

Bill No. 76 of 1952.

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF
FAMILY COURTS.

NOTE.

This Bill enacts a new Act to be known as "*The Family Court Act.*"

The Lieutenant Governor in Council is empowered to establish a Family Court in any municipality or other area within the Province. A police magistrate may be appointed as a judge of the Family Court of a municipality or other area.

The jurisdiction that a Family Court judge may exercise is determined by order of the Lieutenant Governor in Council. The jurisdiction of one Family Court judge may be broader than the jurisdiction of another depending on what powers are conferred upon him. The Bill enumerates the types of charges, offences or matters over which a Family Court judge may be given jurisdiction. They include such things as maintenance orders for deserted wives and families, charges laid under *The School Act, 1952*, for failure of a child to attend school, charges arising from the ill treatment, neglect or unlawful employment of children and charges of common assault where husbands and wives or children are involved.

Probation officers, clerks of the court and other officers and employees appointed pursuant to *The Juvenile Court Act, 1952*, are required to act in the same capacity and to exercise the same powers and duties in relation to the Family Court as they presently do in relation to the Juvenile Court.

This Bill comes into force on the 1st day of July, 1952.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 76 of 1952.

An Act to Provide for the Establishment of Family Courts.

(Assented to , 1952.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short Title.

Short
title

1. This Act may be cited as "*The Family Court Act.*"

Interpretation.

Interpre-
tation
"judge"

2. In this Act, unless the context otherwise requires,—

(a) "judge" means a police magistrate who has been duly appointed under the provisions of *The Magistrates and Justices Act* and who is appointed as a judge of the Family Court of a municipality or other area pursuant to the provisions of this Act;

"municipi-
pality"

(b) "municipality" means a city, town, village, municipal district, improvement district or special area.

Family Court.

Lieutenant
Governor
in Council
may,—
establish
Family
Court

3. (1) The Lieutenant Governor in Council, by order, may,—

(a) establish a Family Court in any municipality or area within the Province to be known as "The Family Court of the";
(insert name of municipality or area)

appoint
Family
Court
judges
Family
Court court
of record

(b) appoint one or more judges of the Family Court of a municipality or other area.

- (2) The Family Court shall be a court of record.

Lieutenant
Governor
in Council
may confer
jurisdic-
tion on
named
judge

4. Notwithstanding the provisions of any other Act, the Lieutenant Governor in Council, by order, may confer on a named judge of the Family Court exclusive original jurisdiction or joint or general jurisdiction over any or all of the following charges, offences or matters arising under the following Acts or sections, namely,—

(a) maintenance orders for deserted wives and families under section 26 of *The Domestic Relations Act*;

- (b) any charge against an adult person under Part XIV of *The School Act, 1952*, for failure to cause a child to attend school and continue in regular attendance thereat;
- (c) any charge against an adult person under the provisions of Part I of *The Child Welfare Act*, which provisions relate to neglected and dependent children, and without restricting the generality of the foregoing includes any charge arising from the ill treatment, neglect or unlawful employment of a child or the breach of any other provision of that Part for the protection of a child;
- (d) any charge of vagrancy under clause (b) of section 238 and section 239 of the *Criminal Code of Canada*;
- (e) any charge of neglect or refusal to supply necessities to a destitute or necessitous wife or child triable on summary conviction under clauses (a) and (b) of subsection (3) of section 242 of the *Criminal Code of Canada*;
- (f) any charge of common assault triable on summary conviction under section 291 of the *Criminal Code of Canada* where a husband assaults a wife, a wife assaults a husband or a parent assaults his child;
- (g) any charge triable on summary conviction under any other Act or section which, in the opinion of the Lieutenant Governor in Council, is appropriate for the judge of the Family Court to deal with.

5. (1) The probation officers, clerks of the Juvenile Court and other officers and employees appointed pursuant to *The Juvenile Court Act, 1952*, shall act as far as possible in the same capacity and have the same powers and duties in relation to the Family Court under this Act as they have in relation to the Juvenile Court under *The Juvenile Court Act, 1952*.

Powers
and duties
of
probation
officers,
clerks, etc.

(2) Each probation officer shall be under the direction of the judge of the Family Court and shall perform such duties as are assigned to him by the judge.

6. This Act shall come into force on the first day of July, 1952.

No. 76

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to Provide for the
Establishment of Family
Courts.

Received and read the

First time

Second time

Third time

HON. MR. MAYNARD.
