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Bill 188

An Act to amend the Child, Youth and Family Services Act, 2017 and various other Acts

The Hon. M. Parsa

Minister of Children, Community and Social Services

Government Bill

1st Reading April 17, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Child, Youth and Family Services Act, 2017* and makes various related amendments to several other Acts. Here are some highlights of the amendments to the *Child, Youth and Family Services Act, 2017*:

1. Part II of the Act is amended with respect to offences and the rights of children in care with respect to the Ombudsman.
2. Part V of the Act is amended to provide an exception to the prohibition against publishing certain information.
3. Various amendments are made to Part IX of the Act, including,
 - i. new subsections 250 (1) to (1.3) which provide for reporting certain matters to a Director,
 - ii. new section 261.1 which provides that the Minister may determine that a licence should not be issued if the Minister believes that issuing the licence would be contrary to the public interest having regard to certain matters,
 - iii. new sections 262.1 and 262.2 and amendments to section 263 which relate to proposals by the Director to refuse to issue or revoke or refuse to renew a licence and amendments to sections 264 respecting suspension of licences,
 - iv. amendments to sections 265 and 266 and adding new section 267.1 respecting hearings by the Tribunal and appeals to Divisional Court,
 - v. new sections 279.1 to 279.7 which set out rules with respect to actions taken by inspectors, compliance orders, restraining orders, orders requiring management, orders to return funds or pay certain amounts and production orders with respect to licensees,
 - vi. new section 279.8 provides for the issuing of administrative penalties by an inspector or a Director, and
 - vii. new sections 279.9 and 279.12 provide for the review and enforcement of certain orders in certain circumstances.
4. Part X is amended to add new sections 291.1 and 292.1 which provide for restrictions to the use and disclosure of certain personal information in certain circumstances.
5. Part X.1 is added to the Act. This Part provides certain rules with respect to investigations.
6. Various amendments are made to Part XII with respect to regulation-making powers.

**An Act to amend the Child, Youth and Family Services Act, 2017
and various other Acts**

Preamble

The Government of Ontario:

Supports the principle that all children and youth in Ontario deserve safety, stability, quality care and supports to help them to succeed and thrive.

Recognizes the importance of quality in service delivery for children in care.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 The *Child, Youth and Family Services Act, 2017* is amended by adding the following section:

OFFENCES

Offences

7.1 (1) A person is guilty of an offence if the person contravenes,

- (a) section 4 (corporal punishment prohibited);
- (b) section 5 (detention restricted);
- (c) section 6 (physical restraint restricted);
- (d) section 7 (mechanical restraints restricted).

Penalty

(2) A person convicted of an offence under subsection (1) is liable to,

- (a) a fine of not more than \$250,000 or imprisonment for a term of not more than one year or both, in the case of an individual; or
- (b) a fine of not more than \$250,000 if the person is not an individual.

Limitation

(3) A proceeding in respect of an offence under subsection (1) shall not be commenced more than two years after the day on which evidence of the offence first came to the knowledge of the Director, program supervisor or inspector.

Directors, officers, employees

(4) If a corporation commits an offence under this section, a director, officer or employee of the corporation who authorized, permitted or concurred in the commission of the offence is also guilty of the offence.

Prosecution of individuals

(5) If an act or omission of an individual employed or otherwise engaged by a service provider to provide services under this Act would be an offence under subsection (1) if the act was committed or the omission was made by the service provider, the individual is guilty of the offence, whether or not the service provider has been prosecuted or convicted.

2 The Act is amended by adding the following section:

Rights re Ombudsman

9.1 A child in care has a right to be informed in language suitable to their understanding, of the information described in subsection 14.0.1 (1) of the *Ombudsman Act*.

3 The Act is amended by adding the following section:

Information re Ombudsman

15.1 A children’s aid society or residential licensee, as the case may be, shall provide the information described in subsection 14.0.1 (1) of the *Ombudsman Act* to a child or young person at the following times:

1. When the children’s aid society or residential licensee begins to provide a service to the child or young person.
2. When the child or young person makes a complaint under clause 18 (1) (a) or (b) and when requesting a further review of the complaint under subsection 19 (1) once the review by the children’s aid society or residential licensee is completed.
3. At any other times as is considered necessary, in the opinion of the children’s aid society or residential licensee, to ensure that the child or young person understands the information set out in subsection (1).
4. At such other prescribed times.

4 Section 87 of the Act is amended by adding the following subsection:

Exception

(8.1) Despite subsection (8), a prescribed person may publish or make public the information described in that subsection in the prescribed circumstances and subject to any prescribed restrictions or limitations.

5 Clause 125 (6) (b) of the Act is amended by adding “early childhood educator” after “a teacher”.

6 Section 237 of the Act is amended by striking out “266 and 267” and substituting “266, 267 and 267.1”.

7 Section 243 of the Act is amended by adding the following definition:

“designated senior employee” means a person employed in the Ministry as a deputy minister, associate deputy minister, assistant deputy minister or a person designated by the deputy minister, or in a prescribed position; (“titulaire d’un poste supérieur désigné”)

8 (1) Subsection 250 (1) of the Act is repealed and the following substituted:

Report certain matters to a Director

(1) A person described in subsection (1.2) shall immediately report their suspicion and the information on which it is based to a Director every time the person has reasonable grounds to suspect that,

- (a) there is an immediate threat to the health, safety or welfare of a child while the child is at a children’s residence or other place where residential care is provided under the authority of a licence; or
- (b) there is an immediate threat to the health, safety or welfare of a child that is caused by a licensee, a person employed or otherwise engaged by the licensee to provide residential care to a child, including a foster parent, or by another resident of the children’s residence or other place where residential care is provided under the authority of a licence.

Same

(1.1) Subsection (1) applies even if the person has made previous reports pursuant to that subsection with respect to the same child.

Persons required to report

(1.2) The following persons shall report to the Director under subsection (1):

1. The licensee, or if the licensee is a corporation, an officer or director of the corporation.
2. A person employed or otherwise engaged by the licensee to provide residential care to a child, including a foster parent.
3. A society, including a child protection worker or person designated by the society to provide services to the child.
4. The child’s probation officer, if any.
5. Any prescribed person.

Persons exempt

(1.3) The following persons are exempt from the reporting requirement set out under subsection (1):

1. A person with whom a child has been placed for adoption under Part VIII (Adoption and Adoption Licensing).
2. A volunteer providing services in a children’s residence or another place where residential care is provided under the authority of a licence.

(2) Subsection 250 (4) of the Act is amended by striking out “section 125” at the end and substituting “section 125, which shall be discharged prior to reporting information to a Director under subsection (1)”.

(3) Section 250 of the Act is amended by adding the following subsections:

Person must report directly

(5) A person described in subsection (1.2) who has a duty to make a report under subsection (1) shall make the report directly to a Director and shall not rely on any other person to report on their behalf.

