

The Children's Law Act, 2020

being

[Chapter 2](#) of the *Statutes of Saskatchewan, 2020* (effective March 1, 2021) as amended by the *Statutes of Saskatchewan, 2023, c.28*.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 2

An Act respecting Certain Family Law Matters concerning Children and making consequential amendments to other Acts

PART 1 Preliminary Matters

Short title

1 This Act may be cited as *The Children's Law Act, 2020*.

Definitions and interpretation

2(1) In this Act:

“**agreement**” means a written agreement signed by the parties respecting all or any of the following matters dealt with in this Act:

- (a) decision-making responsibility;
- (b) parenting time;
- (c) guardianship of the property of a child;
- (d) any other prescribed matter; (« *accord* »)

“**child**” means a person who:

- (a) is under 18 years of age; and
- (b) has never married; (« *enfant* »)

“**court**” means the Family Law Division of the Court of King's Bench or a judge of that court sitting in chambers; (« *cour* »)

“**decision-making responsibility**” means the responsibility for making significant decisions about a child's personal well-being having regard to the child's age and stage of development, including decisions with respect to:

- (a) health;
- (b) education;
- (c) culture, language, religion and spirituality; and
- (d) significant extra-curricular activities; (« *responsabilité décisionnelle* »)

“extraprovincial parenting order” means an order, or that part of an order, of an extraprovincial tribunal that:

- (a) appoints a legal decision-maker for a child; or
- (b) grants decision-making responsibility or parenting time with respect to a child; (« *ordonnance de parentage extraprovinciale* »)

“extraprovincial tribunal” means a court or tribunal established in a jurisdiction outside Saskatchewan with authority under the laws of that jurisdiction to make an order granting decision-making responsibility or parenting time with respect to a child to any person; (« *tribunal extraprovincial* »)

“family arbitrator” means family arbitrator as defined in section 2 of *The Arbitration Act, 1992*; (« *arbitre familial* »)

“family mediator” means family mediator as defined in section 7-4 of *The King’s Bench Act*; (« *médiateur familial* »)

“family member” includes a member of the household of a child, including a dating partner of a child’s parent if the dating partner participates in the activities of the household; (« *membre de la famille* »)

“family violence” means any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour or that causes the other family member to fear for one’s safety or for the safety of another person, and, in the case of a child, the direct or indirect exposure to such conduct, and includes:

- (a) physical abuse, including forced confinement but excluding the use of reasonable force to protect oneself or another person;
- (b) sexual abuse;
- (c) threats to kill or cause bodily harm to any person;
- (d) harassment, including stalking;
- (e) the failure to provide the necessities of life;
- (f) psychological abuse;
- (g) financial abuse;
- (h) threats to kill or harm an animal or to damage property; and
- (i) the killing or harming of an animal or the damaging of property; (« *violence familiale* »)

“guardian of the property of a child” means the person constituted or appointed as a guardian pursuant to section 45; (« *tuteur aux biens d’un enfant* »)

“legal decision-maker” means the person having lawful decision-making responsibility with respect to a child; (« *décisionnaire légal* »)

“**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned; (« *ministre* »)

“**parent**” means:

- (a) a parent of a child, whether the child is born within or outside marriage; or
- (b) a parent of a child by adoption;

and includes:

- (c) a person recognized as a parent pursuant to section 60 or 61;
- (d) a person declared to be a parent pursuant to section 62, 63, 64 or 65; and
- (e) a person recognized as a parent pursuant to section 70, 71, 75 or 76; (« *parent* »)

“**parenting order**” means an order made pursuant to section 8 that:

- (a) appoints a legal decision-maker for a child; or
- (b) grants decision-making responsibility or parenting time with respect to a child; (« *ordonnance de parentage* »)

“**parenting time**” means the time that a child spends in the care of a person pursuant to an order or an agreement, whether or not the child is physically with that person during that time; (« *temps de parentage* »)

“**prescribed**” means prescribed in the regulations; (« *réglementaire* »)

“**public guardian and trustee**” means the public guardian and trustee as defined in *The Public Guardian and Trustee Act*; (« *tuteur et curateur public* »)

“**registrar**” means the Registrar of the court or a local registrar of the court; (« *registraire* »)

“**relocation**” means a change in residence of a child, or of a person who has a parenting order or a pending application for a parenting order with respect to a child, that is likely to have a significant impact on the child’s relationship with a person who has:

- (a) decision-making responsibility or parenting time with respect to the child pursuant to a parenting order; or
- (b) a pending application for a parenting order with respect to the child. (« *déplacement* »)

(2) Unless a contrary intention appears in any Act, regulation, instrument or law, a reference to a guardian of a child or a legal custodian of a child is deemed to be a reference to the legal decision-maker for the child.

PART 2
Decision-making Responsibility and Parenting Time

Joint legal decision-makers

- 3(1) Unless otherwise ordered by the court and subject to subsection (2) and any agreement pursuant to subsection (3), the parents of a child are joint legal decision-makers for the child, with equal powers and responsibilities.
- (2) If the parents of a child have never cohabited after the birth of the child, the parent with whom the child resides is sole legal decision-maker for the child.
- (3) The parents of a child may enter into an agreement that may:
- (a) vary their status as joint legal decision-makers for the child;
 - (b) specify the powers and responsibilities of each parent with respect to the child;
 - (c) provide for parenting time with respect to the child by a parent or any other person;
 - (d) authorize one of the parents to appoint, by written instrument, one or more other persons as the child's legal decision-maker for:
 - (i) any time specified in the instrument during the child's minority; or
 - (ii) the duration of the child's minority; and
 - (e) provide for the decision-making responsibility with respect to the child after the death of either parent.
- (4) This section applies if the child is habitually resident in Saskatchewan.

2020, c2, s.3.

Disposition of decision-making responsibility

- 4(1) Subject to subsection (3), if a parent is deceased, the surviving parent of a child:
- (a) is the child's legal decision-maker; and
 - (b) may appoint one or more persons as the child's legal decision-maker to take effect on the surviving parent's death.
- (2) An appointment pursuant to clause (1)(b) must be made:
- (a) by statutory declaration if the surviving parent is under the age required by *The Wills Act, 1996* to make a valid will; or
 - (b) by will if the surviving parent is of the age required by *The Wills Act, 1996* to make a valid will.
- (3) If the parents of a child have entered into an agreement pursuant to clause 3(3)(d) or if the court has made an order pursuant to subsection 8(2), the parent who is authorized to do so by the agreement or order may appoint a person to be the child's legal decision-maker on that parent's death.
- (4) The appointment of a legal decision-maker pursuant to subsection (3) takes precedence over any right of the surviving parent pursuant to subsection (1).

2020, c2, s.4.

Declaratory order

5(1) A person who is appointed as a child's legal decision-maker pursuant to section 4 may apply to the court for an order confirming the appointment.

(2) The person making an application pursuant to this section shall serve notice of the application on all persons whom the court directs to be served.

2020, c 2, s.5.

Jurisdiction

6(1) For the purposes of making a parenting order or for the purposes of Part 5, the court has jurisdiction if:

(a) the child is habitually resident in Saskatchewan at the commencement of the application for the order; or

(b) the child's habitual residence cannot be determined and the child is physically present in Saskatchewan.

(2) The removal or retention of a child without the consent of the child's legal decision-maker does not alter the habitual residence of the child unless:

(a) each person with decision-making responsibility for the child agrees to the removal or retention of the child; or

(b) the child has resided in the other jurisdiction for a period of at least one year after the child's legal decision-maker knew or ought to have known of the whereabouts of the child, no process has been commenced to return the child, and the child is settled in the new jurisdiction.

2020, c 2, s.6.

Transfer of jurisdiction

7(1) If the court is of the opinion that it is in the best interests of the child to do so, the court may:

(a) request that an extraprovincial tribunal assume jurisdiction with respect to an application for a parenting order; or

(b) adjourn an application to allow the parties to pursue an application for a parenting order before an extraprovincial tribunal.

(2) For the purposes of subsection (1), the court may refer an application for a parenting order to the jurisdiction in which:

(a) the child is a national;

(b) the child has property;

(c) the parties have commenced an action for separation or divorce; or

(d) the child has a substantial connection.

(3) If, on the request of the court, an extraprovincial tribunal agrees to assume jurisdiction with respect to an application, the court may transfer jurisdiction to the extraprovincial tribunal.

(4) On the request of an extraprovincial tribunal, the court may accept the transfer of jurisdiction from the extraprovincial tribunal with respect to an application.

2020, c 2, s.7.

Parenting order

8(1) Notwithstanding sections 3 to 5, on the application of a parent or other person having, in the court's opinion, a sufficient interest, the court may, by order:

- (a) appoint one or more persons as a child's legal decision-maker, and, if applicable, determine the sharing and division of decision-making responsibility;
- (b) grant parenting time with respect to a child to one or more persons;
- (c) determine any aspect that is incidental to exercising decision-making responsibility or parenting time;
- (d) authorize or prohibit the relocation of a child in accordance with sections 13 to 17; and
- (e) make any additional order that the court considers necessary and proper in the circumstances.

(2) If the court appoints a parent as legal decision-maker pursuant to subsection (1), the court may, if the court is of the opinion that it is in the best interests of the child to do so, by order, authorize the parent to appoint another person:

- (a) to be the child's legal decision-maker on the parent's death;
- (b) to be the guardian of the property of the child on the parent's death; or
- (c) to have both of the duties mentioned in clauses (a) and (b).

