

chapter S-4.1.1

EDUCATIONAL CHILDCARE ACT

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REPEAL SCHEDULES

CHAPTER I

GENERAL PROVISIONS

DIVISION I

SCOPE AND INTERPRETATION

1. The object of this Act is to enhance the quality of the educational services intended for children before their admission to school so as to ensure the health and safety of the children to whom childcare services are provided, particularly those with special needs or who live in a precarious socio-economic situation, foster their development, educational success and well-being and provide them with equality of opportunity.

A further object of this Act is to foster the harmonious development of an educational childcare service supply that is sustainable and that takes into account the needs of parents, in order to facilitate the reconciliation of their parental responsibilities with their professional or student responsibilities, as well as their right to choose the educational childcare provider.

2005, c. 47, s. 1; 2017, c. 31, s. 1; 2022, c. 9, s. 97; 2022, c. 9, s. 1.

2. Every child has a right to quality personalized educational childcare services from birth until the child's admission to preschool or elementary school education or, failing that, until the first day of the school calendar of the school year, within the meaning of the Education Act (chapter I-13.3), following the that in which the child reaches six years of age. A child who ceases to attend school after being admitted also has a right to educational childcare services until the first day of the school calendar of the school year following that in which the child reaches six years of age.

The above right must be exercised taking into account the availability, organization and resources of educational childcare providers. It must also be exercised having regard to the rules set out in this Act relating to access to educational childcare services, including the obligation for those providers to fill their service supply using exclusively the registrations entered in the single window for access to educational childcare services, and the rules relating to subsidies, including those concerning the allocation of subsidized childcare spaces.

The implementation of that right is reinforced by the obligation imposed on the Minister to take the measures referred to in section 93.0.3 so that the educational childcare service supply in each territory meets the demand for such services.

2005, c. 47, s. 2; 2020, c. 1, s. 312; 2022, c. 9, s. 97; 2022, c. 9, s. 2.

2.1. Educational childcare centres, day care centres and recognized home educational childcare providers, with the support, in the latter's case, of home educational childcare coordinating offices that this Act allows to be accredited, are the educational childcare providers that contribute to the fulfilment of the objectives of this Act.

2022, c. 9, s. 2.

2.2. Educational childcare providers covered by this Act may provide childcare only to the children referred to in the first paragraph of section 2, except in a situation referred to in section 53.1 or 101.2.1.

2022, c. 9, s. 2; 2024, c. 6, s. 1.

3. In this Act, unless otherwise required by the context,

(1) the person who has *de facto* custody of a child is considered to be a parent of the child, except if the person having parental authority objects;

(2) a person is related to another person if that other person is

(a) subject to section 93.3, the person's spouse or child, the child of the person's spouse, or the person's mother, father or parent, aunt, uncle, brother or sister or their spouse;

(b) the person's partner or the partnership in which the person is a partner;

(c) a legal person controlled by the person or by a person referred to in subparagraph *a*;

(d) a legal person in which the person, directly or indirectly, holds 10% or more of all voting rights attached to issued shares or 10% or more of all issued shares;

(e) a legal person of which the person is a director or officer; or

(f) a person, other than a financial institution, who directly or indirectly grants the person a security, a loan or any other economic benefit in relation to the establishment of a day care centre delivering subsidized childcare or the funding of its activities;

(3) a natural person who, directly or indirectly, holds voting shares of a legal person not listed on a Canadian stock exchange is a shareholder.

2005, c. 47, s. 3; 2010, c. 39, s. 1; 2014, c. 8, s. 1; 2022, c. 22, s. 279.

DIVISION II

CHILDCARE SERVICES

4. (Repealed).

2005, c. 47, s. 4; 2022, c. 9, s. 97; 2022, c. 9, s. 3.

5. In order to ensure the provision of educational childcare services, the educational program applied by an educational childcare provider must be aimed at

(1) fostering children's overall development, enabling them to develop, at their own pace, all facets of their person, particularly their emotional, social, cognitive, language, physical and motor development;

(2) helping children gradually adapt to life in society and integrate a group harmoniously; and

(3) fostering children's educational success, particularly by facilitating their transition into the school system.

The educational program must also include promotional and preventive elements aimed at providing an environment conducive to the acquisition of healthy lifestyle habits, healthy eating habits and behaviours that have a positive effect on the children's health and well-being.

In applying the program, educational childcare providers must take into account the children's environment.

The Government determines, by regulation, any other element or service to be included in the educational program. It may, in the same way, prescribe a single program applicable in whole or in part to the educational childcare providers it determines and provide for program equivalencies.

2005, c. 47, s. 5; 2017, c. 31, s. 2; 2022, c. 9, ss. 4 and 97.

5.1. Educational childcare providers must, at the Minister's request and in the manner determined by the Minister, participate in the process to assess and improve the educational quality of childcare.

The Minister determines the measurement tools to be used in this process and may require educational childcare providers and their participating staff to provide the Minister with the information and documents required and to complete a questionnaire assessing childcare quality.

The Minister may designate a person or body with the required expertise in the field of early childhood to develop measurement tools and collect and process the information, documents and questionnaire.

The Minister follows up on the results of the childcare educational quality assessment and improvement process with the educational childcare providers concerned.

2017, c. 31, s. 3; 2022, c. 9, s. 97.

5.2. Educational childcare providers must ensure the health, safety and well-being of the children to whom they provide childcare.

Among other things, educational childcare providers may not apply degrading or abusive measures, use exaggerated punishment, denigration or threats, or employ abusive or disparaging language that could humiliate or frighten a child or undermine the child's dignity or self-esteem. Nor may they tolerate such behaviour from their employees.

2017, c. 31, s. 3; 2022, c. 9, s. 97.

5.3. A staff member of an educational childcare provider may not compromise, by an act or omission, the health, safety or well-being of the children to whom childcare is provided.

Among other things, a staff member may not apply degrading or abusive measures, use exaggerated punishment, denigration or threats, or employ abusive or disparaging language that could humiliate or frighten a child or undermine the child's dignity or self-esteem.

2024, c. 6, s. 2.

6. No person may, personally or through another, provide or offer to provide childcare services to a child referred to in the first paragraph of section 2, in return for a contribution, unless the person holds a childcare centre or day care centre permit or is a home educational childcare provider recognized by an accredited home educational childcare coordinating office.

The prohibition set out in the first paragraph does not apply to

(1) natural persons who are own-account workers and who, in a private residence where childcare is not already being provided,

(a) look after up to two children; or

(b) look after only children who ordinarily live together;

(2) day camp or vacation camp operators;

(3) non-profit community organizations that, incidentally to their mission, provide occasional childcare in situations other than those referred to in subparagraph 4;

(4) non-profit legal persons that provide, in an educational institution or, within the scope of an agreement entered into with the institution, near such an institution, occasional childcare exclusively to children of students attending that institution while the latter are pursuing their studies and where the latter can make themselves available if needed; or

(5) persons who provide occasional childcare to children whose parents are on site and can be reached if needed at one of the following locations:

- (a) a facility of a health and social services institution;
- (b) a commercial establishment;
- (c) a fair, an exhibition or a place where a one-time event is held; and
- (d) a place where a deliberative assembly is held.

2005, c. 47, s. 6; 2010, c. 39, s. 2; 2017, c. 31, s. 4; 2022, c. 9, s. 97; 2022, c. 9, s. 6; 2024, c. 6, s. 3; 2023, c. 34, s. 1290.

6.0.1. For the purposes of the first paragraph of section 6, childcare services offered or provided to a child as a benefit to a parent as an employee or client or as a person attending or frequenting an institution or establishment are deemed to be offered or provided in return for a contribution, even if no monetary consideration is required for those services.

2022, c. 9, s. 7.

6.1. Section 6 does not apply to a natural person who

- (1) is an own-account worker;
- (2) provides childcare in a private residence where such childcare is not already being provided;
- (3) provides childcare to up to six children of whom not more than two are under the age of 18 months, including the person's own children under nine years of age and any other children under nine who ordinarily live with the person and are present while the childcare is provided;
- (4) holds an attestation issued by a police force or the Minister for himself or herself and for each person of full age living in the residence, establishing that none of them has an impediment;
- (5) holds a certificate attesting that he or she has successfully completed a first aid course determined by government regulation;
- (6) is covered by a civil liability insurance policy whose amount and coverage are determined by government regulation;
- (7) notifies the parent using his or her services in writing that, as regards childcare services, he or she is subject only to the conditions provided for in this section, that he or she offers unrecognized home childcare, that he or she is not subject to monitoring by a home educational childcare coordinating office and that the quality of his or her childcare service is not assessed by the Minister; and
- (8) has not been convicted of an offence under section 6.2, or more than two years have elapsed since the conviction.

For the purposes of subparagraph 4 of the first paragraph, the Government determines, by regulation, the terms and conditions a person must fulfil to obtain an attestation establishing that no impediment exists.

The notice provided for in subparagraph 7 of the first paragraph, in the form prescribed by the Minister, must be signed by the parent and kept by the person offering the childcare for as long as the child receives the services. The notice must also contain any other element provided for by government regulation.

2017, c. 31, s. 5; 2022, c. 9, s. 97; 2024, c. 6, s. 57.

6.2. The person referred to in section 6.1 may not apply degrading or abusive measures, use exaggerated punishment, denigration or threats, or employ abusive or disparaging language that could humiliate or frighten a child to whom he or she provides childcare or undermine the child's dignity or self-esteem.

2017, c. 31, s. 5.

CHAPTER II

CHILDCARE CENTRES AND DAY CARE CENTRES

DIVISION I

PERMITS

7. The Minister may issue a childcare centre permit to a non-profit legal person or a cooperative whose board of directors is as follows:

- (1) it is made up of at least seven members;
- (2) at least two thirds of its members are parents who are clients or future clients of the childcare centre;
- (3) at least one of its members is from the business sector or the institutional, social, education or community sector;
- (4) no more than two of its members are staff members of the centre; and
- (5) none of its members is related to another.

No board member referred to in subparagraph 2 or 3 may be a staff member of the centre or a person related to a staff member of the centre.

The prohibition concerning related persons does not apply to an Aboriginal board of directors formed for the establishment or operation of a centre on Aboriginal territory.

The Government may make rules concerning the election of the members of the board of directors, its operation and the content of its internal by-laws.

2005, c. 47, s. 7.

8. An applicant for a childcare centre permit must also

- (1) undertake to provide educational childcare in one or more facilities;
 - (1.1) undertake to ensure the health, safety and well-being of the children to whom childcare is provided;
 - (1.2) undertake to provide childcare only to children referred to in the first paragraph of section 2 and, if applicable, in section 101.2.1;
- (2) be granted subsidies by the Minister;
- (3) hold no other permit under this Act; and
- (4) pay the fees and meet the other conditions determined by regulation.

2005, c. 47, s. 8; 2009, c. 36, s. 73; 2010, c. 39, s. 3; 2022, c. 9, s. 9; 2024, c. 6, s. 4.

9. *(Repealed).*

2005, c. 47, s. 9; 2009, c. 36, s. 74.

10. The Minister may, except in the case of a project selected under section 93.0.1, refuse to issue a childcare centre permit given the subsidies available or the relevance of subsidizing a permit applicant for the

proposed territory or if the educational childcare service supply necessary to meet the demand for such services, determined under section 11.2, is achieved in the proposed territory.

No childcare centre permit may be issued to a private education institution within the meaning of the Act respecting private education (chapter E-9.1).

In order to provide for the implementation of an agreement between the Government and a Mohawk community, the Minister may issue a childcare centre permit to a non-profit organization that does not meet the requirements of section 7, on the condition that the organization is governed as provided for in that section.

2005, c. 47, s. 10; 2022, c. 9, s. 10.

11. The Minister may issue a day care centre permit to a person provided

(1) the person undertakes to provide educational childcare to children in a single facility;

(1.1) undertakes to ensure the health, safety and well-being of the children to whom childcare is provided;

(1.1.1) the person undertakes to provide childcare only to children referred to in the first paragraph of section 2 and, if applicable, in section 101.2.1;

(1.2) the person shows the feasibility, relevance and quality of his or her project to the Minister's satisfaction;

(2) the person meets the other conditions prescribed by regulation; and

(3) the person pays the fees determined by regulation.

A permit applicant is deemed to meet the condition set out in subparagraph 1.2 of the first paragraph if the Minister, in allocating new subsidized childcare spaces under section 93.0.1, granted the applicant such spaces. The same is true of a permit applicant who acquires the assets of a permit holder, provided the applicant continues to provide childcare in accordance with the same conditions as those stated on the permit holder's permit under paragraphs 2 and 3 of section 12, and of a permit applicant or permit holder who has obtained the authorization referred to in section 16.1 to maintain the provision of childcare services to children who would otherwise not have any.

However, the Minister may not issue a day care centre permit to a school service centre, a school board or a municipality.

For the purposes of this section, a Native band council is considered a legal person.

2005, c. 47, s. 11; 2009, c. 36, s. 75; 2017, c. 31, s. 6; 2020, c. 1, s. 309; 2022, c. 9, s. 11; 2024, c. 6, s. 5.

11.1. In assessing the criteria set out in subparagraph 1.2 of the first paragraph of section 11, the Minister considers, in particular,

(1) as regards feasibility: the applicant's ability to complete his or her project according to realistic funding and deadlines;

(2) as regards relevance: whether the project meets the necessary educational childcare service supply determined under section 11.2 in the territory where the applicant wishes to set up operations; and

(3) as regards quality: the correlation between the childcare services offered and the means used to carry out the project, the choice of the facility's location and the means implemented to ensure sound, efficient management of the day care centre's human, material, financial and information resources.

If the application concerns a Native community, the Minister consults that community only.

2017, c. 31, s. 7; 2022, c. 9, s. 12.

11.2. The Minister assesses, at least once a year and for all of Québec, the educational childcare service needs in each territory the Minister determines, and identifies, if necessary, the priorities for developing such services. For those purposes, the Minister considers, among other factors, the permits already issued, the permit applications and other applications for authorization under section 21 or section 21.1 awaiting a decision, demographic variations, the recognitions granted to home educational childcare providers, the registrations entered in the single window for access to educational childcare services, and how well childcare service needs are already being met.

Subsequently, the Minister consults the regional advisory committee established under section 103.5 that is responsible for the territory concerned. The Minister requests, within the time determined by the Minister, the opinion of the committee on the assessment of needs and on the development priorities identified under the first paragraph.

The committee may then recommend that the Minister consider certain elements, specific to that territory, with respect to the childcare service needs, the development priorities, the allocation of subsidized childcare spaces or the issue of a day care centre permit.

At the conclusion of that exercise, the Minister determines, for each territory, the educational childcare service supply necessary to meet the demand for such services. The Minister then establishes whether the supply meets the demand and makes a projection of those findings for any period determined by the Minister. The Minister may also adjust the development priorities the Minister has identified.

The Minister publishes on the Minister's department's website, for the benefit of permit applicants and permit holders, the necessary information on the educational childcare service needs and priorities for developing such services specific to each territory and makes public his or her assessment, the determination made under the fourth paragraph and the opinions and recommendations given by the committees under this section.

When the Minister assesses the childcare service needs and establishes the priorities for developing such services within an Aboriginal community, the Minister consults only the community concerned or, if applicable, the person or body designated by the community to represent it in such matters.

For the purposes of this section, the territories are determined by the Minister in such a way as to ensure, for all of Québec, optimal measurement of educational childcare service needs. The Minister publishes, on the Minister's department's website, his or her method for determining territories as well as the territories determined, which must be of at least the same size as the territories of the home educational childcare coordinating offices.

2017, c. 31, s. 7; 2022, c. 9, s. 13.

11.3. Each year, the Minister consults the Minister of Education, Recreation and Sports to ensure consistency between the development of educational childcare services and preschool educational services where those services are intended for children who may use either type of services.

2022, c. 9, s. 14.

12. A permit must state

- (1) the name and address of the permit holder;
- (2) the address of each of the facilities where childcare is provided;

- (3) the maximum number of children in each of the facilities;
- (4) the maximum number of children per age class or per age class group in each of the facilities; and
- (5) the number of subsidized childcare spaces, if any.

2005, c. 47, s. 12; 2009, c. 36, s. 76; 2022, c. 9, s. 15.

13. A permit holder may not provide childcare in a facility to more children than the number stated on the permit or provide childcare to children for periods exceeding 48 consecutive hours.

A permit holder may not provide childcare to children in age classes other than those stated on the permit or to more children in each age class or age class group than the number stated on the permit.

2005, c. 47, s. 13.

14. A permit holder must comply with the standards established by this Act and, if so required by regulation, file a certificate with the Minister establishing compliance with those standards.

The Government may make regulations determining the standards with respect to which a certificate is required, the form and contents of the certificate and the time when it must be filed.

2005, c. 47, s. 14.

15. Only the holder of a permit issued by the Minister may use a name that includes the term “childcare centre” or “day care centre”.

2005, c. 47, s. 15.

16. Childcare services must be provided by a permit holder at the address appearing on the permit, except during outings organized for the children.

However, with the Minister’s authorization, childcare services may be provided elsewhere than at that address for a specified period, provided the permit holder shows

- (1) that childcare services cannot be provided in the facility whose address appears on the permit for reasons beyond the permit holder’s control;
- (2) that the situation is temporary; and
- (3) that the alternate facility is suitable for the children’s health and safety.

2005, c. 47, s. 16.

16.1. The Minister may, in exceptional circumstances and temporarily, where a permit holder ceases operations in one or more facilities or is about to do so, authorize a childcare centre permit applicant or permit holder to maintain the provision of childcare services to the children who would otherwise not have any, at the address of the facility appearing on the permit of the holder ceasing operations or at any other address determined by the Minister.

Where no childcare centre permit applicant or permit holder is able to ensure that services are maintained to the Minister’s satisfaction, the authorization may be granted to a day care permit applicant or permit holder.

Where the Minister authorizes a permit applicant, the Minister issues a temporary permit to the applicant for the purposes of this section.

2022, c. 9, s. 17.

16.2. In the cases provided for in section 16.1, the Minister may, for a specified period, authorize a permit holder to provide childcare services according to standards that depart from those established by or under this Act or may exempt the permit holder from the application of certain standards, except a standard established under subparagraph 13 or 13.1 of the first paragraph of section 106.

The Minister establishes the period and applicable standards by issuing a directive.

2022, c. 9, s. 17; 2024, c. 6, s. 6.

