1975

c 1 The Child Welfare Amendment Act, 1975

Ontario
CHAPTER 1

An Act to amend The Child Welfare Act

Assented to March 26th, 1975

His MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses a and c of section 1 of The Child Welfare Act, being chapter 64 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

   (a) “approved estimate” means the estimate of net expenditures of a children’s aid society finally approved under sections 8 to 11;

   (c) “Director” means a director appointed for all or any of the purposes of this Act.

2. Subsection 1 of section 2 of the said Act is repealed.

3. —(1) Subsection 1 of section 3 of the said Act is amended by inserting after “county” in the second line “or district”.

   (2) Clause a of subsection 1 of the said section 3 is repealed and the following substituted therefor:

   (a) relating to any person in the care of a children’s aid society; or

4. Section 8 of the said Act is repealed and the following substituted therefor:

   8.—(1) Every children’s aid society shall before a date to be fixed each year by the Director, which date shall be no later than the last day of February in the year next following, prepare and file with the Director and, subject to section 10, with each municipality in the area in which the society has jurisdiction, an estimate of its net expenditures as defined by
the regulations for operations, for the year next following, and the council of every municipality with whom the estimate is filed shall, subject to subsection 1 of section 11, grant its approval to the estimate within sixty days of the date fixed by the Director.

(2) Where a children's aid society has jurisdiction in more than one municipality, the portion of the estimate of net expenditures that is referable to each municipality shall be determined in accordance with the regulations.

(3) Subsection 2 does not apply where a district welfare administration board has been established under The District Welfare Administration Boards Act.

5. Section 9 of the said Act is repealed and the following substituted therefor:

9.—(1) After the estimate of net expenditures has been filed with the Director and approved by the council of each municipality with whom it was filed pursuant to subsection 1 of section 8, the Minister may approve the estimate as filed or he may, subject to subsection 2, vary the amount of the estimate and approve the estimate as so varied.

(2) Where the Minister intends to vary the amount of the estimate and to approve the estimate as so varied he shall, at least thirty days prior to the approval, give notice of his intention to the children's aid society and to the council of each municipality in the area in which the society has jurisdiction or to the District Child Welfare Budget Board, as the case may be.

6.—(1) Subsection 2 of section 10 of the said Act is amended by striking out "31st day of January" in the third line and inserting in lieu thereof "1st day of October".

(2) Subsection 3 of the said section 10 is amended by inserting after "of" where it occurs the first time in the first line "net" and by striking out "9" in the fourth line and inserting in lieu thereof "8".

7. —(1) Subsection 1 of section 11 of the said Act is amended by striking out "25th day of April" in the fifth line and inserting in lieu thereof "expiration of the period of time fixed under subsection 1 of section 8, for the approval of the estimate by the municipality or the District Child Welfare Budget Board, as the case may be" and by striking out "9 or 10 and submitting it to the Minister" in the sixth and seventh lines and inserting in lieu thereof "8 or 10".
(2) Subsection 2 of the said section 11 is repealed and the following substituted therefor:

(2) Where a children's aid society, the council of a municipality or a District Child Welfare Budget Board does not agree with the amount of the estimate that the Minister intends to approve as varied under subsection 2 of section 9, any one of them may, before the Minister's approval is given under subsection 2 of section 9, request him to refer the matter to a child welfare review committee.

8. Section 12 of the said Act is repealed and the following substituted therefor:

12.—(1) There shall be paid out of the moneys appropriated therefor by the Legislature to each children's aid society an amount determined in accordance with the regulations of the approved estimate of the society.

(2) Every municipality shall pay to the children's aid society having jurisdiction in the municipality an amount determined in accordance with the regulations of the portion determined in accordance with section 8, of the approved estimate of the society that is referable to the municipality.

(3) Any amount payable to a children's aid society under this section, in respect of an approved estimate including advances before such estimate is approved, may be paid at such times and in such manner as are determined by the Minister.

9. Section 13 of the said Act is repealed.

10. Section 16 of the said Act is repealed.

11. The heading to Part II of the said Act is repealed and the following substituted therefor:

PROTECTION AND CARE OF CHILDREN

12.—(1) Subclause i of clause b of subsection 1 of section 20 of the said Act is amended by striking out “who is an orphan and who is not being properly cared for, or any child” in the first and second lines.

(2) Subclause ii of clause b of subsection 1 of the said section 20 is amended by striking out “or where that person has died or is unable to care properly for him” in the second and third lines.
(3) Subclause iii of clause b of subsection 1 of the said section 20 is repealed and the following substituted therefor:

(iii) a child where the person in whose charge he is cannot for any reason care properly for him, or where that person has died and there is no suitable person to care for the child.

