

BILL

No. 206

An Act to make consequential amendments resulting from the enactment of *The Children's Law Act, 2019*

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Children's Law Consequential Amendments Act, 2019*.

SS 1992, c A-24.1 amended

2(1) *The Arbitration Act, 1992* is amended in the manner set forth in this section.

(2) In section 2, clause (a) of the definition of "family dispute" is repealed and the following substituted:

"(a) Part 2 or 5 of *The Children's Law Act, 2019*, other than a hearing pursuant to section 21 of that Act".

(3) Subsection 3(4) is amended by striking out "Part II or IV of *The Children's Law Act, 1997*" and substituting "Part 2 or 5 of *The Children's Law Act, 2019*".

(4) Subsection 6.1(2) is amended by striking out "*The Children's Law Act, 1997*" and substituting "*The Children's Law Act, 2019*" in each of the following provisions:

(a) clause (a);

(b) clause (b).

(5) Subsection 32(2) is amended by striking out "*The Children's Law Act, 1997*" and substituting "*The Children's Law Act, 2019*".

(6) Subsection 46(9) is amended by striking out "*The Children's Law Act, 1997*" and substituting "*The Children's Law Act, 2019*".

SS 1989-90, c C-7.2 amended

3(1) *The Child and Family Services Act* is amended in the manner set forth in this section.

(2) Subsection 33(4) is amended by striking out "a custody application pursuant to *The Children's Law Act, 1997*" and substituting "an application respecting a parenting order pursuant to *The Children's Law Act, 2019*".

(3) Clause 44(b) is repealed and the following substituted:

“(b) **‘parent’** means:

(i) in the case of a child who is not adopted:

(A) a person who:

(I) is the biological parent of the child;

(II) has decision-making responsibility or parenting time with respect to the child pursuant to an order or an agreement; or

(III) has been declared to be a parent of the child pursuant to Part 7 of *The Children's Law Act, 2019*; or

(B) in the case of a child who has no parent within the meaning of paragraph (A) who is alive, the guardian of the child or the person having lawful decision-making responsibility for the child; or

(ii) in the case of a child who is adopted, a person who is a parent of the child pursuant to an order of adoption”.

(4) Subsection 66(2) is amended in the portion following clause (b) by striking out “a right of custody, guardianship or maintenance of, or right of access to, the child pursuant to this Act, *The Children's Law Act, 1997*” and substituting “decision-making responsibility or parenting time with respect to the child pursuant to *The Children's Law Act, 2019*”.

(5) Subsection 66(3) is amended by striking out “Part VI of *The Children's Law Act, 1997*” and substituting “Part 7 of *The Children's Law Act, 2019*”.

SS 2015, c H-15.1, section 10 amended

4 Clause 10(2)(a) of *The Human Tissue Gift Act, 2015* is amended by striking out “a legal custodian, within the meaning of *The Children's Law Act, 1997*, is preferred to the decision of a non-custodial parent” and substituting “the child's legal decision-maker, as defined in *The Children's Law Act, 2019*, is preferred to the decision of a parent who does not have decision-making responsibility for the child in accordance with that Act”.

RSS 1978, c L-19, new section 26

5 Section 26 of *The Liquor Board Superannuation Act* is repealed and the following substituted:

“Payments to child

26(1) Allowances payable to a child shall be paid to the person constituted or appointed legal decision-maker for the child by or pursuant to *The Children's Law Act, 2019* or otherwise.

(2) Lump sum amounts payable to a child shall be paid to the person constituted or appointed guardian of the property of the child by or pursuant to *The Children's Law Act, 2019*.

(3) If there is no legal decision-maker or guardian as described in subsection (1) or (2), moneys payable to a child may be paid to any person that the commission may determine, having regard to the best interests of the child”.

SS 1984-85-86, c M-13.1, section 25.1 amended

6 Clause 25.1(2)(a) of *The Mental Health Services Act* is amended by striking out “a legal custodian, within the meaning of *The Children’s Law Act, 1997*, is preferred to the decision of a non-custodial parent” and substituting “the child’s legal decision-maker, as defined in *The Children’s Law Act, 2019*, is preferred to the decision of a parent who does not have decision-making responsibility for the child in accordance with that Act”.

RSS 1978, c M-26, new section 33

7 Section 33 of *The Municipal Employees’ Pension Act* is repealed and the following substituted:

“Payments to child

33(1) Allowances payable to a child shall be paid to the person constituted or appointed legal decision-maker for the child by or pursuant to *The Children’s Law Act, 2019* or otherwise.

(2) Lump sum amounts payable to a child shall be paid to the person constituted or appointed guardian of the property of the child by or pursuant to *The Children’s Law Act, 2019*.

