soon as practicable, but in any event no later than five working days after an application is made to determine whether a child is in need of protective services or a child has been taken into care, whichever is earlier, the agency shall bring the matter before the court for an interim hearing, on two days' notice to the parties, but the notice may be waived by the parties or by the court.

(2) Where at an interim hearing pursuant to subsection (1) the court finds that there are no reasonable and probable grounds to believe that the child is in need of protective services, the court shall dismiss the application and the child, if in the care and custody of the agency, shall be returned forthwith to the parent or guardian.

(3) Where the parties cannot agree upon, or the court is unable to complete an interim hearing respecting, interim orders pursuant to subsection (4), the court may adjourn the interim hearing and make such interim orders pursuant to subsection (4) as may be necessary pending completion of the hearing and subsection (7) does not apply to the making of an interim order pursuant to this subsection, but the court shall not adjourn the matter until it has determined whether there are reasonable and probable grounds to believe that the child is in need of protective services.

(4) Within thirty days after the child has been taken into care or an application is made, whichever is earlier, the court shall complete the interim hearing and make one or more of the following interim orders:

(a) *repealed 2015, c. 37, s. 28.*

(b) the child shall remain in, be returned to or be placed in the care and custody of a parent or guardian or third party, subject to

the supervision of the agency and on such reasonable terms and conditions as the court considers appropriate, including the future taking into care of the child by the agency in the event of non-compliance by the parent or guardian with any specific terms or conditions;

(c) a parent or guardian or other person shall not reside with or contact or associate in any way with the child;

(d) the child shall be placed in the care and custody of a person other than a parent or guardian or third party, with the consent of that other person, subject to the supervision of the agency and on such reasonable terms and conditions as the court considers appropriate;

(da) where the child is or is entitled to be an aboriginal child, the child shall be placed in the customary care and custody of a person, with the consent of that person, subject to the supervision of the agency and on such reasonable terms and conditions as the court considers appropriate;

(e) the child shall remain or be placed in the care and custody of the agency;

(f) a parent or guardian or third party shall have access to the child on such reasonable terms and conditions as the court considers appropriate and, where an order is made pursuant to clause (d) or (e), access shall be granted to a parent or guardian unless the court is satisfied that continued contact with the parent or guardian would not be in the child's best interests;

(g) referral of the child or a parent or guardian or third party for assessment, treatment or services;

(h) referral of the child or a parent or guardian or third party for a family group conference.

(4A) Where the court makes an order pursuant to clause (b) or (d) of subsection (4), any representative of the supervising agency has the right to enter the residence of the child to provide guidance and assistance and to ascertain whether the child is being properly cared for.

(5) Where, subsequent to an interim order being made pursuant to subsection (4), the agency takes a child into care pursuant to Section 33 or clause (b) of subsection (4), the agency shall, as soon as practicable but in any event within five working days after the child is taken into care, bring the matter before the court and the court may pursuant to subsection (9) vary the interim order.

(6) In subsection (7), "substantial risk" means a real chance of danger that is apparent on the evidence.

(7) The court shall not make an order pursuant to clause (d) or (e) of subsection (4) unless the court is satisfied that there are reasonable and probable

grounds to believe that there is a substantial risk to the child's health or safety and that the child cannot be protected adequately by an order pursuant to clause (a), (b) or (c).

(8) Where the agency places a child who is the subject of an order pursuant to clause (e) of subsection (4), the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account

(a) the desirability of keeping brothers and sisters in the same family unit;

(b) the need to maintain contact with the child's relatives and friends;

(c) the preservation of the child's cultural, racial and linguistic heritage; and

(d) the continuity of the child's education and religion.

(9) The court may, at any time prior to the making of a disposition order pursuant to Section 42, vary or terminate an order made pursuant to subsection (4).

(10) Sections 32 to 49 apply notwithstanding that the child becomes sixteen years of age after the child is taken into care or after the making of the application to determine whether the child is in need of protective services.

(11) For the purpose of this Section, the court may admit and act on evidence that the court considers credible and trustworthy in the circumstances. 1990, c. 5, s. 39; 2015, c. 37, s. 28.

Protection hearing

40 (1) Where an application is made to the court to determine whether a child is in need of protective services, the court shall, not later than ninety days after the date of the application

(a) hold a protection hearing and determine whether the child is in need of protective services; or

(b) refer the parties to conferencing, which may proceed as a family group conference, if

(i) the child is the subject of a supervision order pursuant to clause (b) of subsection (4) of Section 39, and

(ii) the court determines it to be in the child's best interests.

(2) In a hearing pursuant to this Section, the court shall not admit evidence relating only to the making of a disposition order pursuant to Section 42 unless all parties consent to the admission of such evidence or consent to the consolidation of the protection and disposition hearings.

(3) A parent or guardian or third party may admit that the child is in need of protective services as alleged by the agency.

~~3A~~ [(3A)] Where every party present at the protection hearing admits that the child is in need of protective services as alleged by the agency, the court may determine that the child is in need of protective services on the basis of those admissions.

(4) The court shall determine whether the child is in need of protective services as of the date of the protection hearing and shall, at the conclusion of the protection hearing, state, either in writing or orally on the record, the court's findings of fact and the evidence upon which those findings are based.

(5) Where the court finds that the child is not in need of protective services, the court shall dismiss the application. 1990, c. 5, s. 40; 2015, c. 37, s. 29.

Purpose of conferencing

40A The purpose of conferencing is to facilitate the timely resolution of the issues that resulted in the proceeding being commenced in a manner that is consensual and that serves the child's best interests. 2015, c. 37, s. 30.

Initial conference

40B (1) Where the court refers the parties to conferencing, the initial conference must be held within thirty days of the referral.

(2) At the initial conference,

(a) the agency shall provide to the other parties a proposal for a service plan; and

(b) the parties shall attempt to negotiate a service plan for implementation. 2015, c. 37, s. 30.

Subsequent conferences

40C (1) After the initial conference is held, each subsequent conference must be held within sixty days of the preceding conference.

(2) The service plan must be reviewed and, where necessary, revised at each conference after the initial conference. 2015, c. 37, s. 30.

Disclosure, discovery procedures

40D For greater certainty, during conferencing, a party may apply for, and the court may order, disclosure or discovery in accordance with the *Civil Procedure Rules* or the *Family Court Rules*, as the case may be. 2015, c. 37, s. 30.

Application to terminate conferencing

40E (1) Where a conference is not held

(a) within sixty days of the preceding conference; or

(b) within thirty days of the court ordering that the parties resume conferencing pursuant to clause (a) of subsection (2),

the agency shall apply within five working days to have the court consider whether to terminate conferencing.

(2) Where an application is made pursuant to subsection (1), the court may

(a) order that the parties resume conferencing if the court determines it to be in the child's best interests; or

(b) terminate conferencing. 2015, c. 37, s. 30.

Termination of conferencing

40F (1) A party may at any time terminate conferencing by filing a notice of termination of conferencing with the court and providing written notice thereof to the other parties.

(2) Where conferencing is terminated pursuant to clause (b) of subsection (2) of Section 40E or subsection (1), the court shall

(a) within five working days, schedule a pre-hearing conference; and

(b) within sixty days,

(i) where the parties are referred to conferencing pursuant to clause (b) of subsection (1) of Section 40, hold a protection hearing and determine whether the child is in need of protective services pursuant to Section 40, or

(ii) where the parties are referred to conferencing pursuant to clause (b) of subsection (1) of Section 41, hold a disposition hearing and make a disposition order pursuant to Section 42. 2015, c. 37, s. 30.

Conclusion of conferencing and discontinuance of proceeding

40G (1) The agency may apply to conclude conferencing and discontinue the proceeding if all the parties consent to doing so.

(2) When making an application pursuant to subsection (1), the agency shall file with the court an agreed statement of facts.

(3) Where the court determines it to be in the child's best interests to do so, the court may order that conferencing be concluded and the proceeding be discontinued.

(4) The court may not make an order for costs when an order is made pursuant to subsection (3). 2015, c. 37, s. 30.

Twelve-month deadline

40H Within twelve months of the parties being referred to conferencing under clause (b) of subsection (1) of Section 40, the agency shall terminate conferencing under subsection (1) of Section 40F or apply to conclude conferencing and discontinue the proceeding under subsection (1) of Section 40G if conferencing has not otherwise been terminated. 2015, c. 37, s. 30.

Disposition hearing

41 (1) Where the court finds the child is in need of protective services, the court shall, not later than ninety days after so finding,

(a) hold a disposition hearing and make a disposition order pursuant to Section 42; or

(b) refer the parties to conferencing, which may proceed as a family group conference, if

(i) the child is the subject of an order pursuant to clause (b) of subsection (4) of Section 39, and

(ii) the court determines it to be in the child's best interests.

(2) The evidence taken on the protection hearing shall be considered by the court in making a disposition order.

(3) The court shall, before making a disposition order, obtain and consider a plan for the child's care, prepared in writing by the agency and including

(a) a description of the services to be provided to remedy the condition or situation on the basis of which the child was found in need of protective services;

(b) a statement of the criteria by which the agency will determine when its care and custody or supervision is no longer required;

(c) *repealed 2015, c. 37, s. 31.*

(d) where the agency proposes to remove the child from the care of a parent or guardian,

(i) an explanation of why the child cannot be adequately protected while in the care of the parent or guardian, and a description of any past efforts to do so, and

(ii) a statement of what efforts, if any, are planned to maintain the child's contact with the parent or guardian; and

(e) where the agency proposes to remove the child permanently from the care or custody of the parent or guardian, a description of the arrangements made or being made for the child's long-term stable placement.