16.3. The Minister makes public, on the Minister's department's website, the names of the permit applicants or permit holders to whom the Minister has granted an authorization under section 16.1 as well as any directive issued under section 16.2.

2022, c. 9, s. 17.

16.4. The Minister may, for the period the Minister determines, authorize a childcare centre permit holder and a person that already holds a day care centre permit to whom subsidized childcare spaces have been allocated and whose project involves work to construct or develop a facility to provide childcare to children in a temporary facility.

Sections 18 to 20 of the Act do not apply to the temporary facility.

The Government establishes, by regulation, the conditions and standards applicable in such circumstances and determines the standards from which the holder is exempt.

2022, c. 9, s. 17.

17. A permit holder must notify the Minister in writing, within 15 days, of a change of name or address and, in the case of a legal person, of a change of director or shareholder.

A permit holder must provide, with respect to a new director or new shareholder, the information required by regulation.

2005, c. 47, s. 17; 2010, c. 39, s. 4.

18. A permit applicant must submit to the Minister for approval the plans of any facility in which the permit applicant proposes to provide childcare services.

The same applies if a permit holder is planning to alter a facility, add a new facility or relocate a facility permanently.

Such plans must be signed and sealed by an architect or any other professional authorized to do so.

2005, c. 47, s. 18.

19. The Minister must make a decision within 60 days after receiving the plans. The Minister may refuse to approve the plans if the proposed premises or alterations do not appear to comply with the standards established by regulation.

2005, c. 47, s. 19.

20. The permit holder must ensure that the premises and alterations comply at all times with the approved plans and the standards established by regulation.

2005, c. 47, s. 20.

21. The childcare centre permit holder must obtain the Minister's written authorization before increasing the number of children beyond the maximum stated on the permit, altering a facility, adding a new facility or relocating a facility permanently.

The Minister may, except in the case of a project selected under section 93.0.1, refuse to grant the authorization given the subsidies available and the relevance of subsidizing a permit holder for the proposed territory or if the educational childcare service supply necessary to meet the demand for such services, determined under section 11.2, is achieved in the proposed territory.

2005, c. 47, s. 21; 2022, c. 9, s. 18.

21.1. A day care centre permit holder must obtain the Minister's written authorization before increasing the number of children beyond the maximum stated on the permit.

The same is true if the permit holder wishes to permanently relocate his or her facility to offer childcare services in another territory.

The Minister grants the authorization if the Minister judges that the change requested meets the criteria set out in subparagraph 1.2 of the first paragraph of section 11, taking section 11.1 into account.

2017, c. 31, s. 8.

22. A permit holder must display the permit in each facility, in a place readily visible and accessible to the public at all times.

2005, c. 47, s. 22.

DIVISION II

TERM, MODIFICATION AND RENEWAL OF PERMITS

2005, c. 47, Div. II; 2022, c. 9, s. 19.

23. A permit is issued or renewed for five years, or for a shorter period if the Minister considers it appropriate.

If the Minister has yet to decide the application for renewal of a permit on the date of expiry, the permit remains in force until the decision is made, but for no more than 120 days.

2005, c. 47, s. 23.

24. The Minister may modify a permit where a change is made to one of the elements listed in section 12.

The requirements of sections 7, 8, 11 and 40.2 apply to the modification or renewal of a permit.

However, the requirement of subparagraph 1.2 of the first paragraph of section 11 does not apply to the modification or renewal of a day care centre permit, except in the cases provided for in section 21.1.

2005, c. 47, s. 24; 2017, c. 31, s. 9; 2022, c. 9, s. 20.

25. A permit is not transferable.

2005, c. 47, s. 25.

25.1. A permit holder may not entrust the administration or management of the permit holder's facility to a third party who is a legal person.

2010, c. 39, s. 5.

DIVISION III

REFUSAL TO ISSUE OR RENEW A PERMIT, SUSPENSION OR REVOCATION OF A PERMIT

26. The Minister may refuse to issue a permit if

(1) the applicant is unable to ensure the health, safety or well-being of the children to whom the applicant proposes to provide childcare;

(2) the applicant or a director or a shareholder of the applicant does not hold an attestation establishing that no impediment exists issued under Division I of Chapter VI.1;

(3) *(paragraph replaced)*;

(4) the applicant or a director or a shareholder of the applicant was found guilty of an offence under section 6 in the two years preceding the application or, in the case of a second or subsequent offence, in the five years preceding the application;

(5) the applicant or a director or a shareholder of the applicant held a permit that was revoked or not renewed in the five years preceding the application;

(5.1) the applicant or a director or a shareholder of the applicant was found guilty of an offence under section 108.2 in the five years preceding the application;

(6) the applicant made a false declaration or distorted a material fact in the application;

(7) the Minister considers that a reasonable person would conclude that the applicant or a director or a shareholder of the applicant is lending their name to a person whose application for a permit would be refused.

2005, c. 47, s. 26; 2010, c. 39, s. 6; 2024, c. 6, s. 7.

27. *(Repealed)*.

2005, c. 47, s. 27; 2024, c. 6, s. 8.

28. The Minister may suspend, revoke or refuse to renew a permit if

(1) the permit holder commits or authorizes, consents to or participates in the commission of an offence under this Act;

(2) the permit holder no longer meets the requirements for the issue of a permit;

(3) the permit holder fails to establish, with respect to themselves or to a director or a shareholder of the permit holder, that no impediment exists under Division I of Chapter VI.1;

(3.1) the permit holder fails or neglects to inform the Minister that, since the last time the permit holder was issued an attestation establishing that no impediment exists, the permit holder has been charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4 or that a director or shareholder of the permit holder has notified the latter that they have been so charged or found guilty;

(4) the permit holder makes a false declaration or distorts a material fact in the application for the issue or renewal of a permit, in a document required by the Minister, when communicating information to the Minister or with a view to being granted a subsidy by the Minister;

(4.1) the permit holder acts in such a way as to falsely suggest that the childcare services the permit holder provides are subsidized;

(5) the permit holder contravenes section 5.2;

(6) the permit holder ceases to operate;

(7) the permit holder refuses or neglects to comply with a notice of non-compliance issued under section 65 or 74 or with an evacuation order made under section 81.0.3;

(8) the permit holder refuses or neglects to pay a sum owed to the Minister;

(9) the permit holder fails to establish that they, or a director or a shareholder of the permit holder are not lending their name to a person whose application for a permit would be refused; or

(10) the permit holder fails to show that a person who is selected for the office of chief officer of a childcare centre or day care centre or who holds that office has the integrity required to manage subsidies paid out of public funds, where the educational childcare services provided are subsidized.

The Minister may attach conditions to the suspension of a permit as well as time limits to be complied with to have the suspension lifted.

In the case of a childcare centre permit, the suspension, revocation or refusal to renew the permit may concern one or more facilities indicated on the permit.

2005, c. 47, s. 28; 2017, c. 31, s. 10; 2022, c. 9, s. 21; 2024, c. 6, s. 9.

28.1. When shares that carry 10% or more of the voting rights in a legal person holding a day care centre permit are transferred, the Minister may suspend, revoke or refuse to renew the permit of the permit holder if the new shareholder

(1) meets the description of paragraph 4, 5 or 5.1 of section 26;

(2) is the holder of another day care centre permit in relation to which the Minister has cancelled or reduced the subsidy or suspended payment in whole or in part under section 97; or

(3) already holds shares that carry 10% or more of the voting rights in another legal person holding a day care centre permit in relation to which the Minister has cancelled or reduced the subsidy or suspended payment in whole or in part under section 97.

The Minister must suspend, revoke or refuse to renew the permit for any of the reasons set out in subparagraphs 1 to 3 of the first paragraph if a transfer of shares by the shareholder was effected through two or more transactions which resulted in the evasion of this section.

2010, c. 39, s. 7.

28.2. A permit is revoked by operation of law if the permit holder directly or indirectly provides childcare services while their permit is suspended.

2024, c. 6, s. 10.

29. Before refusing to issue or to renew a permit or suspending or revoking a permit, the Minister must notify in writing the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter

J-3) to the permit applicant or permit holder and give the applicant or holder at least 15 days to submit observations and to produce documents to complete the record. The Minister's decision, with reasons, is notified to the applicant or holder in writing.

The Minister may, however, if a decision is made in urgent circumstances or to prevent serious or irreparable injury or damage to persons, suspend a permit without having to comply with the prior obligations set out in the first paragraph. In such situations, the permit holder may, within 15 days from the suspension, submit observations and produce documents to complete the record in order to allow the Minister to review the decision.

2005, c. 47, s. 29; 2022, c. 9, s. 76; 2024, c. 6, s. 11.

30. A permit holder must, at least 90 days before ceasing to operate in one or more facilities, notify in writing the Minister and the parents of the children attending the childcare centre or day care centre, inform the Minister of the number and age of the children receiving childcare, and comply with any other condition determined by regulation.

The permit is then modified or revoked, for any facility concerned, as of the date set out in the notice.

2005, c. 47, s. 30; 2022, c. 9, s. 22.

DIVISION IV

DAY CARE CENTRE PARENTS ADVISORY COMMITTEE

2005, c. 47, Div. IV; 2022, c. 9, s. 23.

31. The day care centre permit holder must form, in the permit holder's facility, a parents committee composed of five parents elected by and from among the parents who are clients of the centre, other than the permit holder, the members of the board of directors, the members of the staff and persons related to them.

However, the permit holder is not required to form a parents committee if a majority of the board members are parents who are clients of the day care centre and meet the requirements of the first paragraph.

2005, c. 47, s. 31; 2009, c. 36, s. 77.

32. The permit holder must consult the parents committee on all aspects of the childcare provided in the day care centre, including

- (1) the application of the educational program;
- (2) the acquisition and use of educational materials and equipment;
- (3) the location or change of location of the facility;
- (4) the physical layout and furnishings of the facility;
- (5) the services provided; and
- (6) the processing of complaints.

2005, c. 47, s. 32.

33. The permit holder must, by means of a written notice, call a meeting of all the parents who are clients of the day care centre so that they may elect their representatives to the parents committee.

The meeting must be held within three months after the issue of the permit and, subsequently, every year before 15 October.

2005, c. 47, s. 33.

34. The parents committee chooses a chair and a secretary from among its members. The chair presides over the meetings of the committee and the secretary keeps the minutes.

The permit holder must see to it that the parents committee meets at least four times a year. Three members constitute the quorum.

If a vacancy occurs on the parents committee, the permit holder calls a meeting so that the vacancy may be filled.

2005, c. 47, s. 34.

35. The parents committee adopts by-laws.

The Government may, by regulation, determine rules governing the operation of a parents committee.

2005, c. 47, s. 35.

36. The permit holder communicates the names of the parents committee members in writing to all parents who are clients of the day care centre.

2005, c. 47, s. 36.

37. The permit holder must call a meeting of the parents committee in writing at least ten days in advance, by a notice informing the members of the date, time and place of the meeting and the matters on the agenda. The notice is also sent to all parents.

2005, c. 47, s. 37.

38. All documents relating to the parents committee must be kept by the permit holder on the premises of the facility for at least five years.

2005, c. 47, s. 38.

39. A member of a parents committee may not be prosecuted for any act done in good faith in the exercise of committee functions.

2005, c. 47, s. 39.

CHAPTER III

HOME CHILDCARE SERVICES

DIVISION I

HOME EDUCATIONAL CHILDCARE COORDINATING OFFICES

2005, c. 47, Div. I; 2022, c. 9, s. 97.

§ 1. — *Functions of a coordinating office*

40. A home educational childcare coordinating office is a childcare centre permit holder or a non-profit legal person other than a day care centre permit holder, accredited by the Minister to exercise the functions described in section 42.

In exercising its functions, a coordinating office must act in a manner that is respectful of the self-employed-worker status of the home educational childcare providers it recognizes, in accordance with the directives and instructions of the Minister.

It must also, in collaboration with the home educational childcare providers in its territory and the associations representing them, strive to enhance the quality of home childcare services and promote the training and professional development of home educational childcare providers.

2005, c. 47, s. 40; 2009, c. 36, s. 78; 2022, c. 9, s. 97.

40.0.1. The Minister must ensure that the actions and practices of the coordinating offices accredited by the Minister are coherent.

To that end, the Minister may, by instruction, prescribe any procedure that a coordinating office must follow, any document it must use or any information it must provide.

2022, c. 9, s. 24.

40.0.2. At least once a year, the Minister must conduct or commission a study, investigation or survey involving all the persons recognized as home educational childcare providers to establish their level of satisfaction with regard to the practices of their home educational childcare coordinating office. The Minister may require the coordinating offices to participate in the assessment of their services, to provide the required information and documents and to fill out an assessment questionnaire.

2022, c. 9, s. 24.

40.1. Subject to section 40.2, to be accredited as a home educational childcare coordinating office, the legal person must have a board of directors that meets the following requirements:

- (1) it has at least five members;
- (2) the majority of members are parents who are clients of a home educational childcare provider operating in the office's assigned territory;
- (3) one member is from the business sector or the institutional, social, education or community sector;
- (4) no more than one member is a home educational childcare provider operating in the office's assigned territory;

(5) no member is related to another member, to a staff member of the legal person or to a home educational childcare provider operating in the office's assigned territory.

The following persons may not be members or directors of the legal person: day care centre permit holders and their directors and employees and any persons related to them.

The Minister may accredit as a coordinating office a legal person that meets the requirements of this section and section 43 and makes the proper application, or a legal person solicited by the Minister to assume such a role.

However, if the Minister considers that no legal person under consideration in a given territory meets the requirements of this section and section 43, the Minister may accredit any other non-profit legal person.

2009, c. 36, s. 78; 2022, c. 9, s. 97.

40.2. If a childcare centre permit holder is accredited as a home educational childcare coordinating office, the permit holder must, within six months of being accredited, change the composition of the board of directors so that

- (1) it has at least nine members;
- (2) at least 2/3 of the members are parents who use the childcare provided by the childcare centre or by a home educational childcare provider that the childcare centre has recognized;
- (3) no more than one member is a home educational childcare provider recognized by the childcare centre.

Among the members referred to in subparagraph 2 of the first paragraph, at least one must be a parent who uses the childcare provided by the childcare centre and another must be a parent who uses the home educational childcare.

2009, c. 36, s. 78; 2022, c. 9, s. 97; 2024, c. 6, s. 12.

41. Only a home educational childcare coordinating office accredited by the Minister may recognize a person as a home educational childcare provider or coordinate the home childcare services of a person it has recognized.

Only the holder of accreditation from the Minister may use a name that includes the term "home educational childcare coordinating office".

2005, c. 47, s. 41; 2022, c. 9, s. 97.

42. A home educational childcare coordinating office has the following functions in the territory assigned to it, in compliance with the instructions given by the Minister under the second paragraph of section 40.0.1:

- (1) to grant, renew, suspend or revoke the recognition of home educational childcare providers, according to the cases and conditions determined by law;
- (2) to ensure that the home educational childcare providers it has recognized comply with the standards that apply to them by law;
- (3) to distribute subsidized childcare spaces among recognized home educational childcare providers according to the childcare needs of parents and the instructions of the Minister;
- (4) to determine, according to the cases and conditions determined by regulation, a parent's eligibility for payment of the contribution set by the Government under section 82;

(5) to administer, according to the Minister's instructions, the granting, payment, maintenance, suspension, reduction, withdrawal or recovery of subsidies to recognized home educational childcare providers or of subsidies referred to in the third paragraph of section 96, and see to the signing and management of agreements proposed by the Minister and to the management of the documents and information necessary for the administration of subsidies;

(6) to make information about home childcare services available to parents;

(6.1) to conduct prospecting in the territory assigned to it in order to find and guide persons who could be interested in becoming home educational childcare providers;

(6.2) to promote home childcare as a method of providing educational childcare services;

(7) to provide technical and pedagogical support on request; and

(8) to deal with complaints concerning recognized home educational childcare providers.

2005, c. 47, s. 42; 2009, c. 36, s. 79; 2022, c. 9, ss. 25 and 97.

42.0.1. If a home educational childcare coordinating office has reasonable grounds to believe that the health, safety or well-being of children receiving childcare from a home educational childcare provider in a residence is or could be seriously compromised, in particular if the coordinating office considers that the state of the residence or part of the residence constitutes an imminent danger for the children, the coordinating office may, in addition to any other measure that may be taken by the coordinating office or by the Minister and after having notified the parents, order the evacuation of the children receiving childcare from all or part of the residence.

A coordinating office that orders such an evacuation notifies it in writing to the home educational childcare provider who may, within 15 days from the notification, submit observations and produce documents to complete their record in order to allow the coordinating office to review the evacuation order.

If the evacuation is ordered for the whole residence, the recognition of the home educational childcare provider is suspended by operation of law.

2024, c. 6, s. 13.

42.1. A coordinating office and its directors and employees may not be prosecuted for an act or omission in good faith in the exercise of their functions.

2009, c. 36, s. 79.

§ 2. — *Terms and conditions of accreditation*

43. In granting accreditation, the Minister is to consider, among other things, the following criteria:

(1) its objectives and priorities, the integrity and quality of its organization, its ability to coordinate home childcare in accordance with the geographical and cultural context, and its viability;

(2) its contribution to childcare services in terms of enrichment, complementarity and diversity;

(3) its resources;

(4) its presence in the territory defined by the Minister and its ability to collaborate with existing institutional, social, educational and community bodies; and

(5) the participation of parents, the users of the services it coordinates, in its activities.

The Minister may make accreditation subject to conditions determined by the Minister.

2005, c. 47, s. 43; 2009, c. 36, s. 80.

44. The accreditation determines the number of subsidized childcare spaces to be distributed by the coordinating office in the territory assigned to it.

2005, c. 47, s. 44.

45. Accreditation is granted or renewed for five years, or for a shorter period if the Minister considers it appropriate.

2005, c. 47, s. 45; 2009, c. 36, s. 81; 2022, c. 9, s. 26.

46. The Minister must publish and keep up to date, on the Minister's department's website, a list of all the accredited coordinating offices, indicating, for each office, the territory assigned to it and the term of the accreditation granted to it or renewed.

2005, c. 47, s. 46; 2022, c. 9, s. 27.

47. The Minister may, at the request of a coordinating office, modify its accreditation according to the criteria set out in section 43.

The Minister may also, on the Minister's initiative, during the term of an accreditation, modify the accreditation to increase or decrease the number of spaces determined under section 44. In the case of a decrease, the terms set out in section 93.0.7 apply.

2005, c. 47, s. 47; 2022, c. 9, s. 28.