Section overrides privilege, protection from liability

(6) Subject to subsection (3), this section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with this section unless the person acts maliciously or without reasonable grounds for the suspicion.

Conflict

(7) This section prevails despite anything in the *Personal Health Information Protection Act, 2004*, *Freedom of Information and Protection of Privacy Act* and Part X of this Act.

9 Subsection 253 (1) of the Act is amended by adding the following paragraph:

11.1 A summary of each of the following:

- i. A written notification issued under section 279.1.
- ii. A compliance order made under section 279.2.
- iii. A restraining order made under section 279.3.
- iv. An order requiring management under section 279.4.
- v. A Director's order made under section 279.5.
- vi. A notice of administrative penalty issued under section 279.8.
- vii. A designated senior employee's decision under section 279.10.

10 (1) Clause 254 (1) (a) of the Act is amended by adding "completed by the applicant or licensee" after "an application" at the beginning.

(2) Subsection 254 (1) of the Act is amended by adding the following clauses:

- (b.1) documentation of,
 - (i) the services that are or will be provided for children by the children's residence or other place where residential care is or will be provided under the authority of a licence, and
 - (ii) a description of how such services can or will be accessed by children and how they are appropriate for children;
- (b.2) documentation of consultation with service providers that will or do provide services to children placed in the children's residence or other place where residential care is or will be provided under the authority of a licence.

(3) Subsection 254 (3) of the Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following clause:

- (c) the Minister has determined that a licence should not be issued pursuant to section 261.1.

11 (1) Subsections 255 (3) and (4) of the Act are repealed and the following substituted:

Service of notice

(3) Notice of the imposition or amendment of conditions shall be served on the licensee.

Contents of notice

- (4) The notice shall,
 - (a) set out the reasons for imposing or amending the conditions and any other prescribed information with respect to those conditions; and
 - (b) state that the licensee is entitled to a hearing by the Tribunal if they request one in accordance with subsection 265 (2) and set out an explanation of how to request a hearing, including the deadline for doing so.

(2) Section 255 of the Act is amended by adding the following subsections:

Notice to placing agency or other person

(7) An inspector or the Director may provide to every placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence notice that,

- (a) a condition has been imposed under subsection (1) or amended under subsection (2); and
- (b) the licensee or other person who is the subject of the condition has complied with that condition.

Notice to representative of a First Nations, Inuit or Métis community

(8) In the case of a First Nations, Inuit or Métis child, a notice of anything referred to in subsection (7) may be provided to the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

Information upon request

(9) For the purposes of assisting the Director or inspector in providing notice under subsection (7) or (8), the licensee shall, upon request, provide the Director or inspector with,

- (a) the name of any placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence; and
- (b) in the case of a First Nations, Inuit or Métis child, with the name of the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

No personal information

(10) The notice provided under subsection (7) or (8) shall contain no personal information.

12 (1) Clause 261 (a) of the Act is repealed and the following substituted:

- (a) the applicant or a person the applicant has employed or otherwise engaged to provide residential care or to supervise those providing residential care is not competent to operate a children's residence or to provide residential care,
 - (i) in a responsible manner in accordance with this Act, the regulations or any other applicable law, or
 - (ii) with honesty and integrity;

(2) Subclause 261 (b) of the Act is amended by adding "or will not be carried on with honesty and integrity" at the end.

13 The Act is amended by adding the following section:

Licences, public interest

261.1 (1) The Minister may determine that a licence should not be issued if the Minister believes that issuing the licence would be contrary to the public interest, having regard to,

- (a) the number of licensed residential placements available in the area where the applicant proposes to provide residential care and the maximum number of children for whom residential care may be provided in those placements;
- (b) the number of licensed residential placements available in Ontario and the maximum number of children for whom residential care may be provided in those residential placements;
- (c) the other services, as defined in subsection 2 (1), available in the geographic area where the applicant proposes to provide residential care and any other area in Ontario;
- (d) the other residential placement options available in the geographic area where the applicant proposes to provide residential care and any other area, where that information is available to the Minister;
- (e) any other matters that may be prescribed; or
- (f) any other matters that the Minister considers to be relevant.

Determination at Minister's discretion

(2) The Minister's determination made under subsection (1) is within the sole discretion of the Minister and is not subject to appeal to the Tribunal.

14 (1) Clause 262 (a) of the Act is amended by striking out "the licensee or an employee of the licensee, or where the licensee is a corporation, an officer or director of the corporation" at the beginning and substituting "the licensee or a person the licensee has employed or otherwise engaged to provide residential care or to supervise those providing residential care".

(2) Clause 262 (b) of the Act is amended by striking out "or" at the end of subclause (i), by adding "or" at the end of subclause (ii) and by adding the following subclause:

- (iii) that the children's residence or other place where residential care is provided is not being or will not be operated with honesty or integrity;

(3) Clause 262 (f) of the Act is repealed and the following substituted:

- (f) a change has occurred in the persons the licensee has employed or otherwise engaged to provide residential care or to supervise those providing residential care that would, if the licensee were applying for the licence in the first instance, afford grounds under clause 261 (b) for refusing to issue the licence;

(f.1) where the licensee is a corporation, a change has occurred in the officers or directors of the licensee that would, if the licensee were applying for the licence in the first instance, afford grounds under clause 261 (b) for refusing to issue the licence;

(4) Section 262 of the Act is amended by adding “or” to the end of clause (g) and by adding the following clause:

(h) the licensee has failed to pay a penalty imposed by a notice of administrative penalty issued under section 279.8.

15 The Act is amended by adding the following sections:

Interpretation

262.1 For the purposes of clauses 261 (a) and (e) and 262 (a), a reference to an applicant or a licensee includes a reference to an officer or director if the applicant or licensee is a corporation.

No application

262.2 An applicant or licensee to whom a notice is issued under section 263 may not submit a new application for a licence,

- (a) until the period to request a hearing by the Tribunal under clause 265 (2) (b) has expired; or
- (b) where the applicant or licensee has requested a hearing respecting the notice, until the Tribunal has made an order under subsection 265 (5) and until all other appeals, including any appeal commenced under section 267, have been disposed of.

16 (1) Subsection 263 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Notice of proposal

(1) The Director shall serve notice on the applicant or licensee, as the case may be, if the Director proposes to,

(2) Subsection 263 (2) of the Act is repealed and the following substituted:

Contents and service of notice

- (2) The notice shall,
 - (a) set out the reasons for the proposed action and any other prescribed information; and
 - (b) state that the applicant or licensee is entitled to a hearing by the Tribunal if they request one in accordance with subsection 265 (2) and set out an explanation of how to request a hearing, including the deadline for doing so.

Filing with court

(3) Subject to subsection (4), a certified copy of a notice issued under subsection (1) may be filed with a local registrar of the Superior Court of Justice and, on filing, is deemed to be an enforceable order of that court.

Same

(4) The certified copy of the notice shall not be filed until the time for requesting a hearing set out in subsection 265 (2) has expired, or if the applicant or licensee has requested a hearing by the Tribunal, until the request has been withdrawn.

