



Standing Committee on Families and Communities

Review of the draft *Publication Ban (Court Applications and Orders) Regulation*

Twenty-Eighth Legislature
Third Session
November 2014



COMMITTEES
OF THE LEGISLATIVE ASSEMBLY

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STANDING COMMITTEE ON FAMILIES AND COMMUNITIES

November 2014

**To the Honourable Gene Zwozdesky
Speaker of the Legislative Assembly
of the Province of Alberta**

I have the honour of submitting, on behalf of the Standing Committee on Families and Communities, the Committee's final report on its review of the draft *Publication Ban (Court Applications and Orders) Regulation*, relating to section 126.3 of the *Child, Youth and Family Enhancement Act*, for consideration by the Legislative Assembly of Alberta.

Sincerely,

(original signed by)

Cathy Olesen, MLA
Chair, Standing Committee
on Families and Communities

c. Dr. David McNeil
Clerk of the Legislative Assembly

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MEMBERS OF THE STANDING COMMITTEE ON FAMILIES AND COMMUNITIES

28th Legislature, Second Session

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Chair
Sherwood Park (PC)

Blake Pedersen, MLA
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Medicine Hat (W)

Christine Cusanelli, MLA
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Substitutions Pursuant to Standing Order 56 (2.1 – 2.4):

Jason W. Hale, MLA*
Strathmore-Brooks (W)

George Rogers, MLA**
Leduc-Beaumont (PC)

Ian Donovan, MLA***
Little Bow (W)

*Substitution for Rod Fox on July 16, 2014.

**Substitution for Mary Anne Jablonski on July 16, 2014.

***Substitution for Bruce McAllister on September 11, 2014.

****Committee member to September 28, 2014

1.0 Introduction

As part of the efforts to improve the child protection system in Alberta, the *Child, Youth and Family Enhancement Amendment Act, 2014* amended the *Child, Youth and Family Enhancement Act*, RSA 2000, c. C-12 (the “Act”) to eliminate the ban on the publication of the identities of deceased children who had received intervention services. The amendments also introduce a process in section 126.3 of the Act to enable certain interested parties to apply to court for a publication ban in accordance with the procedures to be set out in a regulation. Section 131(1)(d.1) of the Act gives the Lieutenant Governor in Council the power to make regulations respecting court applications under section 126.3. All such regulations must be considered by an all-party committee of the Legislative Assembly prior to their enactment, pursuant to s.131.1.

In a letter dated June 26, 2014, the Minister of Human Services informed the Standing Committee on Families and Communities of his intention to enact, under section 131(1)(d.1), the *Publication Ban (Court Applications and Orders) Regulation* (the “draft regulation”), which would set out the procedures and forms to be used in applying for a publication ban with regard to a deceased child. The Minister requested that the Committee review the draft regulation prior to its enactment to fulfill the requirement in s.131.1 of the Act.

2.0 Committee Activities

At its July 16, 2014, meeting, the Committee agreed to carry out a review of the draft regulation and invited written submissions from selected stakeholders as part of the process. The Committee received 12 written submissions by the August 22 deadline. The Committee also invited representatives from the Ministry of Human Services to provide a briefing to the Committee on the draft regulation, which occurred at the September 11, 2014, meeting.

3.0 Recommendations

Pursuant to section 131.1 of the Act,

For the purposes of section 131(1)(d.1), no regulation shall be made prior to being considered by an all party committee of the Legislative Assembly.

The Committee passed the following motion:

The Standing Committee on Families and Communities has considered and approves the draft regulation under section 131(1)(d.1) of the *Child, Youth and Family Enhancement Act*, as proposed to the Committee by the Minister of Human Services in his letter of June 26, 2014.

Appendix A: Minority Report – Wildrose Official Opposition

Throughout the duration of the meetings of the Standing Committee on Families and Communities, it became abundantly clear to us that the former Minister, his representatives, and the PC members of the Committee had no intention of being anything other than a “rubber stamp”.