48. A coordinating office must obtain the Minister's authorization before changing the address of its head office, disposing of or transferring a significant asset that is necessary for its operations and was acquired by means of a subsidy, or making a change in its organization.

2005, c. 47, s. 48.

§ 3. — *Revocation of accreditation*

49. The Minister may revoke an accreditation in the following circumstances:

- (1) the accredited party requests revocation of the accreditation;
- (2) the accreditation was granted on the basis of false or misleading information;
- (3) the accredited party does not comply with the conditions determined by law, the terms of its accreditation or an instruction or directive given by the Minister;
- (4) the Minister judges that a change in the accredited party's circumstances makes revocation necessary given the criteria considered in granting the accreditation; or
- (5) the accredited party acts contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds, or there has been malfeasance or breach of trust.

Unless the revocation is at the accredited party's request, the Minister must notify the accredited party in writing and give the accredited party at least 15 days to submit observations.

2005, c. 47, s. 49; 2009, c. 36, s. 82; 2022, c. 9, s. 76.

50. The Minister's decision, with reasons, is communicated in writing.

2005, c. 47, s. 50.

51. When an accreditation is revoked, the Minister assumes the coordination of services provided by the home educational childcare providers recognized by the former coordinating office, until a new coordinating office is accredited for the territory concerned. As of that time, the home educational childcare providers are deemed to have been recognized by the new coordinating office.

2005, c. 47, s. 51; 2022, c. 9, s. 97.

§ 4. — *Cessation of operations*

2022, c. 9, s. 29.

51.1. A coordinating office must, at least 90 days before ceasing to operate, notify in writing the Minister and the home educational childcare providers recognized by it and comply with any other condition determined by regulation.

It must send a copy of the register referred to in section 59 to the Minister with that notice.

It must also, within 10 days of the Minister's request, send the records it has established under this Act or the regulations as well as any modification made to the register referred to in the second paragraph to the Minister or to any person designated by the Minister.

The second and third paragraphs apply, with the necessary modifications, to a coordinating office whose accreditation is not renewed or is revoked by the Minister.

2022, c. 9, s. 29.

DIVISION II

HOME EDUCATIONAL CHILDCARE PROVIDERS

2005, c. 47, Div. II; 2022, c. 9, s. 97.

52. A natural person who is an own-account self-employed worker who contracts with parents to provide childcare in a private residence, in return for payment,

(1) to up to six children of whom not more than two are under the age of 18 months, or

(2) to up to six children of whom not more than four are under the age of 18 months, if the person is assisted by another adult,

may be recognized as a home educational childcare provider by a coordinating office, according to the terms and conditions determined by regulation.

2005, c. 47, s. 52; 2009, c. 36, s. 83; 2021, c. 15, s. 98; 2022, c. 9, s. 97.

53. A natural person, other than a day care centre permit holder, who is an own-account self-employed worker who contracts with parents to provide childcare in a private residence, in return for payment, to at least seven but no more than nine children must be recognized as a home educational childcare provider by a coordinating office in the manner determined by regulation and must be assisted by another adult.

The person may not provide childcare to more than four children under the age of 18 months.

2005, c. 47, s. 53; 2009, c. 36, s. 84; 2021, c. 15, s. 99; 2022, c. 9, s. 97.

53.1. If present while childcare is being provided, children under nine years of age who are the home educational childcare provider’s own children, children of the provider’s assistant, if applicable, as well as children under nine years of age who ordinarily live with the provider or with the assistant are included, for the purpose of the calculation of the number of children to whom the provider and assistant may provide childcare under sections 52 and 53. The same applies with respect to their grandchildren.

However, the children and grandchildren of the persons referred to in the first paragraph are not included for the purpose of that calculation if the children are present in the following circumstances:

(1) the child is present only outside school hours, on days on which the child receives preschool education services or elementary school instructional services provided for by the Education Act (chapter I-13.3); or

(2) the child participates, in a place other than in the residence, in an activity beginning in the morning and continuing in the afternoon and is present only outside the hours of that activity.

For the purposes of this section, “grandchild” means the home educational childcare provider’s own grandchild or their assistant’s grandchild, the grandchild of a person ordinarily living with the provider or with the assistant as well as the child of a person who ordinarily lives with their child in a place other than the residence where the childcare services are provided.

2021, c. 15, s. 100; 2022, c. 9, s. 97; 2024, c. 6, s. 14.

54. A recognized home educational childcare provider makes a commitment toward parents to provide educational childcare services to their children in accordance with the law and to manage his or her business in such a way as to ensure the children’s health, safety and well-being.

A recognized home educational childcare provider who by obligation or choice takes on an adult as an assistant must do so in accordance with the law.

2005, c. 47, s. 54; 2009, c. 36, s. 85; 2022, c. 9, s. 97.

55. Recognition of a home educational childcare provider is granted for a five-year period, and may be renewed, suspended or revoked under the circumstances and conditions determined by regulation.

2005, c. 47, s. 55; 2022, c. 9, ss. 33 and 97.

56. *(Repealed).*

2005, c. 47, s. 56; 2009, c. 36, s. 86.

CHAPTER IV

DOCUMENTS

57. Educational childcare providers and coordinating offices that receive subsidies must keep and preserve the books, accounts and registers required by the Minister, in the manner the Minister prescribes.

2005, c. 47, s. 57; 2022, c. 9, s. 97.

57.1. Educational childcare providers must keep an education record for each child to whom they provide childcare.

Among other things, education records include information concerning the child’s development, information allowing better early detection of any difficulties the child may encounter and information facilitating the child’s transition into the school system.

No information contained in the record may be communicated to a third party without the consent of the parent of the child concerned, except in the case of a home educational childcare coordinating office acting within the scope of its functions or an inspector authorized under section 72. The record is given to the parent when the childcare services are no longer required.

The Government determines, by regulation, the elements comprising the education record, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information it contains.

2017, c. 31, s. 11; 2022, c. 9, ss. 34 and 97.

58. Educational childcare providers must keep and preserve, in accordance with the regulations, a registration card and an attendance card for each child to whom they provide childcare.

2005, c. 47, s. 58; 2022, c. 9, s. 97.

59. A coordinating office must keep a register of the recognized home educational childcare providers in its territory and send a copy to the Minister.

The register must contain the name, social insurance number and contact information of each recognized home educational childcare provider along with, in each case, the date of recognition, the number of children to whom childcare is to be provided and the number of subsidized childcare spaces assigned.

The coordinating office must inform the Minister without delay of any changes in the information in the register, as they occur.

The Minister may, at any time, require a coordinating office to send an up-to-date copy of the register.

2005, c. 47, s. 59; 2009, c. 36, s. 87; 2015, c. 8, s. 160; 2022, c. 9, s. 97.

CHAPTER IV.1

SINGLE-WINDOW ACCESS TO CHILDCARE SERVICES

2017, c. 31, s. 12.

59.1. All educational childcare providers, other than those established on Aboriginal territory, must register with the single-window access to childcare services designated by the Minister, according to the terms and conditions determined by the Minister.

2017, c. 31, s. 12; 2022, c. 9, s. 97.

59.2. Educational childcare providers must use only the registrations entered in the single-window access to childcare services to fill their childcare service supply.

2017, c. 31, s. 12; 2022, c. 9, s. 97.

CHAPTER V

REPORTS

60. The fiscal year of permit holders and coordinating offices ends on 31 March, unless another date is prescribed by another Act.

2005, c. 47, s. 60.

61. A permit holder or coordinating office that receives a subsidy under this Act must send to the Minister, not later than three months after the end of its fiscal year, a financial report for that fiscal year.

The report is to be audited if the subsidies granted during that fiscal year total \$25,000 or more.

2005, c. 47, s. 61; 2009, c. 36, s. 88.

62. A permit holder or coordinating office that ceases to operate or whose permit or accreditation is revoked or not renewed must send to the Minister a financial report for the period that begins on the start-date of the current fiscal year and ends on the date operations cease or the permit or accreditation expires.

The report is to be audited if the subsidies granted during this period total \$25,000 or more. The report must be submitted not later than three months after the cessation of operations or the notification of the Minister's decision to revoke or not to renew the permit or accreditation.

2005, c. 47, s. 62; 2009, c. 36, s. 89.

63. Permit holders and coordinating offices must send an activities report to the Minister not later than 30 June of each year.

2005, c. 47, s. 63.

64. The financial report and the activities report must contain the information required by the Minister and must be sent in the prescribed form.

2005, c. 47, s. 64; 2009, c. 36, s. 90.

CHAPTER VI

CONTROL MEASURES

DIVISION I

NOTICE OF NON-COMPLIANCE

65. The Minister may issue a notice ordering that corrective measures be taken by

(1) any person that does not comply with this Act;

(2) a permit holder or coordinating office that acts or has acted contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds; or

(3) a childcare centre permit holder or coordinating office whose financial situation must be redressed.

This written notice must specify the corrective measures to be taken and the time granted for their implementation.

2005, c. 47, s. 65.

DIVISION II

PROVISIONAL ADMINISTRATION

66. The Minister may designate a person to provisionally administer a childcare centre, day care centre or coordinating office

(1) if its permit is suspended or revoked;

(2) if the permit holder engages in practices or tolerates a situation likely to compromise the health, safety or well-being of the children to whom childcare is provided;

(3) if the permit holder or accredited party acts contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds, or if there has been malfeasance or breach of trust;

(4) if the Minister has reasonable grounds to believe that the permit holder or accredited party is using subsidies for purposes other than those for which they were granted;

(5) if an investigation into the management and operations of the permit holder or accredited party is conducted under section 80; or

(6) if the board of directors of a childcare centre or coordinating office so requests or is unable to act.

The provisional administration must not last longer than 180 days; the Minister may grant an extension of not more than 180 days.

2005, c. 47, s. 66; 2009, c. 36, s. 91; 2024, c. 6, s. 15.

67. The provisional administration suspends the powers of the permit holder or accredited party.

2005, c. 47, s. 67.

68. A preliminary report of the provisional administrator's findings, with recommendations, is filed with the Minister as soon as possible.

The Minister sends a copy of the report to the permit holder or accredited party and gives the permit holder or accredited party at least 15 days to submit observations.

2005, c. 47, s. 68; 2022, c. 9, s. 76.

69. If the preliminary report confirms the existence of a situation described in section 66, the Minister may

(1) make retention of the permit or accreditation subject to restrictions the Minister judges appropriate, prescribe a time limit for correcting the situation and, if the time limit is not met, impose another period of provisional administration; or

(2) order the provisional administrator to continue to administer the childcare centre, day care centre or coordinating office.

2005, c. 47, s. 69.

70. The provisional administrator submits a final report to the Minister upon ascertaining that the situation that gave rise to the provisional administration has been, or cannot be, corrected.

The costs, fees and expenses of the provisional administration are payable by the permit holder or accredited party concerned, unless the Minister decides otherwise.

2005, c. 47, s. 70.

71. The provisional administrator may not be prosecuted for any act done in good faith in the exercise of his or her functions.

2005, c. 47, s. 71.

DIVISION III

INSPECTION

72. The Minister may authorize a person to act as an inspector for the purposes of this Act.

An inspector is an employee of the Minister. Before conducting an inspection, the inspector must identify himself or herself and, on request, show a certificate of authority signed by the Minister.

2005, c. 47, s. 72.

73. An inspector designated by the Minister may

(1) at any reasonable time, enter any premises where he or she has reasonable grounds to believe that activities are carried on which require a permit, recognition or accreditation under this Act, for the purpose of verifying whether the Act is being complied with;

(2) at any reasonable time, enter any premises where home childcare is provided, for the purpose of verifying whether the provisions of Chapter VII are being complied with;

(3) inspect any premises and equipment covered by this Act, and take photographs or make recordings;

(4) require that any document be communicated for examination or reproduction, if he or she has reasonable grounds to believe that it contains information relating to the application of this Act.

2005, c. 47, s. 73.

74. If an inspector discovers that a permit holder has failed to comply with a safety standard prescribed for a play area, play space or play equipment, he or she may issue a notice of non-compliance indicating the deficiencies observed and the time granted to correct them.

If the permit holder fails to comply with the notice, the Minister may order such work as is necessary at the permit holder's expense or prohibit access to the premises or equipment until the situation is corrected.

2005, c. 47, s. 74.

75. If an inspector discovers that the state of a play space or area or of play equipment constitutes a hazard for children, he or she must order its immediate evacuation.

The permit holder may submit observations to the Minister within the time specified in the evacuation order.

The Minister may suspend or cancel the inspector's decision.

2005, c. 47, s. 75.

76. An inspector may affix a seal to play equipment to which he or she has prohibited access.

No person may break a seal affixed by an inspector.

2005, c. 47, s. 76.

77. When the premises or the play equipment are no longer a hazard for children and comply with the standards prescribed by regulation, the Minister authorizes access to the premises or the equipment and the removal of any seals.

2005, c. 47, s. 77.

78. No person may hinder an inspector in the exercise of inspection functions, make misleading representations to an inspector or refuse to provide an inspector with the information or a document he or she has the right to obtain under this Act.

The person in charge of the premises being inspected and any other person present are required to assist the inspector. Likewise, the person holding information or having custody, possession or control of any document relating to the application of this Act must, at the inspector's request, give the information or document to the inspector within a reasonable time and facilitate its examination.

2005, c. 47, s. 78; 2022, c. 9, s. 36.

78.1. An inspector may, by a formal demand delivered by any means that allows proof of receipt, require any person to communicate, by the same means, within a reasonable time specified by the inspector, information or documents relating to the application of this Act.

The person to whom the demand is made must comply with the demand within the specified time, whether or not the person has already communicated such information or such a document or a reply to a similar demand made under this Act.

2022, c. 9, s. 37.

79. An inspector may not be prosecuted for any act done in good faith in the exercise of inspection functions.

2005, c. 47, s. 79.

DIVISION IV

INVESTIGATIONS

80. The Minister or any person designated by the Minister may investigate any matter relating to the application of this Act.

In the context of an investigation, the Minister and investigators are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

An investigator must, on request, identify himself or herself and show a certificate of authority signed by the Minister.

2005, c. 47, s. 80.

81. An investigator may send a summons by any means of communication that allows proof of receipt.

2005, c. 47, s. 81; 2022, c. 9, s. 38.

81.0.1. No person may hinder an investigator in the exercise of investigation functions, make misleading representations to an investigator or refuse to provide an investigator with the information or a document he or she has the right to obtain under this Act.

2022, c. 9, s. 39.

81.0.2. An investigator may not be prosecuted for any act done in good faith in the exercise of investigation functions.

2022, c. 9, s. 39.

DIVISION V

ORDERS

2010, c. 39, s. 8.

81.0.3. If an inspector or an investigator has reasonable grounds to believe that the health, safety or well-being of children receiving childcare from a permit holder in a facility is or could be seriously compromised, in particular if the inspector or investigator considers that the state of a facility or of part of a facility constitutes an imminent danger for the children, the inspector or the investigator may, in addition to any other measure that may be taken by the inspector or the investigator or by the Minister and after having notified the parents, order the evacuation of the children from all or part of the facility.

An inspector or an investigator who orders an evacuation in accordance with the first paragraph must notify the order in writing to the permit holder who may, within 15 days from the notification, submit observations and produce documents to complete the record in order to allow the Minister to review the order.

If the evacuation is ordered for the whole facility, the permit holder's permit is suspended by operation of law for that facility.

2024, c. 6, s. 16.

81.1. If a statement of offence is served on a person who offers or provides childcare services in contravention of section 6, the Minister or a person authorized by the Minister must, if of the opinion that the health or safety of the children may have been or could be compromised, issue an order prohibiting the person concerned from offering or providing childcare under conditions that could compromise the health or safety of the children.

2010, c. 39, s. 8.

81.2. On issuing the order, the Minister or the person authorized by the Minister must notify it to the person concerned and inform the person of his or her right to contest it before the Administrative Tribunal of Québec within 60 days.

2010, c. 39, s. 8.

CHAPTER VI.1

PREVENTION MEASURES FOR THE SAFETY OF CHILDREN

2024, c. 6, s. 17.

DIVISION I

INVESTIGATION ESTABLISHING THAT NO IMPEDIMENT EXISTS

2024, c. 6, s. 17.

§ 1. — *Investigation*

2024, c. 6, s. 17.

81.2.1. The following persons must be the subject of an investigation establishing that no impediment exists:

- (1) a permit applicant or a permit holder, in the case of a natural person;

- (2) a director or a shareholder of a permit applicant or of a permit holder;
- (3) a person of full age who works in a permit holder's facility while childcare is being provided;
- (4) a trainee or a volunteer who is of full age and who is regularly present in a permit holder's facility while childcare is being provided;
- (5) a person who regularly transports children on behalf of a permit holder;
- (6) a person applying for recognition or who is recognized as a home educational childcare provider;
- (7) a person of full age living in a private residence where childcare is, or is expected to be, provided by a person referred to in paragraph 6;
- (8) a trainee or a volunteer who is of full age and who is regularly present in a residence where childcare is provided by a home educational childcare provider, as well as the latter's assistant or occasional replacement;
- (9) a staff member of a home educational childcare coordinating office whose function is to manage the office, to recognize or to monitor home educational childcare providers, or to provide technical and educational support to the home educational childcare providers recognized by that coordinating office; and
- (10) a director of a home educational childcare coordinating office, where that coordinating office does not hold a childcare centre permit.

2024, c. 6, s. 17.

81.2.2. The investigation establishing that no impediment exists must be conducted by a Québec police force.

The purpose of the investigation is to determine whether information exists that could establish the existence of an impediment.

An application for an investigation is made, as applicable,

- (1) by a person referred to in paragraph 1 of section 81.2.1, for an investigation establishing that no impediment exists regarding that person personally;
- (2) by a permit applicant or a permit holder, for an investigation establishing that no impediment exists regarding any person referred to in paragraphs 2 to 5 of section 81.2.1, unless that person is part of the staff provided by a legal person providing replacement childcare staff;
- (3) by a home educational childcare coordinating office, for an investigation establishing that no impediment exists regarding any person referred to in paragraphs 6 to 10 of section 81.2.1; or
- (4) by a legal person providing replacement childcare staff members, for an investigation establishing that no impediment exists regarding the staff it provides to a permit holder.

The application made to the police force must be accompanied by the written consent of the person being investigated to having all the information specified in the second paragraph of section 81.2.4 investigated and to having the results of the investigation communicated in accordance with section 81.2.5.

An educational childcare provider, a coordinating office or a permit applicant may not cause a staff member or an aspiring staff member to pay the fees for the investigation, whether directly or indirectly.