17 Subsections 264 (2) to (5) of the Act are repealed and the following substituted:

Service of notice

(2) Notice of the suspension shall be served on the licensee.

Contents of notice

- (3) The notice shall,
 - (a) set out the reasons for the suspension of the licence and any other prescribed information; and
 - (b) state that the licensee is entitled to a hearing by the Tribunal if they request one in accordance with subsection 265 (2) and set out an explanation of how to request a hearing, including the deadline for doing so.

Filing with court

(4) Subject to subsection (5), a certified copy of a notice issued under subsection (2) may be filed with a local registrar of the Superior Court of Justice and, on filing, is deemed to be an enforceable order of that court.

Same

(5) The certified copy of the notice shall not be filed until the time for requesting a hearing set out in subsection 265 (2) has expired, or if the applicant or licensee has requested a hearing by the Tribunal, until the request has been withdrawn.

Effect of suspension

(6) A suspension takes effect immediately upon the licensee's receipt of the notice, after which time the licensee shall, having regard to the child's best interests, cease to provide residential care immediately.

Suspension is not stayed

(7) A suspension is not stayed by a request for a hearing by the Tribunal.

Posting of summary of notice

(8) A Director may post a summary of a notice of suspension,

- (a) in the case of a children's residence, at the residence; or
- (b) in the case of any other place where residential care is provided under the authority of a licence, at the business premises of the licensee or at any other prescribed premises.

No personal information

(9) The summary of the notice referred to in subsection (8) shall contain no personal information.

Removal of summary prohibited

(10) No person, other than a Director, shall remove a summary of a notice unless the person is authorized to do so by a Director or in the prescribed circumstances.

No application

(11) No person whose licence is suspended may apply to a Director for a licence during the suspension.

18 (1) Subsection 265 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Hearings by Tribunal

(1) An applicant or licensee may request a hearing by the Tribunal in accordance with subsection (2) if they receive any of the following:

(2) **Subsection 265 (1) of the Act is amended by adding the following paragraph:**

- 5. An order requiring management under section 279.4.

(3) **Subsection 265 (2) of the Act is amended by striking out "notice" in the portion before clause (a) and substituting "notice or order".**

(4) **Clause 265 (2) (a) of the Act is amended by striking out "given the notice" at the end and substituting "served with the notice".**

(5) **Clause 265 (2) (b) of the Act is amended by striking out "given the notice" at the end and substituting "served with the notice".**

(6) **Subsection 265 (2) of the Act is amended by adding the following clause:**

- (c) in the case of an order requiring management under section 279.4, within 10 days after the person is served with the order.

(7) **Section 265 of the Act is amended by adding the following subsection:**

Content of request

(2.1) No later than 20 days after the notice or the order has been served, the applicant or licensee must provide the Director, as part of their request for a hearing, with the following:

1. The portions of the notice or order in respect of which the hearing is requested.
2. The reasons for requesting a hearing.
3. Where applicable, any measures that the licensee has put in place to protect the health and safety of children receiving residential care.
4. Any provisions of the Act or regulations that the applicant or licensee thinks are relevant to their request.
5. An address for service to the applicant or licensee.
6. An email address for the applicant or licensee, if available.

(8) **Clause 265 (5) (a) of the Act is amended by striking out "or" at the end of subclause (i), by adding "or" at the end of subclause (ii) and by adding the following subclause:**

(iii) substitute its opinion for that of the Director with respect to the reasons for the refusal or revocation;

(9) Clause 265 (5) (c) of the Act is repealed and the following substituted:

(c) in the case of a suspension of a licence or an order requiring management under section 279.4,

(i) rescind or confirm the suspension or order, or

(ii) substitute its opinion for that of the Director with respect to the reasons for the suspension or order.

(10) Subsection 265 (6) of the Act is repealed.

19 Subsection 266 (8) of the Act is repealed and the following substituted:

Final decision by Tribunal

(8) The Tribunal shall use its best efforts to make a final decision in a timely fashion.

20 The Act is amended by adding the following section:

No automatic stay on appeal to court

267.1 (1) An appeal to the Divisional Court does not stay the decision unless the Divisional Court orders otherwise upon being satisfied that a stay will not cause harm or a risk of harm to the health, safety or welfare of a child.

Application to remove stay — new circumstances

(2) The Director may apply for the removal of a stay ordered by the Divisional Court under subsection (1) on the grounds that the circumstances have changed since the order was made.

Removal of stay

(3) If the Director has applied under subsection (2) and the Divisional Court is satisfied that the circumstances have changed, the Court shall remove the stay unless it is satisfied that continuing the stay will not cause harm or a risk of harm to the health, safety or welfare of a child.

21 (1) Clauses 270 (a) and (b) of the Act are repealed and the following substituted:

(a) the licensee shall, within 24 hours of the revocation, refusal or cessation, or immediately in the case of a suspension, notify in writing every placing agency or person who has a child placed in the children's residence or other place where residential care is provided;

(b) the placing agency or person who placed a child shall, having regard to the child's best interests, arrange for the child's removal from the residence or other place as soon as is practicable, or immediately in the case of a suspension, and the Minister may assist in finding an alternative placement for the child; and

(c) in the case of a First Nations, Inuk or Métis child, the licensee shall, within 24 hours of the revocation, refusal or cessation, or immediately in the case of a suspension, notify in writing the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities of the revocation, suspension, refusal or cessation.

(2) Section 270 of the Act is amended by adding the following subsection:

Notice to Director

(2) As soon as practicable after giving notice under clause (1) (a), the licensee shall inform the Director that such notice has been provided.

22 Section 279 of the Act is repealed and the following substituted:

Copy constitutes evidence

279 (1) In any proceeding, other than a prosecution, a copy of an order, notice, decision or inspection report made under this Act or the regulations that appears to be signed by an inspector or a Director is admissible as evidence of the order, notice, decision or inspection report and of the facts appearing in the document without further proof.

Same

(2) In any proceeding, other than a prosecution, a copy of a record or thing made under clause 276 (1) (d) that appears to be certified as a true copy of the original by an inspector is admissible as evidence of the record or thing and of the facts appearing in it without further proof.

Same, prosecution

(3) In any prosecution, a copy of an order, notice, decision or inspection report made under this Act or the regulations that appears to be signed by an inspector or a Director is admissible as evidence, in the absence of evidence to the contrary, of the order, notice, decision or inspection report and of the facts appearing in the document without further proof.

Same

(4) In any prosecution, a copy of a record or thing made under clause 276 (1) (d) that appears to be certified as a true copy of the original by an inspector is admissible as evidence, in the absence of evidence to the contrary, of the record or thing and of the facts appearing in it without further proof.