(4) Where a parent or guardian consents to a disposition order being made pursuant to Section 42 that would remove the child from the parent or guardian's care and custody, the court shall

(a) ask whether the agency has offered the parent or guardian services that would enable the child to remain with the parent or guardian;

(b) ask whether the parent or guardian has consulted independent legal counsel in connection with the consent;

(c) satisfy itself that the parent or guardian understands and, where the child is twelve years of age or older, that the child understands the nature and consequences of the consent and consents to the order being sought and every consent is voluntary; and

(d) satisfy itself that, where the child is twelve years of age or more and less than sixteen years of age and has not been added as a party to the proceeding, the child has not expressed a desire to be a party to the proceeding.

(5) Where the court makes a disposition order, the court shall give

(a) a statement of the plan for the child's care that the court is applying in its decision; and

(b) the reasons for its decision, including

(i) a statement of the evidence on which the court bases its decision, and

(ii) where the disposition order has the effect of removing or keeping the child from the care or custody of the parent or guardian, a statement of the reasons why the child cannot be adequately protected while in the care or custody of the parent or guardian. 1990, c. 5, s. 41; 2015, c. 37, s. 31.

Disposition order

42 (1) At the conclusion of the disposition hearing, the court shall make one of the following orders, in the child's best interests:

(a) dismiss the matter;

(b) the child shall remain in, be returned to or be placed in the care and custody of a parent or guardian or third party, subject to the supervision of the agency, for a specified period, in accordance with Section 43;

(c) the child shall remain in or be placed in the care and custody of a person other than a parent or guardian or third party, with the consent of that other person, subject to the supervision of the agency, for a specified period, in accordance with Section 43;

(ca) where the child is or is entitled to be an aboriginal child, the child shall remain in or be placed in the customary care and custody of a person, with the consent of that person, subject to the supervision of the agency, for a specified period, in accordance with Section 43;

(d) the child shall be placed in the temporary care and custody of the agency for a specified period, in accordance with Sections 44 and 45;

(e) the child shall be placed in the temporary care and custody of the agency pursuant to clause (d) for a specified period and then be returned to a parent or guardian or other person pursuant to clauses (b) or (c) for a specified period, in accordance with Sections 43 to 45;

(f) the child shall be placed in the permanent care and custody of the agency, in accordance with Section 47.

(2) The court shall not make an order removing the child from the care of a parent or guardian unless the court is satisfied that less intrusive alternatives, including services to promote the integrity of the family pursuant to Section 13,

(a) have been attempted and have failed;

(b) have been refused by the parent or guardian; or

(c) would be inadequate to protect the child.

(3) Where the court determines that it is necessary to remove the child from the care of a parent or guardian, the court shall, before making an order for temporary or permanent care and custody pursuant to clause (d), (e) or (f) of subsection (1), consider whether

(a) it is possible to place the child with a relative, neighbour or other member of the child's community or extended family with whom the child at the time of being taken into care had a meaningful relationship pursuant to clause (c) of subsection (1), with the consent of the relative or other person; and

(b) where the child is or is entitled to be an aboriginal child, it is possible to place the child within the child's community.

(4) The court shall not make an order for permanent care and custody pursuant to clause (f) of subsection (1), unless the court is satisfied that the circumstances justifying the order are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits, based upon the age of the child, set out in subsection (1) of Section 45, so that the child can be returned to the parent or guardian. 1990, c. 5, s. 42; 2015, c. 37, s. 32.

Supervision order

43 (1) Where the court makes a supervision order pursuant to clause (b), (c) or (e) of subsection (1) of Section 42, the court may impose reasonable terms and conditions relating to the child's care and supervision, including

(a) a requirement that the agency supervise the child within the residence of the child;

(b) the place of residence of the child and the person with whom the child must, with the consent of that person, reside;

(c) the frequency of visits at the residence of the child by the agency;

(d) that a parent or guardian or other person shall not reside with or contact or associate in any way with the child;

(e) access by the child to a parent or guardian or third party;

(f) the assessment, treatment or services, including family group conferencing, to be obtained for the child by a parent or guardian or other person having the care and custody of the child;

(g) the assessment, treatment or services, including family group conferencing, to be obtained by a parent or guardian or third party or other person who is residing with the child; and

(h) any other terms the court considers necessary.

(2) Where the court makes a supervision order, any representative of the supervising agency has the right to enter the residence of the child to provide guidance and assistance and to ascertain that the child is being properly cared for.

(3) As a term of the supervision order, the court may provide that non-compliance with any specific term or condition of the order may entitle the agency to take the child into care and, where the agency takes the child into care pursuant to this subsection or Section 33, as soon as is practicable, but in any event within five working days after the child is taken into care, the agency shall bring the matter before the court and the court may review and vary the order pursuant to Section 46.

(4) A supervision order made pursuant to clause (b), (c) or (e) of subsection (1) of Section 42 may be for a period less than twelve months, but in no case shall a supervision order or orders extend beyond twelve consecutive months of supervision from the date of the initial supervision order pursuant to Section 42, subject to the maximum time limits set out in subsection (1) of Section 45 where an order is made pursuant to clause (e) of subsection (1) of Section 42. 1990, c. 5, s. 43; 2015, c. 37, s. 33.

Temporary care and custody order

44 **(1)** Where the court makes an order for temporary care and custody pursuant to clauses (d) or (e) of subsection (1) of Section 42, the court may impose reasonable terms and conditions, including

(a) access by a child to a parent or guardian or third party, unless the court is satisfied that continued contact with the parent or guardian or third party would not be in the best interests of the child;

(b) *repealed 2015, c. 37, s. 34*;

(c) the assessment, treatment or services, including family group conferencing, to be obtained for the child by a parent or guardian or other person seeking the care and custody of the child;

(d) the assessment, treatment or services, including family group conferencing, to be obtained by a parent or guardian or third party;

(e) where an order is being made pursuant to clause (e) of subsection (1) of Section 42, the circumstances or time when the child may be returned to the parent or guardian or other person under a supervision order; and

(f) any terms the court considers necessary.

(2) Where an order for temporary care and custody is made, the court may impose as a term or condition of the order that the parent or guardian shall retain any right that the parent or guardian may have to give or refuse consent to medical treatment for the child.

(3) Where the agency places a child who is the subject of an order for temporary care and custody, the agency shall, where practicable, in order to ensure the best interests of the child are served, take into account

(a) the desirability of keeping brothers and sisters in the same family unit;

(b) the need to maintain contact with the child's relatives and friends;

(c) the preservation of the child's cultural, racial and linguistic heritage;

(d) the continuity of the child's education and religion; and

(e) where the child is or is entitled to be an aboriginal child, the desirability of placing the child

(i) in a kinship placement with a relative,

(ii) if unable to place the child in a kinship placement with a relative, in a kinship placement,

(iii) if unable to place the child in a kinship placement, with a member of the child's community who is approved as a foster parent, or

(iv) if unable to place the child in a kinship placement or with a member of the child's community who is approved as a foster parent, with an aboriginal foster parent. 1990, c. 5, s. 44; 2015, c. 37, s. 34.

Duration of orders

45 (1) The duration of a disposition order made pursuant to Section 42 must not exceed three months.

(2) Where the court has made an order for temporary care and custody, the total period of disposition orders, including any supervision orders, shall not exceed

(a) where the child was under fourteen years of age at the time of the application commencing the proceedings, twelve months; or

(b) where the child was fourteen years or more at the time of the application commencing the proceedings, eighteen months.

(3) Where the parties are referred to conferencing during a proceeding, the maximum cumulative duration of all disposition orders made pursuant to Section 42, as determined pursuant to subsection (2), must be reduced by the amount of time equal to that spent by the parties in conferencing. 2015, c. 37, s. 35.

Multiple proceedings

45A Where

(a) a child has been the subject of more than one proceeding;

(b) the proceeding closest in time to the current proceeding ended no less than five years prior to the commencement of the current proceeding; and

(c) the cumulative duration of all disposition orders made pursuant to clause (d) of subsection (1) of Section 42 with respect to all proceedings exceeds thirty-six months,

the court shall, in the child's best interests,

(d) dismiss the proceeding; or

(e) order that the child be placed in the permanent care and custody of the agency, in accordance with Section 47. 2015, c. 37, s. 35.

Review of order

46 (1) A party may at any time apply for review of a supervision order or an order for temporary care and custody, but in any event the agency shall

apply to the court for review prior to the expiry of the order or where the child is taken into care while under a supervision order.

(2) Where all parties consent, the supervision by an agency of a child under a supervision order or the care and custody of a child under an order for temporary care and custody may be transferred to another agency, with the other agency's consent, and, where all parties, including the other agency, do not so consent, the court may, upon application, order the transfer of an agency's supervision or care and custody to another agency, in the child's best interests.

(3) Where an application is made pursuant to this Section, the child shall, prior to the hearing, remain in the care and custody of the person or agency having care and custody of the child, unless the court is satisfied, upon application, that the child's best interests require a change in the child's care and custody.

(4) Before making an order pursuant to subsection (5), the court shall consider

(a) whether the circumstances have changed since the previous disposition order was made;

(b) whether the plan for the child's care that the court applied in its decision is being carried out;

(c) what is the least intrusive alternative that is in the child's best interests; and

(d) whether the requirements of subsection (6) have been met.

(5) On the hearing of an application for review, the court may, in the child's best interests,

(a) vary or terminate the disposition order made pursuant to subsection (1) of Section 42, including any term or condition that is part of that order;

(b) order that the disposition order terminate on a specified future date; or

(c) make a further or another order pursuant to subsection (1) of Section 42, subject to the time limits specified in Section 45.

(6) Where the court reviews an order for temporary care and custody, the court may make a further order for temporary care and custody unless the court is satisfied that the circumstances justifying the earlier order for temporary care and custody are unlikely to change within a reasonably foreseeable time not exceeding the remainder of the applicable maximum time period pursuant to subsection (1) of Section 45, so that the child can be returned to the parent or guardian. 1990, c. 5, s. 46; 2015, c. 37, s. 36.