2024, c. 6, s. 17.

81.2.3. In this Act, unless the context indicates otherwise, the following constitute an impediment:

(1) the fact that the person exhibits or has exhibited behaviour that could reasonably pose a threat for the physical or emotional safety of the children to whom the person proposes to provide childcare or, as applicable, among whom the person wants to carry out a role, a function or work;

(2) the fact that the person is charged with or has been found guilty of a criminal offence related to the abilities and conduct required to operate a childcare centre or a day care centre or to provide home educational childcare services or, as applicable, to carry out a role, a function or work among children to whom childcare is provided;

(3) the fact that the person is the subject of a court order that subsists against the person and that is related to the abilities and conduct required to operate a childcare centre, a day care centre or, as applicable, to carry out a role, a function or work among children to whom childcare is provided; and

(4) the fact that the person exhibits or has exhibited behaviour that could reasonably cause one to fear that the person does not have the required integrity to manage subsidies paid out of public funds.

Subparagraph 4 of the first paragraph applies only to a permit applicant or permit holder whose childcare services are subsidized, to a director or shareholder of such an applicant or holder, to a director of a coordinating office that does not hold a childcare centre permit or to a person who is selected for or who holds the office of chief officer of such a coordinating office, of a childcare centre or of a day care centre whose childcare services are subsidized.

2024, c. 6, s. 17.

81.2.4. Every Québec police force is required to conduct the investigations establishing that no impediment exists applied for.

The verifications carried out by the police force must be concerned with any sexual misconduct, failure to provide necessities of life, criminal operation of a motor vehicle, violent behaviour, criminal negligence, fraud, theft, arson and drug- or narcotic-related offence. However, they are to exclude any criminal offence other than the offences listed in Schedule 2 to the Criminal Records Act (R.S.C. 1985, c. C-47), for which the person has obtained a pardon.

2024, c. 6, s. 17.

81.2.5. If the verifications carried out in the databases available to the police force do not reveal any information that could establish the existence of an impediment, the police force issues an attestation establishing that no impediment exists to the person being investigated and sends a copy to the person who applied for the investigation.

If the verifications do reveal such information, the police force issues an attestation of a potential impediment to the person being investigated. The attestation must state the information that is needed to assess whether or not an impediment exists.

2024, c. 6, s. 17.

81.2.6. A person referred to in paragraphs 1 to 6 or 8 to 10 of section 81.2.1 to whom a police force issues an attestation of a potential impediment must decide whether they wish to continue the investigation process. If so, the person must send the attestation of a potential impediment to the third person designated by section 81.2.8 and attach to the attestation, if the person considers it necessary, any observations or any document.

2024, c. 6, s. 17.

81.2.7. A person referred to in paragraph 7 of section 81.2.1 to whom a police force issues an attestation of a potential impediment must decide whether they consent to the police force communicating it to the

person who resides with them and who has applied for recognition or who is recognized as a home educational childcare provider.

If such is the case, the latter must then decide whether they wish to continue the investigation process. If so, with the consent of the person concerned by the attestation of a potential impediment, the person who resides with the latter and who has applied for recognition or who is recognized as a home educational childcare provider must send the attestation to the third person designated by section 81.2.8 and attach to the attestation, if the person considers it necessary, any observations or any document.

2024, c. 6, s. 17.

81.2.8. The content of an attestation of a potential impediment must be assessed by one of the following third persons:

(1) the Minister, after having obtained the opinion of the Comité d'examen des empêchements established under section 81.2.26, for an attestation concerning a person referred to in paragraph 1, 2 or 10 of section 81.2.1 and for an attestation issued following an application for an investigation establishing that no impediment exists made by a legal person providing replacement childcare staff;

(2) a permit applicant or a permit holder, for an attestation concerning a person referred to in paragraph 3, 4 or 5 of section 81.2.1, after having obtained the opinion of the Comité d'examen des empêchements if the attestation concerns a person who is selected for the office of chief officer of a childcare centre or day care centre or who holds that office; or

(3) a coordinating office, for an attestation concerning a person referred to in paragraphs 6 to 9 of section 81.2.1, after having obtained the opinion of the Comité d'examen des empêchements if the attestation concerns a person who is selected for the office of chief officer of the coordinating office or who holds that office.

Despite subparagraphs 2 and 3 of the first paragraph, every attestation is to be assessed by the Minister, after having obtained the opinion of the Comité d'examen des empêchements, where the person concerned by the attestation of a potential impediment is a person related, within the meaning of subparagraph a of paragraph 2 of section 3, to any natural person otherwise called upon to assess the content of the attestation.

2024, c. 6, s. 17.

81.2.9. The third person to whom an attestation of a potential impediment is sent must, after having obtained the opinion of the Comité d'examen des empêchements where section 81.2.8 so provides and taking into account any observations and any document attached to the attestation, assess the attestation's content and determine whether an impediment exists.

If the third person determines that an impediment exists, the third person issues a notice of impediment to the person concerned by the attestation.

Otherwise, the third person issues an attestation establishing that no impediment exists to the person concerned by the attestation.

If the attestation concerns a person who is selected for the office of chief officer of a coordinating office that does not hold a childcare centre permit or of a childcare centre or a day care centre, or who holds that office, the third person responsible for assessing the content of the attestation must inform the Minister in writing and without delay of their decision to issue an attestation in accordance with the third paragraph and must send the Minister the reasons for the decision as well as a copy of the committee's opinion.

Any notice of impediment or any attestation establishing that no impediment exists issued under this section is to be communicated in writing to the person concerned by the attestation. A copy is also

communicated to the person who applied for the investigation or is kept by that person if they assessed the attestation themselves.

The issue of any notice or any attestation by a permit applicant, a permit holder or a coordinating office under this section must first be authorized by resolution of the board of directors.

2024, c. 6, s. 17.

§ 2. — *Responsibilities*

2024, c. 6, s. 17.

81.2.10. The permit holder must,

(1) if the permit holder is a natural person, at all times hold a valid attestation establishing that no impediment exists; and

(2) ensure that the persons referred to in paragraphs 2 to 5 of section 81.2.1 at all times hold a valid attestation establishing that no impediment exists.

The same applies to a person who is recognized as a home educational childcare provider with regard to the persons referred to in paragraphs 7 and 8 of section 81.2.1 and to a coordinating office with regard to the persons referred to in paragraphs 6, 9 and 10 of section 81.2.1.

2024, c. 6, s. 17.

§ 3. — *Validity of attestations establishing that no impediment exists, and new investigation*

2024, c. 6, s. 17.

81.2.11. An attestation establishing that no impediment exists is valid for a period of three years after being issued, on the conditions set out in section 81.2.12.

A new application for an investigation, made at least three months before the expiry of an attestation establishing that no impediment exists, extends the period of validity of the latter as long as a new attestation has not been issued.

Sections 81.2.1 to 81.2.9 apply to a new application for an investigation, with the necessary modifications.

The issue of a notice of impediment puts an end to the validity of any attestation establishing that no impediment exists.

2024, c. 6, s. 17.

81.2.12. Subject to section 81.2.16, an attestation establishing that no impediment exists is valid only so that the attestation holder may, as applicable,

(1) hold a permit or be recognized as a home educational childcare provider following an application made, as applicable, under subparagraph 1 or 3 of the third paragraph of section 81.2.2;

(2) carry out a role, a function or work for the same permit applicant, the same educational childcare provider or the same coordinating office, following an application for an investigation concerning the attestation holder made under subparagraphs 2 and 3 of the third paragraph of section 81.2.2;

(3) be in the presence of the children received in the residence of the home educational childcare provider in which the attestation holder lives following an application for an investigation concerning the attestation holder made under subparagraph 3 of the third paragraph of section 81.2.2; or

(4) act as staff member in any permit holder's centre within the scope of a relationship between the latter and a legal person providing replacement childcare staff members that has made an application for an investigation concerning the attestation holder under subparagraph 4 of the third paragraph of section 81.2.2.

Despite subparagraph 2 of the first paragraph, if the holder of an attestation establishing that no impediment exists is selected for the office of chief officer of a childcare centre, a day care centre whose childcare services are subsidized or a coordinating office that does not hold a childcare centre permit, but the attestation holder's attestation was issued for the exercise of a role, a function or work other than that of chief officer, that attestation remains valid only if the attestation holder provides a sworn statement indicating that, since the attestation was issued, the attestation holder has not been charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4 and if the conditions set out in either of the following paragraphs are met:

(1) the attestation that the attestation holder already holds was issued by a police force; or

(2) the attestation that the attestation holder already holds was issued under section 81.2.9 and the attestation of a potential impediment whose content assessment led to the issue of that attestation has been sent to the third person designated, according to section 81.2.8, as being responsible for assessing the content of an attestation of a potential impediment concerning a person who is selected for the office of chief officer, and that third person has determined that no impediment exists.

2024, c. 6, s. 17.

81.2.13. Despite section 81.2.10, when there is a change of director, the permit applicant, the permit holder or the coordinating office that does not hold a childcare centre permit has 10 days from the day of the change to apply for an investigation establishing that no impediment exists in respect of the director in accordance with section 81.2.2. The new director is then deemed to be the holder of an attestation establishing that no impediment exists until such an attestation or a notice of impediment, as applicable, is issued in respect of the new director.

2024, c. 6, s. 17.

81.2.14. The holder of an attestation establishing that no impediment exists who has been charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4 must immediately notify the person who may apply for an investigation establishing that no impediment exists in respect of the attestation holder in accordance with section 81.2.2. If the holder of an attestation establishing that no impediment exists is a permit applicant or a permit holder, they must immediately inform the Minister of that fact.

The permit applicant, permit holder or coordinating office that does not hold a childcare centre permit must also immediately inform the Minister of any notice given to them under the first paragraph by one of their directors or shareholders, if applicable.

2024, c. 6, s. 17.

81.2.15. The Minister may require that a new application for an investigation establishing that no impediment exists be made in accordance with sections 81.2.1 to 81.2.9 for any holder of an attestation establishing that no impediment exists, where the Minister is informed of a change relating to the information that could establish the existence of an impediment regarding the attestation holder. Any person referred to in section 81.2.2 may do the same for the holder of an attestation establishing that no impediment exists in respect of whom the person may make an application for an investigation in accordance with that section.

Failure of the holder of an attestation establishing that no impediment exists to follow up on an application made under the first paragraph within the time indicated by the Minister or by the person who may make an

application for an investigation in respect of the attestation holder puts an end to the validity of the attestation establishing that no impediment exists.

2024, c. 6, s. 17.

§ 4. — *Persons exempt from an investigation*

2024, c. 6, s. 17.

81.2.16. Despite section 81.2.12, an educational childcare provider may exempt a person referred to in paragraph 3, 4 or 8 of section 81.2.1 from being the subject of a new investigation establishing that no impediment exists, on the following conditions:

(1) the person holds an attestation establishing that no impediment exists issued in the last three years; and

(2) the person provides a sworn statement indicating that, since the attestation was issued, the person has not been charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4 or has not been suspended or dismissed by an educational childcare provider.

2024, c. 6, s. 17.

81.2.17. When a minor works or is regularly present as a trainee or volunteer while childcare is being provided in a permit holder's facility or in a residence where childcare is provided, the permit holder or the home educational childcare provider must ensure that either of the following requirements is met:

(1) the minor, when in the presence of children receiving childcare, is accompanied at all times by a person of full age who holds an attestation establishing that no impediment exists; or

(2) the minor is the holder of a document, that the minor carries with them when present in the facility or in the residence, attesting that verifications carried out in the databases available to a police force do not reveal any information related to the elements listed in the second paragraph of section 81.2.4 concerning the minor.

The document referred to in subparagraph 2 of the first paragraph must have been issued two years earlier or less by a police force at the request of the educational institution that the minor attends or at the request of the permit applicant or permit holder or of the home educational childcare coordinating office. The minor who holds that document, and who is charged with or found guilty of a criminal offence related to the elements referred to in the second paragraph of section 81.2.4, must immediately notify the permit holder or the home educational childcare provider of that fact.

A person referred to in the first and second paragraphs may, on the same conditions and despite any provision to the contrary, continue to work or be regularly present as a trainee or volunteer in the facility of a permit holder or in the residence where childcare is provided as of the date of their eighteenth birthday if an application for an investigation establishing that no impediment exists concerning the person was made three months or less before that date, until the process referred to in sections 81.2.1 to 81.2.9 has been completed. In such a case, the investigation must be conducted by the police force after the person's eighteenth birthday.

2024, c. 6, s. 17.

§ 5. — *Persons who have been residing in Canada for less than one year*

2024, c. 6, s. 17.

81.2.18. The investigation establishing that no impediment exists in respect of a person referred to in section 81.2.1 who has been residing in Canada for less than one year is governed by this subdivision.

2024, c. 6, s. 17.

81.2.19. The investigation is applied for by the person who may make an application for an investigation in accordance with the third paragraph of section 81.2.2. It consists in the assessment of the content of a sworn statement provided by the person being investigated, to determine whether an impediment exists.

The statement referred to in the first paragraph

(1) contains the information concerning any behaviour the person being investigated has exhibited in Canada or abroad, any criminal offence the person has been charged with or found guilty of in Canada or abroad and any court order that subsists against the person in Canada or abroad that could establish the existence of an impediment; and

(2) addresses all the elements listed in the first sentence of the second paragraph of section 81.2.4.

2024, c. 6, s. 17.

81.2.20. In the case where the statement contains no information that would make it possible to establish the existence of an impediment, the person who applied for the investigation issues an attestation establishing that no impediment exists to the person who was investigated and keeps a copy of it.

2024, c. 6, s. 17.

81.2.21. In the case where the statement contains information that could establish the existence of an impediment, sections 81.2.8 and 81.2.9 apply, with the necessary modifications and subject to the second paragraph.

With the consent of the person being investigated, a permit applicant, a permit holder or a coordinating office may, even where section 81.2.8 does not provide for it, ask the Comité d'examen des empêchements to examine the information contained in the statement and give them its opinion as to whether an impediment exists.

2024, c. 6, s. 17.

81.2.22. An attestation establishing that no impediment exists issued under this subdivision is valid until the person concerned by the attestation has resided in Canada for one year.

An application for an investigation made in accordance with the process provided for in sections 81.2.1 to 81.2.9 during the month preceding the expiry of an attestation establishing that no impediment exists issued in accordance with this subdivision extends the period of validity of the attestation until a new attestation is issued. However, the issue of a notice of impediment puts an end to the validity of any attestation establishing that no impediment exists.

Section 81.2.12 applies, with the necessary modifications, to the validity of that attestation.

2024, c. 6, s. 17.

81.2.23. The Minister may require that a new application for an investigation establishing that no impediment exists be made, in respect of a person who is the holder of an attestation establishing that no impediment exists issued in accordance with the process provided for in this subdivision, following that

process or the process provided for in sections 81.2.1 to 81.2.9, if the Minister is informed of a change relating to the information that could establish the existence of an impediment with respect to the attestation holder. Any person referred to in section 81.2.19 may do the same with respect to the holder of an attestation establishing that no impediment exists in respect of whom the person may make an application for an investigation in accordance with that section.

Failure of the holder of an attestation establishing that no impediment exists to follow up on an application made under the first paragraph within the time indicated by the Minister or by the person who may make an application in respect of the attestation holder puts an end to the validity of the attestation establishing that no impediment exists.

2024, c. 6, s. 17.

81.2.24. Sections 81.2.10, 81.2.12 to 81.2.14 and 81.2.17 apply in the situations and to the persons referred to in this subdivision, with the necessary modifications.

2024, c. 6, s. 17.

§ 6. — *Persons having resided outside Canada for one year or more*

2024, c. 6, s. 17.

81.2.25. Any person referred to in section 81.2.1 having resided outside Canada for a continuous period of one year or more since the date of their eighteenth birthday and who is not referred to in subdivision 5 must, in addition to complying with the provisions of subdivisions 1 to 4 that apply to the person, make a sworn statement

(1) containing the information concerning any behaviour the person exhibited abroad, any criminal offence the person was charged with or found guilty of abroad and any court order subsisting against the person abroad that could establish the existence of an impediment; and

(2) addressing all the elements listed in the first sentence of the second paragraph of section 81.2.4.

The person must then send their statement and the consent required for its communication to the person referred to in section 81.2.2 who applied for the investigation establishing that no impediment exists in respect of the person making the statement, before the former makes such an application to a police force.

The process for the investigation establishing that no impediment exists is continued in accordance with subdivisions 1 to 4, except in the case where the statement referred to in the first paragraph contains information that could establish the existence of an impediment. In that case, the person who applied for the investigation establishing that no impediment exists must notify the police force. The police force carries out verifications in accordance with sections 81.2.4 and 81.2.5, but may not issue an attestation establishing that no impediment exists under the first paragraph of section 81.2.5. If the verifications carried out in the databases available to the police force do not reveal any information that could establish the existence of an impediment, the police force issues a research note to that effect.

The statement referred to in the first paragraph, if it contains information that could establish the existence of an impediment, must be sent to the third person responsible for assessing the content of an attestation of a potential impediment in accordance with section 81.2.8 and be taken into account by the third person as if it were such an attestation, and is added to the attestation, if applicable, for the purpose of establishing whether an impediment exists. The third person may ask the Comité d'examen des empêchements to examine the information contained in the statement and to give them its opinion as to whether an impediment exists.

2024, c. 6, s. 17.

§ 7. — *Comité d'examen des empêchements*

2024, c. 6, s. 17.

81.2.26. The Minister establishes the Comité d'examen des empêchements (“the committee”).

The function of the committee is to examine the information provided by a police force in an attestation of a potential impediment to be submitted to the committee under this division, and to give its opinion as to whether an impediment exists.

The committee gives reasons for the opinion in writing and communicates it to the third person responsible for assessing the content of an attestation of a potential impediment and to the person concerned by the attestation.

2024, c. 6, s. 17.

81.2.27. The committee is composed of at least five members appointed by the Minister, at least two of whom are lawyers. From among the members, the Minister designates a chair, who presides at its meetings and sees to the committee’s smooth operation, and another member who acts as vice-chair.

The committee must be composed of at least one member from an Aboriginal community when an attestation of a potential impediment concerns an Aboriginal person.

The members must have a marked interest in child protection and expertise or experience in that field or regarding investigations establishing that no impediment exists.

2024, c. 6, s. 17.

81.2.28. The term of office of the committee members may not exceed two years.

When their term ends, members remain in office until replaced or reappointed.