23 The Act is amended by adding the following sections:

ENFORCEMENT

Actions by inspector in case of non-compliance

279.1 (1) If an inspector finds that a licensee has not complied with a requirement under this Act, with a directive issued under section 252 or with a condition of their licence, the inspector shall take one or more of the following actions:

1. Issue a written notification of non-compliance to the licensee.
2. Issue a written notification to the licensee and refer the matter to the Director for further action.
3. Make a compliance order under section 279.2.
4. Issue a notice of administrative penalty under section 279.8.

Non-compliance remedied

(2) Despite subsection (1), if the licensee has remedied the non-compliance and the inspector is satisfied that the non-compliance caused no harm and created no risk or minimal risk of harm to a child, the inspector is not required to take an action under subsection (1) but shall document their findings as well as the remedy in the inspection report required under section 278.

Compliance orders

279.2 (1) If an inspector or a Director believes on reasonable grounds that a licensee or a person providing residential care on behalf of the licensee has contravened or failed to comply with a requirement under this Act, with a condition of the licence or with a directive issued under section 252, the inspector or Director may order them to,

- (a) do anything or refrain from doing anything to achieve compliance;
- (b) prepare, submit and implement a written plan that is acceptable to the inspector or Director for achieving compliance; or
- (c) arrange for a person specified in the order to complete specified educational courses or training.

Term

(2) In making an order under subsection (1), the inspector or Director may specify dates by which the licensee or person providing residential care on behalf of the licensee is required to comply with the order.

Amendment or revocation of order

(3) An order made under subsection (1) may be amended or revoked and the licensee and the person to whom the order is directed, where that person is not the licensee, shall be given written notice of the amendment or revocation.

No appeal from compliance orders

(4) Orders made under subsection (1) or amended under subsection (3) by an inspector or a Director are within the sole discretion of the inspector or Director and are not subject to an appeal to the Tribunal.

Filing with court

(5) A certified copy of an order made subsection (1) or amended under subsection (3) may be filed with a local registrar of the Superior Court of Justice and, on filing, is deemed to be an enforceable order of that court.

Notice to placing agency or other person

(6) An inspector or the Director may provide to every placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence notice that,

- (a) an order has been made under subsection (1) or amended or revoked under subsection (3); and
- (b) the licensee or other person who is the subject of the order has complied with it.

Notice to representative of a First Nations, Inuit or Métis community

(7) In the case of a First Nations, Inuk or Métis child, a notice of anything referred to in subsection (6) may be provided to the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

Information upon request

(8) For the purposes of assisting the Director or inspector in providing notice under subsection (6) or (7), the licensee shall, upon request, provide the Director or inspector with,

- (a) the name of any placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence; and
- (b) in the case of a First Nations, Inuk or Métis child, with the name of the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

No personal information

(9) The notice provided under subsection (6) or (7) shall contain no personal information.

Restraining orders

279.3 (1) If a Director believes on reasonable grounds that the residential care a licensee or any person who is employed or otherwise engaged by the licensee provides under the authority of a licence issued under this Part poses an imminent threat to the health, safety or welfare of any children receiving such care, the Director may apply to the Superior Court of Justice for an order to restrain the licensee or person from providing residential care under the authority of any licence issued under this Part.

Interim order

(2) In a proceeding commenced under subsection (1), a judge may, on application of the Director, grant an interim order described in that subsection if the judge believes, based on the evidence before them, that it is in the public interest to do so.

Same

(3) A judge may grant an interim order even if the Director has not established that irreparable harm will be done if the order is not issued.

Same

(4) A judge shall not require the Director to post a bond or give an undertaking as to damages when granting an interim order.

Variations or discharge

(5) Any person subject to an order may apply to the Superior Court of Justice for an order to vary or discharge an order made under subsection (1).

Order requiring management

279.4 (1) A Director may order a licensee to retain, at the licensee's expense, one or more persons acceptable to the Director to manage or assist in managing,

- (a) the entire operation of the children's residence or other place where residential care is provided under the authority of a licence; or
- (b) a specific issue related to the operation of the children's residence or other place where residential care is provided under the authority of a licence.

Contents of order

(2) The Director may, in an order made under subsection (1), set out the time within which the licensee shall retain one or more persons acceptable to the Director, the time within which the person or persons must begin to perform their duties pursuant to clause (1) (a) or (b) and any other prescribed information.

Grounds

(3) An order may be made under subsection (1) if,

- (a) there are reasonable grounds to believe that the licensee has not complied with a requirement under this Act, with a condition of their licence or with a directive issued under section 252;
- (b) there are reasonable grounds to believe that the licensee cannot or will not properly manage the children's residence or other place where residential care is provided under the authority of a licence, or that they cannot do so without assistance;
- (c) there are circumstances present in the residence or other place where residential care is provided under the authority of a licence that are prejudicial to the child's health, safety or welfare; or
- (d) there is an emergency situation in the residence or other place, or a situation comparable to an emergency, including an outbreak of disease of public health significance, a communicable disease as defined in the *Health Protection and Promotion Act* or a pandemic.

Director's authority to collect information

(4) The Director may collect information on the qualifications, including any prescribed qualifications, of a person to be retained under subsection (1) for the purposes of supporting the Director's assessment of whether that person is qualified to carry out the duties set out in clause (1) (a) or (b).

Order takes effect upon service

(5) An order made under subsection (1) takes effect immediately upon being served on the licensee and is not stayed by a request for a hearing by the Tribunal.

Filing with court

(6) Subject to subsection (7), a certified copy of an order issued under subsection (1) may be filed with a local registrar of the Superior Court of Justice and, on filing, is deemed to be an enforceable order of that court.

Same

(7) The certified copy of the notice shall not be filed until the time for requesting a hearing set out in subsection 265 (2) has expired, or if the applicant or licensee has requested a hearing by the Tribunal, until the request has been withdrawn.

Notice to placing agency or other person

(8) A Director may provide notice of the order to every placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence.

Notice to representative of a First Nations, Inuit or Métis community

(9) In the case of a First Nations, Inuk or Métis child, the notice described in subsection (8) may be provided to the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

Information upon request

(10) For the purposes of assisting the Director in providing notice under subsection (8) or (9), the licensee shall, upon request, provide the Director or inspector with,

- (a) the name of any placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence; and
- (b) in the case of a First Nations, Inuk or Métis child, with the name of the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

No personal information

(11) The notice provided under subsection (8) or (9) shall contain no personal information.

Order to return funds or pay

279.5 (1) A Director may order that a licensee return or pay to a person or entity a specified amount of money that was provided to or collected by the licensee for the provision of residential care under the authority of a licence.

Contents of order

(2) An order made under subsection (1) shall set out the amount of the money to be paid or returned and the time and manner of the payment or return.

Grounds

(3) An order may be made under subsection (1) if the Director has determined that,

- (a) the licensee has misused or failed to use all or part of the funding provided to them in accordance with the terms of an agreement for the provision of residential care to a child entered into with a person or entity; or
- (b) the licensee has misused or failed to use funding provided to them by a person or entity for the provision of residential care under the authority of a licence in any of the prescribed circumstances.

