

The Child Care Act

Repealed

by [Chapter C-7.31 of the Statutes of Saskatchewan, 2015](#)
(effective June 15, 2015).

Formerly

[Chapter C-7.3 of the Statutes of Saskatchewan, 1989-90](#)
(consult Table of Saskatchewan Statutes for effective date)
as amended by the [Statutes of Saskatchewan, 2000, c.7](#);
[2002, c.C-11.1](#); and [2012, c.4](#).

NOTE:

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

Table of Contents

1	Short title	13	Licence not transferable
2	Interpretation	14	Licence to be displayed
3	Application of Act	15	Amendment, suspension, cancellation of licences
3.1	General prohibition	16	Transitional
3.2	Whether licence required	17	Repealed
3.3	Restrictions on numbers of children	18	Inspections, investigations
4	Child care centres	19	Copies of documents
5	Family child care homes and group family child care homes	20	Information requested by the minister
6	Inspection by parents	21	Agreements
7	Parental involvement in centres	22	Grants and subsidies
8	Innovative services	23	Review respecting decisions
9	Submission of applications	24	No action against department, etc.
10	Issuance	25	Exemption
11	Provisional licence	26	Municipal bylaws
12	Compliance with licence required	27	Regulations
		28	Offence

CHAPTER C-7.3

An Act to Promote the Growth and Development of Children and to Support the Provision of Child Care Services to Saskatchewan Families

Short title

1 This Act may be cited as *The Child Care Act*.

Interpretation

2 In this Act:

- (a) **“child”** means a person under the age of:
 - (i) 15 years if, in the opinion of the minister, the person has special needs;
 - (ii) 13 years in any case other than that described in subclause (i);
- (b) **“child care centre”** means a facility that provides child care services, but does not include a family child care home;
- (c) **Repealed.** 2000, c.7, s.3.
- (d) **“child care services”** means services that have as their primary purpose the care and supervision of children;
- (e) **Repealed.** 2000, c.7, s.3.
- (f) **Repealed.** 2000, c.7, s.3.
- (g) **“department”** means the department over which the minister presides;
- (h) **“facility”** means:
 - (i) a child care centre;
 - (ii) a group family child care home; or
 - (iii) a licensed family child care home;
- (i) **“family child care home”** means residential premises in which child care services are provided to not more than eight children at any one time;
- (j) **“family child care provider”** means an individual who operates a family child care home in residential premises;
 - (j.1) **“group family child care home”** means residential premises in which child care services are provided to not more than 12 children at any one time;
 - (j.2) **“group family child care provider”** means an individual who operates a group family child care home in residential premises;
- (k) **“individual”** means an individual who is a resident of Canada;

c. C-7.3**CHILD CARE**

- (l) **Repealed.** 2000, c.7, s.3.
- (m) **“licence”** means a valid and subsisting licence issued pursuant to this Act and includes a provisional licence;
- (n) **“licensee”** means the holder of a licence;
- (o) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (p) **Repealed.** 2002, c.C-11.1, s.372.
- (q) **“parent”** means the person having lawful care or custody of a child.

1989-90, c.C-7.3, s.2; 2000, c.7, s.3; 2002,
c.C-11.1, s.372.

Application of Act**3** This Act does not apply:

- (a) to persons providing care and supervision exclusively to children who are members of their immediate families;
- (b) to child care services that are provided exclusively to a child in the child's home by a person other than a parent of the child; or
- (c) to any other persons or services exempted by the regulations.

2000, c.7, s.4.

General prohibition**3.1** No person shall provide child care services except in accordance with this Act and the regulations.

2000, c.7, s.4.

Whether licence required

3.2(1) No person shall operate a child care centre or a group family child care home or cause a child care centre or a group family child care home to be operated unless the person holds a licence for the child care centre or group family child care home.

(2) A person may operate a family child care home either with or without a family child care home licence.

2000, c.7, s.4.

Restrictions on numbers of children

3.3(1) No person shall provide child care services to more than eight children at any one time without a licence for a child care centre or a group family child care home.