(3) If there is no legal decision-maker or guardian as described in subsection (1) or (2), moneys payable to a child may be paid to any person that the commission may determine, having regard to the best interests of the child”.

RSS 1978, c P-20, new section 26

8 Section 26 of *The Power Corporation Superannuation Act* is repealed and the following substituted:

“Payments to child

26(1) Allowances payable to a child shall be paid to the person constituted or appointed legal decision-maker for the child by or pursuant to *The Children’s Law Act, 2019* or otherwise.

(2) Lump sum amounts payable to a child shall be paid to the person constituted or appointed guardian of the property of the child by or pursuant to *The Children’s Law Act, 2019*.

(3) If there is no legal decision-maker or guardian as described in subsection (1) or (2), moneys payable to a child may be paid to any person that the board may determine, having regard to the best interests of the child”.

SS 1983, c P-36.3 amended

9(1) *The Public Guardian and Trustee Act* is amended in the manner set forth in this section.

(2) Subsection 2(1) is amended:**(a) by repealing clause (d) and substituting the following:**

“(d) **‘guardian’** means the guardian of the property of an infant constituted or appointed pursuant to section 45 of *The Children’s Law Act, 2019*, who has:

(i) filed a bond of a guarantee company in an amount approved by the court pursuant to subsection 49(2) of *The Children’s Law Act, 2019* or any other security required by the court pursuant to subsection 49(3) of that Act; or

(ii) obtained an order pursuant to subsection 49(3) of *The Children’s Law Act, 2019* dispensing with the requirement of a bond or other security”;

(b) by repealing clause (f.1) and substituting the following:

“(f.1) **‘legal decision-maker’** means the legal decision-maker of an infant constituted or appointed pursuant to *The Children’s Law Act, 2019* or otherwise”; **and**

(c) in clause (j) by striking out “section 33 of *The Children’s Law Act, 1997*” and substituting “section 48 of *The Children’s Law Act, 2019*”.**(3) Clause 10(1)(a) is repealed and the following substituted:**

“(a) the infant’s legal decision-maker or the guardian of the property of the infant constituted or appointed pursuant to *The Children’s Law Act, 2019*”.

(4) Clause 10(2)(b) is repealed and the following substituted:

“(b) either:

(i) the guardian of the property of the infant constituted or appointed pursuant to *The Children’s Law Act, 2019*, if there is one; or

(ii) if there is no guardian as described in subclause (i), the infant’s legal decision-maker”.

(5) Subsection 13(1) is amended in the portion following clause (b) by striking out “*The Children’s Law Act, 1997*” and substituting “*The Children’s Law Act, 2019*”.

(6) Subsection 18(4) is amended by striking out “*The Children’s Law Act, 1997*” and substituting “*The Children’s Law Act, 2019*”.

(7) Subsection 25(5) is amended by striking out “*The Children’s Law Act, 1997*” and substituting “*The Children’s Law Act, 2019*”.

RSS 1978, c P-43, new section 33

10 Section 33 of *The Public Service Superannuation Act* is repealed and the following substituted:

“Payments to child

33(1) Allowances payable to a child shall be paid to the person constituted or appointed legal decision-maker for the child by or pursuant to *The Children's Law Act, 2019* or otherwise.

(2) Lump sum amounts payable to a child shall be paid to the person constituted or appointed guardian of the property of the child by or pursuant to *The Children's Law Act, 2019*.

(3) If there is no legal decision-maker or guardian as described in subsection (1) or (2), moneys payable to a child may be paid to any person that the board may determine, having regard to the best interests of the child”.

SS 1994, c T-9.1, new section 25

11 Section 25 of *The Teachers Superannuation and Disability Benefits Act* is repealed and the following substituted:

“Payments to child

25(1) Allowances payable to a child shall be paid to the person constituted or appointed legal decision-maker for the child by or pursuant to *The Children's Law Act, 2019* or otherwise.

(2) Lump sum amounts payable to a child shall be paid to the person constituted or appointed guardian of the property of the child by or pursuant to *The Children's Law Act, 2019*.

(3) If there is no legal decision-maker or guardian as described in subsection (1) or (2), moneys payable to a child may be paid to any person that the commission may determine, having regard to the best interests of the child”.

SS 2009, c T-23.01, section 2 amended

12 Subclause 2(h)(iii) of *The Trustee Act, 2009* is amended by striking out “*The Children's Law Act, 1997*” and substituting “*The Children's Law Act, 2019*”.

Coming into force

13 This Act comes into force on the day on which section 1 of *The Children's Law Act, 2019* comes into force.

FOURTH SESSION
Twenty-eighth Legislature
SASKATCHEWAN

B I L L

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from the enactment of *The Children's Law Act, 2019*

Received and read the

First time

Second time

Third time

And passed

Honourable Don Morgan
