

chapter P-34.1, r. 4

**Regulation respecting financial assistance to facilitate the adoption of a child**

Youth Protection Act  
(chapter P-34.1, s. 132)

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## **DIVISION I**

### **ELIGIBILITY**

**1.** Financial assistance may be granted to a person who has lodged a child for at least 1 year in his home, in the capacity of a foster family referred to in the first paragraph of section 312 of the Act respecting health services and social services (chapter S-4.2), a child under 18 years of age in respect of whom that person has filed an application for adoption with an institution operating a child and youth protection centre.

Notwithstanding the foregoing, the placement period shall be of 6 months in the case of a child having a deficiency or adjustment problems.

- (1) where the parents have agreed to the adoption; or
- (2) where the child has been judicially declared eligible for adoption.

O.C. 1178-95, s. 1.

**2.** The institution operating a child and youth protection centre shall make an assessment report that establishes that the adoption pertains to

- (1) a child under 18 years of age;
- (2) a child under 10 years of age who is in either of the following situations:

(a) placing him with a view to his adoption with another person would be detrimental to him, at least for one of the following reasons:

i. the child has developed personal relations of a parental nature with the person who lodged him in the capacity of a foster family; or

ii. the child is the brother or sister of a child already entrusted to or adopted by that foster family; or

(b) the child has difficulties due to a deficiency or has adjustment problems.

O.C. 1178-95, s. 2.

## **DIVISION II**

### **APPLICATION FOR AND PAYMENT OF FINANCIAL ASSISTANCE**

**3.** An application for financial assistance shall be filed with the institution operating the child and youth protection centre, which shall ensure that the person making the application receives help.

The application shall be made in writing and shall contain at least the following information:

- (1) the full name of the adopter, his address, date of birth, civil status and social insurance number; and
- (2) the full name of the child in respect of whom an application for adoption is made and his date of birth.

O.C. 1178-95, s. 3.

**4.** The institution operating the child and youth protection centre shall examine the application and shall inform the person concerned of its decision in writing.

If the application is granted, the institution operating the child and youth protection centre shall pay the financial assistance.

O.C. 1178-95, s. 4.

### **DIVISION III**

#### **DURATION, RENEWAL AND CALCULATION OF FINANCIAL ASSISTANCE**

**5.** Financial assistance is granted for 1 year from the date of the order of placement of the child with a view to his adoption. Despite the foregoing, where on that date, the adopting parent receives adoption benefits under the Act respecting parental insurance (chapter A-29.011), the financial assistance payment may, at the parent's request, begin at the end of the payment of the benefits.

The financial assistance may be renewed for 2 consecutive years. Despite the foregoing, it ceases when the child reaches 18 years of age.

An application for renewal shall be filed by the person who is in the situation described in section 1 with the institution operating the child and youth protection centre within 60 days prior to the date on which financial assistance is to cease.

O.C. 1178-95, s. 5; O.C. 493-2013, s. 1.

**6.** The amount of financial assistance to which a person is entitled under this Regulation is equal to the amount of financial assistance to which a tutor is entitled in accordance with section 13 of the Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5), less the amount of the child tax benefit under the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)) and the amount in respect of a child assistance payment to which a person would have also been entitled under sections 1029.8.61.8 to 1029.8.61.60 of the Taxation Act (chapter I-3) that includes, in the latter case, the supplement for handicapped children provided for in that Act.

The level of services required to determine the amount of the financial assistance provided for in the first paragraph is established by means of the Form for the determination and classification of support and assistance services provided for as a schedule to the Regulation respecting the classification of services offered by an intermediate resource and a family-type resource (chapter S-4.2, r. 3.1).

O.C. 1178-95, s. 6; O.C. 493-2013, s. 2.

**7.** During the first year, the person is entitled to 100% of the amount calculated in accordance with section 6. The person is entitled to only 75% of that amount upon the first renewal and to only 50% of that amount upon the second renewal.

O.C. 1178-95, s. 7.

**8.** *(Omitted).*

O.C. 1178-95, s. 8.

**9.** *(Omitted).*

O.C. 1178-95, s. 9.

#### **UPDATES**

O.C. 1178-95, 1995 G.O. 2, 2788

O.C. 493-2013, 2013 G.O. 2, 1263

