CHILD AND FAMILY SERVICES
AUTHORITIES ACT

Revised Statutes of Alberta 2000
Chapter C-11

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Note

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Regulations

The following is a list of the regulations made under the Child and Family Services Authorities Act that are filed as Alberta Regulations under the Regulations Act.

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Preamble
WHEREAS the safety, security and well-being of children and families is a paramount concern of the Government of Alberta;

WHEREAS parents, families, extended families and communities have a right and a responsibility to care for their children;
WHEREAS Alberta recognizes and values the ability of communities to support and respond to the needs of children, families and other members of the community;

WHEREAS the safety, security and well-being of children, families and other members of the community is best achieved through an integrated response to social problems;

WHEREAS Alberta recognizes the need for the enhancement of prevention and early intervention programs and services;

WHEREAS in developing and providing programs and services for children, families and other members of the community, the diversity of culture in Alberta must be acknowledged and respected;

WHEREAS the development and provision of programs and services to First Nations, Metis and other aboriginal peoples must reflect their values, beliefs and customs in a respectful and collaborative manner;

WHEREAS the Government of Alberta has an ongoing responsibility to ensure and oversee the provision of statutory programs and services to children, families and other members of the community; and

WHEREAS statutory programs and services to children, families and other members of the community are best provided in a manner that acknowledges responsibility to the community and accountability to the Government of Alberta through the responsible Minister;

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

Definitions

1 In this Act,

(a) repealed 2002 c8 s3;

(b) “Authority” means a Child and Family Services Authority continued by or established under this Act;

(b.1) “board” means the board of members of an Authority provided for in section 3;

(c) “child and family services” means the programs and services prescribed by the regulations;
(d) “Minister”, except in section 12, means the Minister
determined under section 16 of the Government
Organization Act as the Minister responsible for this Act;

(e) “region” means a child and family services region
established under section 2;

(f) “service provider” means a person or organization
providing child and family services under contract with an
Authority.

Establishment of regions

2(1) The Minister may by order establish one or more child and
family services regions in Alberta.

(2) An order under subsection (1) must name the region and
describe its boundaries.

(3) The Regulations Act does not apply to an order under this
section.

Child and Family Services Authorities

2.1(1) Each region is to be administered by a Child and Family
Services Authority.

(2) Each Child and Family Services Authority established under
this Act before the commencement of this subsection is continued,
with its composition altered to that set out in subsection (3).

(3) An Authority is a corporation consisting of its board members,
the board chair, the chief executive officer and employees of the
Government whose services are assigned to the Authority.

(4) An Authority is to have a chief executive officer, who is to be
appointed by the Minister on the board’s recommendation.

Board of members

3(1) The business and affairs of an Authority are to be governed
by its board of members.

(2) A board is to consist of the individuals appointed as board
members by the Minister from among nominations submitted to the
Minister in accordance with the regulations.
(3) The Minister may establish a panel to review nominations submitted under subsection (2) and to make recommendations to the Minister concerning the appointment of board members.

(4) The Minister shall, when appointing board members, have regard to

(a) the desirability of achieving a diversity of qualifications, backgrounds and experience among board members, and

(b) the aboriginal population of the region administered by the Authority.

(5) A member of a board must be resident in the region governed by that board.

(6) Notwithstanding subsection (5), a person who resides in the part of the City of Lloydminster that is located in Saskatchewan may be a member of the board that governs the region in which the City of Lloydminster is located, and a person who resides on a reserve within the meaning of the Indian Act (Canada) that is contiguous to a region may be a member of that region’s board.

(7) An individual may not be appointed as a board member for any term that could result in that individual’s holding office as a board member for a continuous period exceeding 7 years.

(7.1) Notwithstanding subsection (7), but subject to the Alberta Public Agencies Governance Act and any applicable regulations under that Act, the Minister may extend a term beyond the 7-year maximum set by that subsection.

(8) A board member continues to hold office after the expiry of that member’s term of office until the member is reappointed, a successor is appointed or a period of 3 months has expired, whichever occurs first.

(9) The chair of a board is to be appointed by the Minister from among the board members.