Determination of amount

(4) In determining the amount of money to be returned or paid, the Director shall take into account the following principles:

1. The amount of money returned or paid should be sufficient to encourage compliance with the terms of any agreement in place respecting funding to be provided to the licensee for the provision of residential care.
2. The amount of money returned or paid shall be reasonably proportionate to the amount of funding that the licensee misused or failed to use for the provision of residential care to a child.
3. Any other principles that may be prescribed.

Financial information

(5) For the purposes of deciding whether to make an order under subsection (1) or determining the amount to be returned or paid under subsection (4), the Director may, if the Director believes that a licensee has misused or failed to use all or part of the funding provided to or collected by the licensee for the provision of residential care from a person or entity, require the person or entity to provide,

- (a) documentation of all funding provided to the licensee for the provision of residential care in respect of children placed with the licensee;
- (b) a copy of any agreements entered into with the licensee for the provision of residential care, including details of the financial arrangements with respect to the licensee's provision of residential care to the children; and
- (c) any other prescribed information.

Interpretation

(6) For the purposes of subsections (1), (3) and (5), a person or entity means a person or entity that provides a service funded under this Act and that has placed a child in residential care or in foster care, and includes a society.

Copy of order

(7) When an order is made under subsection (1), the Director shall ensure that the person or entity to whom the money is being paid or returned receives a copy of the order.

Notice to placing agency or other person

(8) A Director may provide notice of the order to every placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence.

Notice to representative of a First Nations, Inuit or Métis community

(9) In the case of a First Nations, Inuk or Métis child, the notice described in subsection (8) may be provided to the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

Information upon request

(10) For the purposes of assisting the Director in providing notice under subsection (8) or (9), the licensee shall, upon request, provide the Director or inspector with,

- (a) the name of any placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence; and
- (b) in the case of a First Nations, Inuk or Métis child, with the name of the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

No personal information

(11) The notice provided under subsection (8) or (9) shall contain no personal information.

Production order

279.6 (1) On application without notice by a provincial offences officer, a justice may at any time issue a production order to a person, other than a person under investigation for an offence, requiring the person to,

- (a) produce documents or data, or copies of documents or data certified by affidavit to be true copies; or
- (c) prepare a document based on documents or data already in existence and produce it.

Contents of order

(2) A production order must stipulate when, where and how the documents or data are to be produced, and to whom they are to be produced.

Grounds

(3) A justice may make a production order if satisfied by information given under oath or affirmation that there are reasonable grounds to believe that,

- (a) an offence under this Act has been or is being committed;
- (b) the document or data will provide evidence respecting the offence or suspected offence; and
- (c) the person who is subject to the order has possession or control of the document or data.

Conditions

(4) A production order may contain any conditions the justice considers advisable.

Evidence

(5) A copy of a document or data produced under this section, on proof by affidavit that it is a true copy, is admissible in evidence in proceedings under this Act and has the same probative force as the original document or data would have if it had been proved in the ordinary way.

No return of copies

(6) Copies of documents or data produced under this section are not required to be returned to the person who provided them.

Interpretation

(7) In this section, “justice” means a provincial judge or a justice of the peace.

Form and service of orders

279.7 An order under section 279.2, 279.4 or 279.5 shall,

- (a) be in writing;
- (b) set out the reasons for the order and any other prescribed information;
- (c) set out, if there is a right of review under subsection 279.9 (1), a statement of that right and an explanation of how to exercise that right, including the deadline for requesting a review;
- (d) set out, if there is a right to a hearing under section 265, a statement of that right and an explanation of how to exercise that right, including the deadline for requesting a hearing; and
- (e) be served on the licensee against whom it is made or issued and, in the case of a compliance order, on the person whom the Director or inspector believes is not in compliance with a requirement under this Act, any licence conditions or a directive issued under section 252, if that person is not the licensee.

ADMINISTRATIVE PENALTIES**Notice of administrative penalty**

279.8 (1) An inspector or a Director may issue a notice in writing requiring a licensee to pay an administrative penalty in the amount set out in the notice if the inspector or Director is of the opinion that the licensee has contravened or failed to comply with a requirement under this Act or with a directive issued under section 252.

Purposes of administrative penalty

- (2) A notice of administrative penalty may be issued under this section for the purpose of,
- (a) encouraging compliance with a requirement under this Act or with a directive issued under section 252; or
 - (b) preventing a licensee from deriving, directly or indirectly, any economic benefit as a result of contravening or failing to comply with a requirement under this Act or with a directive issued under section 252.

Content and service of notice of administrative penalty

- (3) A notice of administrative penalty shall be served on the licensee against whom it is issued and shall,
- (a) set out the reasons for the notice, including details of the contravention or failure to comply, and any other prescribed information;
 - (b) set out the amount of the penalty to be paid and specify the time and manner of the payment; and
 - (c) state that the licensee is entitled to request a review of the notice by a designated senior employee under subsection 279.9 (1) and an explanation of how to request the review, including the deadline for doing so.

Amount of administrative penalty

- (4) Subject to subsections (5) and (6), the amount of an administrative penalty in respect of a contravention or failure to comply,
- (a) shall be determined by the inspector or Director in accordance with the prescribed rules;
 - (b) shall not exceed \$100,000; and
 - (c) shall reflect the purposes referred to in subsection (2).

Same, considerations

- (5) In determining the amount of an administrative penalty under clause (4) (a), the inspector or Director may consider,
- (a) whether the licensee has previously contravened or failed to comply with a requirement under this Act or with a directive issued under section 252;

- (b) whether an order has previously been made under section 279.2 because the licensee contravened or failed to comply with the same requirement under this Act or with a directive issued under section 252, including an order made before this section came into force; or
- (c) any other prescribed criteria.

Same, reduced amount

(6) The inspector or Director shall reduce the amount of an administrative penalty determined under clause (4) (a) if the inspector or Director determines that the amount is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances and any reduction shall constitute an amendment under subsection (13).

Notice to placing agency or other person

(7) An inspector or the Director may provide to every placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence notice that,

- (a) a notice of administrative penalty has been issued under subsection (1) or amended or revoked under subsection (13); and
- (b) the licensee who is the subject of the notice has paid the administrative penalty.

Notice to representative of a First Nations, Inuit or Métis community

(8) In the case of a First Nations, Inuk or Métis child, a notice of anything referred to in subsection (7) may be provided to the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

Information upon request

(9) For the purposes of assisting the Director or inspector in providing notice under subsection (7) or (8), the licensee shall, upon request, provide the Director or inspector with,

- (a) the name of any placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence; and
- (b) in the case of a First Nations, Inuk or Métis child, with the name of the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

No personal information

(10) The notice provided under subsection (7) or (8) shall contain no personal information.

Posting of summary of notice

(11) A Director or inspector may post a summary of the notice of administrative penalty, a summary of any amendments to the notice or a summary of the revocation of the notice,

- (a) in the case of a children's residence, at the residence; or
- (b) in the case of any other place where residential care is provided under the authority of a licence, at the business premises of the licensee or at any other prescribed premises.