(3) On application and before making an order pursuant to subsection (1), the court may make or vary an interim order on any terms and conditions it considers appropriate.

(4) On application, the court may vary or discharge any order made pursuant to this section if there has been a material change in circumstances since the date of the order.

(5) If an order is made for supervised parenting time pursuant to this section, the court may specify in the order the amount of any cost for the supervision that each party is required to pay.

(6) Unless the court orders otherwise, a parent who is granted parenting time with respect to a child has the same right as the parent who is the child's legal decision-maker to make inquiries and be given information respecting the health, education and welfare of the child.

(7) Unless the court orders otherwise, a parent who is granted parenting time with respect to a child is not entitled to be consulted about or to participate in the making of decisions by the child's legal decision-maker.

2020, c 2, s.8.

Notice of application

9(1) A person who makes an application pursuant to this Act shall serve a copy of the application on:

- (a) each parent of the child who is not an applicant; and
- (b) any other person who, pursuant to a parenting order, has decision-making responsibility or parenting time with respect to the child.

(2) The court may order that notice of the application be served on any person who has, in the court's opinion, a sufficient interest in the child, and that person may be heard at the hearing of the application.

(3) Notwithstanding subsection (1), the court may allow an application for an interim order to be made without notice.

2020, c 2, s.9.

Best interests of child

10(1) In making, varying or rescinding a parenting order, the court shall take into consideration only the best interests of the child.

(2) A parenting order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.

(3) In determining the best interests of a child, the court shall consider all factors related to the circumstances of the child, including:

- (a) the child's needs, given the child's age and stage of development, such as the child's need for stability;
- (b) the nature and strength of the child's relationship with each parent, each of the child's siblings and grandparents and any other person who plays an important role in the child's life;
- (c) each parent's willingness to support the development and maintenance of the child's relationship with the other parent;
- (d) the history of care of the child;
- (e) the child's views and preferences, by giving due weight to the child's age and maturity, unless they cannot be ascertained;
- (f) the child's cultural, linguistic, religious and spiritual upbringing and heritage, including Indigenous upbringing and heritage;
- (g) any plans for the child's care;

- (h) the ability and willingness of each person with respect to whom the parenting order would apply to care for and meet the needs of the child;
 - (i) the ability and willingness of each person with respect to whom the parenting order would apply to communicate and cooperate, in particular with one another, on matters affecting the child;
 - (j) any family violence and its impact on, among other things:
 - (i) the ability and willingness of any person who engaged in the family violence to care for and meet the needs of the child; and
 - (ii) the appropriateness of making a parenting order that would require persons with respect to whom the parenting order would apply to cooperate on issues affecting the child; and
 - (k) any civil or criminal proceeding, order, condition or measure that is relevant to the safety, security and well-being of the child.
- (4) In considering the impact of any family violence pursuant to clause (3)(j), the court shall take the following into account:
- (a) the nature, seriousness and frequency of the family violence and when it occurred;
 - (b) whether there is a pattern of coercive and controlling behaviour in relation to a family member;
 - (c) whether the family violence is directed towards the child or whether the child is directly or indirectly exposed to the family violence;
 - (d) the physical, psychological and emotional harm or risk of harm to the child;
 - (e) any compromise to the safety of the child or other family member;
 - (f) whether the family violence causes the child or other family member to fear for one's safety or for the safety of another person;
 - (g) any steps taken by the person engaging in the family violence to prevent further family violence from occurring and to improve the person's ability to care for and meet the needs of the child;
 - (h) any other factor that the court considers relevant.
- (5) In determining the best interests of a child, the court shall not consider the past conduct of any person unless the conduct:
- (a) is relevant to the ability of that person to exercise decision-making responsibility or parenting time; or
 - (b) constitutes family violence.

No presumption of preferred parent

11 In making, varying or rescinding a parenting order, the court shall make no presumption and draw no inference as between parents that one parent should be preferred over the other parent.

2020, c 2, s.11.

Change in residence

12(1) This section only applies if the change in residence does not constitute a relocation.

(2) A person who has decision-making responsibility or parenting time with respect to a child and who intends to change the person's place of residence or that of the child shall notify any other person who has decision-making responsibility or parenting time with respect to the child of the proposed change in residence.

(3) The notice mentioned in subsection (2) must be given in writing and must set out:

- (a) the expected date of the change in residence; and
- (b) the address of the new residence and contact information of the person or child, as the case may be.

(4) Notwithstanding subsections (2) and (3), the court, on application made without notice, may provide that the requirements in those subsections do not apply or may modify them, including where there is a risk of family violence.

2020, c 2, s.12.

Notice of intended relocation

13(1) A person who, pursuant to a parenting order, has decision-making responsibility or parenting time with respect to a child and who intends to undertake a relocation shall notify any other person who has decision-making responsibility or parenting time with respect to the child of the proposed relocation.

(2) The notice mentioned in subsection (1) must be given in writing at least 60 days before the expected date of the proposed relocation and must set out:

- (a) the expected date of the relocation;
- (b) to the extent known, the address of the new place of residence and contact information of the person or child, as the case may be; and
- (c) a proposal as to how decision-making responsibility or parenting time, as the case may be, could be exercised.

(3) Notwithstanding subsections (1) and (2), the court, on application made without notice, may provide that the requirements in those subsections do not apply or may modify them, including where there is a risk of family violence.

2020, c 2, s.13.

Relocation authorized

14 A person who has given notice pursuant to section 13 and who intends to relocate a child may do so as of the date set out in the notice if:

- (a) the relocation is authorized by the court; or
- (b) the following conditions are satisfied:
 - (i) the person with decision-making responsibility or parenting time with respect to the child who has received a notice pursuant to subsection 13(1) does not object to the proposed relocation within 30 days after the date on which the notice is received, by filing with the court:
 - (A) an objection in the prescribed form; or
 - (B) an application pursuant to section 8; and
 - (ii) there is no order prohibiting the relocation.

2020, c 2, s.14.

Best interests of child — additional factors to be considered for relocation

15(1) In deciding whether to authorize a relocation of a child, the court shall take the following into consideration, in addition to the factors mentioned in section 10:

- (a) the reasons for the relocation;
 - (b) the impact of the relocation on the child;
 - (c) the amount of time spent with the child by each person who has parenting time or a pending application for a parenting order and the level of involvement in the child's life of each of those persons;
 - (d) whether the person who intends to relocate the child complied with any applicable notice requirement pursuant to section 13 or pursuant to family law legislation, an order, an arbitral award or an agreement;
 - (e) the existence of an order, an arbitral award or an agreement that specifies the geographic area in which the child is to reside;
 - (f) the reasonableness of the proposal of the person who intends to relocate the child to vary the exercise of decision-making responsibility or parenting time, taking into consideration, among other things, the location of the new place of residence and the travel expenses;
 - (g) whether each person who has decision-making responsibility or parenting time or a pending application for a parenting order has complied with all obligations pursuant to family law legislation, an order, an arbitral award or an agreement, and the likelihood of future compliance.
- (2) In deciding whether to authorize a relocation of the child, the court shall not consider whether the person who intends to relocate the child would relocate without the child if the child's relocation was prohibited.

2020, c 2, s15.

Burden of proof for relocation

16(1) If the parties to the proceeding substantially comply with an order, arbitral award or agreement that provides that a child spend substantially equal time in the care of each party, the party who intends to relocate the child has the burden of proving that the relocation would be in the best interests of the child.

(2) If the parties to the proceeding substantially comply with an order, arbitral award or agreement that provides that a child spends the vast majority of time in the care of the party who intends to relocate the child, the party opposing the relocation has the burden of proving that the relocation would not be in the best interests of the child.

(3) In any other case, the parties to the proceeding have the burden of proving whether the relocation is in the best interests of the child.

(4) The court may decide not to apply subsections (1) and (2) if the order mentioned in those subsections is an interim order.

2020, c 2, s.16.

Costs relating to exercise of parenting time on relocation

17 If the court authorizes the relocation of a child, the court may provide for the apportionment of costs relating to the exercise of parenting time by a person who is not relocating between that person and the person who is relocating the child.

2020, c 2, s.17.

Mediation

18(1) On an application by an applicant or a respondent pursuant to this Part or Part 3 or 5, the court, by order, may appoint a family mediator to mediate a matter that is:

- (a) dealt with in the application; and
- (b) in dispute between the parties.

(2) No person shall be appointed as a family mediator without that person's consent.

(3) Except with the written consent of the family mediator and all parties to the proceeding in which the family mediator acted, the following types of evidence are not admissible in any civil, administrative, regulatory or summary conviction proceeding:

- (a) evidence directly arising from anything said in the course of mediation;
- (b) evidence of anything said in the course of mediation;
- (c) evidence of an admission or communication made in the course of mediation.

(4) The court shall specify in an order made pursuant to subsection (1) the amount of the family mediator's fees and expenses that each party is required to pay.

(5) The court may order that one party pay all of the family mediator's fees and expenses if the court is satisfied that payment would cause the other party serious financial hardship.

(6) If the family mediator and the parties are unable to resolve the matter, either party, at any time after the first mediation session, may discontinue the mediation and proceed to have the matters in dispute between the parties resolved by the court.

2020, c 2, s.18.

Arbitration

19(1) A family arbitrator may conduct an arbitration in relation to a matter that is in dispute between the parties and to which this Act applies.