Permanent care and custody order

47 **(1)** Where the court makes an order for permanent care and custody pursuant to clause (f) of subsection (1) of Section 42, the agency is the legal guardian of the child and as such has all the rights, powers and responsibilities of a parent or guardian for the child's care and custody.

(2) Where the court makes an order for permanent care and custody, the court shall not make any order for access by a parent, guardian or other person.

(3) Where a child is the subject of an order for permanent care and custody and the agency considers it to be in the child's best interests, the agency shall, where possible, facilitate communication or contact between the child and

(a) a relative of the child; or

(b) a person who has an established relationship with the child.

(3A) and **(4)** *repealed 2015, c. 37, s. 37.*

(5) Where practicable, a child, who is the subject of an order for permanent care and custody, shall be placed with a family of the child's own culture, race, religion or language but, if such placement is not available within a reasonable time, the child may be placed in the most suitable home available with the approval of the Minister.

(6) An agency may, with the approval of the Minister, transfer the permanent care and custody of a child to another agency.

(7) Where the permanent care and custody of a child is transferred from one agency to another agency, the agency to which the permanent care and custody is transferred is the legal guardian of the child and as such has all the rights, powers and responsibilities of a parent, and the agency making the transfer ceases to have those rights, powers and responsibilities in relation to the child.

(8) At least thirty days prior to consenting to an order for adoption, the Minister shall inform any person who has been granted an order for access under subsection (2) of the Minister's intention to consent to the adoption. 1990, c. 5, s. 47; 1996, c. 10, s. 6; 2005, c. 15, s. 1; 2015, c. 37, s. 37.

Cultural connection plan

47A The agency shall develop, in a timely manner, a cultural connection plan for a child who is in the permanent care and custody of the agency or is the subject of an adoption agreement pursuant to Section 68. 2015, c. 37, s. 38.

Termination of permanent care and custody order

48 **(1)** An order for permanent care and custody terminates when

(a) the child reaches nineteen years of age, unless, because the child is under a disability, the court orders that the agency's permanent care and custody be extended until the child reaches twenty-one years of age;

(b) the child is adopted;

(c) the child marries; or

(d) the court terminates the order for permanent care and custody pursuant to this Section.

(2) In subsection (1), "twenty-one years of age" means twenty-one years of age notwithstanding the *Age of Majority Act*.

(3) A party to a proceeding may apply to terminate an order for permanent care and custody, in accordance with this Section, including the child where the child is sixteen years of age or more at the time of application for termination.

(4) Where the child has been placed and is residing in the home of a person who has given notice of proposed adoption by filing the notice with the Minister, no application to terminate an order for permanent care and custody may be made during the continuance of the adoption placement until

(a) the application for adoption is made and the application is dismissed, discontinued or unduly delayed; or

(b) there is an undue delay in the making of an application for adoption.

(5) Notwithstanding subsection (4), the agency may apply at any time to terminate an order for permanent care and custody or to vary or terminate access under such an order.

(6) Notwithstanding subsection (3), a party, other than the agency, may not apply to terminate an order for permanent care and custody

(a) within forty-five days after ~~of~~ the making of the order for permanent care and custody;

(b) while the order for permanent care and custody is being appealed pursuant to Section 49;

(ba) within five months after the expiry of the time referred to in clause (a);

(c) except with leave of the court, after

(i) five months from the expiry of the time referred to in clause (a),

(ii) six months from the date of the dismissal or discontinuance of a previous application by a party, other than

the agency, to terminate an order for permanent care and custody, or

(iii) six months from the date of the final disposition or discontinuance of an appeal of an order for permanent care and custody or of a dismissal of an application to terminate an order for permanent care and custody pursuant to subsection (8),

whichever is the later; or

(d) except with leave of the court, after two years from

(i) the expiry of the time referred to in clause (a), or

(ii) the date of the final disposition or discontinuance of an appeal of an order for permanent care and custody pursuant to Section 49,

whichever is the later.

(6A) A party may apply to terminate an order for permanent care and custody after eleven months but before two years from

(a) the expiry of the time referred to in clause (a) of subsection (6) of Section 48; or

(b) the date of the final disposition or discontinuance of an appeal of an order for permanent care and custody pursuant to Section 49,

whichever is later.

(7) On the hearing of an application by the agency to vary access under an order for permanent care and custody, the court may, in the child's best interests, confirm, vary or terminate the access.

(7A) The court shall hear an application

(a) for leave to apply to terminate an order for permanent care and custody no later than thirty days after the application is made; and

(b) to terminate an order for permanent care and custody no later ~~that~~ [than] ninety days after the application is made.

(8) On the hearing of an application to terminate an order for permanent care and custody, the court may

(a) dismiss the application;

(b) adjourn the hearing of the application for a period not to exceed ninety days and refer the child, parent or guardian or other

person seeking care and custody of the child for psychiatric, medical or other examination or assessment;

(c) adjourn the hearing of the application for a period not to exceed six months and place the child in the care and custody of a parent or guardian or third party, subject to the supervision of the agency;

(d) adjourn the hearing of the application for a period not to exceed six months and place the child in the care and custody of a person other than a parent or guardian or third party, with the consent of that other person, subject to the supervision of the agency; or

(e) terminate the order for permanent care and custody and order the return of the child to the care and custody of a parent or guardian or other person.

(9) Where the court makes a supervision order pursuant to clause (c) or (d) of subsection (8), subsections (1), (2) and (3) of Section 43 and subsection (1) of Section 46 apply.

(10) Before making an order pursuant to subsection (8), the court shall consider

(a) whether the circumstances have changed since the making of the order for permanent care and custody; and

(b) the child's best interests.

(11) Where

(a) a child is and has been throughout the immediately preceding year in the permanent care and custody of an agency;

(b) no application to terminate has been heard during that time; and

(c) subsection (4) does not apply,

the agency shall at least once during each calendar year thereafter submit a written report to the Minister concerning the circumstances of the child and the agency's plan for the child's care and placement and the Minister shall review the report and make such further inquiries as are considered necessary. 1990, c. 5, s. 48; 1996, c. 10, s. 7; 2005, c. 15, s. 2; 2015, c. 37, s. 39.

Appeal and stay

49 (1) An order of the court pursuant to any of Sections 32 to 48 may be appealed by a party to the Nova Scotia Court of Appeal by filing a notice of appeal with the Registrar of the Court within twenty-five days of the order.

(2) A party may apply to the court at the time of the order for an order staying the execution of the order, or any part of the order, for a period not to exceed ten days.

(3) Where a notice of appeal is filed pursuant to this Section, a party may apply to the Court of Appeal for an order staying the execution of the order, or any part of the order, appealed.

(4) Where a notice of appeal is filed pursuant to this Section, the Minister is responsible for the timely preparation of the transcript and the appeal shall be heard by the Court of Appeal within ninety days of the filing of the notice of appeal or such longer period of time, not to exceed sixty days, as the Court deems appropriate.

(5) On an appeal pursuant to this Section, the Court of Appeal may in its discretion receive further evidence relating to events after the appealed order.

(6) The Court of Appeal shall

(a) confirm the order appealed;

(b) rescind or vary the order; or

(c) make any order the court could have made. 1990, c. 5, s. 49; R.S., c. 240, s. 9; 1992, c. 16, s. 38; 1996, c. 10, s. 8; 2015, c. 37, s. 40.

Determination of religion and maintenance

50 (1) Where an application is made to determine whether a child is in need of protective services, the court shall, after the court has determined whether the child is in need of protective services and made a disposition order pursuant to Section 42, determine the child's religion, if any, and maintenance issues.

(2) For the purposes of the determination pursuant to subsection (1), a child has the religious faith agreed upon by the child's parents or guardians, subject to the child's views and wishes if they can be reasonably ascertained, but where there is no agreement or the court cannot readily determine what the religious faith agreed upon is or whether any religious faith is agreed upon, the court may determine what the child's religious faith is, if any. 1990, c. 5, s. 50; 1994-95, c. 7, s. 11.

51 *repealed 1994-95, c. 7, s. 12.*

Maintenance order for support of child

52 (1) Upon the application of the agency or the Minister, the court shall inquire into the ability to support a child of a parent or guardian or other person liable under the law for the maintenance of the child.

(2) Where the court is satisfied that the parent or guardian or other person has sufficient means to enable the parent or guardian or other person to contribute towards the maintenance of the child, the court may order the parent or guardian or other person to pay to

(a) the Minister; or

(b) the court for payment to the agency,

a sum not exceeding the maintenance amount, as prescribed by the regulations, payable for maintaining a child in care until the child reaches nineteen years of age, is adopted, marries or the court terminates the order for permanent care and custody.

(3) Upon the application of the agency, the Minister or the person against whom an order is made, the court shall review the ability to pay of the person against whom the order is made, and upon such a review the court may vary the order as the court deems proper. 1990, c. 5, s. 52; 1994-95, c. 7, s. 13; 2015, c. 37, s. 41.

Effect of maintenance order

53 Where a maintenance order is made, pursuant to Section 52, the order may be appealed or enforced as an order made pursuant to the *Parenting and Support Act.* 1990, c. 5, s. 53; 2015, c. 37, s. 42; 2015, c. 44, s. 49.

Information relating to birth family

53A (1) A person over nineteen years of age who was the subject of an order for permanent care and custody pursuant to clause (f) of subsection (1) of Section 42 and who was not adopted may apply to the Minister for the disclosure of

(a) information relating to the person or the person's birth family; and

(b) the reasons why the person was removed from the person's birth family.

(2) The Minister shall disclose all information, including personal information, requested under subsection (1) in the Minister's possession, except information that, in the opinion of the Minister, poses a risk to the health, safety or well-being of any person to whom the information relates. 2015, c. 37, s. 43.

Interpretation of Sections 55 to 60

54 In Sections 55 to 60,

(a) "legal-aid office" means an office providing legal aid pursuant to the *Legal Aid Act*;

(b) "secure treatment facility" means a facility or part of a facility approved or licensed by the Minister as a secure treatment facility. 1990, c. 5, s. 54.

