

No. 61

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4th Session, 13th Legislature, Alberta  
6 Elizabeth II, 1958

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## **BILL 61**

**A Bill to Aid Indigent Women in the Support of Children**

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**HON. MR. JORGENSEN**

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Edmonton, Alberta, 1958

## **Explanatory Note**

General. This Act repeals and replaces The Mothers' Allowance Act. Under this Bill the province will undertake the full cost of the allowances payable to mothers to aid in the support of children and the municipalities will not be required to assist in this project as they presently assist under The Mothers' Allowance Act.

**2. Interpretation section.**

**3. Authorizes the payment of allowances to mothers herein described.**

# BILL

No. 61 of 1958

An Act to Aid Indigent Women in the Support of Children

(Assented to , 1958)

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

1. This Act may be cited as "*The Mothers Allowance Act, 1958*".

2. In this Act,

- (a) "allowance" means an allowance under this Act;
- (b) "board" means the pensions board established under *The Widows' Pensions Act*;
- (c) "husband" includes a man mentioned in subsection (1) or (2) of section 4;
- (d) "Minister" means that member of the Executive Council who is charged with the administration of this Act;
- (e) "municipality" means a city, town, village, municipal district, county, improvement district or special area;
- (f) "subsistence" means the necessary resources to secure food, fuel, clothing, shelter, medical advice and attention and hospital care necessary for the immediate wants of himself and his dependants;
- (g) "widow" includes a woman who though not having been married to a deceased person is declared by the board to be the widow of that deceased person for the purposes of this Act.

3. (1) Subject to this Act and the regulations, the Minister may provide for the payment of allowances to a mother resident in the Province and having the custody of a child not over the age of sixteen years or of a child of seventeen years while the child attends school and is making satisfactory progress, if the mother is

- (a) a widow,
- (b) a wife of a patient in a hospital under *The Mental Diseases Act* who has been a patient therein for a continuous period of at least one month,
- (c) a wife of a patient in a sanatorium under *The*

4. Certain illicit relationships recognized for the purposes of the payment of allowances.

5. Prescribes the residence requirements for the allowances.

*Tuberculosis Act* who has been a patient therein for a continuous period of at least one month,

- (d) a wife of a person serving a term of imprisonment in a penal institution of two years or longer, or
- (e) a wife who has been deserted by her husband without reasonable cause for a continuous period of two years or longer.

(2) An allowance shall not exceed such sum as may be fixed by the regulations.

4. (1) A woman who had been living in marital relations with a man for a period of at least two years immediately preceding his death and who had given birth to a child of the deceased may be declared by the board to be a widow for the purposes of this Act, if the child is in her care and custody and the deceased is registered as being the father of the child.

(2) A woman who had been living in marital relations with a man for a period of at least two years immediately preceding

- (a) his admission as a patient to a hospital under *The Mental Diseases Act* or to a sanatorium under *The Tuberculosis Act*, or
- (b) his desertion of her or his imprisonment in a penal institution,

if she has given birth to a child of that man, may be declared by the board to be a wife for the purposes of this Act.

5. (1) A mother is a resident of the Province for the purposes of this Act if she resides in the Province and her husband had provided a home and subsistence in the Province for her and their dependent children for twelve consecutive months out of the twenty-four months immediately preceding the date of his death, or the date of his admission to a mental hospital or sanatorium or the date of his desertion of her or his imprisonment in a penal institution.

(2) Notwithstanding the residence requirements of subsection (1) of section 3 and subsection (1) hereof, a woman who

- (a) had lived in the Province for at least fifteen consecutive years and thereafter made her home outside the Province, and
- (b) returns to the Province after the death of her husband and resides in the Province for at least one year as a self-supporting person,

may be declared eligible by the board for an allowance if she otherwise qualifies for the allowance.

(3) A person is not eligible for an allowance who is, for the purposes of health and welfare services, the responsibility of the Government of Canada.