(2) Before initiating arbitration, the family arbitrator must:

(a) enter into a written agreement with the parties in accordance with *The Arbitration Act, 1992* to arbitrate the matter in dispute; and

(b) provide written confirmation to the parties that the family arbitrator is recognized by the minister as meeting the requirements for family arbitrators.

(3) The family arbitrator shall conduct the arbitration in accordance with the procedures set out in *The Arbitration Act, 1992*, with any necessary modification.

2020, c 2, s.19.

Obligations of lawyer

20(1) It is the duty of every lawyer who undertakes to act on behalf of an applicant or respondent in an application pursuant to this Part or Part 3 or 5 to:

(a) discuss with the applicant or respondent the advisability of using alternative methods to resolve the matters that are the subject of the application; and

(b) inform the applicant or respondent of the collaborative law services and mediation services known to the lawyer that might be able to assist the parties in resolving those matters.

(2) Every application presented to the court by a lawyer pursuant to this Part or Part 3 or 5 is to contain a statement signed by the lawyer certifying that the lawyer has complied with this section.

2020, c 2, s.20.

Family service hearing

21(1) If a child is the subject of proceedings pursuant to Part III of *The Child and Family Services Act* and an application for a parenting order with respect to the child is subsequently brought pursuant to this Act:

(a) unless the court otherwise orders, the proceedings pursuant to *The Child and Family Services Act* are stayed pending the decision of the court with respect to the parenting order;

(b) the applicant for a parenting order shall serve a director appointed pursuant to *The Child and Family Services Act* with notice of the application for a parenting order; and

(c) the minister responsible for the administration of *The Child and Family Services Act* is not to be joined as a party to the proceedings for a parenting order unless that minister applies to be joined as a party.

(2) If the minister responsible for the administration of *The Child and Family Services Act* is a party to the proceedings for a parenting order, the court may:

- (a) consolidate the actions in the court and make an order pursuant to section 37 of *The Child and Family Services Act*; or
- (b) refer the proceedings pursuant to *The Child and Family Services Act* back to the Provincial Court to be concluded after the application for a parenting order has been decided.

2020, c 2, s.21.

Closed hearings

22(1) If, in the court's opinion, the desirability of protecting against the consequences of possible disclosure of personal matters outweighs the desirability of holding a hearing in public, the court may:

- (a) exclude the public from the hearing or any part of it; and
- (b) prohibit the publication of:
 - (i) any matter connected with the application or given in evidence at the hearing; or
 - (ii) any document filed with the court.

(2) No publication of any matter connected with an application shall contain the names of the parties or of any child who is the subject of the order.

2020, c 2, s.22.

Filing agreement

23(1) A person who is a party to an agreement made before or after this Act comes into force that includes provisions for decision-making responsibility or parenting time with respect to a child may file the agreement in the court together with an affidavit stating that:

- (a) the agreement is in effect; and
- (b) the agreement has not been set aside or varied by the court, an extraprovincial tribunal or another agreement.

(2) A provision for decision-making responsibility or parenting time with respect to a child contained in an agreement filed pursuant to subsection (1) may be enforced as if it were an order of the court.

(3) Subsections (1) and (2) apply despite any agreement to the contrary.

2020, c 2, s.23.

PART 3
Extrajurisdictional Parenting Orders

Recognition of extrajurisdictional parenting order

24(1) An extrajurisdictional parenting order may be filed with the court, together with an affidavit of the person seeking to file the order stating that the order is in effect and has not been set aside or varied by another court or by an extrajurisdictional tribunal.

(2) The extrajurisdictional parenting order filed with the court must be certified as a true copy by:

- (a) a judge or other presiding officer of the extrajurisdictional tribunal; or
- (b) the clerk or other official charged with the keeping of records and orders of the extrajurisdictional tribunal.

(3) No proof is required of the signature or appointment of a judge, presiding officer, clerk or other official with respect to any certificate produced as evidence pursuant to this section.

(4) The person filing the extrajurisdictional parenting order must provide notice of the filing to all other parties affected by the extrajurisdictional parenting order.

(5) Subject to subsection (6), an extrajurisdictional parenting order, once filed, shall be recognized as if it had been made by the court.

(6) On application by any party affected by the extrajurisdictional parenting order, the court may refuse to recognize the extrajurisdictional parenting order if:

- (a) the order was made by an extrajurisdictional tribunal that did not have jurisdiction;
- (b) except in cases of urgency, the order was made without the child having an opportunity to be heard in accordance with the laws of the jurisdiction in which the order was made;
- (c) except in cases of urgency, the order was made without a party having an opportunity to participate in the proceeding that led to the order; or
- (d) recognition of the order would be manifestly contrary to public policy in Saskatchewan.

(7) Subject to the regulations, a request for advance recognition or a declaration of enforceability of an extrajurisdictional parenting order is to be made in the prescribed form and manner.

(8) The court shall not review the merits or the fact-finding of an extrajurisdictional parenting order.

Enforcement of extraprovincial parenting order

25 On application, the court may:

- (a) enforce an extraprovincial parenting order that has been recognized pursuant to section 24 as if the order had been made by the court; and
- (b) make any order that the court considers necessary to give effect to the extraprovincial parenting order as if the order had been made by the court.

2020, c 2, s.25.

Power of court to make other orders

26 If, on an application pursuant to section 25, the court orders the return of the child to the other jurisdiction, the court may:

- (a) make any interim order with respect to decision-making responsibility or parenting time that is in the best interests of the child to ensure the child's return to the child's legal decision-maker; and
- (b) make an order mentioned in clause (a) conditional on prompt commencement of action in the jurisdiction and attach any other conditions to the order that the court considers appropriate, including conditions relating to payment of costs for reasonable travel and other expenses related to the proceedings.

2020, c 2, s.26.

Judicial notice

27 For the purposes of an application pursuant to section 25, the court may take notice, without requiring formal proof, of:

- (a) the law of a jurisdiction outside Saskatchewan; and
- (b) a decision of an extraprovincial tribunal.

2020, c 2, s.27.

Conflicting orders

28 Subject to section 25, the fact that a conflicting parenting order has been made in Saskatchewan is not a ground for refusing to enforce a previous extraprovincial parenting order.

2020, c 2, s.28.

Paramountcy of *The International Child Abduction Act, 1996*

29 If there is a conflict between this Act and *The International Child Abduction Act, 1996*, *The International Child Abduction Act, 1996* prevails.

2020, c 2, s.29.

PART 4
Parenting Coordinators

Definitions for Part

30 In this Part:

“parenting coordination agreement or order” means, as the case may be:

- (a) a written agreement between the parties to a dispute and a parenting coordinator; or
- (b) an order made pursuant to section 31 directing the parties to a dispute to use a parenting coordinator; (« *accord ou ordonnance de coordination de parentage* »)

“parenting coordinator” means a person who is recognized by the minister as meeting the prescribed requirements for parenting coordinators. (« *coordonnateur de parentage* »)

2020, c2, s.30.

Parenting coordination order

31(1) On an application by an applicant or a respondent pursuant to this section, the court may make a parenting coordination order.

(2) The court may specify in an order made pursuant to subsection (1) the amount of the parenting coordinator's fees and expenses that each party is required to pay.

(3) The court may order that one party pay all of the parenting coordinator's fees and expenses if the court is satisfied that payment would cause the other party serious financial hardship.

2020, c2, s.31.

Parenting coordinators

32(1) A parenting coordinator may assist parties to a dispute respecting a matter to which this Act applies:

- (a) only if there is a parenting coordination agreement or order in place; and
- (b) only for the purpose of implementing an agreement or order respecting:
 - (i) decision-making responsibility;
 - (ii) parenting time; or
 - (iii) other prescribed matters.

(2) A parenting coordination agreement or order may be made at the same time as, or after, an agreement or order mentioned in clause (1)(b) is made.

(3) A parenting coordinator's authority to act ends 2 years after the parenting coordination agreement or order is made, unless the parenting coordination agreement or order specifies that the parenting coordinator's authority is to end on an earlier date or on the occurrence of an earlier event.

(4) Notwithstanding subsection (3), a parenting coordination agreement or order may be extended by a further parenting coordination agreement or order, but each extension may be for not more than 2 years.

(5) Notwithstanding subsection (3), a parenting coordination agreement or order may be terminated at any time as follows:

- (a) in the case of an agreement, by agreement of the parties or by an order made on application by either of the parties;
- (b) in the case of an order, by an order made on application by either of the parties;
- (c) in any case, by the parenting coordinator, on giving notice:
 - (i) to the parties; and
 - (ii) if the parenting coordinator is acting under an order, to the court.

2020, c 2, s.32.

Information sharing for parenting coordination

33 For the purposes of facilitating parenting coordination, a party must provide the parenting coordinator with any information requested by the parenting coordinator.

2020, c 2, s.33.

Assistance from parenting coordinators

34(1) A parenting coordinator may assist the parties in the following manner:

- (a) by building consensus between the parties, including by:
 - (i) creating guidelines respecting how an agreement or order will be implemented;
 - (ii) creating guidelines respecting communication between the parties;
 - (iii) identifying, and creating strategies for resolving, conflicts between the parties; and
 - (iv) providing information respecting resources available to the parties for the purposes of improving communication or parenting skills; and
- (b) by making determinations in accordance with section 35.

