

The Children's Law Regulations, 2021

being

[Saskatchewan Regulations 9/2021](#) (effective March 1, 2021).

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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SASKATCHEWAN REGULATIONS 9/2021
The Children's Law Act, 2020

PART 1
Preliminary Matters

Title

- 1** These regulations may be cited as *The Children's Law Regulations, 2021*.

Definitions

- 2** In these regulations:

“**Act**” means *The Children's Law Act, 2020*; (« *Loi* »)

“**Form**” means a form as set out in the Appendix. (« *formule* »)

12 Feb 2021 SR 9/2021 s2.

PART 2
Decision-making Responsibility and Parenting Time

Objection to proposed relocation of child

- 3** For the purposes of section 14 of the Act, an objection to the proposed relocation of a child is to be in Form A.

12 Feb 2021 SR 9/2021 s3.

PART 3
Parenting Coordinators

Parenting coordinators

- 4(1)** To be recognized by the minister as a parenting coordinator for the purposes of Part 4 of the Act, a person must:

- (a) be a member in good standing of one of the following organizations:
 - (i) Law Society of Saskatchewan;
 - (ii) Saskatchewan College of Psychologists;
 - (iii) Saskatchewan Association of Social Workers;
 - (iv) Family Mediation Canada;
 - (v) ADR Institute of Saskatchewan Inc.;

- (b) meet all of the following requirements:
 - (i) have at least 5 years of experience in family-related practice;
 - (ii) have completed at least 40 hours of training in parenting coordination, including training in relation to each of the following:
 - (A) the role and responsibilities of a parenting coordinator, including screening parties for power imbalances and family violence;
 - (B) arbitration and decision-making;
 - (C) communication skills development;
 - (D) the effects of separation and divorce on parents and children;
 - (E) high-conflict family dynamics;
 - (F) child development and developmental needs;
 - (iii) have completed at least 14 hours of family law training if the person is not a lawyer;
 - (iv) have completed at least 14 hours of family violence training, including training in identifying, assessing and managing family violence and power dynamics in relation to family dispute resolution;
 - (v) each year complete at least 6 hours of continuing professional development applicable to family dispute resolution; and
 - (c) maintain professional liability insurance that provides coverage for the person's practice as a parenting coordinator.
- (2) Before entering into a parenting coordination agreement, the parenting coordinator must provide written confirmation to the parties to the dispute that the person is recognized by the minister as a parenting coordinator.
- (3) The following matters are prescribed for the purposes of clause 35(1)(a) of the Act as matters with respect to which a parenting coordinator may make determinations in accordance with the agreement between or order affecting the parties to the dispute:
- (a) a child's daily routine, including a child's schedule in relation to parenting time;
 - (b) the education of a child, including in relation to the child's special needs;
 - (c) the participation of a child in extracurricular activities and special events;
 - (d) the temporary care of a child by a person other than:
 - (i) the child's legal decision-maker; or
 - (ii) a person who has parenting time with respect to the child pursuant to an agreement or order;

- (e) the provision of medical, dental or other health care to a child;
 - (f) the discipline of a child;
 - (g) the transportation and exchange of a child for the purposes of exercising parenting time;
 - (h) a child's travel plans in relation to the exercise of parental responsibilities or parenting time with respect to the child;
 - (i) parenting time during vacations and special occasions;
 - (j) communication, including any form of electronic communication, between a parent and child when the child is not in the parent's care;
 - (k) any other matter relating to the exercise of parental responsibilities or parenting time that:
 - (i) is agreed to by the parties and the parenting coordinator; and
 - (ii) does not contravene clause 35(1)(c) of the Act.
- (4) The minister may suspend or revoke the recognition of a person as a parenting coordinator for the purposes of Part 4 of the Act if the minister is satisfied that:
- (a) the person:
 - (i) obtained the recognition through providing false or misleading information to the minister;
 - (ii) has contravened the Act or these regulations;
 - (iii) has breached a term or condition of the recognition; or
 - (iv) has ceased to meet the qualifications of a parenting coordinator; or
 - (b) the suspension or revocation is necessary in the public interest.