(2) No person shall provide child care services to more than eight children at any one time in a group family child care home unless the person is assisted in the provision of child care services by an individual who is at least 18 years of age.

(3) No person shall provide child care services to more than 12 children at any one time in a group family child care home.

(4) For the purpose of determining the number of children to whom child care services are being provided at residential premises at any one time, the following are to be included:

(a) where the child care services are being provided in the principal residence of the family child care provider or group family child care provider:

(i) children who reside at those premises; and

(ii) all children who are receiving care and supervision in those premises at the relevant time, including children of the provider and children of any person assisting the provider; and

(b) where the child care services are being provided in a residence other than the principal residence of the family child care provider or group family child care provider, all children who are receiving care and supervision in those premises at the relevant time, including children of the provider and children of any person assisting the provider.

(5) Compliance with subsections (1) to (4) does not relieve any person from the requirement to comply with any further restriction respecting numbers of children set out in the regulations.

2000, c.7, s.4.

Child care centres

4(1) In this section:

(a) **“facility”** includes an unlicensed family child care home;

(b) **“interest in the operation of a facility”** does not include a loan or an interest held by way of security for a debt or other obligation.

(2) An application for a licence for a child care centre may be made only by:

(a) a corporation that is incorporated, registered or continued pursuant to *The Business Corporations Act* and of which all the shares are legally and beneficially owned by individuals;

(b) a corporation that is incorporated, registered or continued pursuant to *The Non-profit Corporations Act, 1995*;

(c) a co-operative that is incorporated, registered or continued pursuant to *The Co-operatives Act, 1996*;

(d) a municipality;

c. C-7.3**CHILD CARE**

- (e) a partnership, where all partners are individuals who are residents of Saskatchewan and are at least 18 years of age; or
 - (f) an individual who is a resident of Saskatchewan and is at least 18 years of age.
- (3) Subject to subsection (4), a person may apply for a licence pursuant to subsection (2) only if:
- (a) the applicant does not have an interest in the operation of more than one other facility; and
 - (b) any other person who has an interest in the operation of the facility for which the application is being made does not have an interest in the operation of more than one other facility.
- (4) Subsection (3) does not apply to a corporation mentioned in clause (2)(b) or a co-operative mentioned in clause (2)(c) if the corporation or co-operative is governed by a board of directors that meets the requirements of subsection 7(2).
- (5) For the purposes of subsection (3), a shareholder of a corporation that has an interest in the operation of a facility is deemed to have an interest in the operation of the facility.

2000, c.7, s.4.

Family child care homes and group family child care homes

- 5** An application for a licence to operate a family child care home or a group family child care home may be made only by an individual who is a resident of Saskatchewan and is at least 18 years of age.

2000, c.7, s.4.

Inspection by parents

- 6** A licensee shall cause the facility to be open to inspection by parents of the children enrolled in the facility at all reasonable times during hours of operation of the facility.

1989-90, c.C-7.3, s.6.

Parental involvement in centres

- 7(1)** Subject to subsection (2), every licensee that operates a child care centre and is not governed by a board of directors in accordance with subsection (2) shall establish a parent advisory committee to be composed of members who:
- (a) are elected by parents of children enrolled in the child care centre; and
 - (b) are parents of children enrolled in the child care centre.
- (2) Subject to subsection (3), every child care centre operated by a person described in clause 4(2)(b) or (c) shall be governed by a board of directors that has a majority of its members as parents whose children:
- (a) are presently enrolled at the facility;

CHILD CARE

c. C-7.3

- (b) were enrolled at the facility within the past 12 months; or
 - (c) if the facility has not yet opened, will be enrolled at the opening of the proposed facility.
- (3) Where the minister is of the opinion that compliance with subsection (2) by a licensee is not practicable because of the nature of the licensee, the minister may exempt the licensee from the requirements of subsection (2).
- (4) A licensee that is exempted from the requirements of subsection (2) shall establish a parent advisory committee that meets the requirements of subsection (1).

1989-90, c.C-7.3, s.7; 2000, c.7, s.5.