(2) Except with the written consent of the parenting coordinator and all parties to the parenting coordination agreement or order, the following types of evidence are not admissible in any civil, administrative, regulatory or summary conviction proceeding:

- (a) evidence directly arising from anything said in the course of the parenting coordinator providing assistance to the parties;
- (b) evidence of anything said in the course of the parenting coordinator providing assistance to the parties;
- (c) evidence of an admission or communication made in the course of the parenting coordinator providing assistance to the parties.

2020, c 2, s.34.

Determinations by parenting coordinators**35(1)** A parenting coordinator:

- (a) shall only make determinations respecting prescribed matters, subject to any limits or conditions set out in the regulations;
 - (b) must not make a determination respecting any matter excluded by the parenting coordination agreement or order, even if the matter is a prescribed matter; and
 - (c) must not make a determination that affects any of the following:
 - (i) the allocation of decision-making responsibility;
 - (ii) the granting of parenting time to a person who does not already have access to the child;
 - (iii) the relocation of a child;
 - (iv) the division or possession of property;
 - (v) the division of family debt;
 - (vi) any other prescribed matter.
- (2) In making a determination, a parenting coordinator must only consider the best interests of the child.
- (3) A parenting coordinator may make a determination at any time.
- (4) A parenting coordinator may make an oral determination, but must put the determination into writing and sign it as soon as is practicable after the oral determination is made.
- (5) Subject to section 36, a determination:
- (a) is binding on the parties, effective on the date the determination is made or on a later date specified by the parenting coordinator; and
 - (b) if filed with the court, is enforceable as if it were an order of the court made pursuant to this Act.

2020, c.2, s.35.

Changing or setting aside determinations

36(1) On application by a party to a determination made by a parenting coordinator, the court may change or set aside the determination if satisfied that the parenting coordinator:

- (a) acted outside the scope of authority; or
 - (b) made an error of law or of mixed law and fact.
- (2) If the court sets aside a determination, the court may make any order that the court may make pursuant to this Act to resolve a dispute between the parties in relation to the subject-matter of the determination.
- (3) If the court does not set aside a determination, the court may make any order that the court may make pursuant to this Act to enforce compliance with the determination.

2020, c.2, s.36.

PART 5
Enforcement of Decision-making Responsibility and Parenting Time

Definitions for Part

37 In this Part:

“agreement” means an agreement filed pursuant to section 23 that is enforceable under the laws of the jurisdiction in which it was made; (« *accord* »)

“order” means a parenting order or an extraprovincial parenting order. (« *ordonnance* »)

2020, c 2, s.37.

Order restraining harassment

38(1) On application pursuant to this subsection, the court may make an interim or final order restraining a person from:

- (a) annoying the applicant or a child for whom the applicant has decision-making responsibility;
- (b) harassing the applicant or a child for whom the applicant has decision-making responsibility;
- (c) communicating with the applicant or with a child for whom the applicant has decision-making responsibility; or
- (d) otherwise interfering with the applicant or with a child for whom the applicant has decision-making responsibility.

(2) On an application pursuant to subsection (1), the court may require the respondent to enter into any recognizance, with or without sureties, or post any bond that the court considers appropriate.

2020, c 2, s.38.

Order if child unlawfully withheld

39(1) The court, by order, may direct a sheriff, peace officer or other person that it considers appropriate to locate, apprehend and deliver a child to a person specified by the court for the purpose of giving effect to the rights of the applicant pursuant to an order or agreement if the court, on application, is satisfied that there are reasonable grounds for believing that a person:

- (a) is unlawfully withholding the child from a person who has decision-making responsibility or parenting time with respect to the child pursuant to an order or agreement;
- (b) who is prohibited by an order or agreement from removing the child from Saskatchewan intends to remove the child from Saskatchewan; or
- (c) who is entitled to parenting time with respect to the child pursuant to an order or agreement intends to remove the child from Saskatchewan and is not likely to return the child to Saskatchewan.

- (2) For the purpose of enforcing an order made pursuant to subsection (1), the sheriff, peace officer or other person named in the order may enter and search any place where the sheriff, peace officer or other person named in the order has reasonable grounds for believing that the child may be located.
- (3) An application pursuant to subsection (1) may be made without notice if the court is satisfied that it is necessary that action be taken without delay.
- (4) The sheriff, peace officer or other person directed to act by an order made pursuant to subsection (1) shall do all things reasonably required to locate, apprehend and deliver the child in accordance with the order.
- (5) Neither the minister responsible for the administration of *The Child and Family Services Act* nor any employee of that minister's ministry who is acting in the course of the person's responsibilities pursuant to that Act is to be named in an order made pursuant to this section without the person's prior written consent.

2020, c2, s.39.

Application to prevent wrongful removal or to order return of child

40(1) The court may make an order pursuant to subsection (2) to prevent the removal of a child from Saskatchewan or to secure the child's prompt safe return to Saskatchewan if the court, on application, is satisfied that there are reasonable grounds for believing that a person:

- (a) who is prohibited by an order or agreement from removing the child from Saskatchewan intends to remove the child from Saskatchewan; or
 - (b) who is entitled to parenting time with respect to the child pursuant to an order or agreement intends to remove the child from Saskatchewan and is not likely to return the child to Saskatchewan.
- (2) For the purposes of subsection (1), the court may do one or more of the following:
- (a) order a person to transfer specific property to a named trustee to be held subject to any terms and conditions that the court considers appropriate;
 - (b) in the case of a person from whom payments have been ordered to be made for the maintenance of the child, order that person to make the payments to a specified trustee subject to any terms and conditions that the court considers appropriate;
 - (c) order a person to post a bond, with or without sureties, payable to the applicant in the amount the court considers appropriate;
 - (d) order a person to deliver the person's passport, the child's passport and any other travel documents of either of them that the court may specify to the court or to a person specified by the court;
 - (e) make or vary a parenting order.
- (3) In an order made pursuant to subsection (2), the court may:
- (a) specify terms and conditions for the return or disposition of the property or payments; or
 - (b) give directions with respect to the safekeeping of the property, passports or travel documents.

2020, c2, s.40.

Enforcement of parenting time

41(1) If the court, on application, is satisfied that a person entitled to parenting time with respect to a child pursuant to an order or agreement has been wrongfully denied parenting time by the respondent and if the court is of the opinion that it is in the best interests of the child to do so, the court may do all or any of the following:

- (a) require the respondent to give the applicant compensatory parenting time for the period:
 - (i) agreed to by the parties; or
 - (ii) that the court considers appropriate if the parties do not agree;
 - (b) require supervised parenting time in any manner that the court considers appropriate;
 - (c) require the respondent to give security for the performance of the obligation to give the applicant parenting time;
 - (d) appoint a family mediator pursuant to section 18 to assist the applicant and the respondent in resolving the issue;
 - (e) make a parenting coordination order pursuant to section 31;
 - (f) make or vary a parenting order.
- (2) If the court, on application, is satisfied that a person entitled to parenting time pursuant to an order or agreement has wrongfully failed to exercise parenting time or to return the child as the order or agreement requires and if the court is of the opinion that it is in the best interests of the child to do so, the court may do all or any of the following:
- (a) require supervised parenting time in any manner that the court considers appropriate;
 - (b) require the respondent to give security for the performance of the obligation to:
 - (i) exercise parenting time; or
 - (ii) return the child as the order or agreement requires;
 - (c) appoint a family mediator pursuant to section 18 to assist the applicant and the respondent in resolving the issue;
 - (d) make a parenting coordination order pursuant to section 31;
 - (e) require the respondent to provide the respondent's address and telephone number to the applicant;
 - (f) make or vary a parenting order.
- (3) A denial of parenting time or a failure to exercise parenting time or to return the child as the order or agreement requires is wrongful unless:
- (a) it is justified by a legitimate reason; and
 - (b) the respondent gave the applicant reasonable notice of the failure and of the reason.

- (4) At the hearing of an application pursuant to this section, unless the court orders otherwise, evidence is admissible only if it is directly related to:
- (a) the alleged wrongful denial of parenting time or failure to exercise parenting time or to return the child as the order or agreement requires; or
 - (b) the respondent's reasons for the denial of parenting time or failure to exercise parenting time or to return the child as the order or agreement requires.
- (5) If the court is satisfied that a person has made a frivolous or vexatious application pursuant to this section, the court may prohibit that person from making further applications without leave of the court.
- (6) No person shall be ordered to supervise parenting time pursuant to clause (1)(b) or (2)(a) without the person's consent.

2020, c2, s.41.

Payment of expenses

42 On an application pursuant to this Part, the court may order a respondent to pay necessary expenses incurred or to be incurred by the applicant, including:

- (a) travel expenses;
- (b) the costs of locating and returning a child;
- (c) lost wages;
- (d) expenses reimbursed pursuant to section 7 of *The Child and Family Services Act*;
- (e) legal fees; and
- (f) any other expenses the court may allow.

2020, c2, s.42.

Access to information

43(1) In this section, "**protection order**" means:

- (a) an order made pursuant to the *Criminal Code* that restricts a person from contacting or communicating with another person; or
- (b) any other prescribed order.

(2) On application, the court may make an order pursuant to subsection (3) respecting the release of information if the court is satisfied that a person requires the information:

- (a) in aid of an application to:
 - (i) obtain or enforce an order; or
 - (ii) enforce an agreement; or
- (b) to protect the safety and security of a person who is a party to an application, order or agreement in relation to a child or is a child of a party.