Secure-treatment certificate

55 (1) Upon the request of an agency, the Minister may issue a secure-treatment certificate for a period of not more than five days in respect of a child in care, if the Minister has reasonable and probable grounds to believe that

(a) the child is suffering from an emotional or behavioural disorder; and

(b) it is necessary to confine the child in order to remedy or alleviate the disorder.

(c) *repealed 2015, c. 37, s. 44.*

(2) A secure-treatment certificate shall be in the form prescribed by the regulations and shall include

(a) the reason for the confinement;

(b) the duration of the certificate;

(c) the date, place and time of the hearing pursuant to subsection (4); and

(d) a statement that the child may be represented by counsel at any hearing, including the address and telephone number of the nearest legal-aid office.

(3) A secure-treatment certificate shall be served upon the child who is the subject of the certificate and upon the nearest legal-aid office not more than one day after it is issued.

(4) Where a secure-treatment certificate has been issued pursuant to this Section, the Minister or the agency shall appear before the court before the certificate expires, to satisfy the court that this Section has been complied with and, if an application is made pursuant to Section 56, for the application to be heard pursuant to that Section. 1990, c. 5, s. 55; 2015, c. 37, s. 44.

Secure-treatment order

56 (1) The Minister or an agency with the consent of the Minister may make an application to the court for a secure-treatment order in respect of a child in care.

(2) The Minister shall serve the application upon the child and upon the nearest legal-aid office.

(2A) Where the child who is the subject of an application is not a child in permanent care and custody, the Minister shall notify the child's parent or guardian of the proceeding.

(2B) Where the child who is the subject of an application is not a child in permanent care and custody, the court may, upon application by the parent or guardian of the child, add the parent or guardian as a party to the proceeding.

(3) After a hearing, the court may make a secure-treatment order in respect of the child for a period of not more than forty-five days if the court is satisfied that

(a) the child is suffering from an emotional or behavioural disorder; and

(b) it is necessary to confine the child in order to remedy or alleviate the disorder.

(c) *repealed 2015, c. 37, s. 45.*

(4) Upon the application of the Minister or the agency and after a hearing before the expiry of a secure-treatment order, a secure-treatment order may be renewed in respect of the child, for a period of not more than ninety days in the case of a first or subsequent renewal, if the court is satisfied that

(a) the child is suffering from an emotional or behavioural disorder;

(b) it is necessary to confine the child in order to remedy or alleviate the disorder; and

(c) *repealed 2015, c. 37, s. 45.*

(d) there is an appropriate plan of treatment for the child. 1990, c. 5, s. 56; 2015, c. 37, s. 45.

Review of secure-treatment order

57 (1) An application for review of a secure-treatment order may be made by the Minister, the agency, the child who is the subject of the order or a parent or guardian of a child, if the parent or guardian was a party to the application for the order.

(1A) Every party to an application for a secure-treatment order is a party to an application for review.

(1B) Where the child who is the subject of an application for review is not a child in permanent care and custody, the applicant shall notify the child's parent or guardian of the proceeding if the parent or guardian is not already a party to the application for review.

(1C) Where the child who is the subject of an application for review is not a child in permanent care and custody, the court may, upon application by a parent or guardian of the child, add the parent or guardian as a party to the proceeding.

(2) An application for review may be made at any time by the Minister or the agency but, except with leave of the court, an application for review may otherwise be made only once during the period of any secure-treatment order or during the period of any renewal of a secure-treatment order.

(2A) An application for review must be filed and served no fewer than four working days before the hearing.

(3) After hearing an application for review and after considering clauses (a) to (d) of subsection (4) of Section 56, the court may make an order con-

firming, varying or terminating the secure-treatment order, but in no case shall the period of the secure-treatment order be extended. 1990, c. 5, s. 57; 2015, c. 37, s. 46.

Duty of court and appeal

58 (1) Upon making, renewing or reviewing a secure-treatment order, the court shall give reasons for its decision and shall inform the child and the parent or guardian, if the parent or guardian was a party to the application respecting the order, of the review, renewal and appeal provisions pursuant to Section[s] 56 and 57 and subsection (2).

(2) An order pursuant to Section 56 or 57 may be appealed in accordance with Section 49 by the Minister, the agency, the child or the parent or guardian, if the parent or guardian was a party to the application for the order. 1990, c. 5, s. 58; 2015, c. 37, s. 47.

Effect of secure-treatment certificate or order

59 (1) A secure-treatment certificate or order is sufficient authority for a peace officer or ~~agent~~ [representative] to apprehend and convey the child named in the certificate or order to a secure treatment facility and to detain the child while being conveyed to a secure treatment facility.

(2) Upon a secure-treatment certificate or order being issued, the person in charge of a secure treatment facility shall admit the child to the facility, if the child is not already resident in the facility, and shall be responsible for ensuring that the child is provided with the diagnostic and treatment services in accordance with the terms of the certificate or order and the needs of the child.

(3) Where the child who is the subject of a secure-treatment certificate or order leaves a secure treatment facility when a leave of absence has not been granted or fails to return to a facility in accordance with the terms of a leave of absence, a peace officer, representative or person designated by the Minister in accordance with the regulations may apprehend the child and return the child to the secure treatment facility. 1990, c. 5, s. 59; 2015, c. 37, s. 48.

Leave of absence or transfer from secure-treatment facility

60 (1) During the period of a secure-treatment certificate or order, the person in charge of the secure treatment facility may grant the child a leave of absence from the facility to attend legal proceedings or for medical, humanitarian or rehabilitative reasons on any terms or conditions that the person in charge considers necessary.

(2) Where the child named in the secure-treatment certificate or order is in a secure treatment facility, the child may, with the approval of the Minister, be transferred to another secure treatment facility and subsection (1) of Section 59 applies while the child is being transferred. 1990, c. 5, s. 60; 2015, c. 37, s. 49.

Authority of secure-treatment certificate or order

60A (1) Where a child named in a secure-treatment certificate or order is required to appear at a court in the Province, the secure-treatment certificate or order is sufficient authority for a peace officer, upon the request of the Minister or a representative, to convey the child to and from the court and to detain the child while conveying the child.

(2) Where a leave of absence is granted to a child named in a secure-treatment certificate or order and the leave of absence includes a condition that the child remain under the custody and control of a peace officer for the duration of the leave of absence, the secure-treatment certificate or order is sufficient authority for a peace officer, upon the request of the Minister or a representative, to convey the child to and from any place in the Province and to detain the child while conveying the child. 2008, c. 12, s. 1; 2015, c. 37, s. 74.

Refusal to consent to medical treatment

61 (1) Where a child is in the care or custody of a parent or guardian who refuses to consent to the provision of proper medical or other recognized remedial care or treatment that is considered essential by two duly qualified medical practitioners for the preservation of life, limb or vital organs of a child and the Minister is notified thereof, the Minister shall apply to the court forthwith for a hearing.

(2) Where an application is made pursuant to subsection (1), the court shall hear the matter as soon as possible upon such notice to the parent or guardian as is practical.

(3) The parties to the proceeding are the Minister, the parent or guardian and such other persons as the court may order.

(4) Upon hearing the matter, the court may make an order

(a) dismissing the matter;

(b) authorizing the provision of proper medical or other recognized remedial care or treatment that is considered essential by a duly qualified medical practitioner for the preservation of life, limb or vital organs or the prevention of unnecessary suffering of the child;

(c) prohibiting the parent or guardian or any other person from obstructing the provision of the care or treatment ordered pursuant to clause (b);

(d) requiring the parent or guardian to deliver the child to the place where the care or treatment will be provided;

(e) including any other terms, including the duration of the order, that the court considers necessary.

(5) The court may confirm, vary, rescind or terminate an order made pursuant to subsection (4) upon the application of a party. 1990, c. 5, s. 61.

"abuse" defined

62 In Sections 63 to 66, "abuse" of a child by the person means that the child

(a) has suffered physical harm, inflicted by the person or caused by the person's failure to supervise and protect the child adequately;

(b) has been sexually abused by the person or by another person where the person, having the care of the child, knows or should know of the possibility of sexual abuse and fails to protect the child; or

(c) has suffered serious emotional harm caused by the intentional conduct of the person. 1990, c. 5, s. 62; 2015, c. 37, s. 50.

Child Abuse Register

63 (1) The Minister shall establish and maintain a Child Abuse Register.

(2) The Minister shall enter the name of a person and such information as is prescribed by the regulations in the Child Abuse Register where

(a) the court finds that a child is in need of protective services in respect of the person within the meaning of clause (a) or (c) of subsection (2) of Section 22;

(b) the person is convicted of an offence against or involving a child pursuant to the *Criminal Code* (Canada) as prescribed in the regulations; or

(c) the court makes a finding pursuant to subsection (3).

(3) The Minister or an agency may apply to the court, upon notice to the person whose name is intended to be entered in the Child Abuse Register, for a finding that, on the balance of probabilities, the person has abused a child.

(4) A hearing pursuant to subsection (3) shall be held *in camer*a except the court may permit any person to be present if the court considers it appropriate. 1990, c. 5, s. 63; 2015, c. 37, s. 51.

Notice of entry in and application to remove name from Child Abuse Register

64 (1) A person whose name is entered in the Child Abuse Register shall be given written notice of registration in the form prescribed by the regulations.

(2) A person whose name is entered on the Child Abuse Register may, upon providing written notice to the Minister, apply to the court at any time to have the person's name removed from the Register and, if the court is satisfied by the person that the person does not pose a risk to children, the court shall order that the person's name be removed from the Register. 1990, c. 5, s. 64; 2015, c. 37, s. 52.

Appeal respecting Child Abuse Register

65 A decision of the court pursuant to subsection (3) of Section 63 or subsection (2) of Section 64 may, within thirty days of the decision, be appealed to the Appeal Division of the Supreme Court and subsection (4) of Section 63 applies *mutatis mutandis* to the hearing of an appeal. 1990, c. 5, s. 65.