Removal of summary of notice prohibited

(12) No person, other than a Director or inspector, shall remove a summary of the notice unless the person is authorized to do so by a Director or inspector or in the prescribed circumstances.

Amendment or revocation of notice

(13) A notice of administrative penalty issued under subsection (1) may be amended or revoked and the licensee must receive written notice of the amendment or revocation.

Notice of amendment

(14) The Director or inspector shall comply with subsection (3) when providing a licensee with a notice of amendment.

Two-year limitation

(15) An inspector or Director shall not issue a notice of an administrative penalty more than two years after the day the inspector or Director first becomes aware of the most recent contravention or failure to comply with a requirement under this Act or with a directive issued under section 252 on which the notice is based.

Payment to Minister of Finance

(16) A licensee who is required to pay an administrative penalty under this Act shall pay the penalty to the Minister of Finance.

REVIEWS

Review of order to return or pay funds and of notice of administrative penalty

279.9 (1) A licensee may request that a designated senior employee conduct a review in the following circumstances:

1. The licensee has been ordered to return or pay a specified amount of money under subsection 279.5 (1).
2. A notice of administrative penalty has been issued against the licensee under section 279.8.

Request for review

(2) The request for review must be in writing and shall be served on the designated senior employee within 28 days from the day the notice or order was served on the licensee.

Contents of request for review

(3) The request for review must include,

- (a) the portions of the order or notice of administrative penalty in respect of which the review is requested;
- (b) any submissions that the licensee wishes the designated senior employee to consider;
- (c) an address for service on the licensee; and
- (d) an email address for the licensee, if available.

Copy of request

(4) If the licensee requests a review of an order made under subsection 279.5 (1), the licensee shall provide a copy of the request by email at the last known address of the person or entity named in the order on the same day that the request is served on the designated senior employee.

Review, stay of order or administrative penalty

(5) If a licensee requests a review, the requirement to comply with the order or pay the administrative penalty is stayed until the disposition of the review.

Decision of the designated senior employee re order to return or pay funds

279.10 (1) On review of an order made under subsection 279.5 (1), the designated senior employee may rescind, confirm or amend the order, or may substitute their own order for that of the Director.

Decision of the designated senior employee re administrative penalty

(2) On review of a notice of administrative penalty, the designated senior employee may,

- (a) find that the licensee did not contravene or fail to comply with a requirement under this Act or a directive issued under section 252 specified in the notice, and rescind the notice;
- (b) find that the licensee did contravene or fail to comply with a requirement under this Act or a directive issued under section 252, and confirm the notice;
- (c) find that the licensee did contravene or fail to comply with a requirement under this Act or a directive issued under section 252, but that the penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances, in which case the employee shall amend the notice by reducing the amount of the penalty; or
- (d) find that the amount of the administrative penalty was calculated incorrectly, and increase or decrease the amount to correct the calculation.

Form and service of decision

(3) The decision of the designated senior employee shall,

- (a) be in writing;
- (b) set out the reasons for the decision and any other prescribed information; and
- (c) be served on the licensee and, in the case of an order made under subsection 279.5 (1), on the person or entity that is named in the order.

Compliance after review

(4) The licensee shall comply with the decision of the designated senior employee within 30 days after the day the decision was served on the licensee.

Decision final

(5) The decision of the designated senior employee is final.

Non-application of SPPA

(6) The *Statutory Powers Procedure Act* does not apply to a review conducted under this section.

Notice of designated senior employee's decision to placing agency or other person

279.11 (1) The designated senior employee may provide notice of their decision to every placing agency or person who has a child placed in the children's residence or other place where residential care is provided under the authority of a licence.

Notice of designated senior employee's decision to representative of a First Nations, Inuit or Métis community

(2) In the case of a First Nations, Inuk or Métis child, the notice may be provided by the designated senior employee to the representative chosen by each of the child's bands or First Nations, Inuit or Métis communities.

No personal information

(3) The notice provided under subsection (1) or (2) shall contain no personal information.

Enforcement of order to return or pay funds and administrative penalty

279.12 (1) Subject to subsection (2), if a licensee fails to comply with an order made under section 279.5 or fails to pay an administrative penalty in accordance with the terms set out in the notice, a certified copy of any of the following may be filed with a local registrar of the Superior Court of Justice and, on filing, is deemed to be an enforceable order of that court:

1. An order made under section 279.5.
2. A notice of administrative penalty issued under section 279.8.
3. A designated senior employee's decision made under section 279.10.

Same

(2) The order made under section 279.5 or the notice of administrative penalty issued under section 279.8 shall not be filed until the time for requesting a review by the designated employee set out in subsection 279.9 (2) has expired or, if the licensee has requested a review, until the request has been withdrawn.

Post-judgment interest

(3) Section 129 of the *Courts of Justice Act* applies in respect of an order, notice of administrative penalty or decision filed with the Superior Court of Justice under subsection (1) of this section and, for that purpose, the date on which the order, notice of administrative penalty or decision is filed is deemed to be the date of the order.

Crown debt

279.13 An administrative penalty issued under this Part that is not paid in accordance with the terms set out in the order or notice of the administrative penalty is a debt due to the Crown and enforceable as such.

24 (1) Subsection 280 (1) of the Act is amended by adding the following clauses:

- (j) contravenes section 249 (duty to provide licence and other information);
- (k) fails to comply with a notice issued under section 264 (suspension);
- (l) fails to comply with an order made under section 279.2 (compliance orders);
- (m) fails to comply with an order made under section 279.4 (order requiring management);
- (n) fails to comply with an order made under section 279.5 (order to return funds or pay);
- (o) fails to pay an administrative penalty issued under section 279.8

(2) Clauses 280 (2) (a) and (b) of the Act are repealed and the following substituted:

- (a) a fine of not more than \$250,000 or imprisonment for a term of not more than one year or both, in the case of an individual; or
- (b) a fine of not more than \$250,000 if the person is not an individual.

(3) Subsection 280 (4) of the Act is amended by striking out "\$5,000" at the end and substituting "\$250,000".

(4) Section 280 of the Act is amended by adding the following subsection:

Prosecution of individuals

(7) If an act or omission of an individual employed or otherwise engaged by a service provider to provide services under this Act would be an offence under subsection (1) if the act was committed or the omission was made by the service provider, the individual is guilty of the offence, whether or not the service provider has been prosecuted or convicted.

25 The Act is amended by adding the following section:

GENERAL

Service

280.1 (1) Anything that is required to be served by a Director, an inspector or a designated senior employee under this Part shall be served,

- (a) personally;
- (b) by registered mail or commercial courier to the person who is to be served at the last address appearing on the records of the Ministry for that person; or
- (c) by email to the person who is to be served at the last email address appearing on the records of the Ministry for that person.