(3) In the circumstances set out in subsection (2), the court may order any person or public body, including the Crown, to provide the applicant or any other person whom the court considers appropriate with any information in the possession or control of the person or public body with respect to:

(a) the location, address, or place of employment of a person against whom a parenting order is sought to be obtained or a parenting order or agreement is sought to be enforced; or

(b) any protection order made against an applicant or respondent.

(4) Subsection (3) does not apply to information that is subject to solicitor-client privilege.

(5) Subject to subsection (4), an order made pursuant to subsection (3) applies notwithstanding any other Act or law restricting the disclosure of the information.

(6) If the court makes an order pursuant to subsection (3), the court may make any order with respect to the confidentiality to be maintained in connection with the information released that the court considers appropriate, including provisions to ensure the safety of the person whose information is being released.

2020, c 2, s.43.

Contempt of court

44(1) If the court on its own motion or on application is satisfied that any person has displayed wilful contempt of its orders or resistance to the court's process or orders with respect to decision-making responsibility or parenting time with respect to a child, the court, in addition to any other remedy including variation of the order, may impose:

(a) in the case of a first finding of contempt:

(i) a fine of not more than \$5,000;

(ii) imprisonment for a term of not more than 90 days; or

(iii) both that fine and imprisonment; and

(b) in the case of a second or subsequent finding of contempt:

(i) a fine of not more than \$10,000;

(ii) imprisonment for a term of not more than 2 years; or

(iii) both that fine and imprisonment.

(2) If the court imposes a sentence of imprisonment pursuant to subsection (1) that does not exceed 90 days, the court may:

(a) order that the sentence be served intermittently at those times that are specified in the order; and

(b) direct that at all times when not in confinement pursuant to the order, the person comply with conditions set out in the order.

(3) The court may order that if a person defaults in payment of a fine imposed pursuant to subsection (1) the person shall be imprisoned for a period not exceeding 6 months.

- (4) Proceedings pursuant to subsection (1) may be taken without having taken any other step for the enforcement of the order.
- (5) The sheriff or any other officer or person pursuant to the sheriff's or court's direction may convey any person to be committed to prison without any further warrant other than a copy of the minutes of the court certified by a judge or the registrar.
- (6) The keeper of the prison and all other persons whose duty it is to receive the person to be committed into custody are authorized and required to:
 - (a) receive the person to be committed into custody; and
 - (b) carry out and execute the order.

2020, c2, s.44.

PART 6 Guardianship of the Property of a Child

Joint guardianship

- 45(1) Unless otherwise ordered by the court and subject to the provisions of this Act, the parents of a child are joint guardians of the property of the child with equal powers and responsibilities.
- (2) The court, by order, may appoint one or more guardians of the property of a child.
 - (3) The parents of a child may enter into an agreement that may:
 - (a) authorize one of the parents to appoint, by written instrument, one or more other persons as the guardian of the property of the child for:
 - (i) any time specified in the instrument during the child's minority; or
 - (ii) the duration of the child's minority; and
 - (b) provide for the guardianship of the property of the child after the death of either parent.
 - (4) If the parents of a child have entered into an agreement pursuant to subsection (3) or if the court has made an order pursuant to subsection 8(2), the parent who is authorized to do so by the agreement or order may appoint a person to be the guardian of the property of the child on that parent's death.
 - (5) Subject to subsections (3) and (4) and to any order made pursuant to subsection (2), if a parent is deceased, the surviving parent:
 - (a) is the guardian of the property of the child; and
 - (b) may appoint one or more persons as guardian of the property of the child to take effect on the surviving parent's death.

- (6) An appointment for the purposes of clause (5)(b) must be made:
- (a) by statutory declaration if the surviving parent is under the age required by *The Wills Act, 1996* to make a valid will; or
 - (b) by will if the surviving parent is of the full age required by *The Wills Act, 1996* to make a valid will.
- (7) The appointment of the guardian of the property of a child pursuant to subsection (2), (3) or (4) takes precedence over any right of the surviving parent pursuant to subsection (5).

2020, c 2, s.45.

Conditions for guardianship order

46(1) In making an order for the appointment of a guardian of the property of a child, the court:

- (a) shall take the following into account:
 - (i) the ability of the proposed guardian of the property of the child to manage that property;
 - (ii) the merits of the plan indicated by the proposed guardian of the property of the child for the care and management of the property;
 - (iii) the personal relationship between the child and the proposed guardian of the property of the child;
 - (iv) the wishes of the parents of the child;
 - (v) the views, if any, of the public guardian and trustee; and
 - (b) may make any order respecting the remuneration, if any, to be received by the guardian of the property of the child.
- (2) Unless the court orders otherwise, no person is to be appointed guardian of the property of a child who is 12 years of age or older without the child's consent.

2020, c 2, s.46.

Guardian's authority

47 Unless the court orders otherwise, the guardian of the property of a child constituted or appointed pursuant to section 45:

- (a) after providing the security ordered by the court pursuant to section 49, has:
 - (i) the care and management of the property of the child; and
 - (ii) the right to receive any moneys due and payable to the child and give a release for them; and
- (b) may appear in court and prosecute or defend any action or proceeding in which the property of the child is or may be affected.

2020, c 2, s.47.

Testamentary appointment

48(1) If a person appoints a trustee of property that the person has devised, bequeathed or given to a child, the trustee is entitled to receive and hold that property for the child in accordance with the settlor's instructions, subject to subsection (2).

(2) If a trustee other than an executor is appointed to hold property that is devised or bequeathed to a child in a will, the public guardian and trustee may apply to the court for an order requiring the trustee to provide security and, on an application, section 49 applies with any necessary modification.

2020, c 2, s.48.

Security by guardian

49(1) Unless otherwise ordered, the guardian of the property of a child, including the child's parents, shall provide security:

- (a) in the form of a bond of a guarantee company; and
- (b) in the name of the child.

(2) Security provided by the guardian of the property of a child must be in the amount and on the terms that the court may approve.

(3) The court may make any order that it considers appropriate with respect to security if the court is of the opinion that a bond:

- (a) is not required; or
- (b) is not an appropriate form of security.

(4) The security to be provided pursuant to this section is to be filed with the registrar.

(5) The requirement of this section to provide security does not apply to the public guardian and trustee.

2020, c 2, s.49.

Notice to public guardian and trustee

50 The registrar shall:

- (a) keep a record of every order:
 - (i) appointing or removing a guardian of the property of a child; or
 - (ii) regarding security to be provided by a trustee or guardian of the property of a child;
- (b) forward a copy of the order to the public guardian and trustee;
- (c) certify, to the public guardian and trustee, the date on which the appointment, removal or order regarding security was made; and
- (d) if a bond or other security is ordered to be provided, state the amount of the bond or security provided.

2020, c 2, s.50.

Passing of accounts

51(1) On the application of any person considered by the court as a proper person to represent the interests of a child, the court may require that a trustee or guardian of the property of a child, other than the public guardian and trustee, submit accounts to the court with respect to the administration of the property of the child.

(2) The court may examine and pass the accounts submitted pursuant to subsection (1).

(3) The power of the court granted by this section extends to a final passing of accounts after the child has attained the age of majority.

(4) A guardian of the property of a child shall transfer to the child all property of the child in the care of the guardian when the child attains the age of majority.

2020, c 2, s.51.

Directions

52 If trustees or guardians of the property of a child are unable to agree on a matter respecting the management or administration of the property of the child:

- (a) any of the trustees or guardians may apply to the court for directions; and
- (b) on an application made pursuant to clause (a), the court may make any order it considers appropriate.

2020, c 2, s.52.

The Trustee Act, 2009 and The Public Guardian and Trustee Act apply

53 A trustee or guardian of the property of a child is subject to:

- (a) *The Trustee Act, 2009*; and
- (b) *The Public Guardian and Trustee Act*.

2020, c 2, s.53.

Removal of guardian

54(1) Any trustee or guardian of the property of a child is removable by the court for the same causes for which trustees are removable pursuant to *The Trustee Act, 2009*.

(2) With leave of the court, a trustee or guardian of the property of a child may resign on any terms and conditions that the court may specify.

2020, c 2, s.54.

PART 7
Child Status and Parentage

DIVISION 1
General

Definitions and interpretation for Division

55(1) In this Division:

“assisted reproduction” means a method of conceiving other than by sexual intercourse; (« *procréation assistée* »)

“birth” means a live birth or a stillbirth as defined in *The Vital Statistics Act, 2009*; (« *naissance* »)

“birth parent” means, in relation to a child, the person who gives birth to the child; (« *parent de naissance* »)

“embryo” means embryo as defined in the *Assisted Human Reproduction Act (Canada)*; (« *embryon* »)

“insemination by a sperm donor” means an attempt to conceive a child through sexual intercourse in circumstances in which, before the attempt to conceive, the person whose sperm is to be used and the intended birth parent agree in writing, in the prescribed form and manner, that the person whose sperm is to be used does not intend to be a parent of the child; (« *insémination par donneur de sperme* »)

“reproductive material” means human reproductive material as defined in the *Assisted Human Reproduction Act (Canada)*; (« *matériel reproductif* »)

“spouse” means the legally married spouse of a person or a person with whom that person has cohabited as spouses continuously for a period of not less than 2 years; (« *conjoint* »)

“surrogate” means a person who agrees to carry a child conceived through assisted reproduction if, at the time of conception, the person intends to relinquish entitlement to parentage of the child, once born, to one or more persons. (« *gestatrice pour autrui* »)

(2) For the purposes of this Division, a child conceived through assisted reproduction is deemed to have been conceived on the day on which the reproductive material or embryo used in the assisted reproduction is implanted in the birth parent.