**6.** Sets out procedure precedent to obtaining an allowance.

**7.** Allowance to be recommended by Pension Board.

**8.** Allowance paid by Minister in accordance with Pension Board recommendation.

**9.** Power of board to decrease, increase or terminate an allowance.

**10.** Authorizes the creation of trustees of the allowance in certain cases.

**6.** (1) A mother who is entitled to receive an allowance may, by herself or through any person on her behalf, apply for an allowance to the board, a welfare worker of the Department of Public Welfare or of the municipality or to the secretary-treasurer of the municipality in which the family is residing.

(2) The board, welfare worker or secretary-treasurer shall, on receipt of an application for an allowance, make full and complete inquiry into the circumstances and history of the applicant, and if the inquiry is made by a welfare worker or the secretary-treasurer, the welfare worker or secretary-treasurer shall report thereon to the board forthwith.

(3) If the board is satisfied that the applicant is entitled to receive an allowance, the board shall pay an allowance to the applicant in such amount as it deems adequate in her circumstances.

**7.** Where the board is satisfied upon inquiry that a mother is entitled to and requires an allowance, the board may make a recommendation under this section to the Minister that an allowance in a specified amount be paid to that mother whether or not an application has been or could be made by the mother to the board.

**8.** If a recommendation of the board is approved by the Minister the mother may be paid by monthly payments the amount of the allowance specified in the recommendation.

**9.** Where it is deemed advisable to do so the board may terminate, increase or decrease an allowance paid to any person.

**10.** (1) Where, in the opinion of the board, a recipient of the allowance

(a) is using or is likely to use the allowance otherwise than for the benefit of the recipient and her children, or

(b) is incapacitated or is incapable of handling her own affairs,

the board may appoint a trustee and may direct that the allowance be paid to the trustee for the benefit of the recipient and her children.

(2) A trustee appointed under subsection (1) may be removed by the board or may resign and the board may appoint another trustee in his place.

(3) A trustee appointed under subsection (1) or (2) shall, when required by the board, make returns showing the amount of the allowance received, the amount that has been expended for the benefit of the recipient and her children and the balance remaining in the hands of the trustee.

**11. Reciprocal arrangements with other provinces authorized whereby allowance may be fixed in respect of Alberta recipients in other provinces and vice versa.**

**12. Provides for periodic checking on eligibility of recipients.**

**13. Moneys to come from appropriations.**

**14. Regulations authorized.**

**15. Repeal of present Act.**

**16. Commencement.**



**11.** (1) The Minister with the approval of the Lieutenant Governor in Council may enter into a reciprocal agreement with any other province in which provision is made for the payment of a mother's allowance or its equivalent whereby

- (a) that province will pay on behalf of Alberta a mother's allowance to a woman entitled thereto under this Act who, with the consent in writing of the board has transferred her permanent residence from Alberta to that other province,
- (b) Alberta will pay on behalf of that other province a mother's allowance or its equivalent to a woman entitled thereto under the law of that other province who has transferred her permanent residence from that other province to Alberta, and
- (c) adjustment of accounts will be made in the manner provided by the agreement.

(2) If a woman receiving or entitled to a mother's allowance, upon obtaining the consent in writing of the board, moves to or remains in any other province with which the Minister has entered into an agreement pursuant to subsection (1), the mother's allowance that she is receiving or entitled to shall be paid to her in that other province in the same amount and on the same basis as if she had continued to reside in Alberta.

**12.** (1) From time to time the secretary-treasurer of a municipality or the welfare worker of the Department of Public Welfare or of the municipality shall investigate the circumstances of recipients of allowances who reside within the area of the municipality or within the area for which the welfare worker is appointed.

(2) Where upon investigation it appears that a recipient of an allowance has ceased to be entitled to an allowance, that fact and a full report of the circumstances shall be forthwith reported to the board.

**13.** The expenses of administering this Act shall be paid out of the moneys appropriated by the Legislature for the purpose.

**14.** The Lieutenant Governor in Council may make such regulations as may be deemed necessary for the better carrying out of the intent and purpose of this Act.

**15.** *The Mothers' Allowance Act*, being chapter 208 of The Revised Statutes of Alberta, 1955, is hereby repealed.

**16.** This Act comes into force on the first day of April, 1958.

No. 61

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FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

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## BILL

An Act to Aid Indigent Women in the  
Support of Children

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. JORGENSEN

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