Same

(2) Anything that is required to be given or delivered by a Director, an inspector or other employee of the Ministry may be served as provided for in subsection (1).

Personal service

(3) For the purposes of clause (1) (a), a document is served personally if,

- (a) in the case of an individual, a copy of the document is delivered personally to the individual;
- (b) in the case of a sole proprietorship, a copy of the document is delivered personally to the sole proprietor or to a person apparently authorized to accept the delivery in an office of the proprietor; or
- (c) in the case of a corporation, a copy of the document is delivered personally to an officer or director of the corporation or to a person apparently authorized to accept the delivery in an office of the corporation.

Same

(4) For the purposes of subsection (3), a person serving a document personally is not required to provide the original document or have it in their possession.

Methods of service

(5) Anything that is required to be served, given or delivered to the Director, the designated senior employee or to the Minister under this Part shall be served by email or by any other method authorized by the Director, the designated senior employee or the Minister, as the case may be.

Service to person in charge

(6) A document may also be served on a children's residence or other place where residential care is provided under the authority of a licence by delivering a copy of the document personally to a person apparently in charge of the residence or other place that is the subject of the document in question.

Service by registered mail

(7) If service is made by registered mail, the service is deemed to be made on the fifth day after the day of mailing.

Service by email

(8) If service is made by email, the service is deemed to be made on the following day if the document was served after 4 p.m.

Service by commercial courier

(9) If service is made by commercial courier, the service is deemed to be made on the second business day after the commercial courier received the document.

26 The definition of "proceeding" in section 281 of the Act is amended by adding "the Council or a committee of the College of Early Childhood Educators under the *Early Childhood Educators Act, 2007*, a committee of the Ontario College of Teachers under the *Ontario College of Teachers Act, 1996*" before "an arbitrator".

27 The Act is amended by adding the following section:

No use of personal information

291.1 (1) Despite sections 286 and 291, no society or prescribed person or entity shall use personal information about an individual that was collected by the society or prescribed person or entity when the individual was receiving care and support pursuant to an agreement made under section 124 or when the individual was a child who was or may have been in need of protection or that was collected in other prescribed circumstances, if,

- (a) the personal information is held in a prescribed record or relates to care and support received pursuant to an agreement made under section 124 or to prescribed services provided to the individual; and

- (b) the individual is no longer eligible to receive care and support pursuant to an agreement made under section 124 or prescribed services.

Exceptions

(2) A society or prescribed person or entity may, in accordance with any regulations and subject to any prescribed restrictions, use the personal information described in subsection (1) if,

- (a) the society or prescribed person or entity is required to use the information for purposes of providing the information to the Minister pursuant to a request made under subsection 283 (2) or 284 (2);
- (b) the society or prescribed person or entity is using the personal information to respond to a request for access to personal information under section 313;
- (c) the use is for the purposes of section 320; or
- (d) the use is for a prescribed purpose.

28 The Act is amended by adding the following section:

No disclosure of personal information

292.1 (1) Despite sections 286 and 292, no society or prescribed person or entity shall disclose personal information about an individual that was collected by the society or prescribed person or entity when the individual was receiving care and support pursuant to an agreement made under section 124 or when the individual was a child who was or may have been in need of protection or that was collected in other prescribed circumstances, if,

- (a) the personal information is held in a prescribed record or relates to care and support received pursuant to an agreement made under section 124 or to prescribed services provided to the individual; and
- (b) the individual is no longer eligible to receive care and support pursuant to an agreement made under section 124 or prescribed services.

Exceptions

(2) A society or prescribed person or entity may, in accordance with any regulations and subject to any prescribed restrictions, disclose the personal information described in subsection (1) if,

- (a) the society or prescribed person or entity is required to disclose the information for purposes of providing the information to the Minister pursuant to a request made under subsection 283 (2) or 284 (2);
- (b) the society or prescribed person or entity is disclosing the personal information to respond to a request for access to personal information under section 313;
- (c) the disclosure is for the purposes of section 320; or
- (d) the disclosure is for a prescribed purpose.

29 The Act is amended by adding the following part:

**PART X.1
INVESTIGATIONS**

Investigations with warrant

332.1 (1) Upon application made without notice by an inspector, a justice may issue a warrant if satisfied on information under oath that there are reasonable grounds to believe that a person has committed or is committing an offence under this Act and that there is,

- (a) information or evidence relating to the offence in any building, dwelling, receptacle or place; or
- (b) information or evidence relating to the offence that may be obtained through the use of an investigative technique or procedure or from doing of anything described in the warrant.

Powers under warrant

(2) A warrant authorizes an inspector to exercise the following powers, subject to any conditions contained in the warrant:

1. To enter or access the building, dwelling, receptacle or place specified in the warrant and seize, examine and remove anything described in the warrant.
2. To make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation.
3. To use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form.

4. To require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant.
5. To use any investigative technique or procedure described in the warrant or do anything described in the warrant.

Dwellings

(3) The power to enter a premises described in paragraph 1 of subsection (2) with a warrant shall not be exercised to enter a premises that is used as a dwelling, except if the justice is informed that the warrant is being sought to authorize entry into a dwelling and the justice authorizes entry into the dwelling.

Conditions on warrant

(4) The warrant shall contain the conditions that the justice considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

Assistance

(5) The warrant may authorize persons who have special, expert or professional knowledge, and such other persons as may be necessary, to accompany and assist the inspector in respect of the execution of the warrant.

Expiry of warrant

(6) The warrant shall state a date of expiry that is no later than 30 days after the warrant is issued, but a justice may extend the date of expiry for an additional period of no more than 30 days upon application without notice by an inspector.

Time of execution

(7) An entry or access under a warrant issued under subsection (1) shall be made between 8 a.m. and 8 p.m., unless the warrant specifies otherwise.

Use of force

(8) An inspector may call upon police officers for assistance in executing the warrant and the inspector may use whatever force is reasonably necessary to execute the warrant.

Copies of seized items

(9) An inspector who seizes anything under this section or section 332.2 may make a copy of it.

Admissibility

(10) A copy of a document or record certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Further warrants

(11) A justice may issue further warrants under subsection (1).

Interpretation

(12) In this section, “justice” means a provincial judge or a justice of the peace.

Seizure of things not specified

332.2 An inspector who is lawfully present in a place pursuant to a warrant or otherwise in the execution of their duties may, without a warrant, seize anything in plain view that the inspector believes on reasonable grounds will afford evidence relating to an offence under this Act.

Searches in exigent circumstances

332.3 (1) An inspector may exercise any of the powers described in subsection 332.1 (2) without a warrant if the conditions for obtaining a warrant exist but because of exigent circumstances it would be impracticable to obtain one.

Same

(2) Subsections 332.1 (5), (9) and (10) and section 332.2 apply, with necessary modifications, to a search under this section.

Use of force

(3) The inspector may, in exercising any of the powers given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

Report to justice, things seized

332.4 (1) An inspector who seizes anything under the authority of section 332.1, 332.2 or 332.3 shall bring it before a justice or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace.