Confidentiality of information in Child Abuse Register

66 (1) The information in the Child Abuse Register is confidential and shall be available only as provided in this Section.

(2) A person whose name is entered in the Child Abuse Register is entitled to inspect the information relating to that person entered in the Register.

(3) With the approval of the Minister, the information in the Child Abuse Register may be

(a) disclosed to an agency, including any corporation, society, federal, provincial, municipal or foreign state, government department, board or agency authorized or mandated to investigate whether or not a child is in need of protective services;

(aa) disclosed to the police by an agency where the police and the agency are conducting a joint child abuse investigation;

(b) used for the purposes of research as prescribed by the regulations.

(4) Upon receiving a request in writing from a person, the Minister may disclose to the person

(a) whether the person's name is entered in the Child Abuse Register; and

(b) where the person's name is entered in the Child Abuse Register, any information respecting the person entered in the Child Abuse Registry pursuant to subsection (2) of Section 63.

(5) *repealed 2015, c. 37, s. 53.*

1990, c. 5, s. 66; 1996, c. 10, s. 9; 2015, c. 37, s. 53.

Interpretation of Sections 67 to 87

67 (1) In this Section and Sections 68 to 87,

(a) "adopting parent" means a person who has filed a notice of proposed adoption or has commenced an application for adoption;

(b) "adoptive parent" means a person who has acquired the legal status of parent of a child by virtue of an order for adoption;

(c) "child in care" means a child in respect of whom there exists an order for permanent care and custody or a child in respect of whom there exists an adoption agreement;

(ca) "court" means the Supreme Court of Nova Scotia;

(d) "father" of a child means the biological father of the child except where the child is adopted and in such case means, subject to subsection (4) of Section 72, the father by adoption;

(e) "mother" means the biological mother of the child except where the child is adopted and in such case means, subject to subsection (4) of Section 72, the mother by adoption;

(f) "parent" of a child means

(i) the mother of the child,

(ii) the father of the child where the father was, at the time of the child's birth, married to or in a common-law relationship with the mother of the child,

(iii) an individual having custody of the child,

(iv) an individual who, during the twelve months before proceedings for adoption are commenced, has stood *in loco parentis* to the child[,]

(v) an individual who, under a written agreement or a court order, is required to provide support for the child or has a right of access to the child and has, at any time during the two years before proceedings for adoption are commenced, provided support for the child or exercised a right of access,

(vi) an individual who has acknowledged parentage of the child and who

(A) has an application before a court respecting custody, support or access for the child at the time proceedings for adoption are commenced, or

(B) has provided support for or has exercised access to the child at any time during the two years before proceedings for adoption are commenced,

but does not include a foster parent.

(2) Proceedings for adoption are commenced within the meaning of this Section on the day when

(a) a notice of proposed adoption is filed with the Minister pursuant to this Act; or

(b) in the case of a child sixteen years of age or more for whom no notice of proposed adoption has been given, an application for adoption is commenced. 1990, c. 5, s. 67; 2015, c. 37, s. 54.

Adoption agreement

68 (1) A parent of a child may enter into an adoption agreement with an agency whereby the child is voluntarily given up to the agency for the purpose of adoption.

(2) The term of an adoption agreement shall be for a period not to exceed one year and, in the case of a newborn child, shall not be effective until fifteen days after the birth of the child.

(3) A child shall not be placed in a home for the purpose of adoption pursuant to an adoption agreement unless and until every parent of the child has entered into such an agreement.

(4) Subject to subsection (5), where the child has not been placed in a home for the purpose of adoption, a parent who entered into the adoption agreement may, in writing, at any time during the term of the agreement, notify the agency that the parent wishes to terminate the agreement and have the child returned to the parent.

(5) Where a child has been placed in a home for the purpose of adoption as a result of an adoption agreement, and the persons with whom the child is placed have filed a notice of proposed adoption with the Minister prior to the expiration of the term of the agreement, then, notwithstanding subsection (2), the adoption agreement continues in force and may not be terminated by the parent who entered into the agreement, unless and until the application for adoption is dismissed, discontinued or unduly delayed.

(6) On receipt of a notice pursuant to subsection (4) from, or the expiry of the adoption agreement with, the parent from whom the child was received, the agency shall return the child to that parent unless the child is taken into care as permitted by and in accordance with Section 33.

(7) On receipt of a notice pursuant to subsection (4) from, or the expiry of the adoption agreement with, a parent who is not the parent from whom the child was received, the agency shall

(a) declare in writing that all adoption agreements respecting the child are terminated, notifying where possible the other parties to such adoption agreements, and return the child to the parent from whom the child was received; or

(b) take appropriate steps to have the child taken into care as permitted by and in accordance with Section 33, in which case all adoption agreements are terminated as and when the child is taken into care.

(8) Where a parent has entered into an adoption agreement, the agency shall, where the parent's whereabouts are known to the agency, advise the parent when the child has been placed in a home for the purpose of adoption or provide such information upon request by a parent.

(9) An adoption agreement shall be in the form prescribed by the regulations.

(10) Where a parent has entered into an agreement pursuant to subsection (1), the agency has all the rights, powers and responsibilities of that parent so long as the adoption agreement continues in force.

(11) Where an agency other than the Mi'kmaw Family and Children's Services of Nova Scotia has reason to believe that a child who is to be the subject of an adoption agreement is or is entitled to be a Mi'kmaq child, the agency shall not enter into an adoption agreement respecting the child until fifteen days after the agency has notified the Mi'kmaw Family and Children's Services of Nova Scotia.

(12) Where, subsequent to the execution of an adoption agreement and prior to the placement for adoption of the child who is the subject of the adoption agreement, the agency determines that the child is or is entitled to be a Mi'kmaq child, the agency shall, as soon as possible, notify the Mi'kmaw Family and Children's Services of Nova Scotia and shall not place the child for adoption until fifteen days have elapsed from the date of such notification. 1990, c. 5, s. 68; 1996, c. 10, s. 10; 2015, c. 37, s. 55.

Placement with specified person

68A (1) Where every parent of a child has entered into an adoption agreement pursuant to Section 68 and all such parents have also requested, in writing, that the child be placed with a specified person, the agency may place the child for the purpose of adoption with the specified person if

(a) the specified person has been approved by the agency as an approved adoption home;

(b) *repealed 2015, c. 37, s. 56.*

and

(c) the agency is satisfied that adoption of the child by the specified person is in the best interests of the child.

(2) An adoption agreement entered into for the purpose of permitting a child to be placed with a specified person in accordance with subsection (1) is subject to Section 68.

(3) Where a child is in the care of an agency pending placement with a specified person and the agency determines that placement of the child with the specified person cannot occur for any of the following reasons:

(a) the specified person cannot be approved as an approved adoption home by ~~a~~ [an] agency;

(b) the specified person cannot meet the requirements necessary for approval by ~~a~~ [an] agency within a period of time that serves the best interest of the child respecting the child's need to be placed for adoption in a timely manner;

(c) *repealed 2015, c. 37, s. 56.*

the agency shall advise the parents that placement of the child with the specified person cannot be effected.

(4) Upon being advised pursuant to subsection (3) that placement with a specified person cannot occur, a parent may

(a) direct the agency, in writing, to place the child with a suitable adopting family approved by the agency; or

(b) terminate the parent's adoption agreement in accordance with subsection (4) of Section 68.

(5) Where an agency has determined that placement of the child with the specified person cannot occur and the agency is unable, within three weeks, to contact a parent to advise the parent pursuant to subsection (3) that placement of the child with a specified person cannot be effected, the agency shall consider the child to be abandoned within the meaning of Section 28 and accordingly advise a representative.

(6) A parent, who enters into an adoption agreement and requests, in writing pursuant to subsection (1), that the child be placed with a specified person, may also request that, in the event that the agency determines that placement of the child with a specified person cannot occur, the agency may place the child for adoption with any other person or persons approved by the agency. 1996, c. 10, s. 11; 2015, c. 37, ss. 56, 74.

Notice to Minister of placement for adoption

69 (1) Every person who receives a child from another person for the purpose of adoption shall within ten days of such reception inform the Minister.

(2) Subsection (1) does not apply where the person who receives the child is the father or mother of the child.

(3) Any person who gives or receives, or agrees to give or to receive, any payment or reward, directly or indirectly,

(a) in consideration of the placement for adoption of a child; or

(b) to procure a child for the purpose of adoption,

is guilty of an offence and upon summary conviction is liable to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than two years or to both. 1990, c. 5, s. 69.

Restriction on placement

70 (1) A child shall not be placed or received for the purpose of adoption except where

(a) the child is a child in the care of an agency;

(b) the child is placed by the father or mother with a relative of the father or mother;

(c) one of the applicants for adoption is the father or mother of the child; or

(d) the child is placed in accordance with the laws of another jurisdiction.

(2) A person who places or receives a child for the purpose of adoption where subsection (1) has not been complied with is guilty of an offence and upon summary conviction is liable to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than two years or to both.

(3) *repealed 2005, c. 15, s. 3.*

(4) Where a child has been placed for the purpose of adoption contrary to subsection (1), adoption proceedings may not be commenced within the meaning of clause (a) of subsection (2) of Section 67 until the conditions referred to in Section 70A exist, notwithstanding that any action has been taken to prosecute a violation of subsection (2). 1990, c. 5, s. 70; 1996, c. 10, s. 12; 2005, c. 15, s. 3; 2015, c. 37, s. 57.