Innovative services

8 The minister may include as a provision of the licence, in addition to any other term or condition that the minister may include pursuant to this Act, terms or conditions permitting the licensee to provide child care services:

- (a) exclusively for infants;
- (b) for children of teen parents;
- (c) for children residing in rural regions or localities;
- (d) for children for:
 - (i) a period of 24 hours; or
 - (ii) a period of more than 24 hours;

where the minister is of the opinion that a parent of the child is unavailable to provide that care due to emergency or special circumstances; or

- (e) that are, in the opinion of the minister, required to meet exceptional needs other than those mentioned in clauses (a) to (d).

1989-90, c.C-7.3, s.8.

Submission of applications

9 An applicant for a licence shall:

- (a) submit the application to the department;
- (b) include in the application any information and material that the minister may request; and
- (c) submit the fee prescribed in the regulations.

1989-90, c.C-7.3, s.9.

c. C-7.3**CHILD CARE****Issuance**

- 10(1)** Where an application is received by the minister, the minister may:
- (a) if satisfied that the applicant has complied with this Act and the regulations, issue the licence; or
 - (b) refuse to issue the licence.
- (2) The minister may include as a provision of the licence any term or condition that the minister considers appropriate.

1989-90, c.C-7.3, s.10.

Provisional licence

- 11(1)** The minister may issue a provisional licence, for a period not to exceed six months, to any facility:
- (a) that does not comply with the requirements of this Act or the regulations;
 - (b) that the minister is satisfied will comply with those requirements within six months; and
 - (c) where the minister is satisfied that the immediate health and safety of the children to be cared for in the facility are not at risk.
- (2) The minister may include as a provision of the provisional licence any term or condition that the minister considers appropriate.

1989-90, c.C-7.3, s.11.

Compliance with licence required

- 12** No licensee shall fail to comply with a term or condition included as a provision of the licence pursuant to this Act or the regulations.

1989-90, c.C-7.3, s.12.

Licence not transferable

- 13** A licence is not transferable.

1989-90, c.C-7.3, s.13.

Licence to be displayed

- 14** Every licensee shall cause the licence to be displayed in a prominent place in the facility for which it is issued.

1989-90, c.C-7.3, s.14.

Amendment, suspension, cancellation of licences

- 15(1)** Where the minister considers it to be in the public interest, the minister may amend, suspend or cancel a licence.
- (2) For the purposes of section 3.2, a licence that is suspended pursuant to this section is, for the period of the suspension, deemed not to have been issued.

1989-90, c.C-7.3, s.15; 2000, c.7, s.6.

Transitional

16 A valid and subsisting licence or approval issued:

- (a) pursuant to “*The Day Care Regulations*”, being Saskatchewan Regulations 213/75; and
- (b) prior to the coming into force of this Act;

is deemed to have been issued pursuant to section 10 and may be amended, suspended, cancelled or otherwise dealt with as if issued pursuant to section 10.

1989-90, c.C-7.3, s.16.

17 Repealed. 2000, c.7, s.7.

Inspections, investigations

18(1) For the purpose of:

- (a) ensuring the safety and well-being of children receiving child care services; or
- (b) the administration of this Act or the regulations;

the minister or a person appointed by the minister for the purpose may make any inspection, investigation or inquiry that the minister or that person considers necessary.

(2) Every licensee shall:

- (a) cause the facility to be open for inspection by the minister or a person appointed pursuant to subsection (1) at all reasonable times during the hours of operation of the facility; and
- (b) cause all books, documents and other records pertaining to the operation of the facility to be available for inspection by the minister or a person appointed pursuant to subsection (1) during the times described in clause (a).

(3) Where a person appointed pursuant to subsection (1) believes on reasonable and probable grounds that an offence against this Act or the regulations has occurred, that person may apply to a justice of the peace or a judge for a warrant to be issued pursuant to subsection (4).

(4) Where a justice of the peace or a judge is satisfied by the oath of a person appointed pursuant to subsection (1) that the person believes on reasonable and probable grounds that:

- (a) an offence against this Act or the regulations has occurred; and
- (b) there is evidence of an offence against this Act or the regulations to be found at the place to be searched;

the justice of the peace or judge may issue a warrant under his or her hand.