Procedure

(2) Sections 159 and 160 of the *Provincial Offences Act* apply with necessary modifications, in respect of a thing seized under the authority of section 332.1, 332.2 or 332.3 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an inspector is about to examine or seize under the authority of section 332.1, 332.2 or 332.3 of this Act.

30 The Act is amended by adding the following section:

Declarations and notices

334.1 The Lieutenant Governor in Council may, by regulation, require prescribed persons to provide to any person or body, in accordance with the regulations, declarations and notices that,

- (a) relate to the person's criminal convictions, charges and offences, including offences where there are outstanding warrants; and
- (b) include the prescribed information.

31 Subsection 347 (1) of the Act is amended by adding the following paragraphs:

- 11.1 governing the determination of administrative penalties, including prescribing rules for the purposes of subsection 279.8 (4), criteria for the purposes of clause 279.8 (5) (c) and circumstances in which a notice of administrative penalty may be removed for the purposes of subsection 279.8 (12), and all matters necessary and incidental to the administration of a system of administrative penalties under this Act;

32 Subsection 347 (2) of the Act is amended by adding the following paragraphs:

- 1.1 prescribing positions for the purposes of the definition of "designated senior employee" set out in section 243;

- 2.1 prescribing circumstances in which a summary of notice may be removed for the purposes of subsection 264 (10);

- 7.1 prescribing qualifications of the persons to be retained pursuant to an order made under subsection 279.4 (1);

- 11. governing the order made under section 279.5, including,
 - i. circumstances in which an order may be made for the purposes of clause 279.5 (3) (b),
 - ii. principles that a Director shall take into account for the purposes of paragraph 3 of subsection 279.5 (4), and
 - iii. information that a Director may require when deciding whether to make an order under subsection 279.5 (1) or determining the amount to be returned or paid under subsection 279.5 (4);
- 12. setting out procedures to be followed by a designated senior employee in conducting a review under section 279.9;

33 Section 348 of the Act is amended by adding the following paragraph:

- 7.1. with respect to personal information described in section 291.1 or 292.1, or class of such personal information,
 - i. establishing procedures and requirements that apply to the manner in which a society or prescribed person may use or disclose the personal information,
 - ii. establishing requirements, restrictions or prohibitions with respect to the collection, use, disclosure, maintenance and keeping of the personal information by a society or prescribed person in addition to the requirements, restrictions or prohibitions set out in this Act, and
 - iii. exempting, including temporarily exempting, any type of record or information from the restrictions set out in sections 291.1 and 292.1.

34 Section 349 of the Act is amended by adding the following paragraph:

- 3.1 respecting declarations and notices for the purposes of section 334.1, including,
 - i. requiring different classes of persons to provide declarations and notices that include different types of information,
 - ii. prescribing the procedures and practices to be followed when a declaration or notice is required, and
 - iii. requiring persons who are required to provide declarations or notices to provide other information and prescribing that information.

CONSEQUENTIAL AMENDMENTS

Child Care and Early Years Act, 2014

35 (1) Subsection 23 (10) of the *Child Care and Early Years Act, 2014* is amended by striking out “266 and 267” and substituting “266, 267 and 267.1”.

(2) Subsection 23 (12) of the Act is repealed.

Intercountry Adoption Act, 1998

36 (1) Subsection 5 (3.1) of the *Intercountry Adoption Act, 1998* is repealed.

(2) Subsection 15 (9) of the Act is repealed and the following substituted:

Final decision by Tribunal

(9) The Tribunal shall use its best efforts to make a final decision in a timely fashion.

(3) The Act is amended by adding the following section:

No automatic stay on appeal to court

16.1 (1) An appeal to the Divisional Court from the Tribunal’s decision does not stay the decision unless the Divisional Court orders otherwise upon being satisfied that a stay will not cause harm or a risk of harm to the health, safety or welfare of a child.

Application to remove stay — new circumstances

(2) The Director may apply for the removal of a stay ordered by the Divisional Court under subsection (1) on the grounds that the circumstances have changed since the order was made.

Removal of stay

(3) If the Director has applied under subsection (2) and the Divisional Court is satisfied that the circumstances have changed, the Court shall remove the stay unless it is satisfied that continuing the stay will not cause harm or a risk of harm to the health, safety or welfare of a child.

(4) The Act is amended by adding the following sections:

Police record checks

22.1 The Lieutenant Governor in Council may, by regulation, require prescribed persons to provide a police record check concerning the person to any other person or body in accordance with the regulations.

Declarations and notices

22.2 The Lieutenant Governor in Council may, by regulation, require prescribed persons to provide to any person or body, in accordance with the regulations, declarations and notices that,

- (a) relate to the person’s criminal convictions, charges and offences, including offences where there are outstanding warrants; and
- (b) include the prescribed information.

(5) Clauses 24 (e.1) and (h.3) of the Act are repealed.

(6) Section 24 of the Act is amended by adding the following clauses:

- (p) respecting police record checks for the purposes of this Act, including,
 - (i) defining “police record check”,
 - (ii) requiring different classes of persons to provide different types of checks or different types of information as part of a check,
 - (iii) prescribing procedures and practices to be followed when a police record check is required, and
 - (iv) requiring police record checks to be obtained from jurisdictions outside Ontario in specified circumstances;
- (q) respecting declarations and notices for the purposes of section 22.2, including,
 - (i) requiring different classes of persons to provide declarations and notices that include different types of information,
 - (ii) prescribing the procedures and practices to be followed when a declaration or notice is required, and
 - (iii) requiring persons who are required to provide declarations or notices to provide other information and prescribing that information.

Social Work and Social Service Work Act, 1998

37 (1) Subsection 50 (1) of the *Social Work and Social Service Work Act, 1998* is amended by striking out “his or her” wherever it appears and substituting in each case “their”.

(2) Subsection 50 (1) of the Act is amended by striking out “or” at the end of clause (d) and by adding the following clauses:

- (f) to a body that governs a profession inside or outside of Ontario;
- (g) to confirm whether the College is investigating a member, if there is a compelling public interest reason to make such a confirmation;
- (h) if there are reasonable grounds to believe that the disclosure is necessary for the purposes of eliminating or reducing a significant risk of serious harm to a person or group of persons; or
- (i) as otherwise required by law.

(3) Section 50 of the Act is amended by adding the following subsection:

Confirmation of investigation

(7) Information disclosed under clause (1) (g) shall be limited to the fact that an investigation is or is not underway and shall not include any other information.

COMMENCEMENT AND SHORT TITLE

Commencement

38 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) Sections 2, 3, 5, 26 and 37 come into force on the later of July 1, 2024 and the day this Act receives Royal Assent.

(3) Sections 1, 6 to 25, 27 to 29, 31 to 33 and 35 and subsections 36 (2) and (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

39 The short title of this Act is the *Supporting Children’s Futures Act, 2024*.