2024, c. 6, s. 17.

81.2.29. The secretariat of the committee is the responsibility of the Ministère de la Famille, des Aînés et de la Condition féminine.

2024, c. 6, s. 17.

81.2.30. The quorum for meetings of the committee is at least half of its members.

The committee’s opinions are decided by a majority of the members present. In the event of a tie, the chair has a casting vote.

2024, c. 6, s. 17.

81.2.31. When the chair is absent or unable to act, the functions and powers of the chair are assumed by the vice-chair or, failing that, by a presiding member.

2024, c. 6, s. 17.

81.2.32. The members of the committee receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

2024, c. 6, s. 17.

§ 8. — *Agreement and information*

2024, c. 6, s. 17.

81.2.33. The Minister and the Minister of Public Security must enter into a framework agreement for establishing the procedures to be followed by Québec police forces when conducting an investigation establishing that no impediment exists in the area of childcare services.

The agreement specifies the measures to be put in place so that persons who require the services of a police force may know the processing time generally observed for applications for an investigation establishing that no impediment exists.

The agreement may include models for giving consent that comply with this division.

2024, c. 6, s. 17.

81.2.34. The Minister prepares a guide on investigations establishing that no impediment exists for educational childcare providers and sees to its dissemination on the Gouvernement du Québec's website.

The guide is prepared after consultation with the bodies representative of educational childcare providers.

2024, c. 6, s. 17.

81.2.35. The activity report of the Comité d'examen des empêchements is to be included in the annual management report of the department.

2024, c. 6, s. 17.

DIVISION II

SUSPENSION OF A STAFF MEMBER

2024, c. 6, s. 17.

81.2.36. A permit holder must immediately suspend any staff member in the following cases:

(1) if the permit holder is informed that the staff member is implicated in a report that has been accepted for evaluation by the director of youth protection as well as if such a person is implicated in a report leading to a disclosure of confidential information by the director of youth protection to the Director of Criminal and Penal Prosecutions or to a police force provided for in section 72.7 of the Youth Protection Act (chapter P-34.1);

(2) if the staff member is the subject of an investigation conducted by the Minister with the knowledge of the permit holder on the basis of acts allegedly committed by the staff member that are such that, were they to continue or be repeated, the health, safety or well-being of the children to whom the permit holder provides educational childcare would be seriously compromised; or

(3) if the staff member is the subject of a complaint filed with the permit holder and which the latter considers admissible, relating to acts allegedly committed by the staff member and that are such that, were they to continue or be repeated, the health, safety or well-being of the children to whom the permit holder provides educational childcare would be seriously compromised.

The permit holder must notify the person in writing and without delay of their suspension and the reasons for it, and give the person an opportunity to submit observations and produce any document as soon as possible and, in all cases, within 10 days.

The suspension lasts until the permit holder makes a final decision about the alleged situation.

2024, c. 6, s. 17.

81.2.37. Before taking up their employment, any person called upon to work in the facility of a permit holder while childcare is being provided must declare to the permit holder any suspension covered by section 81.2.36, and concerning the person that

(1) is ongoing;

(2) was ongoing at the time the person left a previous employment with a permit holder, within a period of 36 months after leaving that employment; or

(3) was the subject of a final decision, under that section, that has led to sanctions being imposed in the last 36 months.

2024, c. 6, s. 17.

CHAPTER VII

PARENTAL CONTRIBUTION AND SUBSIDIES

DIVISION I

CONTRIBUTIONS

§ 1. —

Repealed, 2020, c. 5, s. 1.

2015, c. 8, s. 161; 2020, c. 5, s. 1.

81.3. *(Repealed).*

2015, c. 8, s. 161; 2020, c. 5, s. 1.

§ 2. —

Heading repealed, 2020, c. 5, s. 2.

2015, c. 8, s. 161; 2020, c. 5, s. 2.

82. The Government may, by regulation, set the amount of the contribution to be paid by a parent for childcare services for which the educational childcare provider is subsidized.

The Government may also, by regulation, set the indexing method applicable to the amount of such a contribution.

In all other cases, the educational childcare provider sets the amount of the parental contribution for the childcare services provided.

2005, c. 47, s. 82; 2015, c. 8, s. 162; 2020, c. 5, s. 3; 2022, c. 9, s. 97.

83. A subsidized educational childcare provider must provide educational childcare services according to the age group of the children and in accordance with the type of services and the period, duration and core hours prescribed by regulation.

Childcare services include the services determined by regulation as well as any organized activities, any materials and any other services provided to children while they are in childcare, unless specifically exempted by regulation.

2005, c. 47, s. 83; 2009, c. 36, s. 92; 2015, c. 8, s. 163; 2022, c. 9, s. 97.

83.1. For the purposes of paragraphs *e* and *f* of section 190 and section 191 of the Consumer Protection Act (chapter P-40.1), when the amount of the contribution is raised or indexed, the total amount to be paid and the rate stated in a childcare agreement referred to in section 92 are revised accordingly by operation of law.

2015, c. 8, s. 164; 2020, c. 5, s. 11; 2024, c. 6, s. 18.

84. The Government may, by regulation, determine conditions of payment of the parental contribution for a day or half day of childcare, and cases in which full or partial exemption from the contribution is granted for the services determined by the Government.

2005, c. 47, s. 84; 2015, c. 8, s. 165; 2020, c. 5, s. 11.

85. A parent pays the contribution or is fully or partially exempted from paying it on condition that a subsidy has been granted to the educational childcare provider for the childcare space requested by the parent.

2005, c. 47, s. 85; 2015, c. 8, s. 166; 2020, c. 5, s. 11; 2022, c. 9, s. 97.

86. A subsidized educational childcare provider may not request or receive, directly or indirectly,

- (1) any contribution from a parent who has been exempted from paying it; or
- (2) any extra contribution or fees other than those determined under sections 82 and 92 for the services that are prescribed by regulation or provided for in a subsidy agreement.

Nor may a subsidized educational childcare provider request or receive, directly or indirectly, any administration, registration or management fees with respect to subsidized services, or any fees for putting a person on a waiting list to obtain a subsidized childcare space.

Moreover, a subsidized educational childcare provider may not make a child's admission subject to the payment by the parent of a higher contribution than that set by regulation or of any amount in addition to the set contribution. Nor may a subsidized educational childcare provider refuse to admit a child because the parent refuses to pay such a contribution or amount.

Except to the extent provided by regulation, a subsidized educational childcare provider may not tolerate or permit a situation in which a child who occupies a subsidized childcare space is given additional goods or services for which any form of service or contribution is to be required directly or indirectly from the parent.

2005, c. 47, s. 86; 2009, c. 36, s. 93; 2015, c. 8, s. 167; 2020, c. 5, s. 4; 2022, c. 9, s. 97.

86.1. No person may directly or indirectly induce a parent to pay more than the contribution set by regulation or to pay such a contribution the parent is exempted from paying.

2009, c. 36, s. 93; 2015, c. 8, s. 168; 2020, c. 5, s. 5.

87. A parent who believes he or she has been wronged by the decision of a permit holder or home educational childcare coordinating office regarding the parent's eligibility for payment of the contribution set by regulation or for an exemption may apply to the Minister for a review of the decision.

The application must be made in writing within 90 days after the day on which the parent is notified of the decision, and must contain a brief summary of the grounds for the review.

The Minister may grant an extension if the parent can show that he or she was unable, for serious and valid reasons, to act sooner.

2005, c. 47, s. 87; 2015, c. 8, s. 169; 2020, c. 5, s. 11; 2022, c. 9, s. 97.

88. Within 30 days after receiving the application, the Minister sends a written decision, with reasons, to the parent and educational childcare provider concerned.

2005, c. 47, s. 88; 2022, c. 9, s. 97.

§ 3. —

Repealed, 2020, c. 5, s. 6.

2015, c. 8, s. 170; 2020, c. 5, s. 6.

I. —

Repealed, 2020, c. 5, s. 6.

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.1. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.1.0.1. *(Repealed).*

2017, c. 1, s. 443; 2020, c. 5, s. 6.

88.1.1. *(Repealed).*

2015, c. 36, s. 200; 2020, c. 5, s. 6.

II. —

Repealed, 2020, c. 5, s. 6.

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.2. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.3. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.4. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.5. *(Repealed).*

2015, c. 8, s. 170; 2019, c. 14, s. 531; 2020, c. 5, s. 6.

88.6. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.7. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.8. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.9. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.10. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

III. —

Repealed, 2020, c. 5, s. 6.

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.11. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.12. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.13. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

88.14. *(Repealed).*

2015, c. 8, s. 170; 2020, c. 5, s. 6.

DIVISION II

SUBSIDIES

89. The Minister may, according to the conditions and priorities the Minister determines, grant a subsidy

(1) to a childcare centre permit applicant, for the establishment of such a centre;

(1.1) to an applicant for recognition as a home educational childcare provider, for the establishment of home childcare; or

(2) to a childcare centre permit holder or a home educational childcare coordinating office, for funding purposes.

2005, c. 47, s. 89; 2022, c. 9, ss. 40 and 97.

90. The Minister may, according to the conditions and priorities the Minister determines, subsidize educational childcare providers for the provision of childcare services for which the contribution payable is set by the Government. The amount of such subsidies may vary depending on whether the educational childcare provider is a childcare centre permit holder, day care centre permit holder or home educational childcare provider.

Such childcare is intended for children referred to in the first paragraph of section 2.

Home educational childcare providers may not receive a subsidy for the childcare they provide, within their childcare operation, to their own children or to children who ordinarily live with them. Nor may they receive a subsidy for childcare provided to their assistants' children or to children who ordinarily live with their assistants, if the services are provided at the children's residence.

2005, c. 47, s. 90; 2015, c. 8, s. 171; 2020, c. 5, s. 11; 2022, c. 9, s. 97; 2022, c. 9, s. 41.

90.1. In order to foster social cohesion and facilitate the integration of children without regard to social or ethnic origin or religious affiliation, subsidized educational childcare providers must ensure that

- (1) children's admission is not related to their learning a specific religious belief, dogma or practice;
- (2) the objective of educational activities and communication is not to teach such a belief, dogma or practice; and
- (3) a repeated activity or practice stemming from a religious precept is not authorized if its aim, through words or actions, is to teach children a specific religious belief, dogma or practice.

However, the purpose of the first paragraph is not to prevent

- (1) a special cultural event linked to a celebration with a religious connotation or a celebration originating from a religious tradition;
- (2) a diet based on a religious precept or a tradition;
- (3) the establishment of a program of activities to reflect the diversity of cultural and religious realities; and
- (4) participation in an activity whose theme is inspired by a custom.

The Minister may, by a directive to subsidized educational childcare providers and home educational childcare coordinating offices, prescribe special terms to govern the application and implementation of this section.

2017, c. 19, s. 20; 2022, c. 9, s. 97.

91. The Minister may, according to the conditions and priorities the Minister determines, grant a subsidy to any person, partnership or association in order to facilitate or support the development or improvement of childcare services, to meet specific childcare needs or to foster experimentation or innovation in the field of childcare.

2005, c. 47, s. 91; 2022, c. 9, s. 42.

92. The Minister may, according to the conditions the Minister determines, enter into a subsidy agreement with a permit applicant or educational childcare provider.

The subsidy agreement may, in particular, provide that the childcare provider is required, in the childcare provider's contractual relationship with the parent of a child who occupies a subsidized childcare space, to use

a standard agreement model for childcare services whose form, content, required elements, terms of renewal and whose other mandatory clauses are established by the Minister.

The Minister may, in the subsidy agreement, establish various childcare services agreement models and set out which model is to be used in which cases and on which conditions.

The Minister may, in particular, establish a childcare services agreement model for the provision of childcare services to a child on a sporadic or an irregular basis.

A childcare services agreement model may not, however, when intended to be used by a home educational childcare provider, contravene the provisions of a group agreement under the Act respecting the representation of certain home educational childcare providers and the negotiation process for their group agreements (chapter R-24.0.1).

The Minister may also determine terms for the provision of services and the amount of any fee or any other extra contribution that may be requested or received by a subsidized educational childcare provider for certain specific goods and services exempted by regulation or for any additional childcare services provided to a child who occupies a subsidized childcare space.

2005, c. 47, s. 92; 2009, c. 36, s. 94; 2015, c. 8, s. 172; 2022, c. 9, s. 97; 2024, c. 6, s. 19.

93. The total number of subsidized childcare spaces corresponds to the total number of spaces authorized under the permits for all childcare centres and daycare centres that have entered into a subsidy agreement with the Minister as well as under the accreditations of all the home educational childcare coordinating offices.

2005, c. 47, s. 93; 2010, c. 39, s. 9; 2017, c. 31, s. 13; 2022, c. 9, s. 97; 2022, c. 9, s. 43.

93.0.1. When the Minister intends to assign new subsidized childcare spaces to permit applicants or permit holders, the Minister issues an invitation to submit a project to create such spaces for part or all of Québec.

Such an invitation is first addressed to childcare centre permit applicants or permit holders. If no project is submitted by them or is selected, the invitation may then be addressed to any other permit applicant or permit holder.

The invitation sets out the terms and conditions the project must comply with and the categories of permit applicants or permit holders for which the invitation is intended, if applicable. It may also specify the participation of the Minister in the financing or planning of the construction project as well as that of any person designated by the Minister, in particular in the planning, management or control of the development or construction project or in the supply of a facility.

Following the invitation, the Minister selects one or more projects from among those that meet the conditions of the invitation and then allocates the places among the permit applicants or permit holders whose project has been selected.

Before allocating spaces within an Aboriginal community, the Minister consults the community concerned or, if applicable, the person or body designated by the community to represent it in such matters.

2022, c. 9, s. 43.

93.0.2. When the Minister intends to assign new subsidized childcare spaces to a home educational childcare coordinating office for it to distribute the spaces, the Minister modifies the coordinating office's accreditation in accordance with subdivision 2 of Division I of Chapter III of the Act.

2022, c. 9, s. 43.

93.0.3. The Minister must take measures to ensure that the educational childcare service supply in each territory meets the demand for such services. Accordingly, when the Minister finds, at the conclusion of the process set out in section 11.2, that the Minister's projected service supply in a given territory does not meet the demand, the Minister issues, within six months of that finding, an invitation in accordance with section 93.0.1.

2022, c. 9, s. 43.

93.0.4. Where the subsidized childcare spaces assigned to a permit applicant or a permit holder are not made available within the time determined by the Minister, the Minister may recover the spaces in order to reallocate or cancel them.

The same is true where such a childcare space becomes unoccupied otherwise than in the situation provided for in section 93.0.8.

Before recovering or cancelling childcare spaces in accordance with this section, the Minister must notify the permit applicant or permit holder in writing and give the applicant or holder at least 15 days to submit observations. The Minister's decision, with reasons, is then communicated in writing.

2022, c. 9, s. 43.

93.0.5. Where a permit applicant or permit holder delays or neglects, or experiences significant difficulties in, completing construction or development work for which subsidies have been granted, the Minister may, in addition to any other action the Minister may take or any right the Minister may have, propose the participation of any person designated by the Minister in order to complete the required work.

2022, c. 9, s. 43.

93.0.6. A coordinating office may reallocate a childcare space assigned to a home educational childcare provider if it becomes unoccupied.

2022, c. 9, s. 43.

93.0.7. Where a home coordinating office fails to make available the childcare spaces that have been allocated to it, the Minister may recover those spaces in order to reallocate them in accordance with section 93.0.1 or section 93.0.2 or to cancel them.

Where the Minister intends to decrease the number of spaces granted to a coordinating office without the latter having consented to it, the Minister must notify the coordinating office in writing and give it at least 15 days to submit observations. After the expiry of that period, the Minister renders a decision in writing, with reasons.

2022, c. 9, s. 43.

93.0.8. Where a permit holder ceases to operate in one or more facilities, the Minister recovers, if applicable, the subsidized childcare spaces that were assigned to it. Despite sections 11.2 and 93.0.1, the Minister may then assign such spaces or reallocate the spaces recovered to the childcare centre permit holder or permit applicant best able to ensure the continuity of childcare provided in the territory served, while granting attendance priority to the children affected by the cessation of operations.

Where no childcare centre permit holder or permit applicant is able to ensure that services are maintained to the Minister's satisfaction, the authorization may be granted to a day care permit applicant or permit holder.

2022, c. 9, s. 43.

93.0.9. When allocating subsidized childcare spaces to permit applicants or permit holders, the Minister makes public, on the Minister's department's website, the criteria used to assess the projects and allocate the spaces as well as the decisions rendered concerning the projects accepted.

2022, c. 9, s. 43.

93.1. In no case may a person who holds two or more day care centre permits or related persons who hold two or more day care centre permits be allocated more than 500 subsidized childcare spaces.

2010, c. 39, s. 10; 2022, c. 9, s. 44.

93.2. In no case may the same person, or related persons, hold more than five day care centre permits for the delivery of subsidized childcare.

2010, c. 39, s. 10.

93.3. For the purposes of sections 93.1 and 93.2, the persons referred to in subparagraph *a* of paragraph 2 of section 3 are considered related to one another if one directly or indirectly participates with the other in the operation or management of a day care centre delivering subsidized childcare.

2014, c. 8, s. 2.

93.4. A day care permit applicant or holder who files an application with the Minister to obtain subsidized childcare spaces or to enter into a subsidy agreement must send the Minister, in the form determined by the Minister, the name and contact information of any permit applicant or holder with whom the day care permit applicant or holder is related within the meaning of paragraph 2 of section 3 or a declaration attesting to the absence of ties described in that paragraph.

2014, c. 8, s. 2.

93.5. A day care permit applicant or holder to whom subsidized childcare spaces have been granted must inform the Minister without delay of any change in the applicant's or holder's circumstances that could call into question the applicant's or holder's entitlement to a subsidy under the law or the subsidy agreement entered into with the Minister.

2014, c. 8, s. 2.

93.6. The Minister may require from the persons described in section 93.4 or a person with whom the Minister has entered into a subsidy agreement any document or information necessary to ascertain the existence or absence of ties described in paragraph 2 of section 3.

2014, c. 8, s. 2.

93.7. For the purposes of sections 93.1 and 93.2, a day care permit applicant or holder who is dissatisfied with a decision with regard to the concept of related person may, within seven days after notification of the decision, apply in writing for its review.

2014, c. 8, s. 2.

93.8. The Minister designates the persons responsible for reviewing decisions with regard to the concept of related person. The persons designated must not come under the same administrative authority as the person who rendered the decision under review.