(4) Subclause vii of clause b of subsection 1 of the said section 20 is repealed.

(5) Subsection 2 of the said section 20 is amended by adding at the commencement thereof “Subject to subsection 8 of section 27”.

13.—(1) Section 21 of the said Act is amended by striking out “may take without warrant to a place of safety any child apparently in need of protection and detain the child there until the child can be brought before a judge” in the third, fourth and fifth lines and inserting in lieu thereof “who has reasonable and probable grounds to believe that any child is apparently in need of protection, may without warrant take the child to a place of safety and detain the child there until the matter can be brought before a judge”.

(2) The said section 21 is further amended by adding thereto the following subsections:

(2) Where a person authorized under subsection 1 has reasonable and probable grounds to believe that a child apparently in need of protection is on any premises, he may without warrant enter the premises, if need be by force, and without warrant search for and remove the child from the premises.

1771, c. 47, not to apply

(3) The provisions of The Statutory Powers Procedure Act, 1971 do not apply to proceedings under this section.

14. Clause b of subsection 1 of section 22 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 109, section 3, is further amended by inserting after “child” in the first line “has unlawfully departed or”.

15. The said Act is amended by adding thereto the following sections:

22a.—(1) In this section, “homemaker” means a person approved by the local director or Director and who remains or is placed on a premises for the purpose of caring for a child.
(2) Where it appears to a person entering on a premises pursuant to section 21 or 22 that a child, who in the opinion of that person is unable to look after and care for himself, has been temporarily left on the premises without proper or competent care or supervision, and that a person having charge of the child is not available or is unable to consent to the placement of a homemaker on the premises, the person entering the premises, instead of taking the child to a place of safety, may,

(a) remain on the premises; or

(b) arrange with a children's aid society for the placement of a homemaker on the premises,

for the purpose of caring for the child and thereafter, subject to subsections 6, 7 and 8, the provisions of sections 24 to 30 apply mutatis mutandis to the child.

(3) A homemaker remaining or placed on a premises pursuant to subsection 2 may,

(a) enter and live on the premises; and

(b) carry on normal housekeeping activities on the premises,

in such manner and to such extent as is reasonably necessary to care for the child and may exercise reasonable control and discipline over the child.

(4) Where a homemaker remains or is placed on a premises pursuant to subsection 2, the society or the Director, as the case may be, may provide, on the premises, goods and services necessary to properly care for the child.

(5) A homemaker who enters on a premises pursuant to section 21 or 22 or who remains or is placed on a premises pursuant to subsection 2 so long as he is acting in good faith with reasonable care in the circumstances, is not liable for damages,

(a) for entering the premises;

(b) in connection with or arising out of the carrying on of normal housekeeping activities on the premises;

(c) for providing goods and services necessary to care for any child on the premises; or

(d) for exercising reasonable control and discipline over any child on the premises.
(6) Where a homemaker remains or is placed on a premises pursuant to subsection 2, the society shall forthwith notify or make every reasonable effort to notify the parent or other person having charge of the child immediately before the homemaker entered the premises, of the placement of the homemaker on the premises.

(7) Notwithstanding subsection 1 of section 26, where an application is made to a judge under section 25, the judge may order the homemaker to withdraw from the premises or may confirm the placement or entry of the homemaker on the premises for a period as the judge deems necessary or until a parent or a person having custody of the child returns to care for the child but, subject to subsection 8, not to exceed thirty days.

(8) Where a parent or person having custody of the child has not returned before the end of the period set out in the order referred to in subsection 7, a judge may, upon application therefor either before or after the expiration of the period of the order, extend the period for such further period of time as he deems necessary or after a further hearing may make such further order under subsection 1 of section 26 as he deems necessary in the interest of the welfare of the child.

23a.—(1) In this section, “parent” means a person who is under a legal duty to provide for a child, or a guardian, or a person standing in loco parentis to a child other than a person appointed for the purpose under this Act.

(2) Subject to the approval of the children’s aid society having jurisdiction in the area where the parent resides, or the Minister, a parent,

(a) who through circumstances of a temporary nature is unable to make adequate provision for his child; or

(b) who is unable to provide the services required by his child because of the special needs of the child,

may voluntarily place the child into the care, custody or under the supervision of the society or of the Crown, as the case may be.