To be abundantly clear, although we are not in disagreement with the intent of the regulation we have concerns with the process that was taken through the direction of the Chair.

Despite attempts, both formal and informal, to have submissions and concerned stakeholders present directly to the Committee in oral presentations, only representatives of the former Minister were allowed to do so. Although the receipt of written submissions is valuable and plays a key role in formulating a final decision, these submissions often raise additional questions for many members of the Committee. The lack of an opportunity to have an in-depth discussion on these important issues does a disservice to these stakeholders, to families of children in care, and most importantly to the children in care themselves.

As mentioned previously, we are not in disagreement with the intent of the regulation, however the lack of a proper process has left many unanswered questions for both us as members, and for concerned Albertans. This outcome was entirely avoidable, and it is unfortunate that the former Minister, his representatives, and the PC members of the Committee saw fit to ignore the concerns and questions of other members of the Committee, and to ignore the concerns and questions of concerned stakeholders.

We are optimistic that the intent of the regulation change, and the assurances of the former Minister, will hold true and improve the lives of children in care. Should this not hold true, the former Minister and the PC members of the Committee hold full responsibility for pushing through the regulation without due process and consideration.

Blake Pedersen, MLA
Medicine Hat
Deputy Chair of the Standing Committee on Families and Communities

Rod Fox, MLA
Lacombe-Ponoka

Bruce McAllister, MLA
Chestermere-Rocky View

Appendix B: Minority Report – Rachel Notley, MLA, Edmonton-Strathcona (ND)

Rachel Notley, MLA
Edmonton-Strathcona (ND)

The following minority report is somewhat unique in that the NDP caucus has concerns with both the substantive product of the Committee and with process it followed in this case.

Process

Following months of high profile discussions inside and outside of the Legislature about the child intervention system, there was widespread agreement that changes were needed to the publication ban provisions contained at the time in the Child, Youth and Family Enhancement Act (the “Act”). The NDP caucus were therefore hopeful for meaningful improvements when the government introduced Bill 11, Child, Youth and Family Enhancement Amendment Act, 2014, in Spring 2014. During the debates on Bill 11, the NDP succeeded in pushing through an amendment whereby the drafting of regulations to govern restrictions or bans on publication must be reviewed by an all party committee of the Legislature.

In the legislative debate that preceded the Assembly’s decision to refer the matter to an all party committee, a non exhaustive list of issues that needed to be considered through that process was discussed. These included: concerns with the ex parte process; the lack of notice to affected parties; imbalances in access to justice; the lack of guidance contained in the Act as to determining the best interests of children and the public interest; and the need to protect the privacy and best interests of children and families involved while improving transparency and accountability in the new procedure created by the Act and the regulation. We were also concerned that the effect of the ex parte process as drafted would be different rights and standards for children who are in care, those who are receiving intervention services and those who are not involved in the child intervention system.

On July 16, 2014, the Standing Committee on Families and Communities first convened to discuss the task that had been assigned to it by the Legislature. At that time, a draft regulation which included no reference to many of the issues discussed in the Assembly was presented to the Committee.

At its first meeting on the subject in July, the NDP expressed concern and disappointment at the Committee’s intention to proceed to substantive review of the regulations immediately without including stakeholder or expert input. It was agreed to extend the committee process to allow for written submissions. The Committee received 12 submissions, many of which indicated substantial and significant concerns with the regulations as drafted.

Instead, what proceeded under the guidance and approval of the majority of the Committee constituted a breach, both procedurally and substantively, of the promised process and outcomes of the regulation review. As such, the NDP Caucus is presenting this minority report, which outlines our concerns with the manner in which the review was conducted and with the resulting regulations as passed by the majority.

At the time the amendment was passed, the then Minister of Human Services agreed with the NDP that public debate and stakeholder input would be important contributions for a respectful approach to a improving the legislation and its regulations. However, the course of action pursued by the majority of the Committee prevented Albertans, including those affected by the regulations, experts in the area of child welfare and publication bans, and opposition members from participating fully.

