

## **Part 11 – Search Officers**

This Part establishes and deals with the activities of search officers. It combines what were two distinct portions of the Family Relations Act into one Part and modernizes the sections to better reflect the current activities of search officers. It does not expand search officer powers but provides details regarding authority and restrictions to support the current framework of the search officer program.

### **Section 235 Definitions**

- This section defines terms required to support interpretation of this Part.
- Section 235 replaces the definitions sections 87 and 98.1 of the Family Relations Act.

### **Section 236 Search officers**

- Section 236 authorizes the appointment of persons as “search officers”.
- Section 236 carries over section 98 of the Family Relations Act and changed the name of the employees from “enforcement officers” to “search officers”.

### **Section 237 Searchable information**

- Section 237 lists the type of information that a search officer may request and disclose in the course of assisting persons with issues related to guardianship, parenting arrangements, contact and support under this part. It carries over much of subsections 99(3) and (4) of the Family Relations Act, while providing greater clarity with respect to practice.
- Searchable information includes information:
  - that can confirm the identity of a party or potential party;
  - respecting the: location, address, contact information, employer, employment address, location of or particulars about a party’s assets, and particulars about a party’s income; and
  - about a protection order made against the party.
- Searchable information does not include:
  - personal correspondence between a party and his or her parent, child, spouse or sibling.
  - information in the possession or control of the party’s solicitor, a family justice counsellor or person who assists a family justice counsellor and is a prescribed person under the confidentiality of information section in Division 2.
  - information collected under the Statistics Act that cannot be disclosed under section 9(1)(b) of that Act.

## **Section 238 Requesting and disclosing searchable information**

- This section describes the purposes for which searchable information may be requested or disclosed. These include:
  - taking an action or considering whether an action should be taken in relation to a child care or support issue;
  - recalculating child support;
  - enforcing rights or duties respecting a child care or support issue; or
  - fulfilling a duty under an international convention.
- This section also allows searchable information to be requested or disclosed to protect the safety and security of a party, a search officer or a person to whom information is given.
- This section does not expand search officer powers but provides details regarding authority and restrictions to support the current framework of the search officer program.
- Section 238 carries forward and modernizes sections 99(1), (3.1) and 39(1) of the Family Relations Act.

## **Section 239 Requesting searchable information**

- Section 239 provision states that a search officer may request searchable information from anyone. Following the request, the person must provide the information as long as it is not subject to privilege or confidentiality.
- This section provides the authority for search officers to perform their duties.
- Section 239 carries over sections 99(1), 99(5) and 39(1) and 39(3) of the Family Relations Act.

## **Section 240 Disclosing searchable information**

- This section lists to whom a search officer may disclose searchable information.
- Section 240 replaces section 99 (6) of the Family Relations Act. Section 99(6) allowed search officers to disclose information to people performing similar duties in other jurisdictions. The power to provide information to the people actually requesting it was not expressly provided for.

## **Section 241 Information-sharing agreements**

- Section 241 authorizes the Attorney General to enter into information-sharing agreements and create cooperative networks between search officers and ministries, public bodies, or organizations as well as between British Columbia and other provinces to improve the effectiveness of search officers.
- Subsection (2) includes what must be included in an information sharing agreement entered into under subsection (1).

### **Section 242 Orders respecting searchable information**

- Section 242 allows a search officer to apply for a court order to require a person to give searchable information to the search officer.
- Section 242 carries over sections 40 and 100 of the Family Relations Act.

### **Section 243 Restrictions on disclosure of information**

- This section restricts disclosure of searchable information to certain circumstances, specifically only for the purpose for which information was obtained or to protect person or property from harm.
- The section contains exceptions to the rule, allowing for disclosure of personal information that has been in existence for 100 years, other information in existence for 50 years and that which is allowed under the Freedom of Information Act.
- The purpose of section 243 is to protect the integrity of searchable information by it being used improperly.
- Section 243 carries over sections, 100(4) to (6) and 41 of the Family Relations Act.

### **Section 244 Offences**

- Section 244 makes it an offence if a party does not comply with a request or order for searchable information, or the person knowingly provides false or misleading information.
- Section 244 carries over section 128(2) and (4) of the Family Relations Act. It is the only section of the Family Law Act that continues to be enforced under the Offence Act.