2014, c. 8, s. 2.

93.9. After giving the person concerned an opportunity to submit observations and produce documents to complete the record, the person responsible for reviewing the decision renders a decision on the basis of the record. The person may confirm, quash or vary the decision under review.

2014, c. 8, s. 2.

93.10. The application for review must be dealt with promptly. The review decision must be rendered within 15 days after receipt of the application or, as applicable, after the expiry of the time requested by the applicant to submit observations or produce documents.

2014, c. 8, s. 2.

93.11. The review decision must be written in clear and concise terms, with reasons given, and be notified to the applicant.

2014, c. 8, s. 2.

94. *(Repealed).*

2005, c. 47, s. 94; 2010, c. 39, s. 11; 2017, c. 31, s. 14; 2022, c. 9, s. 97; 2022, c. 9, s. 45.

94.1. A day care permit applicant who is a legal person having obtained the authorization of the Minister to develop subsidized childcare spaces may not, except for exceptional reasons and with the Minister's authorization, enter into an agreement concerning the sale or transfer of all or some of the legal person's shares to a new shareholder or concerning the amalgamation, consolidation or merging of the legal person with another legal person before the issue of its permit.

A person who acts for a third party or for a legal person before it is constituted may not obtain the authorization of the Minister to develop subsidized childcare spaces.

2010, c. 39, s. 12.

94.2. *(Repealed).*

2010, c. 39, s. 13; 2017, c. 31, s. 15; 2022, c. 9, s. 45.

95. An educational childcare provider may not provide childcare to both children benefiting from subsidized childcare spaces and others not occupying subsidized childcare spaces, unless the latter are referred to in section 53.1 or 101.2.1.

2005, c. 47, s. 95; 2022, c. 9, s. 97; 2022, c. 9, s. 46; 2024, c. 6, s. 20.

96. A subsidy granted to a home educational childcare provider may be paid by the Minister to the coordinating office.

The coordinating office must remit the subsidy to the home educational childcare provider within 15 days following the provision of the childcare services.

The Minister may also pay a subsidy referred to in paragraph 1.1 of section 89 to a coordinating office for it to redistribute according to the terms and conditions determined by the Minister.

2005, c. 47, s. 96; 2022, c. 9, ss. 47 and 97.

97. The Minister may cancel or reduce a subsidy or suspend payment in whole or in part if the recipient

- (1) is not entitled to the subsidy;

(1.1) makes a false declaration or distorts a material fact when applying for subsidized childcare spaces or entering into a subsidy agreement;

(2) refuses or neglects to comply with the subsidy agreement;

(2.1) refuses or neglects to inform the Minister of any change in the recipient's circumstances that could call into question the recipient's entitlement to a subsidy under the law or under the subsidy agreement entered into with the Minister;

(2.2) refuses or neglects to provide any document or information required by the Minister under section 93.6;

(3) refuses or neglects to comply with sections 57 to 65;

(4) refuses or neglects to pay an amount due to the Minister under this Act;

(5) acts contrary to the rules of sound management applicable to an organization receiving subsidies out of public funds, or uses such subsidies for purposes other than those for which they were granted;

(6) files a financial report containing a qualification or reasons for a denial of opinion, and the Minister judges that corrective measures must be taken;

(7) contravenes section 86 or 86.1;

(8) refuses or neglects to establish or comply with a recovery plan under section 98; or

(9) refuses or neglects to comply with section 90.1 or a directive given by the Minister under that section.

If a non-compliance notice has not already been issued to the subsidy recipient, the Minister, before applying a measure provided for in the first paragraph, gives the recipient at least 15 days to submit observations.

2005, c. 47, s. 97; 2009, c. 36, s. 95; 2014, c. 8, s. 3; 2017, c. 19, s. 21; 2022, c. 9, s. 76.

98. In a case described in subparagraph 5 or 6 of the first paragraph of section 97, the Minister may, before cancelling, reducing or suspending a subsidy, establish, in cooperation with a permit holder or a coordinating office and within the time determined by the Minister, a recovery plan to correct the situation.

The plan may include recommendations regarding the management of human, financial or physical resources and provide for the presence, for a specified time, of a person designated by the Minister to assist in carrying out the plan.

2005, c. 47, s. 98.

99. The recipient of a subsidy must, for a period of six years, keep all supporting documents related to the granting and use of the subsidy, and must allow the Minister to audit such documents at any time.

2005, c. 47, s. 99.

100. Any subsidy received without entitlement must be repaid to the Minister by the recipient.

Any amount due is subject to interest at the rate determined under section 28 of the Tax Administration Act (chapter A-6.002), and may be deducted from any future subsidies.

2005, c. 47, s. 100; 2010, c. 31, s. 175.

101. When a childcare centre permit holder or a home educational childcare coordinating office ceases to operate, is dissolved, or has its permit or accreditation revoked, the assets it acquired out of subsidies are transferred to a non-profit legal person with similar objects designated by the Minister.

2005, c. 47, s. 101; 2022, c. 9, s. 97.

DIVISION III

Repealed, 2017, c. 31, s. 16.

2010, c. 39, s. 14; 2017, c. 31, s. 16.

101.1. *(Repealed).*

2010, c. 39, s. 14; 2017, c. 31, s. 16.

101.2. *(Repealed).*

2010, c. 39, s. 14; 2015, c. 8, s. 267; 2017, c. 31, s. 16.

CHAPTER VII.0.1

CHILDCARE SERVICES OFFERED ACCORDING TO AN ATYPICAL SCHEDULE TO CERTAIN CHILDREN OF SCHOOL AGE

2024, c. 6, s. 21.

101.2.1. An educational childcare provider may, with the Minister's authorization, receive children admitted to preschool education services or elementary school instructional services, provided that every child received as such is there at the same time as either

- (1) a child referred to in the first paragraph of section 2 with whom the child of school age resides; or
- (2) a staff member who is the parent of the child of school age or a person with whom the child resides.

An authorization is granted if the applicant shows, to the satisfaction of the Minister,

(1) that the applicant has the facilities needed to ensure the health, safety and well-being of the children receiving childcare;

(2) that being granted such an authorization will not affect their ability, in the case of a permit holder, to comply with the rules otherwise applicable to the permit holder, in particular those relating to the ratio of staff to children receiving childcare or, in the case of a home educational childcare provider, the rules relating to the number of children to whom they may provide childcare; and

(3) that the services provided to those children are not intended to remedy the lack of childcare services at school or to replace them, but rather are intended to complete a childcare service supply according to atypical schedules with a view to facilitating, for the parents, the reconciliation of their parental responsibilities with their professional or student responsibilities.

“Atypical schedule” means a schedule during which the children receiving childcare are mostly present at the educational childcare provider's centre outside the core hours of 7 a.m. to 6 p.m., from Monday to Friday, except in exceptional circumstances.

The Government may determine, by regulation, from among the standards set out in this Act and those established under section 106, the standards that apply to the children referred to in the first paragraph, and establish new ones.

2024, c. 6, s. 21.

CHAPTER VII.1

ADMINISTRATIVE PENALTIES

2010, c. 39, s. 14.

101.3. A person designated by the Minister for that purpose may impose an administrative penalty on a permit holder or a recognized home educational childcare provider after ascertaining that the permit holder or recognized home educational childcare provider has failed to comply with any of the provisions of sections 5.2, 78, 81.0.1, 81.2.10, 86 and 86.1.

The designated person may also impose an administrative penalty after ascertaining that a permit holder has failed to comply with a non-compliance notice given under section 65 with respect to the contravention of section 2.2, the first and fifth paragraphs of section 5.1 or any of sections 13, 13.1, 14, 16, 20, 59.1, 59.2 and 59.6, the first paragraph of section 59.9 and sections 59.10, 59.12, 95 and 102.

The amount of the administrative penalty is \$750 in the case of a natural person and \$1,500 in other cases.

2010, c. 39, s. 14; 2017, c. 31, s. 17; 2022, c. 9, s. 97; 2022, c. 9, s. 49; 2024, c. 6, s. 22.



The addition, in the second paragraph, of “and fifth”, “, 13.1” and “and 59.6, the first paragraph of section 59.9 and sections 59.10, 59.12” and the striking out of “59.1” will come into force on the date to be fixed by order of the Government (See 2022, c. 9, s. 108).

101.4. The Government may provide, in a regulation under this Act, that a failure to comply with a provision of the regulation may result in an administrative penalty being imposed by the person designated by the Minister. Such a regulation may also specify, or give the calculation methods to be used to determine, the amount of the administrative penalty, which may vary according to the degree to which standards have been infringed.

The amount of such an administrative penalty may not exceed the amount set out in section 101.3.

2010, c. 39, s. 14.

101.5. If a failure to comply for which an administrative penalty is imposed continues for more than one day, it constitutes a new failure to comply for each day it continues.

2010, c. 39, s. 14.

101.6. The administrative penalty imposed on a person may not be in addition to penal proceedings instituted against the person for a contravention of the same provision and on the basis of the same facts.

2010, c. 39, s. 14.

101.7. The imposition of an administrative penalty is prescribed one year after the date of the failure to comply.

2010, c. 39, s. 14.

101.8. The person designated by the Minister imposes an administrative penalty on a person by notification of a notice stating the amount of the administrative penalty, the reasons it is imposed, and the right of the party concerned to have the matter reviewed by the Minister and, subsequently, to contest the

matter before the Administrative Tribunal of Québec. The notice must also include information on the procedure for recovery of the amount owing, in particular with regard to a possible deduction from any future subsidies in accordance with section 100 or to the issue of a recovery certificate under section 101.15 and its effects.

The amount owing bears interest at the rate determined under section 28 of the Tax Administration Act (chapter A-6.002), from the 30th day after notification of the notice.

Prescription is interrupted as of the date of notification of the notice.

2010, c. 39, s. 14; 2010, c. 31, s. 175.

101.9. The person concerned may apply for a review of the decision, in writing, within 30 days after notification of the notice.

2010, c. 39, s. 14.

101.10. The Minister designates the persons responsible for reviewing decisions with regard to the imposition of administrative penalties. They must not come under the same administrative authority as the person imposing administrative penalties.

2010, c. 39, s. 14.

101.11. After giving the person concerned an opportunity to submit observations and produce documents to complete the record, the person responsible for reviewing the decision renders a decision on the basis of the record. The person may confirm, quash or vary the decision under review.

2010, c. 39, s. 14.

101.12. The application for review must be dealt with promptly. If the review decision is not rendered within 30 days after receipt of the application or, as applicable, of the expiry of the time requested by the applicant to submit observations or produce documents, any interest on the administrative penalty is suspended pending the decision.

2010, c. 39, s. 14.

101.13. The review decision must be written in clear and concise terms, with reasons given, must be notified to the applicant and must state that the applicant may contest the decision before the Administrative Tribunal of Québec.

2010, c. 39, s. 14.

101.14. The Minister may enter into an agreement with the person for payment of the amount owing as an administrative penalty. Such an agreement, or the payment of an amount owing, does not constitute, for the purpose of penal proceedings, a recognition of the facts giving rise to it.

2010, c. 39, s. 14.

101.15. If the administrative penalty is not paid or the agreement entered into for payment of the administrative penalty is not adhered to, the Minister may, at the expiry of the time for applying for a review of the decision, of the time for contesting the review decision before the Administrative Tribunal of Québec or of 30 days after the decision of the Tribunal confirming all or part of the Minister's decision, either issue a recovery certificate or make a deduction from any future subsidies in accordance with section 100.

However, a recovery certificate may be issued or a deduction made before the expiry of the time referred to in the first paragraph if the Minister believes that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

2010, c. 39, s. 14.

101.16. Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount due shown on the certificate.

The withholding of a refund under the first paragraph interrupts prescription.

2010, c. 39, s. 14; 2010, c. 31, s. 175.

101.17. On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

2010, c. 39, s. 14.

101.18. The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by government regulation.

2010, c. 39, s. 14.

101.19. The Minister may, by agreement, delegate to another department or body all or some of the powers relating to the recovery of administrative penalties owing to the Minister under this Act or the regulations.

2010, c. 39, s. 14.

101.20. The Minister keeps a register concerning the administrative penalties imposed on persons under this Act or the regulations.

The register must contain the following information:

- (1) the date the administrative penalty was imposed;
- (2) the nature of the failure for which the administrative penalty was imposed, and the date and place it occurred and, if applicable, the name of the facility;
- (3) if the offender is a legal person, the person's name and address;
- (4) if the offender is a natural person, the person's name and the name of the municipality in whose territory the person resides;
- (5) the amount of the administrative penalty; and
- (6) any other information the Minister considers to be of public interest.

The information contained in the register is public information. However, it may not be made public until the expiry of the time for applying for a review of the decision, of the time for contesting the review decision before the Administrative Tribunal of Québec, or of 30 days after the final decision of the Tribunal confirming all or part of the review decision, as applicable.

2010, c. 39, s. 14.

CHAPTER VII.2

Repealed, 2024, c. 21, s. 56.

2016, c. 34, s. 48; 2024, c. 21, s. 56.

DIVISION I

Repealed, 2024, c. 21, s. 56.

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.21. *(Repealed).*

2016, c. 34, s. 48; 2017, c. 27, s. 209; 2022, c. 9, s. 97; 2024, c. 21, s. 56.

101.22. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.23. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

DIVISION II

Repealed, 2024, c. 21, s. 56.

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.24. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.25. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.26. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.27. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.28. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.29. *(Repealed).*

2016, c. 34, s. 48; 2022, c. 9, s. 97; 2024, c. 21, s. 56.

101.30. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

DIVISION III

Repealed, 2024, c. 21, s. 56.

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.31. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.32. *(Repealed).*

2016, c. 34, s. 48; 2024, c. 21, s. 56.

101.33. *(Repealed).*

2016, c. 34, s. 48; 2022, c. 9, s. 97; 2024, c. 21, s. 56.

101.34. *(Repealed).*

2017, c. 27, s. 210; 2024, c. 21, s. 56.

CHAPTER VII.3

COMPLAINTS AND PROTECTION AGAINST REPRISALS

2024, c. 6, s. 23.

101.35. It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, filed a complaint with the Minister or a home educational childcare coordinating office and communicated to the Minister information that could show that a contravention of this Act has been committed or is about to be committed or that the person has cooperated in an inspection or investigation conducted by the Minister.

It is also forbidden to threaten to take a reprisal against a person so that the person abstains from filing a complaint with the Minister or a home educational childcare coordinating office and from communicating to the Minister information that could show that a contravention of this Act was committed or is about to be committed, or so that the person abstains from cooperating in an inspection or investigation conducted by the Minister.

2024, c. 6, s. 23.

101.36. The following are presumed to be a reprisal within the meaning of section 101.35:

(1) the demotion, suspension, dismissal or transfer of a person referred to in that section or any other disciplinary measure or measure that adversely affects such a person's employment or conditions of employment; or

(2) if the person referred to in that section is the parent of a child to whom childcare services are provided by an educational childcare provider, depriving that person or the person's child of any right or subjecting them to differential treatment, or suspending or expelling the person's child.

2024, c. 6, s. 23.

101.37. Any person who believes a reprisal referred to in section 101.35 has been taken against them may file a complaint with the Minister in order to have the Minister examine whether the complaint is well-founded and take, if applicable, any measure provided for by this Act that the Minister considers appropriate

with regard to the educational childcare provider or home educational childcare coordinating office concerned by the reprisal.

However, if the reprisal a person believes has been taken against them constitutes a prohibited practice within the meaning of subparagraph 21 of the first paragraph of section 122 of the Act respecting labour standards (chapter N-1.1), the Minister refers that person to the Commission des normes, de l'équité, de la santé et de la sécurité du travail and puts an end to the examination of the complaint.

2024, c. 6, s. 23.

CHAPTER VIII

COMMUNICATION OF INFORMATION

102. A permit holder, a home educational childcare coordinating office or a recognized home educational childcare provider must communicate to the Minister, on request, the personal or other information needed by the Minister for the purposes of this Act, whether to identify its clientele, assess anticipated attendance, assess actual attendance by the children receiving childcare, or manage childcare service supply and demand or for studies, research or the administration of a subsidy.

In the case of a coordinating office, the information referred to in the first paragraph includes that obtained from a home educational childcare provider that it has recognized. A home educational childcare provider must likewise, on request, communicate to the coordinating office the information it needs to exercise its functions related to identifying its clientele, assessing anticipated attendance, assessing actual attendance by the children receiving childcare, managing childcare service supply and demand or to administer a subsidy.

The information concerned may relate to the permit holder, the coordinating office or a home educational childcare provider, their directors or personnel, the childcare services they provide or coordinate, or the children receiving childcare and their parents.

The information requested by the Minister under this section must be sent to the Minister within the time and in the manner determined by the Minister, in particular by Internet, using the computer system and software determined by the Minister.

2005, c. 47, s. 102; 2017, c. 31, s. 18; 2022, c. 9, s. 97.

103. In order to determine whether the objectives of the Act are being achieved, the Minister may require that parents whose child is receiving childcare communicate to the Minister, at the time determined and using the form supplied by the Minister, the documents and information prescribed by regulation concerning their employment, annual income bracket, family make-up and childcare needs.

2005, c. 47, s. 103; 2009, c. 36, s. 96.

CHAPTER VIII.1

EDUCATIONAL CHILDCARE SERVICES FUND

2015, c. 8, s. 173.

103.1. The Educational Childcare Services Fund is established. The Fund is dedicated exclusively to financing subsidized educational childcare services.

The following sums are credited to the Fund:

(1) the sums collected by the Minister of Revenue as additional contributions under the first paragraph of section 88.2, as it read before being repealed;

(2) the sums transferred to it by a minister out of the appropriations granted for that purpose by Parliament;

(3) the sums transferred to it by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001);

(4) the interest earned on the sums referred to in subparagraphs 1 to 3.

The sums referred to in subparagraph 1 of the second paragraph must be deposited in trust with the Minister.

2015, c. 8, s. 173; 2020, c. 5, s. 7.

103.2. The money debited from the Fund is paid, in accordance with the conditions and priorities determined by the Minister, to finance subsidized educational childcare services.

However, the sums expended by the Minister for the collection of the additional contribution described in the first paragraph of section 88.2, as it read before being repealed, are debited from the Fund's trust account.

2015, c. 8, s. 173; 2020, c. 5, s. 8.

103.3. Despite the second paragraph of section 54 of the Financial Administration Act (chapter A-6.001), the Minister of Finance may not advance to the general fund the sums, referred to in subparagraph 1 of the second paragraph of section 103.1, deposited in trust with the Minister.