When the Committee reconvened on September 11, 2014 to consider these submissions, the majority Committee members refused to discuss any of the issues raised by the numerous expert submissions. In total, the majority allowed less than hour for discussion. At Hansard FC-535-536 we repeatedly attempted to raise the need to consider the suggestions and criticisms submitted by the experts beyond the cursory review conducted by the majority of the Committee. Nevertheless, over our strong objections, the majority of the Committee voted to pass the regulation with barely any deliberation.

It is our view that the actions of the majority of the Committee in approving the regulations in this manner represent disrespect for the expertise and experience encapsulated in the stakeholder and professional submissions, as well as disrespect to the minority members. It also represents a marked departure from responsible regulatory review and policy making.

Substance

Indeed, what resulted from this regulatory review were regulations that did not reflect the repeated promises of the government and the then Minister of Human Services to lift the publication ban and to replace it with an improved procedure. Instead, the regulations as drafted by the Department and as passed by the Committee effectively re-instate the publication ban and further reduce transparency and accountability in the child intervention system's death review process.

The effect of s. 126.3(2) of the Act is to replace an automatic ban on the publication of details when a child dies while receiving services with a process whereby any person, including family members and the director, may make an ex parte application to the courts to obtain an order prohibiting publication. The procedure and forms for the ex parte process is to be governed by the regulations, which, pursuant to the NDP amendment, must be approved by an all party committee of the Legislature.

Pursuant to s. 126.3(3), ex parte orders are to be granted when a court determines it is in the best interests of children or siblings currently receiving services, when it is the known wishes of the deceased child or when it is in the public interest. The Act contains no guidelines or guidance as to the interpretation of these factors or as to what criteria may or should be considered by a judge in their application. The regulations were to provide clarity on those issues, as developed with the assistance of committee debate and review.

Furthermore, s. 126.4 and s.126.5 contain provisions stating on whom an ex parte order is binding and how a person bound by an order may apply to have it set aside. These sections are also governed by the regulations, which are to provide guidance and procedure on their application.

It was therefore the task of this Committee to review the regulations to ensure that, by supplementing the Act and providing guidance to its application and interpretation, the resulting regulatory scheme governing publication bans best served both the public interest and the best interests of those affected by the child intervention system.

In a presentation from Human Services, the department listed the considerations that would inform the government's decision in seeking a publication ban order, as is its right under the new regulations at s. 5(1) and under the Act at s. 126.3(2). The result of the application of these considerations is that virtually all children who die in the care of this government will remain subject to a publication ban. The officials confirmed that the Ministry will seek an order when: the child was under a guardianship order immediately before their death; the child's siblings are under the care of the government; or in accordance with the wishes of the child. Under questioning, the representatives from the Ministry confirmed that 62 percent of

children in care or receiving services have siblings who also have involvement with the child welfare system.

Throughout the review, the NDP raised concerns that better guidelines are needed to ensure that the government is availing itself of the ex parte process only rarely and in appropriate circumstances, with some degree of external oversight. The majority of the Committee ignored these concerns and passed regulations which allow for the government to continue to conceal information about children in its care and to suppress public scrutiny of its performance as the custodian for vulnerable children.

An ex parte process generally, and as designed in the regulations, further perpetuates the already existing imbalances in power and access to justice for the families and children involved and the media versus the government. The lack of a notice requirement to families or media before the possible granting of a publication ban order which affects their rights is troubling. In fact, several of the government's own appointees and acknowledged subject experts noted that the use of an ex parte process as designed in the child death publication regulations will create imbalances in application. Mr. Tim Richter, the Chair of the Implementation Oversight Committee, wrote that the rights under s.126.3(5) of the Act are more accessible to the director or those familiar with court proceedings than they are to the family members of children in care. He noted that expediency is not a worthy reason to override people's rights and that, as such, notice should be required under s.126.3(2), amongst a number of other changes.