2020, c2, s.55.

Child's relationship to parents

56(1) Subject to section 29.1 of *The Adoption Act, 1998*, for all purposes of the law of Saskatchewan:

(a) a person is the child of the person's parents; and

(b) a person's status as a child of the person's parents is independent of whether the person is born inside or outside marriage.

(2) Kindred relationships are to be determined according to the relationships described in subsection (1).

2020, c2, s.56.

Rules of construction

57(1) For the purpose of construing any Act, regulation or other statutory instrument, a reference to a person or group or category of persons described in terms of relationship to another person by blood or marriage:

- (a) includes a person who comes within the description by reason of the relationship of parent and child as determined pursuant to section 56; and
 - (b) with respect to a child conceived through assisted reproduction or through insemination by a sperm donor, does not include:
 - (i) a person who donated reproductive material or an embryo for use in the conception if that person had no intention at the time of the child's conception to be a parent of the child; or
 - (ii) a person related to a person mentioned in subclause (i).
- (2) If, pursuant to this Division, a child has more than 2 parents, a reference in any Act or regulation to the parents of the child that is not intended to exclude a parent shall, unless a contrary intention appears, be read as a reference to all of the child's parents, even if the terminology used assumes that a child would have not more than 2 parents.
- (3) For the purposes of construing the French version of an Act or regulation, unless a contrary intention appears, the terms "père" and "mère" used together, conjunctively or disjunctively, in relation to a child, shall be construed as referring to a parent or parents of the child as set out in this Division.

2020, c 2, s.57.

Birth parent

58(1) Subject to subsection (2), the birth parent of a child is, and shall be recognized in law to be, a parent of the child.

- (2) Subsection (1) does not apply if:
- (a) a surrogate has relinquished entitlement to parentage pursuant to subsection 62(3); or
 - (b) the court has made a declaratory order to that effect pursuant to subsection 62(9).

2020, c 2, s.58.

Presumption of parentage if child conceived through sexual intercourse

59(1) Unless the contrary is proven on a balance of probabilities, there is a presumption with respect to a child conceived through sexual intercourse that a person is, and shall be recognized in law to be, a parent of the child if any of the following circumstances applies:

- (a) the person's sperm resulted in the conception of the child;
- (b) at the time of the child's conception or birth, the person was the birth parent's spouse;

- (c) the person and the birth parent have filed a statutory declaration, acknowledging that the person is a parent of the child, with the Registrar of Vital Statistics or an equivalent official in another jurisdiction in Canada;
 - (d) the person signed the statement of live birth pursuant to *The Vital Statistics Act, 2009* or any former *Vital Statistics Act* or a form of similar effect pursuant to a similar Act in another jurisdiction in Canada;
 - (e) the person married the birth parent after the child's birth and acknowledges being a parent of the child;
 - (f) the person and the birth parent have acknowledged in writing that the person is a parent of the child;
 - (g) the person has been found or recognized by an extraprovincial tribunal to be a parent of the child.
- (2) If circumstances exist that give rise pursuant to subsection (1) to conflicting presumptions as to the parentage of a child, no presumption shall be made pursuant to that subsection.
- (3) This section does not apply with respect to a child conceived through insemination by a sperm donor.
- (4) The person whose sperm is used to conceive a child through insemination by a sperm donor is not, and shall not be recognized in law to be, a parent of the child.

2020, c2, s.59.

Birth parent's spouse, if assisted reproduction or insemination by sperm donor

- 60(1)** If the birth parent of a child conceived through assisted reproduction had a spouse at the time of the child's conception, the spouse is, and shall be recognized in law to be, a parent of the child.
- (2) If the birth parent of a child conceived through insemination by a sperm donor had a spouse at the time of the child's conception, the spouse is, and shall be recognized in law to be, a parent of the child.
- (3) This section does not apply if, before the child's conception:
- (a) the spouse did not consent to be a parent of the child; or
 - (b) the spouse consented to be a parent of the child but withdrew the consent.
- (4) This section does not apply if:
- (a) the birth parent is a surrogate; or
 - (b) the child is conceived after the death of a person declared pursuant to section 63 to be the child's parent.

2020, c2, s.60.

Parents under parentage agreement

- 61(1)** In this section, "**parentage agreement**" means a written agreement between 2 or more parties in which they establish, together, who will be the parents of a child yet to be conceived.

- (2) This section applies with respect to a parentage agreement only if:
- (a) there are not more than 4 parties to the agreement; and
 - (b) the agreement meets the prescribed requirements for parentage agreements.
- (3) The intended birth parent who is not the surrogate must be a party to the parentage agreement.
- (4) A person must be a party to the parentage agreement if:
- (a) the person's sperm is to be used to conceive the child through sexual intercourse or assisted reproduction; and
 - (b) the person intends to be a parent of the child.
- (5) The spouse, if any, of the intended birth parent mentioned in subsection (3) or of a person mentioned in subsection (4) must be a party to the parentage agreement and must indicate in the agreement whether the spouse consents to be a parent of the child.
- (6) If the spouse of the intended birth parent does not consent in the parentage agreement to be a parent of the child, the spouse is not recognized in law to be a parent of the child.
- (7) On the birth of a child contemplated by a parentage agreement, the parties to the parentage agreement who consent to be the parents of the child shall be recognized in law to be the parents of the child.

2020, c 2, s.61.

Parents under surrogacy agreement

62(1) In this section:

“intended parent” means a party to a surrogacy agreement, other than the surrogate; (« *parent éventuel* »)

“surrogacy agreement” means a written agreement between a surrogate and the intended parents respecting a child to be carried by the surrogate, in which:

- (a) the surrogate agrees to not be a parent of the child; and
 - (b) each of the other parties to the agreement agrees to be a parent of the child. (« *accord de gestation pour autrui* »)
- (2) This section applies only if the following conditions are met:
- (a) the surrogate and the intended parents enter into a surrogacy agreement before the child to be carried by the surrogate is conceived;
 - (b) the surrogate and the intended parents each received independent legal advice before entering into the surrogacy agreement;
 - (c) the surrogacy agreement meets the prescribed requirements;
 - (d) the child is conceived through assisted reproduction.

- (3) Subject to subsection (4), on the surrogate providing to the intended parents consent in writing, in the prescribed form and manner, relinquishing the surrogate's entitlement to parentage of the child:
- (a) the child becomes the child of each intended parent and each intended parent becomes, and shall be recognized in law to be, a parent of the child; and
 - (b) the child ceases to be the child of the surrogate and the surrogate ceases to be a parent of the child.
- (4) The consent mentioned in subsection (3) must not be provided before the child is 3 days old.
- (5) Unless the surrogacy agreement provides otherwise, the surrogate and the intended parents share the powers and responsibilities of a parent with respect to the child from the time of the child's birth until the child is 3 days old.
- (6) After the child is 3 days old, the intended parents share the powers and responsibilities of a parent with respect to the child, and any provision in a surrogacy agreement that provides otherwise is of no effect.
- (7) Subject to subsection (8), if the consent mentioned in subsection (3) is provided by the surrogate, the intended parents may apply to the court, in the prescribed form and manner, for a declaratory order recognizing the parentage of the child.
- (8) An application pursuant to subsection (7) may only be made:
- (a) after the child is born; and
 - (b) before the child is 90 days old, unless the court extends the period for making the application.
- (9) If the consent mentioned in subsection (3) is not provided by the surrogate, any party to the surrogacy agreement may apply to the court for a declaratory order recognizing the parentage of the child.
- (10) If an application is made pursuant to subsection (9), the court may:
- (a) grant the declaratory order that is sought; or
 - (b) make any other declaratory order respecting the parentage of the child as the court sees fit.
- (11) The paramount consideration by the court in making a declaratory order pursuant to subsection (10) shall be the best interests of the child.
- (12) A surrogacy agreement is unenforceable in law but may be used as evidence of:
- (a) an intended parent's intention to be a parent of a child contemplated by the agreement; and
 - (b) a surrogate's intention to not be a parent of a child contemplated by the agreement.

Posthumous conception

63(1) A person who, at the time of a deceased person's death, was the deceased person's spouse, may apply to the court for a declaratory order that the deceased person is a parent of a child conceived after the deceased person's death through assisted reproduction.

- (2) An application pursuant to subsection (1) may only be made:
- (a) after the child is born; and
 - (b) before the child is 90 days old, unless the court extends the period for making the application.
- (3) The court may grant the declaratory order if the following conditions are met:
- (a) the deceased person consented in writing to be, together with the applicant, the parents of a child conceived posthumously through assisted reproduction, and did not withdraw the consent before dying;
 - (b) if the child was born to a surrogate, the applicant is a parent of the child pursuant to section 62, and there is no other parent of the child.

2020, c 2, s.63.

Declaratory order re parentage

64(1) In this section and in section 65, "**placed for adoption**" means placed for adoption within the meaning of *The Adoption Act, 1998*.

