
Fifth Session, Forty-second Parliament
2 Charles III, 2024
Legislative Assembly of British Columbia

BILL 5

**CHILD, FAMILY AND COMMUNITY SERVICE
AMENDMENT ACT, 2024**

Honourable Grace Lore
Minister of Children and Family Development

Explanatory Notes

CLAUSE 1: *[Child, Family and Community Service Act, section 1]*

- amends the definition of “Indigenous child”;
- adds the definition of “personal health information”.

CLAUSE 2: *[Child, Family and Community Service Act, section 69]* provides for the power of the Supreme Court or the Provincial Court to dispense with notice.

CLAUSE 3: *[Child, Family and Community Service Act, section 79.2]* provides for the disclosure of personal health information on request by an Indigenous authority.

MINISTER OF CHILDREN AND FAMILY DEVELOPMENT

BILL 5 – 2024

**CHILD, FAMILY AND COMMUNITY SERVICE
AMENDMENT ACT, 2024**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

- 1** *Section 1 (1) of the Child, Family and Community Service Act, R.S.B.C. 1996, c. 46, is amended*

 - (a) in paragraph (f) of the definition of “Indigenous child” by adding “Indigenous governing body or” after “who an”, and*
 - (b) by adding the following definition:*

“personal health information” means information about an identifiable person that is in oral, physical or electronic form, or any other form, and is related to

 - (a) the person’s mental or physical health,
 - (b) the provision of health care to the person, or
 - (c) the health history of the person’s family; .
- 2** *Section 69 (1) (b) is amended by adding “, or a notice referred to in section 48.2 or 50.02,” after “all proceedings”.*
- 3** *Section 79.2 is amended by adding the following subsection:*

 - (2.1) If a request under subsection (2) relates to personal health information, the request

 - (a) must be in writing,
 - (b) must include

 - (i) a description of the personal health information, and
 - (ii) a confirmation that the request is determined by the Indigenous authority to be reasonably required for the provision of child and family services under Indigenous law, and
 - (c) may be in the form prescribed, if any.

CLAUSE 4: *[Child, Family and Community Service Act, section 96]* provides for matters relating to the right of a director to personal health information.

CLAUSE 5: *[Child, Family and Community Service Act, section 96]* provides for a prescribed form for a notification about personal health information collected by a director.

CLAUSE 6: *[Child, Family and Community Service Act, section 103]* provides for regulation-making authority in respect of prescribed forms.

4 Section 96 is amended by adding the following subsections:

- (2.2) The right of a director to information under subsection (1) that is personal health information is limited to the personal health information that is reasonably required by the director to determine if a child needs protection, or is no longer in need of protection, under this Act.
- (2.3) A director’s right to personal health information in the custody or control of a public body may only be exercised after written request to the public body.
- (2.4) If a director collects personal health information, the director must promptly notify, in writing, the person the personal health information is about and the notification must include information about the administrative review procedure established under section 93.1.
- (2.5) If the personal health information is about a child under 12 years of age, the notification under subsection (2.4) may be made to a person who has legal care of the child.
- (2.6) A notification under subsection (2.4) is not required if the notification would, in the director’s opinion, cause physical or emotional harm to any person or endanger any person’s safety.

5 Section 96 is amended by adding the following subsection:

- (2.7) A notification under subsection (2.4) must be in the prescribed form.

6 Section 103 (2) is amended by adding the following paragraph:

- (y) prescribing forms for this Act and the regulations, whether or not specifically mentioned in this Act, and providing for their use.

Commencement

- 7 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 5	By regulation of the Lieutenant Governor in Council