(3) Where a society or the Minister agrees to receive a child into the care, custody or under the supervision of the society or of the Crown, as the case may be, with the consent or at the request of a parent of the child and without an
order under this Part respecting the care, custody or supervision of the child, the society or the Minister, as the case may be, shall enter into a written agreement with the parent or parents for the care, custody or supervision of the child for such period of time, subject to subsections 4 and 6, as may be agreed between the parties to the agreement.

(4) An agreement entered into pursuant to subsection 3 in respect of a child referred to in clause a of subsection 2, shall be for a period not exceeding twelve months provided that the parent or parents and the society where the Director approves or the parent or parents and the Crown, as the case may be, may from time to time agree, subject to subsection 6, to extend the agreement for a further period or periods of time, that shall not exceed an aggregate of twelve months, and may agree to vary any other term or condition thereof not prescribed by the regulations.

(5) No agreement with a parent under this section is invalid by reason only of the fact that the parent entering into it is under eighteen years of age.

(6) Any party to an agreement made under this section, at any time during the period of the agreement or any extension thereof, upon giving at least fifteen days notice in writing to the other party or parties, as the case may be, may terminate the agreement.

(7) As soon as is practicable, and within the period specified in the notice referred to under subsection 6, the society or the Minister, as the case may be, shall,

(a) where applicable, return the child to the parent or other person in whose charge the child was at the time the agreement was made; or

(b) bring the matter before a judge to determine whether the child is or would be if left in the charge of or returned to the parent, as the case may be, a child in need of protection and thereafter the provisions of sections 24 to 30 apply mutatis mutandis to the child.

16. Section 24 of the said Act is repealed and the following substituted therefor:

24.—(1) As soon as is practicable and within five days of detaining a child in a place of safety under section 21 or clause a of subsection 1 of section 22, or of assuming the care of a child under section 22a, as the case may be,
(a) the matter shall be brought before a judge to determine whether the child is a child in need of protection; or

(b) the child shall be returned to the parent or person in whose charge he was immediately prior to his apprehension or to the assumption of his care, as the case may be.

(2) Subsection 1 does not apply to a child in the care, custody or under the supervision of a children's aid society pursuant to an agreement entered into under section 23a.

(1) Subsection 1 of section 25 of the said Act is repealed and the following substituted therefor:

(1) Where an application is made to a judge respecting a child apparently in need of protection, there shall be a hearing to determine whether or not the child is in need of protection, and where the judge finds that the child is in need of protection, the judge shall also determine the child's age, name, the location where the child was taken into protection and, subject to section 37, the religious faith of the child.

(2) Subsection 2 of the said section 25 is amended by inserting after "judge" in the first line "or a justice of the peace" and by inserting after "and" where it occurs the second time in the third line "the judge".

(3) Subsection 4 of the said section 25 is repealed and the following substituted therefor:

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause the parent or such other person to be notified.

(4) Subsection 4a of the said section 25, as enacted by the Statutes of Ontario, 1972, chapter 109, section 4, is amended by striking out "the child of an unmarried mother" in the first line and inserting in lieu thereof "born out of wedlock".

(5) Subsection 5 of the said section 25 is repealed.

(6) Subsection 7 of the said section 25 is amended by striking out "5" in the third line and in the sixth line.
(7) Subsection 8 of the said section 25 is amended by striking out "5" in the first line and in the sixth line.

18. Section 26 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 75, section 2, is further amended by adding thereto the following subsections:

(2) Where a judge has committed a child to the charge of a children's aid society under paragraph h of subsection 1 of section 20 of the *Juvenile Delinquents Act* (Canada), the child shall be deemed to be committed to the children's aid society under clause b of subsection 1,

(a) where the order is for a fixed period that does not exceed twelve months, for the period specified in the order; or

(b) where the order is for an indefinite period or exceeds twelve months, for twelve months.

(3) A judge shall give reasonable notice to a children's aid society before committing a child to the charge of the society under paragraph h of subsection 1 of section 20 of the *Juvenile Delinquents Act* (Canada).

19. (1) Subsection 1, and subsection 2 as amended by the Statutes of Ontario, 1973, chapter 75, section 3, of section 27 of the said Act are repealed and the following substituted therefor:

(1) Subject to subsection 2, where a child is found to be a child in need of protection and,

(a) is committed to the care of a children's aid society; or

(b) is placed with a person other than his parent subject to supervision by a children's aid society,

the judge may order the parent or parents of the estate of the parent or parents to pay the children's aid society such sum at such intervals as the judge considers proper for each day the child is in the care or under the supervision, as the case may be, of the society.