- (2) Any person having, in the court's opinion, a sufficient interest may apply to the court for a declaratory order that a person is or is not recognized in law to be a parent of a child.
- (3) If the court finds on the balance of probabilities that a person is or is not in law a parent of a child, the court may make a declaratory order to that effect.
- (4) Subject to subsection (5), an application pursuant to this section must be made in the court.
- (5) An application pursuant to this section may be made in the Provincial Court of Saskatchewan if it is joined with an application for support or maintenance for the child.
- (6) An application pursuant to this section may be made whether or not the person and the child whose relationship is sought to be established are alive.
- (7) No application may be made pursuant to this section if the child has been adopted or placed for adoption.
- (8) Notwithstanding any other Act or law, no extension of the time for the commencement of an appeal from a declaratory order shall be granted if the child has been adopted or placed for adoption.

2020, c 2, s.64.

New hearing on new evidence

65(1) On application, the court may discharge or vary the previous order and make any other orders or directions that it considers appropriate if:

- (a) a declaratory order has been made pursuant to section 64 or an application for that type of order has been dismissed; and
 - (b) evidence becomes available that was not reasonably available at the previous hearing.
- (2) If an order is discharged or varied pursuant to subsection (1):
- (a) rights and duties that have been exercised and observed are not affected; and
 - (b) interests in property that have been distributed as a result of the order before its discharge are not affected.
- (3) No application may be made pursuant to this section if the child has been adopted or placed for adoption.

2020, c2, s.65.

Written acknowledgment

66 A written acknowledgment of parentage that is admitted in evidence in any civil proceeding against the interest of the person making the acknowledgment is admissible as proof, in the absence of evidence to the contrary, of the facts contained in it.

2020, c2, s.66.

Vital Statistics amendments

67(1) To effect an amendment to a statement of live birth or a statement of stillbirth, a parent may provide the Registrar of Vital Statistics with a copy of:

- (a) a signed parentage agreement made pursuant to section 61; or
 - (b) a declaratory order made pursuant to section 62, 63, 64 or 65, certified by a judge or the registrar, that includes the prescribed particulars.
- (2) On receipt of a parentage agreement or a declaratory order in accordance with subsection (1), the Registrar of Vital Statistics shall amend the statement accordingly.
- (3) The Registrar of Vital Statistics is not liable for any consequences resulting from filing, pursuant to this section, material that is apparently regular on its face.

2020, c2, s.67.

Blood tests

68(1) On the application of a party to a proceeding pursuant to section 64 or 65, the court, subject to any conditions it considers appropriate, may give the party leave to:

- (a) obtain blood or other genetic tests of the persons named in the order; and
- (b) submit the results in evidence.

- (2) If a person named by the court is not capable of consenting to having the test taken, the consent is deemed to be sufficient:
- (a) in the case of a child, if the child's legal decision-maker consents; and
 - (b) in the case of a person who is not capable of consenting for any reason other than minority, if:
 - (i) another person having charge of the person consents; and
 - (ii) a medical practitioner certifies that the giving of a blood or tissue sample would not be prejudicial to the person's proper care and treatment.
- (3) No test is to be performed on a person without the person's consent, but the court may draw whatever inferences appear to be reasonable having regard to all the circumstances if a person named in the order refuses:
- (a) to submit to a blood or other genetic test; or
 - (b) to allow another person under the person's charge to submit to a blood or other genetic test.
- (4) The court may:
- (a) make an order as to which party bears the cost of blood or other genetic tests; or
 - (b) apportion the cost of tests between the parties.

2020, c 2, s.68.

DIVISION 2

Recognition of Extraprovincial Determinations of Parentage

Definitions for Division

69 In this Division:

“extraprovincial declaratory order” means an order in the nature of a declaratory order provided for in section 64 but made by a court outside Saskatchewan; (« *ordonnance déclaratoire extraprovinciale* »)

“extraprovincial finding” means a judicial finding of parentage that:

- (a) is made incidentally in the determination of another issue by a court outside Saskatchewan; and
- (b) is not an extraprovincial declaratory order. (« *conclusion extraprovinciale* »)

2020, c 2, s.69.

Recognition of orders made elsewhere in Canada

70 An extraprovincial declaratory order that is made in Canada is to be recognized and have the same effect as if made in Saskatchewan.

2020, c 2, s.70.

Recognition of orders made outside Canada

71 Subject to section 72, an extraprovincial declaratory order that was made outside Canada is to be recognized and have the same effect as if made in Saskatchewan if:

- (a) the child was habitually resident in the jurisdiction of the court making the order at the time the proceeding was commenced or the order was made; or
- (b) the child or either parent had a real and substantial connection with the jurisdiction in which the order was made at the time the proceeding was commenced or the order was made.

2020, c2, s.71.

Exceptions

72 The court may decline to recognize an extraprovincial declaratory order and may make a declaratory order pursuant to section 64 if:

- (a) new evidence that was not available at the hearing becomes available; or
- (b) the court is satisfied that the extraprovincial declaratory order was obtained by fraud or duress.

2020, c2, s.72.

Filing with Vital Statistics

73(1) A copy of an extraprovincial declaratory order, certified by the court that made it, may be filed with the Registrar of Vital Statistics, but if the extraprovincial declaratory order is made outside of Canada, the copy shall be accompanied by:

- (a) the opinion of a lawyer authorized to practise in Saskatchewan that the declaratory order is entitled to recognition under the law of Saskatchewan;
- (b) a sworn statement by a lawyer or public official in the extraprovincial territorial jurisdiction as to the effect of the declaratory order; and
- (c) any translation, verified by affidavit, that the Registrar of Vital Statistics requires.

(2) If the extraprovincial declaratory order contradicts parentage found by an order already filed, the most recent order in time prevails.

(3) On receipt of a declaratory order in accordance with subsection (1), the Registrar of Vital Statistics shall amend the statement of live birth accordingly.

(4) The Registrar of Vital Statistics is not liable for any consequences resulting from filing, pursuant to this section, material that is apparently regular on its face.

2020, c2, s.73.

Evidence

74(1) A copy of an order or judgment in which an extraprovincial finding is made, certified by the court that made it, is admissible in evidence without proof of the signature or office of any person executing the certificate.

(2) A copy of an extraprovincial declaratory order, certified by the court that made it, is admissible in evidence without proof of the signature or office of any person executing the certificate.

2020, c2, s.74.

Findings elsewhere in Canada

75 An extraprovincial finding that is made in Canada is to be recognized and have the same effect as if made in Saskatchewan under the same circumstances.

2020, c 2, s.75.

Findings outside Canada

76 An extraprovincial finding that is made outside Canada by a court that has jurisdiction to determine the matter in which the finding was made, as determined by the conflict of laws rules of Saskatchewan, is to be recognized and have the same effect as if made in Saskatchewan under the same circumstances.

2020, c 2, s.76.

No presumption if conflicting findings

77 There is to be no presumption of parentage pursuant to section 59 if contradictory findings of parentage exist, whether extraprovincial or otherwise.

2020, c 2, s.77.

PART 8 General

Prohibition

78 No parent shall bring an action:

- (a) for the enticement, harbouring, seduction or loss of services of the parent's child; or
- (b) for any damages resulting from any of the things mentioned in clause (a).

2020, c 2, s.78.

Regulations

79 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of subsection 24(7), prescribing the form and manner in which a request for advance recognition or a declaration of enforceability of an extraprovincial parenting order is to be made;
- (c) with respect to parenting coordinators:
 - (i) prescribing the training, experience and other qualifications a person must have, and the requirements a person must meet, to be qualified as a parenting coordinator;
 - (ii) prescribing matters with which parenting coordinators may assist or with respect to which parenting coordinators may make determinations;
 - (iii) respecting limits and conditions on the giving of assistance or the making of determinations; and

- (iv) prescribing matters with which, or circumstances in which, parenting coordinators must not assist, or matters with respect to which, or circumstances in which, parenting coordinators must not make determinations;
- (d) for the purposes of Part 7, prescribing the requirements for the agreement between the parties when the person whose sperm is to be used for insemination by a sperm donor does not intend to be a parent of the child and relinquishes entitlement to parentage of the child;
- (e) for the purposes of section 61, prescribing the requirements for parentage agreements;
- (f) for the purposes of section 62:
 - (i) prescribing the requirements for surrogacy agreements;
 - (ii) prescribing the requirements for a surrogate's written consent to relinquishing entitlement to parentage of a child; and
 - (iii) prescribing the form and manner in which an application for a declaratory order recognizing the parentage of a child by surrogate is to be made;
- (g) prescribing the particulars for declaratory orders made pursuant to section 62, 63, 64 or 65 in order for the declaratory orders to be accepted by the Registrar of Vital Statistics pursuant to section 67;
- (h) prescribing the forms to be used for the purposes of this Act;
- (i) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (j) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2020, c 2, s.79.

PART 9 Repeal and Transitional

SS 1997, c C-8.2 repealed

80 *The Children's Law Act, 1997* is repealed.

2020, c 2, s.80.

Definition for Part

81 In this Part, "**former Act**" means *The Children's Law Act, 1997*, as that Act existed on the day before it was repealed.

2020, c 2, s.81.

Transitional – decision-making responsibility and parenting time

82(1) Unless the court orders otherwise, on the coming into force of this Act:

- (a) a person who has legal custody of a child is deemed to be the child's legal decision-maker pursuant to this Act; and
 - (b) a person who has access to a child by virtue of an order or agreement made pursuant to the former Act is deemed to be a person to whom parenting time has been granted with respect to the child pursuant to this Act.
- (2) For the purposes of subsection (1), a person's decision-making responsibility or parenting time with respect to a child pursuant to this Act is as described in the order or agreement respecting custody, access or both made pursuant to the former Act.
- (3) A person who is deemed pursuant to subsection (1) to be a child's legal decision-maker or to have been granted parenting time with respect to a child is not required to give notice pursuant to section 13 if a custody order to which the person is a party specifies that no notice is required respecting a change in residence or a relocation by the person or a child to whom the order relates.