Right to commence adoption proceedings

70A (1) A person who has had the physical care and control of a child for more than twenty-four consecutive months may, during the further continuance of that period of physical care and control, commence proceedings for adoption within the meaning of clause (a) of subsection (2) of Section 67 if, and only if,

(a) all necessary consents for adoption have been obtained or have been ordered dispensed with pursuant to Section 75;

(b) a parent whose consent to the adoption has been obtained has, before giving the consent, received professional counselling by a person or a member of a class of persons approved for that purpose by the Minister;

(c) a social and medical history respecting the biological father and the biological mother has been prepared, if the biological father and the biological mother, or either of them, are known and available to a person or a member of a class of persons approved for that purpose by the Minister; and

(d) the person has been approved by an agency for the adoption of the child.

(1A) A person who has care and custody of a child pursuant to an order made under the *Maintenance and Custody Act* or an enactment of another jurisdiction respecting the custody of children may, while the order is in effect, commence proceedings for adoption within the meaning of clause (a) of subsection (2) of Section 67 if, and only if,

(a) all necessary consents for adoption have been obtained or have been ordered dispensed with pursuant to Section 75;

(b) a parent whose consent to the adoption has been obtained has, before giving the consent, received professional counselling by a person or a member of a class of persons approved for that purpose by the Minister;

(c) a social and medical history respecting the biological father and the biological mother has been prepared, if the biological father and the biological mother, or either of them, are known and available to a person or a member of a class of persons approved for that purpose by the Minister; and

(d) the person has been approved by an agency for the adoption of the child.

(2) Subsection (1) does not apply where

(a) the child is a child in the care of an agency;

(b) the child is placed by the father or mother with a relative of the father or mother; or

(c) one of the applicants for adoption is the father or mother of the child. 1996, c. 10, s. 13; 2015, c. 37, s. 58.

Certificate to take child outside Province

71 **(1)** No person shall take or attempt to take any child under twelve years of age, who is a resident of or was born in the Province, out of the Province for the purpose of being adopted or brought up outside of the Province unless the person is in possession of a certificate issued by the Minister pursuant to this Section except where a child is being taken by

(a) the father or mother of the child; or

(b) a relative of the father or mother of the child to be adopted by or to reside with that relative.

(2) There is an appeal to the court from the refusal of the Minister to grant a certificate pursuant to subsection (1).

(3) Notice of the appeal shall be given to the Minister within thirty days of the refusal or within such further period as the court may allow.

(4) Upon such notice the Minister shall forward to the court the Minister's complete record of the case and either party to the appeal may give evidence and call witnesses.

(5) The court shall conduct a hearing into the matter and cause to be made such further inquiries as it deems necessary, and may confirm the refusal of the Minister or direct the Minister to issue a certificate.

(6) Every one who violates subsection (1) is guilty of an offence and upon summary conviction is liable to a fine of not more than ten thousand dollars or to imprisonment for a period not exceeding two years or to both. 1990, c. 5, s. 71.

Right to adopt

72 (1) A person of the age of majority may, in the manner herein provided, adopt as that person's child another person younger than that person where

(a) the applicant resides or is domiciled in the Province; or

(b) the person proposed to be adopted was born, resides or is domiciled in the Province or is a child in care.

(2) Subject to this Section, if the applicant has a husband or wife, by marriage or common-law relationship, who is over the age of majority and is of sound mind, the husband or wife, by marriage or common-law relationship shall join in the application.

(3) If the husband or wife, by marriage or common-law relationship, of the applicant is the father or mother of the person proposed to be adopted, although not over the age of majority, he or she may join in the application.

(4) The husband or wife, by marriage or common-law relationship, of the applicant if he or she is also the father or mother of the person proposed to be adopted, need not join in the application, and in that case the relationship of such husband or wife or of his or her kindred with the person proposed to be adopted continues and is in no way altered by any order for adoption made in favour of the applicant, who becomes the other parent of the person proposed to be adopted by such an order.

(5) Where one of the applicants for an adoption dies after notice of the proposed adoption has been given to the Minister, the surviving applicant may proceed with the application and an order for adoption by the surviving applicant alone may be made.

(6) A person whose consent to an adoption is required by this Act is not prohibited from becoming a father or mother by adoption of the person in respect of whom the person has given consent to adopt. 1990, c. 5, s. 72; 2015, c. 37, s. 59.

Application for adoption

73 An application for adoption shall be made to the court. 1990, c. 5, ss. 73, 109.

Consent to adopt

74 **(1)** Where the person proposed to be adopted is twelve years of age or more and of sound mind, no order for the person's adoption shall be made without the person's written consent.

(2) Where the person proposed to be adopted is married, no order for the person's adoption shall be made without the written consent of the person's spouse.

(3) Where the person proposed to be adopted is under the age of majority and is not a child in care, no order for the child's adoption shall be made, except as herein provided, without the written consent to adoption of the child's parents which consent may not be revoked unless the court is satisfied that the revocation is in the best interests of the child.

(4) A written consent to adoption referred to in subsection (3) has no force and effect unless it is given not less than fifteen clear days after the birth of the child.

(5) Subsection (4) does not apply

(a) where the child is placed for the purpose of adoption by an agency;

(b) where the child is placed for the purpose of adoption by a father or mother of the child with a relative of the father or mother;

(c) where one of the applicants for adoption is the father or mother of the child; or

(d) to an adoption agreement made pursuant to Section 68.

(6) No action may be taken and no damages may be awarded against a person who does not give a consent for adoption, notwithstanding any representation by the person that the consent would be given.

(7) No order for the adoption of a child in care of the Minister shall be made without the written consent of the Minister and no order for the adoption of a child in care of an agency shall be made without the written consent of the agency or the Minister.

(8) Subject to subsection (1) and pursuant to subsection (7), where a child proposed to be adopted is a child in care, the written consent of the agency or the Minister is the only consent required.

(9) *repealed 2015, c. 37, s. 60.*

(10) Where the person proposed to be adopted is under the age of majority and either does not reside in the Province or was brought to the Province for the purpose of adoption, the written consent referred to in subsection (3) may be given by the officer or person who under the law of the province, state or country in which the child resides or from which the child was brought may consent to the child's adoption.

(11) Where the parent of a child is under the age of majority, the parent may, notwithstanding the parent's age,

(a) consent to the adoption of the child; or

(b) enter into an agreement pursuant to Section 68.

(12) Notwithstanding Sections 49 and 50 of the *Parenting and Support Act*, the marriage of the biological father to the mother of a person subsequent to the granting of an adoption order respecting that person does not invalidate or affect the adoption. 1990, c. 5, s. 74; 2015, c. 37, s. 60; 2015, c. 44, s. 50.

Dispensing with consent to adoption

75 (1) Where the applicant seeks to dispense with the consent of any living person, the applicant shall give that person notice of the time and place of the adoption hearing together with a copy of the application and all material proposed to be used in support of it not later than one month before the hearing of the application.

(2) Notice shall be given by personal service or, if the person cannot be so served, by substituted service as directed by the court.

(3) Any person served pursuant to subsections (1) and (2) who does not appear at the hearing of the application and object to the adoption is deemed to have consented to the adoption.

(4) Where the court is satisfied that a person, whose consent is required pursuant to subsection (2) or (3) of Section 74,

(a) is dead;

(b) is unable to consent by reason of disability;

(c) is missing or cannot be found;

(d) has had no contact with the child for the two years immediately preceding the adoption placement;

(e) has failed, where able, to provide financial support for the child for the two years immediately preceding the adoption placement; or

(f) is a person whose consent in all the circumstances of the case ought to be dispensed with,

the court may order that the person's consent be dispensed with if it is in the best interests of the person to be adopted to do so. 1990, c. 5, s. 75.

Prerequisites to adoption

76 (1) Except as herein provided, where the person sought to be adopted is under sixteen years of age, the court shall not make an order for the child's adoption unless

(a) notice of the proposed adoption has been given to the Minister not later than six months before the application to the court for an order for adoption, or where one of the applicants for adoption is a parent or relative of the child, notice of the proposed adoption has been given to the Minister not later than one month before the application to the court for an order for adoption;

(b) notice of the hearing of the application and a copy of the application and all material to be used in support of it with respect to a child in permanent care and custody or a child that is the subject of an adoption agreement have been filed with the Minister not later than one month before the date of the application;

(c) the child sought to be adopted has for a period of not less than six months immediately prior to the application, lived with the applicant under conditions that, in the opinion of the court, justify the making of the order; and

(d) where the child is~~,~~ or is entitled to be a Mi'kmaq child, a cultural connection plan has been developed.

(2) The Minister may, by certificate in writing, shorten the length of any notice or the period of residence required by subsection (1) or dispense with any notice or period of residence.

(3) In the case of a child who is a child in permanent care and custody, the notice of the proposed adoption shall not be given until any appeal from an order for permanent care and custody of the child or from a decision granting or refusing an application to terminate an order for permanent care and custody is heard and finally determined or until the time for taking an appeal has expired. 1990, c. 5, s. 76; 1996, c. 10, s. 14; 2005, c. 15, s. 4; 2015, c. 37, s. 61.

Adoption hearing

77 (1) Every hearing of an application for adoption pursuant to this Act shall be held *in camera* except that the court may permit any person to be present if the court considers it appropriate.

(2) Where the application is for the adoption of a child in permanent care and custody or a child that is the subject of an adoption agreement, the Minister may submit a written recommendation to the court respecting the adoption.

(3) The Minister may appear at the hearing and may assist the applicant or a party with respect to the application.

(4) The applicant shall, if possible, identify the person to be adopted by the birth registration number assigned by the proper authority of the person's place of birth and not by the person's name, in the title of the application and in the adoption order, and, in any such case, the applicant shall provide the court with a certificate of registration of the birth containing the fullest particulars of the birth available. 1990, c. 5, s. 77; 2005, c. 15, s. 4.

Adoption order

78 **(1)** Where the court is satisfied

(a) as to the ages and identities of the parties;

(b) that every person whose consent is necessary and has not been dispensed with has given consent freely, understanding its nature and effect and, in the case of a parent, understanding that its effect is to deprive the parent permanently of all parental rights; and

(c) that the adoption is proper and in the best interests of the person to be adopted,

the court shall make an order granting the application to adopt.