(2) An order made under subsection 1 shall not extend beyond the date when the child attains sixteen years of age or where he is in full time attendance at an educational institution beyond the date when he attains eighteen years of age.

(2a) A judge may vary or rescind the order under sub-
section 1 where the circumstances of the child or either parent have changed.

(2) Subsection 5 of the said section 27, as amended by the Statutes of Ontario, 1973, chapter 75, section 3, is repealed and the following substituted therefor:

(5) Where an order has been made under clause a of subsection 1 of section 26, the society may at any time and shall, before the expiration of the period of supervision, bring the case again before a judge for further consideration and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under subsection 1 of section 26 and may terminate the order and make a further order under this Part as he deems necessary in the interest of the welfare of the child.

(6) The provisions of subsection 1 of section 24 apply to a child removed by a children's aid society from the parent or person with whom the child has been placed pursuant to an order under clause a of subsection 1 of section 26 for the purpose of bringing the case again before a judge under subsection 5.

(7) Where a child has been placed under the supervision of a society pursuant to an order made under clause a of subsection 1 of section 26, a parent of the child may, after the expiration of six months of the period of supervision and upon giving notice to the society, apply to a judge for termination of the order and,

(a) where the judge is satisfied that the termination is in the best interests of the child, he may terminate the order; or

(b) the judge may make such further order under this Part as he deems necessary in the interest of the welfare of the child.

(8) Notwithstanding subsection 2 of section 20, an application under subsection 5 or 7 may be heard by a judge presiding in a provincial court (family division) established for the county or district in which the parent or other person with whom the child was placed pursuant to the order made under clause a of subsection 1 of section 26, resides at the time of the application.

(9) Notwithstanding section 26, where, pursuant to subsection 5 or 7, a judge makes a further order under subsection 1 of section 26, the children's aid society in the area where
the parent, or other person with whom the child was placed pursuant to the order made under clause 1 of subsection 1 of section 26, resides at the time of the application shall be given supervision or committal, as the case may be, of the child.

20. Section 31 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 75, section 4, is further amended by adding thereto the following subsection:

(2) Where a child is a ward of a children's aid society, a parent of the child may, after the expiration of six months from the last order made under clause 1 of subsection 1 of section 26, and upon giving notice to the society, apply to a judge for termination of the order and,

(a) where the judge is satisfied that the termination is in the best interests of the child, he may terminate the order; or

(b) the judge may make such further order under this Part as he deems necessary in the interest of the welfare of the child, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months.

21. Subsection 1 of section 32 of the said Act is repealed and the following substituted therefor:

(1) Subject to subsection 2, where a child has been committed as a ward of the Crown,

(a) the children's aid society having the care of the ward, upon giving notice to the Director, and subject to subsection 1a, to a parent of the ward and the ward;

(b) a parent of the ward upon giving notice to the Director and the ward; or

(c) the ward upon attaining the age of sixteen years and upon giving notice to the Director,

may apply to a judge for an order terminating the Crown wardship, and, where the judge is satisfied that the termination is in the best interests of the ward, he shall order that the Crown wardship be terminated.

(1a) Notwithstanding subsection 1, a notice is not required,
(a) to a parent of the ward, where the ward has attained the age of sixteen years; or

(b) to a ward where the ward has not attained the age of sixteen years,

where an application is made under that subsection.

22. Section 36 of the said Act is repealed and the following substituted therefor:

36.—(1) A decision granting or refusing an order under this Part in respect of a child may be appealed by,

(a) a parent or other person in whose charge the child may have been at the time of his apprehension;

(b) the local director; or

(c) a next friend on behalf of the child,

to the judge of the county or district court of the county or district in which the decision was made and the rules of the Supreme Court relating to appeals shall apply mutatis mutandis to an appeal under this section.

(2) Where a judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of in the said county or district by any other county or district court judge.

(3) The appeal shall be made by serving a copy of the notice of appeal upon the judge making the decision being appealed, upon the local director and upon the other parties to the proceedings within thirty days after the date of the making of the decision or such longer period as the judge of the county or district court may order.

(4) The judge making the decision being appealed shall, within seven days from the time the notice of appeal is served on him, forward to the county or district court in which the notice of appeal is filed,

(a) a record of the proceedings before him in which the decision or order appealed from was made; and

(b) a certificate of the reporter stating that copies of the transcript of the oral evidence taken before the judge have been ordered,

and such record and transcript shall constitute the record in the appeal.
(5) The appeal shall be heard at the first sitting of the county or district court to be held, after the filing and serving of the notice of appeal.

