

chapter P-34.1, r. 5

Regulation respecting financial assistance to facilitate tutorship to a child

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



The amount prescribed in the Regulation have been indexed as of 1 January 2016. (s. 13)

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DIVISION I

APPLICATION FOR AND PAYMENT OF FINANCIAL ASSISTANCE

1. A tutor referred to in section 70.2 of the Youth Protection Act (chapter P-34.1), must, in order to be granted financial assistance for the upkeep of a child under tutorship, submit an application to the institution operating a child and youth protection centre designated by the Minister, using the form provided by the institution, within 60 days following the date of the tutorship judgment.

The application must contain the following information and be accompanied by the following documents:

- (1) the tutor's name, address, date of birth and social insurance number;
- (2) the name of the child for whom financial assistance is applied for;
- (3) the child's certificate of birth and the tutorship judgment or a copy of the minutes of the judgment; and
- (4) an affidavit from the tutor and an affidavit from a person to whom the tutor is not related both certifying that the tutor provides for the child's upkeep, resides in Canada or, as the case may be, is in a situation described in the second paragraph of section 10.

For the purposes of this Regulation, a tutor's residence is the place where the tutor ordinarily resides.

If the application is not submitted within the time prescribed in the first paragraph, financial assistance may be granted retroactively for no more than 6 months as of the date of receipt of the duly completed application.

O.C. 591-2008, s. 1; O.C. 492-2013, s. 1; I.N. 2016-01-01 (NCCP).

2. The institution must ensure that assistance is provided to a person wishing to make an application for financial assistance and inform that person of the rights and obligations under this Regulation.

O.C. 591-2008, s. 2.

3. The institution receives the application for financial assistance, ascertains its admissibility, establishes the level of services in accordance with section 14 of this Regulation, determines the amount to which the tutor is entitled, informs the tutor in writing of the financial assistance granted and pays the assistance monthly.

O.C. 591-2008, s. 3; O.C. 492-2013, s. 2.

DIVISION II

DURATION, RENEWAL, SUSPENSION AND CESSATION OF FINANCIAL ASSISTANCE

4. Financial assistance is granted for the first time as of the date of the tutorship judgment until 31 December of the current year. It may be renewed on 1 January of each year until the child reaches 18 years of age or, if the child attends a school or an adult education centre providing the secondary school education governed by the regulation made under the Education Act (chapter I-13.3) and if the child's upkeep is provided by the person who has acted as tutor, 21 years of age.

The tutor must submit a renewal application to the institution referred to in section 1 not later than on 30 November of each year. The application must contain the information required under subparagraphs 1 and 2 of the second paragraph of section 1 and be accompanied by the documents required under subparagraph 4 of the second paragraph of that section.

If the child is 18 years of age or older, the renewal application must be accompanied by proof that the child attends a school referred to in the first paragraph.

O.C. 591-2008, s. 4; O.C. 929-2010, s. 1; O.C. 492-2013, s. 3.

5. The institution suspends the financial assistance granted to a tutor if the tutor fails to apply for renewal within the time prescribed in section 4.

In case of suspension, financial assistance is no longer granted as of the date of suspension.

O.C. 591-2008, s. 5; O.C. 492-2013, s. 4.

6. If the renewal application is not submitted within the time prescribed in section 4, financial assistance may be granted retroactively for no more than 6 months as of the date of receipt of the duly completed application.

O.C. 591-2008, s. 6; O.C. 492-2013, s. 5.

7. The institution partially suspends the financial assistance granted to a tutor if the child under tutorship is, under an Act, placed or provided with foster care outside the residence of the tutor for a period exceeding 30 consecutive days.

In case of partial suspension, the tutor is only entitled to 60% of what constitutes reasonable operating expenses referred to in subparagraph 2 of the first paragraph of section 13, as financial assistance which is granted to the tutor as of the date of suspension.

O.C. 591-2008, s. 7; O.C. 492-2013, s. 6.

8. If the child is in the situation described in section 7, the institution where the child is placed or provided with foster care must so notify the institution designated under section 1 and, in such case, no contribution under section 513 of the Act respecting health services and social services (chapter S-4.2) may be required from the tutor, the father or the mother of the child.

O.C. 591-2008, s. 8.

9. The designated institution must be notified by the institution where the child is placed or provided with foster care as soon as the child is no longer placed or provided with foster care as provided for in section 7.

Full financial assistance is granted again to the tutor as of the date on which the placement or period of foster care ends.

O.C. 591-2008, s. 9; O.C. 492-2013, s. 7.

