

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.**
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**.