12 Feb 2021 SR 9/2021 s4.

PART 4

Enforcement of Decision-making Responsibility and Parenting Time

Access to information – protection orders

5 The following orders are prescribed as protection orders pursuant to clause 43(1)(b) of the Act:

- (a) an emergency intervention order made pursuant to section 3 of *The Victims of Interpersonal Violence Act*;
- (b) a victim's assistance order made pursuant to section 7 of *The Victims of Interpersonal Violence Act*;
- (c) a protective intervention order made pursuant to section 16 of *The Child and Family Services Act*.

12 Feb 2021 SR 9/2021 s5.

PART 5
Child Status and Parentage

Insemination by sperm donor

6 For the purposes of Part 7 of the Act, in the case of insemination by a sperm donor, the agreement between the sperm donor and the intended birth parent must include the following:

- (a) the names of the parties;
- (b) the physical addresses of the parties;
- (c) a statement that the parties are 18 years of age or older;
- (d) a statement that the parties intend to attempt to conceive a child through sexual intercourse;
- (e) a statement that the sperm donor does not intend to be a parent the child and relinquishes entitlement to parentage of the child;
- (f) a certificate of independent legal advice for each party.

12 Feb 2021 SR 9/2021 s6.

Parentage agreements

7 For the purposes of section 61 of the Act, a parentage agreement must include the following:

- (a) the names of the parties;
- (b) the physical addresses of the parties;
- (c) a statement that the parties are 18 years of age or older;
- (d) a statement that the birth parent intends to parent the child;
- (e) a certificate of independent legal advice for each party.

12 Feb 2021 SR 9/2021 s7.

Surrogacy agreements

8 For the purposes of section 62 of the Act, a surrogacy agreement must include the following:

- (a) the names of the parties;
- (b) the physical addresses of the parties;
- (c) a statement that the parties are 18 years of age or older;
- (d) a statement that the parties intend to conceive a child through assisted reproduction, to be carried by the surrogate;

- (e) a statement that the surrogate:
 - (i) agrees to not be a parent of the child; and
 - (ii) intends to relinquish entitlement to parentage of the child, once born, to the other parties;
- (f) a statement that each of the other parties, who are not the surrogate, agrees to be a parent of the child;
- (g) a certificate of independent legal advice for each party.

12 Feb 2021 SR 9/2021 s8.

Parentage under surrogacy agreement – declaratory order on application without notice

9(1) An application pursuant to subsection 62(7) of the Act may be made without notice.

- (2) The application pursuant to subsection 62(7) of the Act must include:
 - (a) a Consent to Relinquish Entitlement to Parentage in Form B, signed by the surrogate; and
 - (b) an affidavit executed by the intended parents, with a copy of the surrogacy agreement attached as an exhibit.

12 Feb 2021 SR 9/2021 s9.

PART 6

Repeal and Coming into Force

RRS c C-8.2 Reg 1 repealed

10 *The Children's Law Regulations, 1998* are repealed.

12 Feb 2021 SR 9/2021 s10.

Coming into force

11(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Children's Law Act, 2020* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Children's Law Act, 2020* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

12 Feb 2021 SR 9/2021 s11.

Appendix**FORM A**

[Section 3]

Objection to Proposed Relocation of Child

I, _____, of _____, _____, hereby state:

1. I have

☐ decision-making responsibility

☐ parenting time

with respect to the the following child(ren):

	Name of child	Date of birth
1		
2		
3		
4		

2. My relationship to the child(ren) is as follows:

3. I received a Notice of Intended Relocation from _____
on _____, 2 _____. .

4. I object to the proposed relocation of the child(ren) ____ for the following reasons:

DATED at _____, Saskatchewan, this _____ day
of _____, 2 _____. .

(signature)

FORM B
[Subsection 9(2)]

Consent to Relinquish Entitlement to Parentage

I, _____, of _____, _____, hereby state:

1. On _____, 2 _____, I entered into a surrogacy agreement with _____ in accordance with section 62 of *The Children's Law Act, 2020* and section 8 of *The Children's Law Regulations, 2021*.
2. On _____, 2 _____, I gave birth to _____, the child conceived in accordance with the terms of the surrogacy agreement.
3. I consent to relinquish my entitlement to parentage of _____.

SWORN (OR AFFIRMED) BEFORE ME

at _____, Saskatchewan,
(city, town, etc.)

this _____ day of _____, _____.
(day) (month) (year)

} _____
(signature)

A Commissioner for Oaths for Saskatchewan
My commission expires _____.

