

Bill #2
The Child Protection Act
Moved by: Registrar General

WHEREAS parents and guardians of children have the primary responsibility to ensure the well-being of their children;¹

WHEREAS one third of Canadian adults report having experienced maltreatment as a child;²
and

WHEREAS standards for adoption are not applied to natural born children.³

HIS MAJESTY, by and with the advice and consent of the Youth Parliament of Manitoba, enacts as follows:

Purpose

1. The purpose of this act is to
 - a. Establish **SAFE** with the mandate set out in Clause 4;
 - b. Ensure all children live in a healthy environment;
 - c. Ensure parents are adequately prepared for raising children.

Definition

2. The following terms shall be defined for the purpose of this Bill:
 - a. **Child**: A person under the age of 18.
 - b. **Child abuse**: Acts of physical, sexual or psychological abuse directed at a child.
 - c. **First Nation Authority**: The governing authority over a First Nation or Band and its members.
 - d. **Guardian**: A person aged 18 and over that is the legal guardian of a child, responsible for their care and can make decisions concerning the child.
 - e. **Special needs**: A child that requires or has a high probability of requiring additional care from a physical or mental disability.

¹ “Families | Province of Manitoba,” *Province of Manitoba - Families*, 2024.

<https://www.gov.mb.ca/fs/informationsharingact/parents-and-legal-guardians.html>

² P. H. A. of Canada, “Government of Canada Invests in Child Maltreatment and Child Welfare Research,” *www.canada.ca*, Jul. 20, 2023.

<https://www.canada.ca/en/public-health/news/2023/07/government-of-canada-invests-in-child-maltreatment-and-child-welfare-research.html>

³ T. Siertsema, “How To Adopt In Canada,” *Canada Adoption | International, Registry, Agencies, Cost*, Jan. 26, 2018.
<https://canadianadoption.com/how-to-adopt-in-canada/>

Establishing agency

3. The Super Accountable Families Everywhere agency [SAFE] is hereby established.

Mandate and powers of SAFE

4. The mandate of **SAFE** is to:
 - a. Design and administer child readiness tests;
 - b. Ensure children with unfit guardians be removed from their care;
 - c. Establish a national guardian registry;
 - d. Prioritize maintaining a child's current guardianship.

Requirements for potential Guardians

5. Any person that desires to become or remain the guardian of a child must pass a child readiness test that includes:
 - a. A criminal background check with a vulnerable sector check of any person over the age of 18 within the potential guardians residence;
 - b. A home assessment of child safety and potential hazards;
 - c. Completing a **SAFE** approved in-person or online parenting course;
 - d. Maintaining a valid First Aid and CPR certification.
 - i. **CPR and First Aid certification may be voided if the guardian has a physical disability which would impede them from doing so.**
 - e. **In this case if the guardian has taken the readiness test within the last 5 years they do not need to take it again in the event of becoming a guardian for a new child.**
6. The in-person or online parenting course shall include but is not limited to:
 - a. Knowledge on common child illnesses and treatments;
 - b. The guardians' role in protecting and nurturing a child;
 - c. **Mandatory additional courses are required when a child is below the age of seven, above seven, and below fourteen and above fourteen, to address specific development delays for each age group;**
 - d. Additional lessons for guardians of children with special needs.
7. A person that is listed on a child's birth certificate or has a child placed in their custody will be granted temporary guardianship of the child for a period of 6 months.
 - a. If the person does not pass their child readiness test within a 6 month period, they shall be deemed an unfit guardian.
 - b. In the event where not all temporary guardians pass the child readiness test, only the passing guardians shall keep their guardianship.

National Guardian registry

8. All guardians shall be given a non-photo identification card that lists the children in their custody called a guardianship card with a guardianship number.
 - a. A guardianship card will be renewed annually or when a change in guardianship occurs.
 - b. When attempting to leave Canada with a Canadian child, a guardian must present their guardianship card to the border.**
 - i. In the event of an adult traveling with a child who they do not have guardianship of or a child traveling alone, a letter of consent must be presented with the signature and guardianship number of the child's guardian.
9. An unfit guardian that is convicted of presenting an-invalid guardian card may be subject to the following:
 - a. A fine of not more than \$5,000 or to imprisonment for a term of not more than two years less a day, or to both;**
 - b. A restraining order preventing contact with the child and/or current guardian.

Unfit Guardians

10. A Guardian that is deemed unfit to care for a child shall have the child removed from their custody.
 - a. A Guardian can be deemed unfit by a court order for the following reasons:
 - i. Failure to complete a child readiness test;
 - ii. Conviction of child abuse;
 - iii. Serious lack of financial ability and/or housing which impedes their ability to care for the basic needs of a child;**
 - iv. Any other major limitation of a guardian which impedes their ability to care for the basic needs of a child.**
 - b. Unfit guardians are entitled to and may request a case worker from SAFE to assist them in accessing resources which may help them to become a fit guardian.**
11. An unfit guardian may be deemed fit by **SAFE** if the reasons in 10a no longer apply to them.
12. A guardian no longer unfit may apply to **SAFE** to regain the child's custody.
 - a. In the event of the current guardian or guardians declining to relinquish custody of the child, an arbitration will be held between both parties.
 - i. With a child below the age of 12, a judge shall decide which party will remain the child's guardian.

- ii. With a child aged 12 or above, the child may decide which party gains guardianship or allow a judge to decide.

Existing guardians of children

- 13. All current guardians of children in Canada prior to this bill are exempt from the requirement for a child readiness test.
 - a. A person pregnant before the implementation of this bill is not exempt from a child readiness test.
 - b. A current guardian who is deemed unfit will have their exemption status revoked.
- 14. Any person immigrating to Canada with a child will be required to complete a child readiness test within 6 months of arriving in Canada.
 - a. **The online parenting course will be available in all requested languages.**

Protections of First Nations children

- 15. A guardian that has custody of a child under a First Nation Authority cannot be declared unfit without approval from the First Nation Authority or the Authority's designated representative.
- 16. A guardian that has custody of a child under a First Nation Authority may have their temporary guardianship extended for an additional 6 months if extenuating circumstances are shown to **SAFE**.