2020, c 2, s.82.

Transitional – orders, agreements and applications

83 Notwithstanding the repeal of the former Act:

- (a) any order or agreement, including a parenting coordination agreement, made pursuant to the former Act may be enforced or dealt with pursuant to this Act as if that order or agreement were made pursuant to this Act; and
- (b) any application to the court made pursuant to the former Act but not completed before this Act came into force is to be continued and dealt with pursuant to this Act as if that application were made pursuant to this Act.

2020, c 2, s.83.

No change in circumstances

84 The coming into force of this Act is not in itself a change in circumstances for the purposes of any section of this Act.

2020, c 2, s.84.

PART 10
Consequential Amendments

SS 1998, c A-5.2 amended

85(1) *The Adoption Act, 1998* is amended in the manner set forth in this section.

(2) Section 2 is amended:

(a) by repealing the definition of “birth father” and substituting the following:

“**‘birth father’** means:

(a) in the case of a child who has not been previously adopted:

(i) the biological father of the child;

(ii) a man who has been granted decision-making responsibility or parenting time with respect to the child by order of a court having jurisdiction over the matter or by agreement; or

(iii) a man who has been declared by the court to be a parent of the child pursuant to Part 7 of *The Children's Law Act, 2020*; or

(b) in the case of a child who has been previously adopted, a person who is the father of the child by virtue of an order of adoption; (« *père de sang* »); **and**

(b) by repealing the definition of “birth mother” and substituting the following:

“**‘birth mother’** means:

(a) in the case of a child who has not been previously adopted:

(i) the biological mother of the child;

(ii) a woman who has been granted decision-making responsibility or parenting time with respect to the child by order of a court having jurisdiction over the matter or by agreement; or

(iii) a woman who has been declared by the court to be a parent of the child pursuant to Part 7 of *The Children's Law Act, 2020*; or

(b) in the case of a child who has been previously adopted, a person who is the mother of the child by virtue of an order of adoption; (« *mère de sang* »).

(3) Subsection 7(4) is amended by striking out “section 6 of *The Children's Law Act, 1997*” and substituting “section 8 of *The Children's Law Act, 2020*”.

(4) Subsection 14(6) is amended by striking out “declaration of paternity pursuant to Part VI of *The Children's Law Act, 1997*” and substituting “declaratory order respecting parentage pursuant to Part 7 of *The Children's Law Act, 2020*”.

(5) Subsection 15(1) is repealed and the following substituted:

“(1) Subject to subsection (3) and subsection 23(8):

(a) any existing right of a birth parent to have or exercise decision-making responsibility or parenting time with respect to a child is terminated when the child is placed for adoption by a birth parent, an agency or the director; and

(b) no application by a birth parent shall be allowed, and no order, decision or judgment for the enforcement of a parenting order or granting to a birth parent decision-making responsibility, guardianship, maintenance or parenting time with respect to a child shall be made or rendered pursuant to *The Children's Law Act, 2020*, or any other Act, on or after:

(i) the placement of a child for adoption by a birth parent, an agency or the director; or

(ii) the granting of an order of adoption”.

(6) Subsection 15(5) is amended by striking out “declaration of parentage pursuant to Part VI of *The Children's Law Act, 1997*” and substituting “declaratory order respecting parentage pursuant to Part 7 of *The Children's Law Act, 2020*”.

2020, c 2, s.85.

SS 1995, c C-6.1, section 2 amended**86 Subsection 2(1) of *The Change of Name Act, 1995* is amended by repealing the definition of “legal custodian” and substituting the following:**

“**‘legal custodian’** means a child's legal decision-maker, as defined in *The Children's Law Act, 2019*, but does not include the following:

(a) the member of the Executive Council to whom for the time being the administration of *The Child and Family Services Act* is assigned;

(b) an agency within the meaning of *The Adoption Act, 1998*; (« *gardien légal* »)”.

2020, c 2, s.86.

SS 1997, c F-6.2 amended

87(1) *The Family Maintenance Act, 1997* is amended in the manner set forth in this section.

(2) Section 2 is amended:

(a) by adding the following definition in alphabetical order:

“**‘birth parent’** means, in relation to a child, the person who gives birth to the child; (« *parent de naissance* »)”;

(b) by repealing the definition of “father”;

(c) by repealing the definition of “mother”; and

(d) by repealing the definition of “parent” and substituting the following:

“‘parent’ means:

- (a) a parent as defined in *The Children’s Law Act, 2020*; or
- (b) a person who has demonstrated a settled intention to treat a child as a child of the person’s family, other than a person who is providing foster care services as defined in *The Child and Family Services Act*; (« père ou mère » ou « parent »)”.

(3) Subsection 4(1) is repealed and the following substituted:

“(1) In this section, ‘parent’ means, with respect to a person described in subsection (2), a parent as defined in *The Children’s Law Act, 2020*”.

(4) Clause 9(1)(f) is repealed and the following substituted:

“(f) if a parent is ordered to pay maintenance for a child and whether or not the parents of the child are spouses, that the parent pay in addition:

- (i) expenses of the birth parent of the child with respect to prenatal care and the birth of the child;
- (ii) maintenance for the birth parent of the child for a period not exceeding 3 months immediately preceding the birth of the child; and
- (iii) maintenance for the birth parent of the child during any period after the birth of the child, not exceeding 6 months, that the court may determine as a period during which, by reason of the birth of the child, the parent ought to contribute to the maintenance of the birth parent”.

(5) Subsection 10(1) is amended in the portion preceding clause (a) by striking out “mother” and substituting “parent”.

(6) Subsection 11(1) is amended in the portion preceding clause (a) by striking out “mother” and substituting “parent”.

(7) Subsection 22(1) is amended in the portion preceding clause (a) by striking out “mother” and substituting “parent”.

2020, c2, s.87.

SS 2015, c H-0.002, section 15 amended

88 Clause 15(3)(a) of *The Health Care Directives and Substitute Health Care Decision Makers Act, 2015* is repealed and the following substituted:

“(a) if a person requiring treatment is not an adult, the health care decision of the child’s legal decision-maker, as defined in *The Children’s Law Act, 2020*, is preferred to the health care decision of a parent who does not have decision-making responsibility for the child in accordance with that Act”.

2020, c2, s.88.

SS 2002, c I-10.03, section 11 amended

89 Subsection 11(3) of *The Inter-jurisdictional Support Orders Act* is repealed and the following substituted:

“(3) The court may make a determination of parentage that has the same effect as a declaratory order made pursuant to section 64 of *The Children’s Law Act, 2019* if the court is satisfied that it is fit and just to do so, having regard to all the circumstances of the case including the nature and quality of the evidence adduced, and sections 64 to 68 of *The Children’s Law Act, 2019* apply to the proceeding”.

2020, c 2, s.89.

SS 1996, c I-10.11, new section 5.1

90 *The International Child Abduction Act, 1996* is amended by adding the following section after section 5:

“Payment of expenses

5.1 On an application pursuant to this Act, a judge of the Court of Queen’s Bench may order a respondent to pay necessary expenses incurred or to be incurred by the applicant, including:

- (a) travel expenses;
- (b) the costs of locating and returning a child;
- (c) lost wages;
- (d) expenses reimbursed pursuant to section 7 of *The Child and Family Services Act*;
- (e) legal fees; and
- (f) any other expenses the judge may allow”.

2020, c 2, s.90.

SS 1998, c Q-1.01 amended

91(1) *The Queen’s Bench Act, 1998* is amended in the manner set forth in this section.

(2) Section 2 is amended by repealing clause (d) of the definition of “family law proceeding” and substituting the following:

“(d) *The Children’s Law Act, 2020*”.

(3) Subsection 44.01(1) is amended by repealing subclause (a)(iii) of the definition of “family dispute resolution” and substituting the following:

“(iii) a parenting coordinator as defined in section 30 of *The Children’s Law Act, 2020*”.

(4) Clause 44.01(2)(a) is repealed and the following substituted:

“(a) Part 2 or 5 of *The Children's Law Act, 2020*, other than a hearing pursuant to section 21 of that Act”.

2020, c2, s.91.

SS 2009, c V-7.21 amended

92(1) *The Vital Statistics Act, 2009* is amended in the manner set forth in this section.

(2) Section 19 is amended by striking out “Part VI of *The Children's Law Act, 1997*” and substituting “Part 7 of *The Children's Law Act, 2020*”.

(3) Subsection 29(3) is amended:

(a) in the English version by striking out “or” after clause (a);

(b) in the English version by adding “or” after clause (b); and

(c) by adding the following clause after clause (b):

“(c) on an application made by the parties to a parentage agreement pursuant to section 61 of *The Children's Law Act, 2020*”.

(4) Subsection 65(3) is amended in the portion preceding clause (a) by striking out “section 47 of *The Children's Law Act, 1997*” and substituting “section 67 of *The Children's Law Act, 2020*”.

2020, c2, s.92.

PART 11
Coming into Force

Coming into force

93 This Act comes into force by order of the Lieutenant Governor in Council.

2020, c2, s.93.