Reynolds Mirth Richards & Farmer LLP, solicitors for the Canadian Media Lawyers Association, reminded the Committee that the Supreme Court of Canada has explicitly stated that publication bans must be exceptional and that the removal of notice requirements for applications is a "significant step backwards" in Alberta law. They explained that s. 126.3(5) creates a situation where many parties affected by a publication ban order, including the families themselves, have no recourse at law to have it set aside. To deal with the difficult balance between interests, they suggest amending the regulations to allow for ban orders on an interim basis, following which a permanent order might be made with notice.

The Child and Youth Advocate and the Privacy Commissioner also offered their suggestions for improvements, including clarifications to the service requirements in s. 6 and notice requirements in s. 5(6) and dealing with the public record nature of court applications.

The well reasoned suggestions made by these experts to improve the regulations as drafted and the process as designed by the government were overlooked in the majority's haste to pass the regulations. As such, we are left with deficient regulations which should be significantly improved and which do not serve the best interests of the public or of children in care.

The Legislative Assembly saw fit to task the Committee with the review of regulations in such a way as to address the concerns outlined above and proceed accordingly in a manner which would improve the resulting regulatory scheme. The majority of the Committee spent less than hour discussing the regulations before passing them with no amendments.

The NDP remain profoundly disappointed in the majority of the Committee passing these regulations with little deliberation. Both the process and the regulations as passed are deficient and do a disservice to the children in government care and to the public interest in improving conditions for them. Changes to the publication ban were needed to improve, amongst other things, transparency and accountability. Neither the changes as included in the regulations nor the committee process itself achieved any of these purported goals. The NDP remain opposed to the deficient regulatory scheme that resulted from the carelessness of the majority members of the Committee.

Appendix C: List of Oral Presentations and Written Submissions

Oral Presentations

Name of Presenter	Organization	Date
David Goodburn, Barrister and Solicitor	Legal Services, Ministry of Human Services	September 11, 2014
Mark Hattori, Assistant Deputy Minister	Child and Family Services, Ministry of Human Services	September 11, 2014

Written Submissions

Name of Submitter	Organization	Date of Receipt	File Number
Robert P. Lee	Barrister and Solicitor	August 1, 2014	FC-DPBR-001
Dr. Eric Wasylenko	John Dossetor Health Ethics Centre, University of Alberta	August 3, 2014	FC-DPBR-002
Dr. Ian Mitchell	Department of Paediatrics, Alberta Children's Hospital	August 7, 2014	FC-DPBR-003
Dr. Peter Choate	Department of Social Work, Mount Royal University	August 15, 2014	FC-DPBR-004
Bonnie Johnston	Sheldon Kennedy Child Advocacy Centre	August 18, 2014	FC-DPBR-005
Jill Clayton	Office of the Information and Privacy Commissioner of Alberta	August 18, 2014	FC-DPBR-006
Tim Richter	Child Intervention System Improvement Implementation Oversight Committee	August 21, 2014	FC-DPBR-007
Rhonda Barraclough	Alberta Association of Services for Children and Families	August 21, 2014	FC-DPBR-008
Executive of the Child and Youth Care Association of Alberta	Child and Youth Care Association of Alberta	August 22, 2014	FC-DPBR-009
Sean Ward	Canadian Media Lawyers Association	August 22, 2014	FC-DPBR-010
Jackie Stewart	Office of the Child and Youth Advocate	August 22, 2014	FC-DPBR-011
Dr. Kathleen Kufeldt	University of New Brunswick	August 19, 2014	FC-DPBR-012

Appendix D: Letter from Minister and Draft Regulation (following page)



ALBERTA
HUMAN SERVICES

Office of the Minister

June 26, 2014

Ms. Cathy Olesen, MLA
Chair, Standing Committee on Families and Communities
635 Legislature Annex
9718 107 Street
Edmonton, Alberta
T5K 1E4

Dear Ms. Olesen:

It is my intention, as Minister of Human Services, to enact the enclosed regulation under Section 131 (1) (d.1) of the *Child, Youth and Family Enhancement Amendment Act, 2014* that provides the process for making an application to the Court under Section 126.3 of the Act that was passed by the Legislature on May 7, 2014.