(5) A warrant issued pursuant to subsection (4) authorizes the person named in the warrant to enter the place named in the warrant and every part of the place named in the warrant and of the premises connected with that place to:

- (a) examine the place and connected premises; and

c. C-7.3**CHILD CARE**

- (b) search for and seize and take possession of anything that there are reasonable and probable grounds to believe will afford evidence of an offence against this Act or the regulations.
- (6) A person appointed pursuant to subsection (1) may exercise all or any of the powers mentioned in subsection (5) without a warrant issued pursuant to this section if:
 - (a) the conditions for obtaining a warrant exist; and
 - (b) the person believes, on reasonable and probable grounds, that the delay necessary to obtain the warrant would result in danger to human life or safety or the loss, removal or destruction of evidence.
- (7) No person shall obstruct any person who is authorized to make an entry pursuant to this section.

1989-90, c.C-7.3, s.18.

Copies of documents

- 19(1)** Where any book, record or other document has been seized, examined or produced pursuant to section 18, the minister or a person appointed pursuant to subsection 18(1) may make copies of the book, record or other document.
- (2) A document certified by the minister to be a copy made pursuant to this section is admissible in evidence, without proof of the office or signature of the person appearing to have certified the document, and has the same probative force as the original document.

1989-90, c.C-7.3, s.19.

Information requested by the minister

- 20(1)** The minister may request from a licensee any information that the minister may require for the purposes of this Act and the regulations and may prescribe the manner in which and time limits within which that information shall be provided.
- (2) No licensee shall fail to provide the minister:
 - (a) in the manner; and
 - (b) within the time limits;

specified by the minister with any information or material respecting the licensee or the facility that the minister requests pursuant to subsection (1).

1989-90, c.C-7.3, s.20.

Agreements

- 21** The minister may, for any purpose relating to the administration of this Act, and on any terms or conditions that the minister may prescribe, enter into agreements with any person, agency, organization, association, institution or other body inside or outside Saskatchewan.

1989-90, c.C-7.3, s.21.

CHILD CARE

c. C-7.3

Grants and subsidies

22(1) If authorized to do so by the regulations, the minister may:

- (a) make grants to licensees of facilities;
- (b) pay subsidies to or on behalf of parents of children enrolled in facilities.

(2) Notwithstanding any provision of the regulations, the minister may include as a provision of a licence a term or condition that prescribes the number or proportion of children in a facility for which the licence is issued whose parents may receive a subsidy.

1989-90, c.C-7.3, s.22.

Review respecting decisions

23(1) Any person who is aggrieved by a decision of the minister to:

- (a) issue a licence;
- (b) refuse to issue a licence;
- (c) place terms or conditions on a licence; or
- (d) amend, suspend or cancel a licence;

may request that the decision be reviewed by the minister.

(2) A request for review pursuant to subsection (1) does not stay or otherwise affect the validity of the decision with respect to which the review is requested.

(3) **Repealed.** 2012, c.4, s.3.

(4) On completing a review the minister may:

- (a) confirm;
- (b) reverse; or
- (c) vary;

the decision with respect to which the review was requested.

1989-90, c.C-7.3, s.23; 2012, c.4, s.3.

No action against department, etc.

24 No action lies or shall be instituted against the minister, the department, a peace officer or any officer or employee of the department or agent of the minister, where the minister, department, peace officer, officer, employee or agent is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise of or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

1989-90, c.C-7.3, s.24.

c. C-7.3**CHILD CARE****Exemption**

25 Where the minister considers it to be in the public interest, the minister may exempt any facility, or any person, from all or any part of this Act or the regulations.

1989-90, c.C-7.3, s.25.

Municipal bylaws

26 Notwithstanding any other Act, the minister may by order exempt any person, category of persons, facility or category of facilities from the application of any bylaw or part of a bylaw made by a municipality that regulates facilities or persons who operate facilities.

1989-90, c.C-7.3, s.26.