(6) On the hearing of the appeal and with leave of the judge of the county or district court hearing the appeal, further evidence relating to matters both preceding and subsequent to the making of the decision being appealed, may be received either by affidavit, oral examination or as may be directed by the judge.

(7) An appeal under this section may be on question of law or fact or both, and the judge of the county or district court hearing the appeal, may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made or may refer the matter back to the judge making the decision being appealed for a new hearing together with such direction as the county or district judge considers proper.

(8) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

23. Subsection 1 of section 43 of the said Act is repealed.

24. Subsection 2 of section 45 of the said Act is amended by striking out "The council of every city, town, village and township shall make provision" in the first and second lines and inserting in lieu thereof "Provision shall be made".

25. Section 54 of the said Act is amended by inserting after "judge" in the first line "or a justice of the peace" and by inserting after "and" in the fourth line "the judge".

26. Subsection 1 of section 60 of the said Act is repealed and the following substituted therefor:

(1) Any money payable under an affiliation order made under section 59 shall be paid in accordance with the direction of a judge.

27. Section 61 of the said Act is repealed.

28. Section 64 of the said Act is repealed and the following substituted therefor:

64. (1) The putative father or any person who is entitled to apply for an order under this Part may appeal a decision granting or refusing an order under this Part to the judge of the county or district court of the county or district in which the decision was made, and the rules of the Supreme Court
relating to appeals shall apply *mutatis mutandis* to an appeal under this section.

(2) Where a judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of in the said county or district by any other county or district court judge.

(3) The appeal shall be made by serving a copy of the notice of appeal upon the judge making the decision being appealed, upon the local director and upon the other parties to the proceedings within thirty days after the date of the making of the decision or such longer period as the judge of the county or district court may order.

(4) The judge making the decision being appealed shall, within seven days from the time the notice of appeal is served on him, forward to the county or district court in which the notice of appeal is filed,

(a) a record of the proceedings before him in which the decision or order appealed from was made; and

(b) a certificate of the reporter stating that copies of the transcript of the oral evidence taken before the judge have been ordered,

and such record and transcript shall constitute the record in the appeal.

(5) The appeal shall be heard at the first sitting of the county or district court to be held, after the filing and serving of the notice of appeal.

(6) On the hearing of the appeal and with leave of the judge of the county or district court hearing the appeal, further evidence relating to matters both preceding and subsequent to the making of the decision being appealed, may be received either by affidavit, oral examination or as may be directed by the judge.

(7) An appeal under this section may be on question of law or fact or both, and the judge of the county or district court may rescind, alter or confirm the decision being appealed or make any order or decision that ought to have been made or may refer the matter back to the judge making the decision being appealed for a new hearing together with such direction as the county or district judge considers proper.

(8) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.
29.—(1) Subsection 1 of section 70 of the said Act is amended by striking out “of” in the third line and by inserting after “order” in the fourth line “is filed”.

(2) Subsection 4 of the said section 70, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:

(4) For the purpose of an application for an order for the adoption of a child under eighteen years of age, the court may appoint a person to act as the guardian ad litem of the child before or upon the hearing of the application if in the opinion of the court such appointment is required to protect the legal interests of the child in the proceedings and the court may make such order as to the costs of the guardian ad litem as the court deems appropriate in the circumstances.

(4a) For the purpose of an application under this Part, where the parent of a child being adopted is under eighteen years of age, the Official Guardian shall be the guardian ad litem of the parent with the duty of safeguarding the legal interests of the parent in the proceeding unless the court appoints any other person to be guardian ad litem for this purpose, and the court may make such order as to the costs of the guardian ad litem as the court considers just.

(4b) The court may dispense with the requirements of subsection 4a where the court is satisfied that the whereabouts of the parent of the child being adopted is unknown and that every reasonable effort has been made to discover the whereabouts of the parent.

(3) Subsection 5 of the said section 70 is amended by striking out “subsection 1” in the second line and inserting in lieu thereof “subsection 4 or 4a”.

30.—(1) Subsection 1 of section 72 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by adding “or” at the end of clause a, by striking out clauses b and c and substituting therefor the following:

(b) where the applicant is unmarried, a widow, a widower, a divorced person or living apart from his or her spouse,

(2) The said section 72 is amended by adding thereto the following subsection:
(1) Subsection 1 does not apply to an application for adoption of a child by a natural parent of the child.