2015, c. 8, s. 173.

103.4. The management of the sums referred to in subparagraph 1 of the second paragraph of section 103.1, deposited in trust with the Minister and credited to the Fund, is entrusted to the Minister of Finance.

2015, c. 8, s. 173.

CHAPTER VIII.2

REGIONAL ADVISORY COMMITTEE

2017, c. 31, s. 19; 2022, c. 9, s. 50.

DIVISION I

ESTABLISHMENT AND FUNCTIONS

2017, c. 31, s. 19.

103.5. The Minister establishes a regional advisory committee for every territory the Minister determines.

The function of each committee is to advise the Minister on the educational childcare service needs and priorities for developing such services in its territory, in accordance with section 11.2.

In addition, a committee must conduct any analysis the Minister requests it to conduct and give its opinion on any matter submitted to it by the Minister, including any matter concerning the development of educational childcare services, the steps leading to the issue of a day care centre permit and the process for assigning, recovering and allocating subsidized childcare spaces.

2017, c. 31, s. 19; 2022, c. 9, s. 51.

DIVISION II

COMPOSITION AND ORGANIZATION

2017, c. 31, s. 19.

103.6. Each committee is composed of the following members:

- (1) one person designated by each of the regional county municipalities of the territory concerned;
- (2) one person designated by the director or directors of youth protection acting in the territory concerned;
- (3) one person designated by Santé Québec who is not under the authority of a director of youth protection;
- (4) one person designated by the school service centres and school boards of the territory concerned;
- (5) one person designated by a regional economic development agency of the territory concerned;
- (6) one person designated by a community organization with a family-related mandate designated by the Minister; and
- (7) one person designated by the body most representative of the childcare centres of the territory concerned.

For the purposes of subparagraph 1 of the first paragraph, any local municipality whose territory is not included in that of a regional county municipality, with the exception of a local municipality whose territory is included in the urban agglomeration of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque or Municipalité des Îles-de-la-Madeleine, is considered a regional county municipality. In the case of those municipalities, the urban agglomeration council is considered a regional county municipality. The same is true of a responsible body referred to in section 21.5 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), as regards the territory or community it represents.

All regional advisory committee members designated under the first paragraph must work or reside in the territory of their committee.

A person designated under the first paragraph who, due to an impediment or a temporary inability to act, is unable to attend a committee meeting may be replaced by a person mandated for that purpose by the body or bodies that designated the person.

The Minister may also ask other bodies to designate other committee members, for instance, if a person referred to in the first paragraph cannot be designated.

2017, c. 31, s. 19; 2020, c. 1, s. 311; 2022, c. 9, s. 97; 2022, c. 9, s. 52; 2023, c. 34, s. 1291.

103.7. Members are designated for a term not exceeding five years.

When their term expires, members remain in office until replaced or until their term is renewed.

2017, c. 31, s. 19; 2022, c. 9, s. 53.

103.8. The dates of each committee's meetings are determined by the Minister.

The quorum at meetings of a committee is a majority of its members. If a quorum cannot be obtained, the Minister may, if the Minister considers it appropriate or at the request of the committee, designate one or more ad hoc members.

2017, c. 31, s. 19; 2022, c. 9, s. 54.

103.8.1. The Minister may issue a directive establishing any of the committee's operating rules, including those relating to conflicts of interest, their disclosure and ethics.

2022, c. 9, s. 55.

103.9. Members or ad hoc members of a regional advisory committee may not be prosecuted for acts performed in good faith in exercising their committee functions.

2017, c. 31, s. 19; 2022, c. 9, s. 56.

CHAPTER IX

PROCEEDING BEFORE THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

104. A person whose permit application or application for recognition as a home educational childcare provider is denied or whose permit or recognition is suspended, revoked or not renewed or a parent who believes he or she has been wronged by a decision under section 88 may contest the decision of the Minister or the home educational childcare coordinating office, as applicable, before the Administrative Tribunal of Québec within 60 days after being notified of the decision.

In the case of a permit suspended under the second paragraph of section 29, the 60-day period runs from the expiry of the time allotted to apply for a review of the suspension provided for in that paragraph. However, if such an application for a review has been made, the period runs from the review decision.

2005, c. 47, s. 104; 2022, c. 9, s. 57; 2024, c. 6, s. 24.

104.1. If the suspension of recognition in urgent circumstances or to prevent serious or irreparable damage to persons is contested, the 60-day period provided for in the first paragraph of section 104 runs from the expiry of the time allotted to apply for a review of the suspension. However, if such an application for review has been made, the period runs from the review decision.

2024, c. 6, s. 25.

105. A home educational childcare coordinating office whose decision is contested is a party to the proceeding within the meaning of section 101 of the Act respecting administrative justice (chapter J-3) and must, among other things, send the documents and information referred to in the first paragraph of section 114 of that Act to the secretary of the Tribunal within 30 days after receiving a copy of the motion.

2005, c. 47, s. 105; 2022, c. 9, s. 97.

105.1. An order made under section 81.1 by the Minister or a person authorized by the Minister may be contested by the person concerned before the Administrative Tribunal of Québec within 60 days after notification of the order.

2010, c. 39, s. 15.

105.2. A review decision rendered by a person designated by the Minister which confirms the imposition of an administrative penalty under this Act or the regulations may be contested by the person concerned before the Administrative Tribunal of Québec within 60 days after notification of the review decision.

When rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to interest accrued on the administrative penalty while the matter was pending before the Tribunal.

2010, c. 39, s. 15.

CHAPTER X

REGULATIONS

106. The Government may, by regulation, for part or all of Québec,

(1) determine the content of an application for the issuance or renewal of a permit, the qualifications required of the applicant, the conditions to be met, the information and documents to be provided and the fees to be paid;

(1.1) determine the staff members of a permit holder who are required to participate in training activities and the persons qualified to offer the training activities, and identify any activity or course that must be participated in or taken, or prescribe its content, its duration and the manner in which the activity or course is to be offered, and the terms for updating the knowledge of the staff members having participated in or taken it;

(2) define classes according to the age of the children and the childcare services provided by the permit holder;

(3) set the maximum number of children permitted in an educational childcare provider's premises or play space, according to the dimensions and lay-out of the premises or play space, the age of the children and the services to be provided;

(3.1) prescribe standards aimed at ensuring the health of children that are applicable to educational childcare providers, their facilities or their residence, as applicable, and require educational childcare providers to send the Minister the results of any analysis that may be required by the Minister regarding such matters;

(4) establish the standards of hygiene, salubrity and safety to be met by educational childcare providers;

(4.1) determine the persons required to take a first aid course and the persons qualified to offer the course, identify the course that must be taken or prescribe its content, its duration and the manner in which it must be offered, and the terms for updating the knowledge of the persons having taken it;

(5) establish standards for the lay-out, equipment, furnishing, maintenance, heating and lighting of premises where childcare is provided, require that there be a play space, delimit areas within that space for specific uses and establish standards for the lay-out, equipment, maintenance and safety of the play space or play areas;

(5.1) establish the conditions and standards applicable when a permit holder is authorized, under section 16.4, to provide childcare services in a temporary facility and determine, from among the standards that would otherwise be applicable, those from which the holder is exempt in those circumstances;

(6) establish rules for the election of the directors of a legal person or cooperative holding a childcare centre permit and for the operation of its board of directors, and determine the content of its by-laws;

(7) establish the requirements to be met by the staff members of a coordinating office or the holder of a childcare or day care centre permit according to the responsibilities and the type of job held, in particular with regard to safety and moral character;

(7.1) determine the maximum fees payable to a police force to carry out an investigation establishing that no impediment exists;

(8) establish qualification standards, including standards of equivalency with regard to training and experience acquired outside Québec, and other requirements to be met by persons working for an educational childcare provider;

(8.1) establish the time limit for issuing, and the content and form of, the attestation setting out the experience accumulated for qualification purposes that a permit holder must issue to a member of its childcare staff when the staff member's employment is terminated or when the permit holder ceases to operate in a facility;

(8.2) establish the time limit for issuing, and the content and form of, the attestation setting out the experience accumulated for qualification purposes that a coordinating office must issue to a home educational childcare provider it has recognized when the home educational childcare provider's recognition is terminated;

(8.3) determine the conditions for the issue or renewal of a certificate of recognition of qualification by the Minister, prescribe the certificate's content and prescribe the information that a permit holder, home educational childcare coordinating office, recognized home educational childcare provider or childcare staff member must provide for that purpose;

(9) establish qualification standards, including standards of equivalency with regard to training and experience acquired outside Québec, and other requirements to be met by a person responsible for managing a childcare centre, day care centre or home educational childcare coordinating office, and define the duties of this person;

(10) establish qualification standards, including standards of equivalency with regard to training and experience acquired outside Québec, and other requirements to be met by a person responsible for granting recognition to home educational childcare providers, and define the duties of this person;

(11) identify the records that must be kept by a permit holder or a home educational childcare coordinating office as well as the information and documents these records must contain, and define rules for their preservation;

(12) determine the information and documents that an educational childcare provider or home educational childcare coordinating office must update and communicate;

(13) set the ratio of staff to children to be respected by an educational childcare provider;

(13.1) set the ratio of staff to qualified staff present during the provision of childcare services to be respected by an educational childcare provider;

(14) determine the formalities to be followed when registering and admitting children and when taking them on an outing;

(14.1) determine the elements comprising the education records of the children to whom the educational childcare provider provides childcare, the medium to be used and the standards for keeping, using, storing, reproducing and communicating the information the records contain;

(15) determine the content of registration cards and attendance cards, and establish standards for their preservation, consultation and reproduction;

(16) determine the standards with respect to which a permit holder must file a certificate, the form and contents of the certificate and the time it must be filed;

(17) determine the information and documents to be provided by a permit holder upon changing one of its directors;

(18) determine any other rules or terms and conditions applicable to the process for investigations establishing that no impediment exists referred to in sections 81.2.1 to 81.2.17, in particular the time within which the Comité d'examen des empêchements must give its opinions and the consequences of any failure to comply with that time, provide for the obligation for other persons to be the subject of an investigation establishing that no impediment exists and establish who plays a role in that respect;

(18.1) establish rules or terms and conditions relating to an investigation establishing that no impediment exists that add to, clarify or complete those set out in subdivisions 5 and 6 of Division I of Chapter VI.1, if the person being investigated has been residing in Canada for less than one year or has resided outside Canada for one year or more, in particular as concerns persons carrying out a role or responsibilities within the context of the investigation process, and as concerns the documents and information that must be communicated by them or by the person being investigated;

(19) determine the conditions to be met by a permit holder or home educational childcare coordinating office that ceases to operate in one or more facilities;

(20) determine rules governing the operation of the parents committee of a day care centre;

(21) determine the requirements to be met by a person seeking recognition as a home educational childcare provider or renewal of such recognition and, if training activities are prescribed to that effect, determine the persons qualified to offer the training activities, identify any activity or course that must be participated in or taken or prescribe its content, its duration, the manner in which the activity or course must be offered, and the terms for updating the knowledge of the persons having taken it;

(22) determine terms and conditions for recognition of a home educational childcare provider;

(23) determine the monitoring measures applicable to a home educational childcare provider and the situations that can lead to non-renewal, suspension or revocation of recognition;

(23.1) establish the number, nature and terms of visits that a home educational childcare coordinating office is required to make to a home educational childcare provider;

(24) determine the information and documents a home educational childcare provider must communicate to the coordinating office that granted its recognition;

(24.1) determine the goods and services that must be provided by a subsidized educational childcare provider in return for the parental contribution set by the Government;

(24.2) determine the goods, activities and services for which the subsidized educational childcare provider may request or receive a payment beyond the set parental contribution;

(25) set the parental contribution for the services determined by the Government and prescribe the indexing method for that amount;

(25.1) *(subparagraph repealed)*;

(26) determine the terms and conditions for payment of the parental contribution set by the Government and define the cases in which a parent may be fully or partially exempted from paying that contribution for all or some services, as specified;

(27) determine the persons, other than the parent, from whom payment of the parental contribution set by the Government may be required;

(27.1) determine the terms and conditions to be complied with by an educational childcare provider in the delivery of subsidized childcare;

(28) determine the age class and the type of services, and the period, duration and core hours to which the parental contribution set by the Government applies;

(29) determine the documents and information that parents whose child is receiving subsidized childcare must communicate to the Minister concerning their employment, annual income bracket, family make-up and childcare needs;

(29.1) determine the other elements and services all educational programs must include;

(29.2) establish a single educational program and determine which educational childcare providers are required to apply it in whole or in part;

(29.3) determine equivalencies for the single educational program;

(29.4) determine the amount of insurance and insurance coverage the person referred to in section 6.1 must have;

(29.5) determine the first aid course the person referred to in section 6.1 must take, its content and duration and how it is to be updated;

(29.6) determine the elements to be included in the notice the person referred to in section 6.1 must give the parent;

(29.7) determine the documents and information the person referred to in section 6.1 must give the parents of the children to whom he or she provides childcare;

(29.8) determine the standards provided for by this Act and those established under this section that apply to the children referred to in the first paragraph of section 102.1, and establish new ones;

(30) determine, from among the provisions of a regulation made under this section, those whose infringement constitutes an offence punishable under section 117;

(31) specify which provisions of a regulation give rise to the imposition of an administrative penalty, and specify, or give the calculation methods to be used to determine, the amount of the penalty; and

(32) determine the cases in which and the conditions under which a debtor is required to pay a recovery charge for an administrative penalty and prescribe the amount of the charge.

A government regulation made under subparagraph 25 of the first paragraph may prescribe that the indexing method for the amount concerned is determined by the Minister.

2005, c. 47, s. 106; 2009, c. 36, s. 97; 2010, c. 39, s. 16; 2015, c. 8, s. 174; 2017, c. 31, s. 20; 2020, c. 5, s. 9; 2022, c. 9, ss. 58 and 97; 2024, c. 6, s. 26.

107. The Minister may, by regulation, for part or all of Québec,

(1) *(paragraph repealed)*;

(2) determine conditions under which accreditation is to be granted by the Minister.

2005, c. 47, s. 107; 2017, c. 31, s. 21.

CHAPTER X.1

POWERS OF THE MINISTER

2024, c. 6, s. 27.

108. In an exceptional case and if the Minister considers it warranted and in the public interest, the Minister may authorize the application of a measure that departs from a standard established by or under this Act other than a standard established under any of paragraphs 13, 14, 16 and 21 to 30 of section 106.

The Minister may also, in a subsidy agreement under section 92, set core hours other than those determined under paragraph 28 of section 106, if the Minister believes that such core hours are preferable given the childcare needs of the parents and the childcare services offered by other educational childcare providers in the territory served by the applicant for a permit or the educational childcare provider.

However, before the Minister may authorize the application of a measure that departs from a standard established under paragraph 3 to 5.1, 8, 9 or 15 of section 106, the permit holder or applicant must prove to the Minister that the proposed measure is appropriate and would, to the same degree, ensure the health and safety and foster the development and well-being of the children.

2005, c. 47, s. 108; 2009, c. 36, s. 98; 2022, c. 9, ss.59 and 97.

108.0.1. The Minister may, on the recommendation of the Minister of Health and Social Services, establish protocols or identify protocols concerning the administration of non-prescription medication or the application of a product to a child.

The protocols must be published by the Minister on the website of the Gouvernement du Québec. All protocols and each of the updates to them must be communicated by the Minister to permit holders and to home educational childcare coordinating offices. The permit holders and coordinating offices must notify without delay the staff members concerned or, as applicable, the home educational childcare providers they have recognized.

Where parental authorization is required under a regulation enacted under section 106 for the administration of a medication or for the application of a product and that medication or product is covered by a protocol, the authorization can only be given for an administration or application made in accordance with the protocol.

2024, c. 6, s. 28.

CHAPTER XI

PENAL PROVISIONS

108.1. A person that contravenes section 6 is guilty of an offence and is liable to a fine of \$2,500 to \$12,500.

2010, c. 39, s. 17; 2022, c. 9, s. 60.

108.2. A person named in an order issued under section 81.1 that, at any time in the two years following notification of the order or a conviction under this section, refuses or fails to comply with the order or in any way prevents or hinders its execution is guilty of an offence and is liable to a fine of \$5,000 to \$50,000.

2010, c. 39, s. 17.

109. A person that contravenes section 15, 41, 53 or 53.1, the second paragraph of section 76, section 86.1 or section 99 or allows access to a play space, play area or play equipment access to which has been

prohibited or the evacuation of which has been ordered under section 74 or 75 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

2005, c. 47, s. 109; 2009, c. 36, s. 99; 2010, c. 39, s. 18; 2016, c. 34, s. 49; 2021, c. 15, s. 101.

110. A permit holder that contravenes section 13, 13.1, 14, 16, 17, 20, 22 or 25 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

2005, c. 47, s. 110; 2022, c. 9, s. 62.



The addition of “13.1” will come into force on the date to be fixed by order of the Government (See 2022, c. 9, s. 108).

110.1. A permit holder that contravenes a provision of the first paragraph of section 30 is guilty of an offence and is liable to a fine of \$2,500 to \$12,500.

2022, c. 9, s. 63.

111. A day care centre permit holder that contravenes section 31 or 33, the second paragraph of section 34, section 37 or 38 is guilty of an offence and is liable to a fine of \$500 to \$2,500.

2005, c. 47, s. 111; 2022, c. 9, s. 64.

112. An accredited home educational childcare coordinating office that contravenes section 48 or 59 is guilty of an offence and is liable to a fine of \$250 to \$1,000.

2005, c. 47, s. 112; 2022, c. 9, s. 97.

112.1. An accredited home educational childcare coordinating office that contravenes section 51.1 is guilty of an offence and is liable to a fine of \$2,500 to \$12,500.

2022, c. 9, s. 65.

113. An educational childcare provider or an accredited home educational childcare coordinating office receiving a subsidy under this Act that fails to keep, or records false or inaccurate information in, the books, accounts and registers referred to in section 57 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

2005, c. 47, s. 113; 2022, c. 9, s. 97.

113.1. An educational childcare provider or an accredited home educational childcare coordinating office that refuses or fails to send the information requested by the Minister under section 102, within the time and in the manner determined by the Minister, is guilty of an offence and is liable to a fine of \$500 to \$5,000.

2017, c. 31, s. 22; 2022, c. 9, s. 97.

113.2. An educational childcare provider that contravenes section 5.2 is guilty of an offence and is liable to a fine of \$5,000 to \$75,000.