Once Section 15 adding section 126.2(4.1) to the Act is proclaimed, the publication ban on children who die in care will no longer exist; however, the Act provides an avenue for those closest to the child to make an application to the Court for a publication ban if they choose. The enclosed regulation sets out the application process, as required by Section 131 (1) (d.1) of the Act.

The ex parte process set out in the Act is geared towards getting the individual in front of a judge as soon as possible. The regulation provides a readymade standardized form that is simple to use and will be available as a fillable form, similar to other forms under the Act. It contains all of the criteria and requirements for the application and can be done without a lawyer, saving time and money. It is also self-contained, making it easy to use without any need to look all over the place to get the right information. Finally, because of its consistency, Courts will know what to expect which will help ensure fast and smooth proceedings.

I am requesting that the Committee consider this regulation. With your support, I will move expeditiously to enact the regulation and lift the publication ban. To that end, I am requesting that you consider this regulation as soon as possible and reply to me before July 11, 2014.

.../2

-2-

While it is uncommon for a regulation to be brought forward to a legislative committee, I appreciate the spirit of cooperation that all parties have shown towards moving this legislation forward. I look forward to continuing to work with you on important issues.

Please accept my best wishes.

Sincerely,

(original signed by)

The Honourable Manmeet S. Bhullar
Minister of Human Services

Enclosure

APPENDIX

Child, Youth and Family Enhancement Act PUBLICATION BAN (COURT APPLICATIONS AND ORDERS) REGULATION

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Schedule

Definitions

1 In this Regulation,

- (a) “Act” means the *Child, Youth and Family Enhancement Act*;
- (b) “publication ban” means an order of the Court under section 126.3(3) of the Act that no person shall publish, in a manner that reveals that a deceased child received intervention services, the name or a photograph of the deceased child, of any parent or guardian of the deceased child or of any other individual identified in the order.

Court practice and procedure

2(1) In any matter not provided for in the Act or the regulations under it, the Court may follow the *Alberta Rules of Court* and the procedures of the Court of Queen’s Bench.

(2) The Court may give directions respecting any practice or procedure in the Court.

(3) The Court on application may

- (a) vary a rule of practice or procedure,
- (b) refuse to apply a rule of practice or procedure, or

- (c) direct that some other practice or procedure be followed.

Non-compliance with this Regulation

3(1) Unless the Court so directs, non-compliance with this Regulation does not render any act or proceeding void, but the act or proceeding may be set aside either wholly or in part as irregular or amended or otherwise dealt with.

(2) No proceeding shall be defeated on the ground of an alleged defect of form.

Personal service

4(1) Personal service is effected on an individual by leaving with the individual a copy of the document to be served.

(2) Personal service is effected on a corporation by leaving a copy of the document to be served with the mayor, reeve, president, chairman or other head officer by whatever name that person is known, or with the manager, office manager, cashier, secretary or agent.

Application

5(1) An application for a publication ban under section 126.3(2) of the Act is to be commenced by completing and filing Form 1 prescribed in the Schedule with the clerk of the Court before the Court hears the application.

(2) A publication ban may be in Form 2 of the Schedule.

(3) An application under section 126.3(5) of the Act for an order setting aside a publication ban is to be commenced by completing and filing Form 3 prescribed in the Schedule with the clerk of the Court before the Court hears the application.

(4) An order under section 126.3(5) of the Act setting aside a publication ban may be in Form 4 of the Schedule.