(10) Subject to any applicable regulations under the Alberta Public Agencies Governance Act, the Minister may, with respect to board members and members of a panel established under subsection (3), authorize and provide for the payment of remuneration and travelling, living and other expenses incurred by them in the course of their duties.
Powers of Authority, and restrictions on powers
4(1) Subject to this Act and the regulations, an Authority has the rights, powers and privileges of a natural person.

(2) An Authority may not operate for profit and must apply all its surpluses toward carrying out its responsibilities under section 9.

(3) An Authority may not enter into any transaction, directly or indirectly, to borrow money.

(4) Any money received by an Authority pursuant to a contract for the provision of goods or services by the Authority forms part of the funds of the Authority.

Bylaws
5(1) Subject to this Act and the regulations, a board may make bylaws respecting the conduct of the business and affairs of the board.

(2) A bylaw does not become effective until it is approved by the Minister.

(3) The Regulations Act does not apply to the bylaws of a board.

Agent of Crown
6 An Authority is an agent of the Crown in right of Alberta under the Minister’s direction.

Governance directions and expectations
7(1) Without limiting section 10, the Minister may give a board written directions and expectations as to how it is to perform its governance functions under this Act.

(2) A board shall comply with directions and shall meet expectations given to it by the Minister.

Minister’s responsibilities
8 The Minister is responsible for the following:

(a) setting objectives and strategic direction for the provision of child and family services;
(b) establishing policies and standards for the provision of child and family services;

(c) monitoring and assessing Authorities in the carrying out of their responsibilities under section 9;

(d) allocating funding and other resources to Authorities;

(e) providing administrative and other support services to Authorities.

Duties and responsibilities of Authority

9(1) Subject to this Act, the regulations and any directions given under this Act, an Authority is responsible for the provision on the Minister’s behalf of child and family services in its region, including the following:

(a) promoting the safety, security, well-being and integrity of children, families and other members of the community;

(b) planning and managing the provision of child and family services;

(c) determining priorities in the provision of child and family services and allocating resources accordingly;

(d) assessing on an ongoing basis the social and other related needs of the region;

(e) ensuring reasonable access to quality child and family services;

(f) ensuring that policies and standards established pursuant to section 8 are followed;

(g) monitoring and assessing the provision of child and family services;

(h) working with other Authorities, the Government and other public and private bodies to co-ordinate the provision of child and family services.

(2) In carrying out its responsibilities under subsection (1), an Authority must involve

(a) children, families and other members of the community who receive or who benefit from child and family services, and
(b) other interested members of the community.

**Directions by Minister**

10 The Minister may give directions to an Authority for the purposes of

(a) providing priorities and guidelines for it to follow in carrying out its responsibilities, and

(b) co-ordinating the work of the Authority with the programs, policies and work of the Government, other Authorities and other public and private bodies in order to achieve the efficient provision of child and family services and to avoid duplication of effort and expense.

**Public interest**

11 If the Minister considers that it is in the public interest to do so, the Minister may provide or arrange for the provision of child and family services in any region, whether or not those services are also being provided in that region by an Authority.

**First Nations**

12(1) In this section, “Minister” means the Minister responsible for the *Child, Youth and Family Enhancement Act*.

(2) Nothing in this Act

(a) invalidates any agreement entered into by the Minister with a First Nation under the *Child, Youth and Family Enhancement Act*, or

(b) affects the role of the Minister in negotiating and entering into such agreements.

**Fiscal year**

13 The fiscal year of an Authority is April 1 to the following March 31.

**Reports**

14 An Authority must, on the request of the Minister, provide to the Minister any records, reports or other information specified by the Minister in the form specified by the Minister.
Meetings
15 A meeting of a board must be open to the public unless that board determines that holding the meeting or part of it in public could result in the release of

(a) information that might impair the ability of the Authority to carry out its responsibilities, or

(b) information relating to the personal interest, reputation or privacy of any person.

RSA 2000 cC-11 s15;2002 c8 s14

Inspection powers
16(1) For the purposes of this section, “inspector” means

(a) the Minister or a person authorized by the Minister, or

(b) in the case of an inspection with respect to a service provider,

(i) the Minister or a person authorized by the Minister, or

(ii) a person authorized by an Authority.