Regulations

27(1) The Lieutenant Governor in Council may make regulations:

- (a) establishing categories of facilities, licences, licensees or children for the purposes of the regulations;
- (b) designating any services as services that are not child care services for the purposes of clause 2(d);
- (c) establishing standards for the design, construction, operation and maintenance of facilities or categories of facilities, including standards for furnishings and equipment and requiring those standards to be complied with;
- (d) establishing standards of health, safety, nutrition and discipline in facilities or categories of facilities and requiring those standards to be complied with;
- (e) prescribing the hours of operation of any facility or category of facilities;
- (f) prescribing:
 - (i) the personnel requirements for facilities or categories of facilities; and
 - (ii) the qualifications, duties and responsibilities of persons who operate or provide services in facilities or categories of facilities;
- (g) establishing standards for fire protection and emergency procedures in facilities or categories of facilities and requiring those standards to be complied with;
- (h) exempting a facility or category of facilities from the requirement to meet a standard prescribed by this Act or the regulations;
- (i) prescribing elements of programs, activities or services to be provided in facilities or categories of facilities and requiring all or any of those programs, activities or services to be provided;

CHILD CARE

c. C-7.3

- (j) prescribing the records to be kept by persons who operate facilities and the circumstances under which the records are to be retained;
- (k) prescribing the maximum number, if any, of children or any category of children who may be enrolled at any time in a facility or a category of facilities and prohibiting enrolments greater than the maximum number;
- (l) prescribing the maximum number of children in a category of children that may be in attendance at any one time in a family child care home or a group family child care home;
- (m) prescribing the maximum number, if any, of children who may be cared for in a group within a facility or a category of facilities;
- (n) prescribing the maximum number of child care spaces in a facility for the care of infants;
- (o) authorizing and governing the making of grants and payment of subsidies pursuant to section 22 to any licensee or category of licensees or to parents of children enrolled in any facility or category of facilities;
- (p) respecting the provision of services to children with special needs;
- (q) prescribing the number or proportion of children with special needs who may be enrolled in a facility or a category of facilities;
- (r) prescribing the minimum age of any child who may be cared for in a facility or a category of facilities;
- (s) respecting parent advisory committees established pursuant to section 7;
- (t) prescribing the eligibility of, criteria to be met and material to be filed by applicants for licences;
- (u) prescribing and requiring the payment of application fees for licences and the circumstances in which application fees may be waived or refunded;
- (v) prescribing terms and conditions of licences or categories of licences;
- (w) requiring liability insurance to be carried by a licensee or category of licensees, prescribing the amount and governing the coverage of that insurance;
- (x) prescribing the duration of licences and the circumstances that cause a licence to terminate prior to the expiry date;
- (y) establishing a system for alternate care and supervision of children enrolled:
 - (i) in a licensed family child care home in the temporary absence of the family child care provider; or
 - (ii) in a group family child care home in the temporary absence of the group family child care provider or a person assisting the group family child care provider;

- (z) **Repealed.** 2000, c.7, s.8.
 - (aa) **Repealed.** 2000, c.7, s.8.
 - (bb) prescribing conditions of confidentiality and access respecting all records that come into being as a result of anything done pursuant to this Act or the regulations and requiring those conditions to be complied with;
 - (cc) prescribing the manner in which fees charged by a facility or a category of facilities shall be calculated;
 - (dd) prohibiting a facility from charging a higher fee to a parent who is in receipt of a subsidy than is charged to a parent whose child is enrolled in the facility but does not receive a subsidy;
 - (ee) governing the inspection of facilities and records kept respecting the operation of facilities;
 - (ff) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
 - (gg) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
 - (hh) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out this Act according to its intent.
- (2) A regulation made pursuant to clause (1)(o) may be made retroactive to a day not earlier than the commencement of the fiscal year in which the grant or subsidy contemplated by the regulation is to be paid.
- (3) In this section, “**fiscal year**” means the fiscal year of the Government of Saskatchewan.

1989-90, c.C-7.3, s.27; 2000, c.7, s.8; 2012, c.4, s.4.

Offence

28 Every person who contravenes any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine of not more than \$300 for each day during which the offence continues.

1989-90, c.C-7.3, s.28.