(5) Notwithstanding subsections (1) and (3), the Court may hear an application before the relevant form is filed with the clerk of the Court.

(6) Notwithstanding subsections (1) and (3), notice of an application is not insufficient merely because the relevant form was not filed before it was served on the person notified.

Service of orders

6 A publication ban ordered under section 126.3(3) of the Act or an order under section 126.3(5) of the Act setting aside a publication ban must be served on

- (a) the parents of the deceased child in respect of whom the order is made,
- (b) the guardians, if any, of the deceased child,
- (c) all other individuals, if any, identified in the order, and
- (d) a director, unless a director applied for the order.

Consequential amendments

7(1) The *Court Rules and Forms Regulation* (AR 39/2002) is amended by this section.

(2) Section 2(1) is amended by striking out "this Regulation" and substituting "the regulations under it".

(3) Section 5(1) is amended by adding ", other than under section 126.3 of the Act," after "the Act".

(4) Section 5.1 is amended by adding ", other than an order under section 126.3 of the Act," after "of the court".

Expiry

8 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2022.

Coming into force

9 This Regulation comes into force on the coming into force of section 126.3 of the *Child, Youth and Family Enhancement Act*.

Schedule

Form 1

Application for an Order Prohibiting Publication

In the Provincial Court of Alberta in the Matter of an Application under section 126.3(2) of the *Child, Youth and Family Enhancement Act*.

Regarding the child

_____, born (date-yyyy/mm/dd), a
deceased child who received intervention services under the *Child,
Youth and Family Enhancement Act*

1 My name is (name of applicant).

☐ I am a family member of the deceased child within the
meaning of section 126.3(1) of the Act. My relationship to the
child is

- ☐ I am the deceased child's parent.
- ☐ I am the deceased child's guardian.
- ☐ I am the deceased child's grandparent.
- ☐ I am the deceased child's sibling.
- ☐ I stand in the place of a parent with respect to the
deceased child.

☐ I have the authority to act for the director.

☐ I am seeking leave of the Court to make this application.

Application

2 I am applying for an order prohibiting publication of the name
and photograph of the deceased child, any parent of the deceased
child and any guardian of the deceased child in a manner that
reveals that the deceased child received intervention services.

☐ I am also applying for an order prohibiting publication of the
name and photograph of the following individual(s) in a manner
that reveals that the deceased child received intervention services:

(name) _____, born (date-yyyy/mm/dd)
(name) _____, born (date-yyyy/mm/dd)
(name) _____, born (date-yyyy/mm/dd)

Affidavit

3 In support of my application, I make oath and say that:

☐ (check only if you are seeking leave of the Court) I believe that I
should be granted leave of the Court to make this application
because: _____
_____.

☐ I believe that publication of the name and photograph of the
deceased child, any parent of the deceased child and any guardian
of the deceased child in a manner that reveals that the deceased
child received intervention services should be prohibited because:

_____.

☐ I believe that publication of the name and photograph of

_____, born _____
_____, born _____
_____, born _____

in a manner that reveals that the deceased child received
intervention services should be prohibited because: _____

☐ I believe that the deceased child's sibling(s), namely

_____, born _____
_____, born _____
_____, born _____

is/are receiving intervention services and that the order would be in
their best interests because: _____

☐ I believe that publication of the name and photograph of the
deceased child, any parent of the deceased child and any guardian
of the deceased child in a manner that reveals that the deceased
child received intervention services would be contrary to the
known wishes of the deceased child. The grounds for my belief are

☐ I believe that there are other grounds for prohibiting the
publication, which include _____

SWORN BEFORE ME at the _____ of _____)
_____, in the Province of Alberta, the _____)
_____ day of _____, _____) (Applicant's Signature)
_____) (date-yyyy/mm/dd)
(Commissioner for Oaths)
in and for the Province of Alberta)

Form 2

In the Provincial Court of Alberta in the Matter of an
Application under section 126.3(2) of the *Child,
Youth and Family Enhancement Act*.