(3) Subsection 3 of the said section 72 is amended by adding at the end thereof "provided that the court may dispense with such consent where the spouses are living apart and where the court considers it in the best interests of the child that the consent be dispensed with".

31.—(1) Subsection 4 of section 73 of the said Act is amended by inserting after "child" in the first line "who is seven or more years of age".

(2) Subsection 7 of the said section 73 is amended by inserting after "may" in the second line "subject to subsections 1 and 2".

32. Section 75 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:

75.—(1) Where an application is made to the court for the adoption of a child who is under eighteen years of age and who has not been married, the Director shall file with the court prior to the hearing of the application a statement in writing,

(a) that the child has resided for six months or more with the applicant and, having regard to the conduct of the applicant and the conditions under which the child has lived during that period, recommending whether or not in the opinion of the Director, an order for the adoption of the child should be made; or

(b) that the applicant is to the knowledge of the Director a proper person to have care and custody of the child and recommending that for reasons set out in the statement it is in the best interests of the child that the period of residence be dispensed with and an order for the adoption of the child should be made,

and the Director, in making his recommendation under clause (a) or (b) may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before making or refusing the order.

(2) Where the Director recommends that an adoption order should not be made, he shall file a copy of his state-
ment under subsection 1 with the court at least thirty days prior to the hearing and he shall serve a copy of the statement upon the applicant within seven days after he filed it with the court.

(3) In the case of a child referred to in subsection 1 who has been placed for adoption by a children's aid society, the statement referred to in clause a of that subsection is sufficient if it is made by the local director.

(4) The Director or local director before making a recommendation under subsection 1 shall obtain a report of a homestudy of the applicant made by the local children's aid society with jurisdiction in the area where the applicant resides, or by such other person who, in the opinion of the Director or local director, as the case may be, is qualified to make the homestudy.

33. (1) Subsection 1 of section 81 of the said Act is amended by striking out "with the written approval of" in the second line and inserting in lieu thereof "after considering any recommendation made by".

(2) Subsection 4 of the said section 81 is amended by striking out "the certificate mentioned in" in the fourth line and inserting in lieu thereof "a recommendation in favour of the order under".

34. (1) Section 83 of the said Act is amended by adding thereto the following subsection:

(2a) In any will or other document, whether heretofore or hereafter in existence, and whether or not the maker of the will or other document was alive at the date of the coming into force of this section, unless the contrary is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.

(2) Subsection 3 of the said section 83 is repealed and the following substituted therefor:

(3) This section applies and shall be deemed to have always been applied with respect to any adoption made under any legislation heretofore in force, but not so as to affect

(a) any interest in property or right of the adopted child that has indefeasibly vested before the date of the making of an adoption order; and
(b) any interest in property or right that has indefeasibly vested before the coming into force of this section.

35. Section 84 of the said Act is repealed.

36. Subsections 2 and 3 of section 86 of the said Act are repealed.

37. (1) Clauses f and g of section 89 of the said Act are repealed and the following substituted therefor:

(f) defining "net expenditures".

(2) Clause h of the said section 89 is amended by adding at the end thereof "for the purposes of section 8".

(3) The said section 89, as amended by the Statutes of Ontario, 1972, chapter 109, section 7, is further amended by adding thereto the following clause:

(ha) prescribing additional powers and duties of a child welfare review committee appointed under section 11.

(4) Clause i and j of the said section 89 are repealed and the following substituted therefor:

(i) determining the amounts of payments under subsections 1 and 2 of section 12 and prescribing classes of such payments and the terms and conditions under which any such payment or class thereof may be paid;

(j) providing for payments to reimburse a municipality for all or any part of any increase in its financial obligations to a children's aid society under this Act and prescribing classes of such payments and the terms and conditions under which any such payment or class thereof may be paid.

(5) Clause l of the said section 89 is amended by adding at the end thereof "and for the purpose of section 23a".

(6) The said section 89 is further amended by adding thereto the following clause:

(la) prescribing terms and conditions to be included in any agreement entered into under section 23a.

(7) The said section 89 is further amended by adding thereto the following subsection:
(2) Any regulations made under subsection 1 and filed under \textit{The Regulations Act} before the 31st day of December, 1970, 1975 may be made to apply retroactively to a date not earlier than the 1st day of January, 1975.


39.—(1) This Act, except sections 8 and 9, comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Sections 8 and 9 shall be deemed to have come into force on the 1st day of January, 1975.

40. This Act may be cited as \textit{The Child Welfare Amendment Act}, 1975.