2017, c. 31, s. 22; 2022, c. 9, s. 97.

113.2.1. A staff member of an educational childcare provider who contravenes section 5.3 by seriously compromising, by an act or omission, the health, safety or well-being of the children to whom childcare is provided is liable to a fine of \$2,500 to \$12,500.

2024, c. 6, s. 29.

113.3. An educational childcare provider that contravenes the first or third paragraph of section 57.1 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

2017, c. 31, s. 22; 2022, c. 9, s. 97.

113.4. The person referred to in section 6.1 that contravenes a provision of section 6.2 is guilty of an offence and is liable to a fine of \$5,000 to \$75,000.

2017, c. 31, s. 22.

114. An educational childcare provider that fails to keep, or enters false or misleading information on, the registration card or attendance card referred to in section 58 is guilty of an offence and is liable to a fine of \$500 to \$2,500.

2005, c. 47, s. 114; 2022, c. 9, ss. 67 and 97.

115. A permit holder or an accredited home educational childcare coordinating office receiving a subsidy under this Act that fails to produce within the time prescribed, or records false or inaccurate information in, the report referred to in section 61, 62 or 63 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

2005, c. 47, s. 115; 2022, c. 9, s. 97.

115.1. A person that contravenes a provision of section 78 or 81.0.1 is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.

2016, c. 34, s. 50; 2022, c. 9, s. 68.

115.2. Any person responsible for assessing the content of an attestation in accordance with the fourth paragraph of section 81.2.9 that fails or neglects to inform the Minister in accordance with that paragraph is liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$15,000 in other cases.

2024, c. 6, s. 30.

115.3. Any person that contravenes section 81.2.10 is liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$15,000 in other cases.

2024, c. 6, s. 30.

115.4. Any person that fails or neglects to notify or inform the Minister in accordance with section 81.2.14 or to provide the statement or make the declaration required under any of sections 81.2.17, 81.2.19, 81.2.25 or 81.2.37 or that provides false or misleading information in the application of any of those sections is liable to a fine of \$500 to \$5,000.

2024, c. 6, s. 30.

115.5. A person that allows children to access a facility or part of a facility that is the subject of an evacuation order made under section 81.0.3 or allows children to access a residence or part of a residence in contravention of an evacuation order made under section 42.0.1 is liable to a fine of \$5,000 to \$50,000.

2024, c. 6, s. 30.

115.6. A permit holder that contravenes subparagraph 1 of the first paragraph of section 81.2.36 is liable to a fine of \$2,500 to \$12,500.

2024, c. 6, s. 30.

115.7. A person that contravenes section 101.35 is liable to a fine of \$500 to \$5,000 in the case of a natural person and \$1,500 to \$30,000 in other cases.

2024, c. 6, s. 30.

116. An educational childcare provider that contravenes section 2.2, 59.1, 59.2, 86 or 95 is guilty of an offence and is liable to a fine of \$500 to \$5,000.

2005, c. 47, s. 116; 2017, c. 31, s. 23; 2022, c. 9, s. 97; 2022, c. 9, s. 69.

117. A person that contravenes a regulatory provision made under paragraph 30 of section 106 is guilty of an offence and is liable to a fine of \$500 to \$2,500.

2005, c. 47, s. 117; 2022, c. 9, s. 70.

117.1. *(Repealed).*

2016, c. 34, s. 51; 2017, c. 27, s. 211; 2024, c. 21, s. 57.

117.2. A person, including a director or a shareholder of a permit holder delivering subsidized childcare or a home educational childcare coordinating office, that, by an act or omission, helps a person to commit an offence under section 115.1 or that, by encouragement, advice or consent or by an authorization or order, induces another person to commit such an offence is guilty of the same offence.

2016, c. 34, s. 51; 2022, c. 9, s. 97; 2024, c. 21, s. 58.

118. If a legal person contravenes any of sections 108.1 to 117.2, any director or representative of the legal person who authorized, permitted or consented to the commission of the offence is party to the offence and is liable to the fines provided for in those sections.

2005, c. 47, s. 118; 2010, c. 39, s. 19; 2016, c. 34, s. 52.

119. In the case of a second or subsequent conviction, the fines provided for in sections 108.1 to 117.2 are doubled.

2005, c. 47, s. 119; 2010, c. 39, s. 19; 2016, c. 34, s. 52.

119.1. The prescription period for a penal proceeding for an offence under this Act or the regulations is the longer of

(1) three years from the date the offence was committed; and

(2) two years from the date on which the inspection or investigation that led to the discovery of the offence was begun if false representations were made to the Minister or to one of the Minister's public servants.

In the cases referred to in subparagraph 2 of the first paragraph, the Minister's, inspector's or investigator's attestation indicating the date on which the investigation record was opened constitutes conclusive proof of that date, in the absence of evidence to the contrary. However, in such cases, no proceedings may be instituted if more than five years have passed since the date of the commission of the offence.

2022, c. 9, s. 71.

120. If, in a facility, activities requiring a permit or recognition under section 6 are carried on without a permit, the Minister may, after notifying the parents of the children to whom childcare is provided, have the children evacuated and close the facility immediately at the expense of the person in charge of the facility, even before proceedings are instituted under section 108.1.

The Minister must, in the same manner, have the children evacuated if the Minister considers that their health and safety may have been or could be compromised.

2005, c. 47, s. 120; 2010, c. 39, s. 20.

CHAPTER XII

MISCELLANEOUS PROVISIONS

DIVISION I

REPRESENTATION AND DELEGATION

121. The Minister may designate regional representatives and determine their functions.

The Minister may also authorize, in writing, a person, government department or body or a public institution within the meaning of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5) to exercise some or all of the powers conferred on the Minister by this Act.

A person, government department, body or public institution so authorized may not be prosecuted for any act done in good faith in the exercise of those functions.

2005, c. 47, s. 121; 2023, c. 34, s. 1292.

121.1. To enable the application of measures ensuring that Aboriginal realities are taken into account, the Government may enter into an agreement on any matter within the scope of this Act or the regulations with an Aboriginal nation represented by all the band councils or northern village councils of the communities forming the nation, by the Makivik Corporation or by the Cree Nation Government, with an Aboriginal community represented by its band council, by its northern village council or by a group of communities so represented or, in the absence of such councils, with any other Aboriginal group.

Such an agreement has precedence over this Act and the regulations. However, a person covered by an agreement is exempt from the incompatible provisions of this Act or the regulations only to the extent that the person complies with the agreement.

An agreement entered into under this section must be tabled in the National Assembly within 30 days after it is signed or, if the Assembly is not sitting, within 30 days after resumption. It must also be published in the *Gazette officielle du Québec*.

2022, c. 9, s. 72.

121.2. The parties referred to in section 121.1 may reach an agreement to allow children admitted to preschool in an Aboriginal community who are not offered childcare at school to receive the services provided by an educational childcare provider governed by this Act. The agreement may specify the standards applicable to the childcare services so provided.

2024, c. 6, s. 31.

DIVISION II

PILOT PROJECTS

122. The Minister may, on the Minister's initiative or at the request of a third party, establish or authorize a pilot project for the purpose of experimenting or innovating in the field of childcare services, or for the purpose of studying, improving or defining childcare standards.

The Minister may also authorize a person, partnership or association to provide childcare services within such a pilot project according to standards that depart from those established by or under this Act.

2005, c. 47, s. 122; 2022, c. 9, s. 73.

123. The Minister may issue directives establishing the standards applicable to a pilot project.

The Minister may, at any time, make changes or put an end to a pilot project after advising the person, partnership or association concerned.

2005, c. 47, s. 123.

124. The maximum duration of a pilot project is three years. The Minister may extend the duration by up to two years if the Minister considers it necessary.

The results of a pilot project must be published by the Minister, on the Minister's department's website, not later than one year after it ends.

2005, c. 47, s. 124; 2022, c. 9, s. 74.

DIVISION II.1

ADVISORY COMMITTEE

2009, c. 36, s. 100.

124.1. The Minister may form an advisory committee to provide advice on all aspects of home childcare, gather pertinent information and report its observations and recommendations to the Minister.

Such a committee must be composed of representatives of the coordinating offices accredited by the Minister or representatives of associations of such coordinating offices.

2009, c. 36, s. 100.

DIVISION III

Repealed, 2009, c. 36, s. 101.

2009, c. 36, s. 101.

125. *(Repealed).*

2005, c. 47, s. 125; 2009, c. 36, s. 101.

126. *(Repealed).*

2005, c. 47, s. 126; 2009, c. 36, s. 101.

127. *(Repealed).*

2005, c. 47, s. 127; 2009, c. 36, s. 101.

128. *(Repealed).*

2005, c. 47, s. 128; 2009, c. 36, s. 101.

129. *(Repealed).*

2005, c. 47, s. 129; 2009, c. 36, s. 101.

130. *(Repealed).*

2005, c. 47, s. 130; 2009, c. 36, s. 101.

131. *(Repealed).*

2005, c. 47, s. 131; 2009, c. 36, s. 101.

132. *(Repealed).*

2005, c. 47, s. 132; 2009, c. 36, s. 101.

DIVISION IV

RECOGNITION OF EQUIVALENCY

133. In the exercise of ministerial responsibilities, the Minister may take the necessary measures, in collaboration with the government departments concerned or the competent bodies, to facilitate the recognition in Québec of training and experience acquired outside Québec and the awarding of an equivalency.

2005, c. 47, s. 133.

DIVISION V

LAND USE PLANNING AND DEVELOPMENT

134. Despite any existing zoning by-laws, the council of a local municipality may, by by-law and subject to the conditions imposed by the council, authorize the granting of permits for the use of land or the construction, alteration or occupation of buildings for the purposes of a childcare centre or day care centre within the meaning of this Act.

No municipal by-law made under a general law or special Act may operate to prevent

(1) the opening or maintenance of a home childcare operation for the sole reason that it is a home childcare operation;

(2) the maintenance of a day care centre operated by a person holding a permit authorizing the operation of a reception centre belonging to the class of day care centres that was issued by the Minister of Health and Social Services before 29 November 1979; or

(3) the maintenance of a childcare centre operated by a person holding a day care centre permit issued by the Office des services de garde à l'enfance before 1 September 1997.

The second paragraph overrides any general law or special Act and any municipal by-law made under a general law or special Act.

2005, c. 47, s. 134.

DIVISION VI

MINISTER RESPONSIBLE

135. The Minister of Families, Seniors and the Status of Women is responsible for the administration of this Act.

2005, c. 47, s. 135; 2015, c. 8, s. 175; 2020, c. 5, s. 10.



The Minister Responsible for Government Administration and Chair of the Conseil du trésor assumes responsibility for developing and coordinating a global collective negotiation strategy for the government administration. Order in Council 1638-2022 dated 20 October 2022, (2022) 154 G.O. 2 (French), 6513.

The Minister of Finance exercises the functions of the Minister of Revenue provided for in this Act. Order in Council 1689-2022 dated 26 October 2022, (2022) 154 G.O. 2 (French), 6581.

CHAPTER XIII

AMENDING PROVISIONS

CITIES AND TOWNS ACT

136. *(Amendment integrated into c. C-19, s. 29).*

2005, c. 47, s. 136.

MUNICIPAL CODE OF QUÉBEC

137. *(Amendment integrated into c. C-27.1, a. 7).*

2005, c. 47, s. 137.

ACT TO FACILITATE THE ESTABLISHMENT OF A PENSION PLAN FOR EMPLOYEES WORKING IN CHILDCARE SERVICES

138. *(Amendment integrated into c. E-12.011, s. 1).*

2005, c. 47, s. 138.

139. *(Amendment integrated into c. E-12.011, s. 2).*

2005, c. 47, s. 139.

ACT RESPECTING MUNICIPAL TAXATION

140. *(Amendment integrated into c. F-2.1, s. 204).*

2005, c. 47, s. 140.

141. *(Amendment integrated into c. F-2.1, s. 236).*

2005, c. 47, s. 141.

EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

142. *(Amendment integrated into c. I-14, s. 255.2).*

2005, c. 47, s. 142.

ACT RESPECTING ADMINISTRATIVE JUSTICE

143. *(Amendment integrated into c. J-3, Schedule I).*

2005, c. 47, s. 143.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

144. *(Amendment integrated into c. S-4.2, s. 114).*

2005, c. 47, s. 144.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

145. *(Amendment integrated into c. S-5, s. 1).*

2005, c. 47, s. 145.

146. *(Amendment integrated into c. S-5, s. 135.1).*

2005, c. 47, s. 146.

TOBACCO ACT

147. *(Amendment integrated into c. T-0.01, s. 2).*

2005, c. 47, s. 147.

148. *(Amendment integrated into c. T-0.01, s. 2.1).*

2005, c. 47, s. 148.

149. *(Amendment integrated into c. T-0.01, s. 17).*

2005, c. 47, s. 149.

CHAPTER XIV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

150. *(Omitted).*

2005, c. 47, s. 150.

151. A regulation made under the Act respecting childcare centres and childcare services (chapter C-8.2) remains in force until it is replaced or repealed by a regulation made under this Act.

2005, c. 47, s. 151.

152. Rights and obligations relating to home childcare services conferred on childcare centre permit holders by the Regulation respecting childcare centres, made by Order in Council 1069-97 (1997, G.O. 2,

4368), and the Regulation respecting reduced contributions, made by Order in Council 1071-97 (1997, G.O. 2, 4393), are conferred on accredited home childcare coordinating offices, with the necessary modifications.

2005, c. 47, s. 152.

153. Section 6 does not apply to a person operating a nursery school that establishes that the person was operating that nursery school on 25 October 2005.

“Nursery school” means an establishment that provides educational childcare in a facility where seven or more children from two to five years of age are received, in a stable group, on a regular basis for periods not exceeding four hours a day and are offered activities conducted over a fixed period.

2005, c. 47, s. 153.

153.1. *(Repealed).*

2022, c. 9, s. 75; 2024, c. 6, s. 32.

154. A legal person or cooperative that holds a childcare centre permit on 1 June 2006 has until 1 June 2007 to bring the composition of its board of directors into compliance with the requirements of section 7.

2005, c. 47, s. 154.

155. Despite the second paragraph of section 11, a school board that holds a day care centre permit on 1 June 2006 may obtain a permit renewal from the Minister on the conditions prescribed by law.

2005, c. 47, s. 155.

156. Section 12 applies to a permit in force on 1 June 2006 only as of its renewal unless the permit holder requests a modification of the permit before its renewal.

2005, c. 47, s. 156.

157. Section 15 does not apply to a person, partnership or association which, on 14 May 1997, was using a name that includes the term “childcare centre” and appears in the declaration of registration filed under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45). The person, partnership or association may continue to use that name, provided that it is not used in such a manner as to lead to the belief that the centre is a childcare centre within the meaning of this Act.

2005, c. 47, s. 157.

158. The Minister may accredit, as a home childcare coordinating office, a legal person that holds a childcare centre permit on 16 December 2005 and that has been dispensed from providing childcare in a facility under section 73.1.1 of the Act respecting childcare centres and childcare services (chapter C-8.2) if it undertakes to bring its board of directors into compliance with the requirements of subparagraphs 3 and 5 of the first paragraph and the second, third and fourth paragraphs of section 7 and the requirements of section 9, with the necessary modifications, within six months after it is accredited.

However, the parent members of the board of directors must be parents whose children are provided childcare coordinated by the office.

2005, c. 47, s. 158.

159. A childcare centre permit holder that coordinates home childcare services on 16 December 2005 must communicate to the Minister, in the manner and according to the conditions determined by the Minister and not later than 20 January 2006, the names of and contact information for each home childcare provider the centre has recognized, the date of recognition and the number of subsidized childcare spaces granted.

2005, c. 47, s. 159.

160. A childcare centre permit holder that has not been accredited by the Minister as a home childcare coordinating office and operates a childcare centre in a territory assigned to a coordinating office must, without delay at the Minister's request, communicate to the coordinating office the names and addresses of the persons the centre has recognized as home childcare providers, as well as the records drawn up concerning those persons in accordance with the Act respecting childcare centres and childcare services (chapter C-8.2) and the regulations.

Such persons are deemed to be recognized by the coordinating office as of 1 June 2006 unless they notify the coordinating office of their intention to give up the recognition.

2005, c. 47, s. 160.

161. A person who, on 1 June 2006, is a recognized home childcare provider must undergo an assessment not later than 31 March 2007 for the renewal of the person's recognition by the competent accredited coordinating office in accordance with section 55.

2005, c. 47, s. 161.

162. Section 59 applies with respect to the year 2006 from 30 September 2006.

2005, c. 47, s. 162.

163. Sections 61 and 63 apply to coordinating offices from the fiscal year 2006-2007.

2005, c. 47, s. 163.

164. The second paragraph of section 97 does not apply to a childcare centre permit holder whose subsidies have been cancelled or reduced because the permit holder no longer coordinates home childcare services.

2005, c. 47, s. 164.

165. Any case pending on 1 June 2006 before the Administrative Tribunal of Québec concerning the suspension or revocation of the recognition of a home childcare provider by a childcare centre permit holder is continued, without continuance of suit, by the territorially competent home childcare coordinating office. The same applies to any application for judicial review of a decision rendered by the Tribunal in such a matter pending on that date.

The childcare centre permit holder must, without delay, send the coordinating office a copy of the file prepared for that purpose. The coordinating office notifies the tribunal or court concerned.

However, the childcare centre permit holder may remain a party to the proceedings if it proves its interest.

2005, c. 47, s. 165.

166. A regulation made under this Act before 1 September 2006 may have a shorter publication period than that provided for in section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. Furthermore, such a regulation is not subject to the requirement of section 17 of that Act as regards its date of coming into force.

2005, c. 47, s. 166.

167. The Government may, by a regulation made before 1 April 2007, enact any other transitional provision or measure needed to carry out this Act.

A regulation made under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) or to the date of coming into force set out in section 17 of that Act.

Such a regulation may, if it so provides, apply from any date not prior to 16 December 2005.

2005, c. 47, s. 167.

168. *(Omitted).*

2005, c. 47, s. 168.

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 47 of the statutes of 2005, in force on 1 March 2006, is repealed, except section 168, effective from the coming into force of chapter S-4.1.1 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 1 to 39, the first paragraph of section 41, sections 52 to 93, 95 to 157 and 161 to 165 of chapter 47 of the statutes of 2005, to the extent in force on 1 January 2007, are repealed effective from the coming into force of the updating to 1 January 2007 of chapter S-4.1.1 of the Revised Statutes.