Regarding the child

_____, born _____, a
deceased child who received intervention services under the *Child,
Youth and Family Enhancement Act*

Heard Before

The Honourable Judge _____, at _____ (time) a.m./p.m. on
_____, the _____ (day of the week), the
_____ (number) day of
_____, _____ (month), _____ (year)

at _____, Alberta.

ORDER PROHIBITING PUBLICATION

(name of applicant) (add if required: acting on the authority of the director) has applied for an order prohibiting publication, in a manner that reveals that the deceased child received intervention services, of the name and photograph of the deceased child, any parent of the deceased child and any guardian of the deceased child (add if required: and the following individual(s):

(name), born (date-yyyy/mm/dd)
(name), born (date-yyyy/mm/dd)
(name), born (date-yyyy/mm/dd)

AND on being satisfied, having regard to the matters referred to in section 126.3(3)(a), (b) and (c) of the Act, that it would be appropriate to make the order,

IT IS ORDERED THAT no person shall publish the name or photograph of any of the following individuals in a manner that reveals that the deceased child received intervention services:

(name), born (date-yyyy/mm/dd)
(name), born (date-yyyy/mm/dd)
(name), born (date-yyyy/mm/dd)

Dated this ____ day of ____ at ____ in the Province of Alberta.

(name of judge)

Form 3 Application for an Order Setting Aside a Publication Ban

In the Provincial Court of Alberta in the Matter of an
Application under section 126.3(5) of the *Child,
Youth and Family Enhancement Act*.

Regarding the child

(name), born (date-yyyy/mm/dd), a
deceased child who received intervention services under the *Child,
Youth and Family Enhancement Act*

1 My name is (name of applicant). I am not a family member of the deceased child within the meaning of section 126.3(1) of the Act.

Application

2 I am applying under section 126.3(5) of the Act for an order setting aside the order of the Provincial Court Judge (name of judge, if known) sitting at (city/town), Alberta on (date of Provincial Court hearing), 20 (year). The Provincial Court Judge ordered (nature of the ordered publication ban).

I seek an order allowing publication, in a manner that reveals that the child received intervention services, of the name and photograph of the deceased child, any parent or guardian of the deceased child and any other individual(s) identified in the ordered publication ban.

Affidavit

3 In support of my application, I make oath and say that:

☐ I was served with a copy of the order containing the publication ban.

☐ I seek an order setting aside the ordered publication ban because: _____

SWORN BEFORE ME at the _____ of _____, in the Province of Alberta, the _____ day of _____, _____ (Applicant's Signature) _____ (date-yyyy/mm/dd) _____ (Commissioner for Oaths in and for the Province of Alberta)

Form 4

In the Provincial Court of Alberta in the Matter of an Application under section 126.3(5) of the *Child, Youth and Family Enhancement Act*.

Regarding the child

_____, born (date-yyyy/mm/dd), a deceased child who received intervention services under the *Child, Youth and Family Enhancement Act*

Heard Before

The Honourable Judge _____ at (time) a.m./p.m. on (day of the week), the (number) day of (month), (year) at _____, Alberta.

ORDER SETTING ASIDE A PUBLICATION BAN

(name of applicant) (add if required: acting on the authority of the director) has applied for an order setting aside the order of the Provincial Court Judge (name of judge, if known) sitting at (city/town), Alberta on (date of Provincial Court hearing), 20 (year). The Provincial Court Judge ordered (nature of the ordered publication ban):

AND on being satisfied that it would be appropriate to make the order,

IT IS ORDERED THAT the order is set aside and any person may publish the name and photograph of the following individuals in a manner that reveals that the deceased child received intervention services:

(name), born (date-yyyy/mm/dd)
(name), born (date-yyyy/mm/dd)
(name), born (date-yyyy/mm/dd)

Dated this _____ day of _____ at _____ in the Province of Alberta.
(name of judge)