10. Financial assistance ends if

- (1) the child dies;
- (2) the child reaches 18 years of age, or 21 years of age if the child attends a school referred to in the first paragraph of section 4 and the child's upkeep is provided by the person who has acted as tutor;
- (3) tutorship ends for other reasons, including the tutor's death or replacement; or
- (4) the tutor leaves Canada to establish his or her residence in another country.

Despite subparagraph 4 of the first paragraph, financial assistance is maintained if the tutor leaves Canada and

(1) is registered as a student at an educational institution in Québec or Canada while pursuing a program of study outside Canada;

(2) is a trainee outside Canada at a university, an institution affiliated with a university, a research institute, a government or international body or an enterprise or agency affiliated with such an institute or body;

(3) is employed by the government of Québec, the government of another province in Canada or the government of Canada and is posted outside Canada;

(4) holds employment outside Canada on behalf of a legal person, a partnership or an organization having its head office or a place of business in Québec or Canada to which the tutor is directly accountable;

(5) works abroad as an employee of a non-profit organization having its head office in Canada, under an international aid or cooperation program; or

(6) is a member of the Royal Canadian Mounted Police or the Canadian Forces and is posted outside Canada.

Financial assistance that is terminated ceases to be granted as of the date of termination.

O.C. 591-2008, s. 10; O.C. 929-2010, s. 1; O.C. 492-2013, s. 8.

11. A tutor must inform the institution in writing as soon as the tutor is in one of the circumstances or situations described in section 10 and, if leaving Canada, must do so before leaving.

A tutor who is in one of the situations described in the second paragraph of section 10 must provide a supporting document.

O.C. 591-2008, s. 11.

12. If a tutor referred to in subparagraph 4 of the first paragraph of section 10 returns to Canada to establish residence and makes an application for financial assistance in accordance with Division I, financial assistance may be granted again as of the date of receipt of the duly completed application.

O.C. 591-2008, s. 12; O.C. 492-2013, s. 9.

DIVISION III

CALCULATION AND TERMS OF FINANCIAL ASSISTANCE

13. A tutor is entitled, as financial assistance, to an amount obtained by adding the following amounts:

(1) an amount determined by subtracting the amount to stand in lieu of monetary compensation provided for in subparagraph *a* of paragraph 4 of section 34 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2) from the net remuneration, established pursuant to paragraph 3 of section 34, and to which the tutor would be entitled under a group agreement entered into in accordance with the provisions of that Act as a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) the amount determined as what constitutes reasonable operating expenses in accordance with paragraph 3 of section 34 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements;

(3) a daily amount of \$5 to cover the child's personal expenses.

A daily lump sum of \$2.21 is added to the amount obtained pursuant to the first paragraph as special compensation. The lump sum is adjusted on 1 January of each year, in relation to the preceding year, based on the percentage change in the All-Items Consumer Price Index for Canada, published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). To that end, the consumer price index for a year is the annual average calculated from the monthly indexes for the 12 months ending on 30 September of the preceding year.

An electronic version of the content of the group agreement provided for in subparagraph 1 of the first paragraph, updated by the Ministère de la Santé et des Services sociaux, is available on the department's website at www.msss.gouv.qc.ca.

O.C. 591-2008, s. 13; O.C. 492-2013, s. 10.

14. The level of services required to determine the amount of compensation provided for in subparagraph 1 of the first paragraph of section 13 is established at the time of the initial application for financial assistance. Despite the foregoing, it may be reviewed by the institution upon request by the tutor if a significant change, either permanent or chronic, occurs in the condition of the child. Such a situation must be certified by a physician who is a member in good standing of the Collège des médecins du Québec.

For such purposes, the institution uses 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).

The amount adjusted following a review is granted as of the date of receipt of the duly completed application for review.

O.C. 591-2008, s. 14; O.C. 492-2013, s. 11.

15. (*Omitted*).

O.C. 591-2008, s. 15.

TRANSITIONAL

2013

(O.C. 492-2013) SECTION 12. Not later than 6 months after the coming into force of this Regulation (22 November 2013), an institution referred to in the first paragraph of section 1 of the Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5) must, in respect of any tutor receiving financial assistance under the Regulation, reassess the level of services required by a child of whom the person is the tutor by means of the form referred to in the second paragraph of section 14 of the Regulation, enacted by section 11. The tutor is entitled to financial assistance, adjusted after the reassessment, as of the coming into force of this Regulation (22 May 2013).

UPDATES

O.C. 591-2008, 2008 G.O. 2, 2459

O.C. 929-2010, 2010 G.O. 2, 2961

O.C. 492-2013, 2013 G.O. 2, 1261