(2) The court, by an order for adoption, may order such change of name of the person adopted as the applicant requests, or may order that the name of the person adopted shall not be changed by the adoption.

(3) Unless the court otherwise orders, the surname of an adopted person shall be the surname of the person who adopts that person.

(4) Where an adoption order is granted in respect to a child who is or may be an Indian child, the Minister shall be so advised by the court and the Minister shall forward notification of the adoption of the Indian child in such form as may be prescribed, to the federal Department of Indian and Northern Affairs and, where the child is or is entitled to be a Mi'kmaq child, to the Mi'kmaw Family and Children's Services of Nova Scotia.

(5) Subject to subsection (6), where an order for adoption is made in respect of a child, any order for access to the child ceases to exist.

(6) Where an order for adoption is made in respect of a child, the court may, where it is in the best interests of the child, continue or vary an order for access or an access provision of an agreement that is registered as an order under the

Parenting and Support Act in respect of that child. 1990, c. 5, s. 78; 2005, c. 15, s. 6; 2015, c. 37, s. 62; 2015, c. 44, s. 51.

Customary adoption

78A (1) Upon application, the court may recognize that an adoption of a person in accordance with the custom of a band or an aboriginal community has the effect of an adoption under this Act.

(2) Subsections (2) to (6) of Section 78 apply *mutatis mutandis* to an adoption recognized by the court pursuant to subsection (1). 2015, c. 37, s. 63.

Openness agreement

78B (1) For the purpose of this Section, "openness agreement" means an agreement for the purpose of facilitating communication with or maintaining a relationship with a child between an adopting parent or an adoptive parent and

(a) a relative of the child;

(b) an adopting parent or adoptive parent of a sibling of the child; or

(c) a person who has established a relationship with the child.

(2) An openness agreement may

(a) only be made if consent to the adoption is given by

(i) the parent, or

(ii) the guardian who placed the child for adoption; and

(b) include a process to resolve disputes arising under the agreement.

(3) Where a child that is the subject of an openness agreement is

(a) twelve years of age or older, the child's views must be taken into account before an agreement is made; and

(b) less than twelve years of age, the child's views must, where it is appropriate, be taken into account before an agreement is made.

(4) An openness agreement does not affect the legal status of an order for adoption. 2005, c. 15, s. 7; 2015, c. 37, s. 63.

Joint custody order in lieu of adoption

79 (1) Where a step-parent and the father or mother with custody of the child make application for the adoption of a child, the court may in lieu thereof,

in the best interests of the child, grant an order for joint custody by the step-parent and the father or mother rather than an order for adoption.

(2) A step-parent and the father or mother with custody of a child may make application to the court for an order granting them joint custody of the child.

(3) Where the court makes an order pursuant to subsection (1) or (2), other than where subsection (4) applies, the order may be enforced, varied or rescinded in accordance with the *Parenting and Support Act*.

(4) Where the father or mother pursuant to subsection (1) or (2) has custody of the child pursuant to the *Divorce Act* (Canada), an application shall be made and the matter determined in accordance with the provisions of that Act and the *Civil Procedure Rules*. 1990, c. 5, s. 79; 2015, c. 37, s. 64; 2015, c. 44, s. 52.

Effect of adoption order

80 **(1)** For all purposes, upon the adoption order being made,

(a) the adopted person becomes the child of the adopting parents and the adopting parents become the parents of the adopted person as if the adopted person had been born to the adopting parents; and

(b) except as provided in subsection (4) of Section 72, the adopted person ceases to be the child of the persons who were the adopted person's father and mother before the adoption order was made and those persons cease to be the parents of the adopted person, and any care and custody or right of custody of the adopted person ceases.

(2) The relationship of all persons to the adopted person must be determined in accordance with subsection (1).

(3) Subsections (1) and (2) do not apply for the purpose of the laws relating to incest and prohibited degrees of kindred for marriage to remove any person from a relationship in consanguinity that, but for this Section, would have existed.

(3A) An adoption order does not affect any right the adopted person may have to exercise the existing aboriginal and treaty rights of the aboriginal peoples of Canada that are recognized and affirmed in section 35 of the *Constitution Act*, 1982.

(4) In any enactment, conveyance, trust, settlement, devise, bequest or other instrument, "child" or "issue" or the equivalent of either includes an adopted child unless the contrary plainly appears by the terms of the enactment or instrument. 1990, c. 5, s. 80; 2015, c. 37, s. 65.

Effect of subsequent adoptions

81 Subject to subsection (4) of Section 72, all the legal consequences of the previous adoption order terminate upon a subsequent adoption, except so far as any interest in any property that has vested. 1990, c. 5, s. 81.

Application of Sections 80 and 81

82 Sections 80 and 81 apply to all orders for adoption made in the Province, whether before, on or after the first day of August, 1967, but not so as to divest any interest in property that has vested on or before the first day of August, 1967. 1990, c. 5, s. 82.

Appeal from or application to set aside adoption order

83 (1) A person aggrieved by an order for adoption made by the court may appeal therefrom to the Nova Scotia Court of Appeal within thirty days of the order.

(2) A person aggrieved by an order for adoption made without notice to the person hereunder may within one year after the date of the order apply to the court to set aside the order and, if, upon such application, the court is satisfied that

(a) the written consent of such person for the adoption was obtained by fraud, duress or oppressive or unfair means of any kind;

(b) the person is a person whose written consent was required pursuant to subsection (3) of Section 74 and was not obtained, dispensed with or deemed to have been given pursuant to subsection (3) of Section 75; or

(c) the person is a parent who was entitled to enter into an adoption agreement pursuant to Section 68 and who did not enter into such an agreement,

and the court considers it appropriate to set aside its order, the order may be set aside and, where the order is set aside, the court may make an order for custody or access in the best interests of the child.

(3) A person under the age of majority whose adoption is sought may appeal by the person's guardian *ad litem* but no bond shall be required or costs awarded against a person who acts as a guardian *ad litem*. 1990, c. 5, s. 83; R.S., c. 240, s. 9; 1992, c. 16, s. 38.

Limitation period

84 Where one year has elapsed from the date of an order for adoption, the order shall not thereafter, in any direct or collateral proceeding, be subject to attack or to be set aside. 1990, c. 5, s. 84.

Copies of documents, sealed packet and certificate of adoption

85 **(1)** The court shall, within ten days after an order for an adoption is made by the court, forward a copy of such order, certified to be a true copy, to the Registrar General and to the Minister and, where the original name of the person to be adopted does not appear in the adoption order, a copy of the birth registration certificate shall be attached to each copy so forwarded.

(2) The order for adoption, the application, the material filed and the record of the proceedings, and any other written information in the possession of the court, shall be kept in a sealed packet and shall not be open to inspection except upon leave of the court or upon an order in writing of the Minister.

(3) Upon the expiry of the appeal period, or at such time as an appeal is concluded, the sealed packet containing all written documentation pursuant to an adoption shall be forwarded by the court to the Minister by, subject to the regulations, appropriate means having regard to the confidential nature of the material.

(4) Upon the application of the person adopted or of either of the person's adoptive parents, the Minister shall, and in any other case the Minister may, issue a certificate of adoption which shall contain only the following particulars of the adoption:

(a) the name after adoption of the person adopted and, if known, the adopted person's sex, date of birth and birth registration number;

(b) the names of the adoptive parents; and

(c) the name of the court granting the order for adoption and the date of the order.

(5) The Minister may open the sealed packet kept by the Minister for the purpose of obtaining

(a) the information required to issue a certificate of adoption; or

(b) such information as may be disclosed pursuant to the *Adoption Information Act* and regulations made thereunder,

and, having obtained the information, shall immediately reseal the packet.

(6) Any agency or employee thereof or servant of Her Majesty in right of the Province who discloses any information, except pursuant to subsection (4) or (5) or upon a court order, is guilty of an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or, in default thereof, to a term of imprisonment not exceeding six months. 1990, c. 5, s. 85; 1996, c. 3, s. 37.

Effect of out-of-province adoption

86 Where a person has been adopted in another province, state or country according to the law of that place while domiciled or resident there or having been born there, or while the person's adoptive parent was domiciled or resident there, the person and the person's adoptive parent have for all purposes in the Province the same status, rights and duties as if the adoption had been done pursuant to this Act. 1990, c. 5, s. 86.

Adoption subsidy

87 The Minister may grant a subsidy to a person who has filed a notice of proposed adoption pursuant to this Act or who has adopted a child pursuant to this Act, where

(a) the child is residing with the person or the adoptive parent;

(b) the child is under the age of nineteen years or, where the child is pursuing an education program, the child is under the age of twenty-one years; and

(c) the child has been placed in the adoptive home by an agency pursuant to this Act. 2002, c. 5, s. 2; 2015, c. 37, s. 66.

Transfer of subsidy

88 Where a person receiving a subsidy granted pursuant to Section 87 has died or become unable to care for the child in respect of whom the subsidy was granted, the Minister may grant a subsidy to another person, where

(a) the child is residing with the person;

(b) the child is under the age of nineteen years or, where the child is pursuing an education program, the child is under the age of twenty-one years; and

(c) an agency determines that the placement of the child with the person is in the child's best interests. 2015, c. 37, s. 67.

Review of Act

88A (1) The Minister shall periodically appoint a committee to conduct a review of this Act or those provisions of it specified by the Minister.

(2) The Minister shall inform the public when a review under this Section begins and of the provisions of the Act included in the review.

(3) The committee shall prepare a written report respecting the review for the Minister.

(4) The Minister shall make the report available to the public.

(5) The first review shall be completed and the report made available to the public within four years after the day this Section comes into force.

(6) Each subsequent review shall be completed and the report made available to the public within four years after the day the report on the previous review has been made available to the public. 2015, c. 37, s. 67.