(2) Subject to subsections (1) and (3), for any purpose respecting the provision of child and family services, an inspector may

(a) enter and inspect any place owned or operated by an Authority or a service provider,

(b) require the production for examination of any documents or records in the possession of the Authority or service provider and make copies of them or temporarily remove them for the purpose of making copies, and

(c) inspect and take samples of any material, food, medication or equipment being used in the provision of child and family services.

(3) Before exercising any powers under subsection (2) with respect to a service provider, an inspector must obtain the permission of the service provider.

(4) An inspector who removes documents or other records or samples of any material, food, medication or equipment under subsection (2) must
(a) give a receipt for the items to the person from whom the items were taken,

(b) on request, provide a copy of the documents or records removed to the person from whom they were taken or to a person who is entitled to custody of them, and

(c) forthwith return the items to the person from whom they were taken when they have served the purposes for which they were taken.

(5) If anyone prevents an inspector from or obstructs or hinders an inspector in exercising powers under subsection (2), or if the permission required under subsection (3) is refused or cannot reasonably be obtained, a judge of the Court of Queen’s Bench may, on the application of the inspector, make any order that the judge considers necessary to permit the inspector to exercise those powers.

(6) An application under subsection (5) may be made ex parte if the judge considers it proper in the circumstances.

Inquiry

17(1) The Minister may appoint a person to conduct an inquiry with respect to any matter concerning

(a) the provision of child and family services by an Authority or a service provider, or

(b) the carrying out of an Authority’s responsibilities under section 9.

(2) In conducting an inquiry under this section, the appointed person has all the powers, privileges and immunities of a commissioner under the Public Inquiries Act.

(3) The Minister may authorize and provide for the payment of remuneration and travelling, living and other expenses incurred by the appointed person in the course of that person’s duties.

Dismissal of Authority

18(1) The Minister may by order dismiss all the members of a board and appoint an official administrator in the board’s place if the Minister considers that the board is not properly exercising its powers or carrying out its duties under this Act or if for some other reason the Minister considers it to be in the public interest to dismiss the members of the board.
(2) An official administrator appointed under subsection (1)

(a) has all the power of the board,

(b) must perform all the duties and assume all the contractual obligations of the Authority, and

(c) may be paid, as an operating expense of the Authority, the remuneration and expenses determined by the Minister.

(3) If in the opinion of the Minister an official administrator is no longer required, the Minister may appoint a new board.

RSA 2000 cC-11 s18;2002 c8 s16

Liability

19 No action for damages may be commenced against a board member for anything done or not done by that person in good faith while carrying out duties or exercising powers under this or any other enactment.

RSA 2000 cC-11 s19;2002 c8 s17

Regulations

20(1) The Lieutenant Governor in Council may make regulations

(a) prescribing programs and services for the purposes of section 1(c);

(b) respecting the manner in which prospective board members are nominated;

(c) respecting eligibility requirements for board members;

(d) respecting the investment powers of an Authority;

(e) respecting the winding-up of the affairs of an Authority.

(2) The Minister may make regulations

(a) respecting the standards to be followed by an Authority in the planning, management and provision of child and family services;

(b) requiring an Authority to keep records and respecting the form and manner in which the records must be kept and the information they must contain;

(c) respecting the types of electronic systems to be used by Authorities for data transmission and storage and the standards that those systems must meet;
(d) respecting the sharing of information between Authorities and service providers;

(e) respecting the functions, powers and duties of
   (i) the board chair, and
   (ii) the chief executive officer of an Authority;

(f) respecting the confidentiality of information possessed by a board;

(g) respecting conflict of interest matters affecting board members.

RSA 2000 cC-11 s20;2002 c8 s18

21 Repealed 2002 c8 s19.

Transitional provisions

21.1(1) In this section, “commencement” means the commencement of section 5 of the Child and Family Services Authorities Amendment Act, 2002.

(2) Individuals who held office as members of an Authority immediately before commencement continue to hold office as members of the board of that Authority until their terms of office expire.

(3) Repealed 2003 c7 s3.

(4) For the purposes of section 3(7), any period that constituted a term or part of a term of office as a member of the Authority before commencement is to be treated as a period of holding office as a member of the board.

RSA 2000 cC-11 s20;2002 c8 s18

Expiry

22 This Act expires on December 31, 2013 unless it is continued for a further period by an order of the Lieutenant Governor in Council.

RSA 2000 cC-11 s22;2008 c16 s4