Order to bring child

89 Where an application respecting a child is pending before the court, the court may order that the child be brought before the court at any time, and for this purpose may make such order as the court deems proper. 1990, c. 5, s. 89.

Enforcement of order

90 Where a person, who is required by an order of the court pursuant to this Act to do an act or to abstain from doing an act in relation to the custody, care, or care and custody of a child or access to a child, disobeys the order, the court may enforce the order or punish for contempt of court in the same manner and following the same procedure as provided for such a case in the Supreme Court. 1990, c. 5, s. 90.

Assistance by peace officers

91 (1) It is the duty of all peace officers to assist representatives in carrying out the provisions of this Act.

(2) It is the duty of peace officers to serve any process issued out of any court.

(3) Where a court certifies that a peace officer has performed services pursuant to this Section, that peace officer is entitled to receive fees for services on the scale prescribed for an indictable offence from the municipality that would be liable to pay such fees if the proceeding had been such a prosecution. 1990, c. 5, s. 91; 2015, c. 37, s. 74.

Offences and penalties

92 (1) Where a child is the subject of a temporary-care agreement pursuant to Section 17, an interim order pursuant to Section 39, a disposition order pursuant to Section 42, a secure-treatment certificate or a secure-treatment order a person who

(a) induces or attempts to induce the child to leave the care or care and custody of a person with whom the child is placed by the court or an agency, as the case may be;

(b) detains or harbours the child after the person or agency referred to in clause (a) requires that the child be returned;

(c) interferes with the child or removes or attempts to remove the child from any place; or

(d) for the purpose of interfering with the child, visits or communicates with the person referred to in clause (a),

is guilty of an offence and upon summary conviction is liable to a fine or not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

(2) A person who induces or attempts to induce a child to leave a child-caring facility is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.

(3) A person who obstructs, interferes with or attempts to obstruct or interfere with a representative or agency employee in the discharge of duties pursuant to this Act is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for six months or to both. 1990, c. 5, s. 92; 1996, c. 10, s. 15; 2015, c. 37, ss. 68, 74.

Hearings public

93 Except where this Act otherwise provides, a proceeding pursuant to this Act shall be held in public except that where the court is satisfied that

(a) the presence of the public could cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding;

(b) it is necessary to exclude the public to obtain the full and candid testimony of a witness at the hearing; or

(c) it would otherwise be in the interest of the proper administration of justice to exclude any or all members of the public from the hearing,

the court may exclude any or all members of the public from all or any part of the hearing. 1990, c. 5, s. 93.

Prohibition on publication

94 (1) No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding pursuant to this Act, or a parent or guardian, a foster parent or a relative of the child.

(2) Where the court is satisfied that the publication of a report of a hearing or proceeding, or a part thereof, would cause emotional harm to a child who is a participant in or a witness at the hearing or is the subject of the proceeding, the court may make an order prohibiting the publication of a report of the hearing or proceeding, or the part thereof.

(3) Where the court makes an order pursuant to subsection (2), no person shall publish a report contrary to the order.

(4) A person who contravenes subsection (1) or (3), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and upon summary con-

viction is liable to a fine of not more than ten thousand dollars or to imprisonment for two years or to both. 1990, c. 5, s. 94.

Jurisdiction of court

95 The Provincial Court has exclusive original jurisdiction over the prosecution of an offence against this Act. 1990, c. 5, s. 95; 2015, c. 37, s. 69.

Evidence

96 **(1)** At a proceeding pursuant to this Act other than Sections 68 to 87, the court may, subject to subsection (2) of Section 40, admit as evidence

(a) evidence from proceedings, pursuant to this Act or any other similar legislation, respecting the child that is the subject of the hearing, or respecting another child that was in the care or custody of a parent or guardian of the child that is the subject of the hearing; or

(b) evidence taken by a commissioner appointed by the court to take the evidence of a witness,

upon such terms as the court directs.

(2) In a proceeding pursuant to this Act other than Sections 68 to 87, the privileges pursuant to Sections 49 and 59 of the *Evidence Act* do not apply.

(3) Upon consent of the parties or upon application by a party, the court may, having regard to the best interests of the child and the reliability of the statements of the child, make such order concerning the receipt of the child's evidence as the court considers appropriate and just, including

(a) the determination of the persons, including parties, who may be present while the child is giving *viva voce* evidence; and

(b) the admission into evidence of out-of-court statements made by the child. 1990, c. 5, s. 96.

Effect of out-of-province order

97 Where an order has been made by a court of competent jurisdiction in another province of Canada pursuant to provisions similar in effect to this Act, the order has the same force and effect in the Province as an order made pursuant to this Act unless the court otherwise orders. 1990, c. 5, s. 97.

No action lies

98 No action lies against a person in relation to the exercise or performance, in good faith and without negligence, of a power, duty or function conferred pursuant to this Act. 2015, c. 37, s. 70.

Regulations

99 **(1)** The Governor in Council may make regulations

(a) respecting the functions and duties of agencies;

(b) respecting the procedures for revocation or suspension of the powers and functions of an agency;

(c) respecting the qualifications, appointment and duties of representatives;

(d) respecting services to promote the integrity of families;

(e) respecting the provision of services to persons sixteen years of age or more but under nineteen years of age;

(f) respecting standards and procedures for the licensing, approval, inspection, evaluation, and suspension or cancellation of licences or approvals of child-care services and child-caring facilities;

(g) providing for payments by the Minister to agencies, child-caring facilities and child-care services for services performed by them and prescribing the conditions and procedures under which payments are to be made;

(h) respecting the approval of foster homes and foster parents;

(i) respecting procedures and conditions for admission to a child-caring facility;

(ia) respecting standards and procedures for the use in licensed child-caring facilities of therapeutic quiet rooms and physical restraints;

(j) respecting the functions and duties of advisory boards appointed pursuant to Section 16;

(k) prescribing the procedures for temporary-care agreements, special-needs agreements, services agreements, placement agreements, agreements with older adolescents and adoption agreements;

(l) respecting the qualifications, appointment and payment of mediators;

(m) respecting the reporting and investigation of reports of abuse by persons acting in the course of professional or official duties;

(n) respecting payment of the costs of taking a child into care and the maintenance of a child in care;

(o) respecting payment of the reasonable fees and disbursements of counsel appointed to represent the child;

(p) respecting payment of the reasonable fees and disbursements of a guardian *ad litem* appointed for a child;

(q) respecting the transfer between agencies of children in permanent care and custody;

(r) respecting procedures for the handling of complaints by agencies;

(s) providing for the charging of fees for services provided in relation to international adoptions;

(sa) respecting the amount payable for maintaining a child in care;

(t) respecting the voluntary admission of children to secure treatment facilities;

(u) respecting the form and issuance of secure-treatment certificates;

(ua) respecting the designation of a person by the Minister for the purpose of subsection (3) of Section 59;

(v) respecting leaves of absence from and transfers between secure treatment facilities;

(w) respecting the information to be entered in the Child Abuse Register;

(x) respecting the offences contrary to the *Criminal Code* (Canada) in respect of which a person may be entered in the Child Abuse Register;

(y) prescribing the procedures and notices for the registration of names and information in the Child Abuse Register;

(z) respecting the use of the Child Abuse Register for the purposes of research;

(za) providing for the charging of a fee for a search under the Child Abuse Register;

(aa) respecting procedures for the disclosure of information in the Child Abuse Register to persons requesting such information;

(ab) further defining when proceedings for adoption are commenced;

(ac) respecting the forwarding and retention of all records and documents pertaining to adoption;

(ad) *repealed 1996, c. 3, s. 38.*

(ae) prescribing the form of agreements for the purpose of this Act;

(af) prescribing forms for the purpose of this Act;

(ag) defining any word or expression used in this Act not defined herein;

(ah) respecting any matter the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(1A) *repealed 2015, c. 37, s. 71.*

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. 1990, c. 5, s. 99; 1994-95, c. 7, s. 15; 1996, c. 3, s. 38; 2001, c. 3, s. 4; 2002, c. 5, s. 3; 2015, c. 37, ss. 71, 74.

Repeal of Children's Services Act

100 Chapter 68 of the Revised Statutes, 1989, the *Children's Services Act*, is repealed. 1990, c. 5, s. 100.

101 to **103** *repealed 2015, c. 37, s. 72.*

Former Child Abuse Register

104 (1) In this Section, "former Register" means the Child Abuse Register established and maintained pursuant to the former Act.

(2) Where a person's name appears on the former Register and the Minister is satisfied that the person has been convicted of an offence against a child contrary to the *Criminal Code* (Canada) as prescribed in the regulations, and which relates to the matter upon which registration on the former Register was based, the name of the person and such information as is prescribed by the regulations shall be entered in the Child Abuse Register pursuant to this Act.

(3) Where a person's name appears in the former Register and an application was made by that person to the court to have the information struck from the former Register and the application was dismissed, the name of the person and such information as is prescribed by the regulations shall be entered in the Child Abuse Register pursuant to this Act.

(4) Where a person's name is entered in the Child Abuse Register pursuant to subsection (2) or (3), the person shall be given written notice of registration in the form prescribed by the regulations. 1990, c. 5, s. 104.

105 and **106** *repealed 2015, c. 37, s. 73.*

Family Maintenance Act amended

107 *amendments*

Infants' Custody Act repealed

108 Chapter 228 of the Revised Statutes 1989, the *Infants' Custody Act,* is repealed. 1990, c. 5, s. 108.

Effective date or proclamation

109 (1) This Act, excepting Sections 54 to 60 and Section 73, comes into force on and not before the third day of September, 1991, or such earlier day as the Governor in Council orders and declares by proclamation.

In force - September 3, 1991

(2) Sections 54 to 60 and Section 73 come into force on and not before such day as the Governor in Council orders and declares by proclamation. 1990, c. 5, s. 109.

ss. 54-60 proclaimed - December 4, 2003
ss. 54-60 in force - December 8, 2003
s. 73 - not proclaimed