

No. 76

1st Session, 14th Legislature, Alberta
8 Elizabeth II

BILL 76

A Bill to amend The Child Welfare Act

HON. MR. JORGENSEN

Explanatory Note

General. This Bill amends The Child Welfare Act in respect of permanent wards of the Government. At present permanent wardships may be created by an order of the Juvenile Court or by a surrender of custody by a parent.

Section 14 is being amended so as to require orders committing neglected children to the permanent care and custody of the Superintendent of Child Welfare (thereby making the child a permanent ward of the Government) to be made by the district court not the Juvenile Court. Other amendments are made to make relating provisions consistent with this change or to remove uncertainties created as a result of the main amendments. Other minor amendments are also made.

2. (a) Section 9(j) presently reads:

"9. In this Part,

- (j) "nursery" means a house or other building or part of a building where four or more children of six years of age or under are kept for compensation; "

(b) Section 9, clause (u) presently reads:

"9. In this Part,

.....

(u) "ward of the Government" means

- (i) a child who by order of a judge has been committed temporarily or permanently to the care and custody of the Superintendent,
- (ii) an immigrant child as defined in this Part, and
- (iii) a child surrendered to the Superintendent by indenture, agreement or otherwise."

3. Section 14(1) presently reads:

"14. (1) Where it appears to the judge that the public interest and the interest of a child declared by him to be a neglected child may be best served thereby, the judge may make any one of the following orders:

- (a) that the case be adjourned sine die, and that the child be returned to his parent or guardian or other person in whose charge he may be subject to the direction of the judge;
- (b) that the child be temporarily committed to the care and custody of the Superintendent for such specified period not exceeding twelve months as in the circumstances of the case the judge deems necessary; or
- (c) that the child be committed permanently to the care and custody of the Superintendent."

4. This is the main amendment to which the preceding amendments relate.

BILL

No. 76 of 1960

An Act to amend The Child Welfare Act

(Assented to _____, 1960)

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

1. *The Child Welfare Act*, being chapter 39 of the Revised Statutes, is hereby amended.

2. Section 9 is amended

(a) by striking out clause (*j*) and by substituting the following:

(*j*) "nursery" means any play school, day nursery, nursery school, kindergarten, boarding nursery or home, other than a kindergarten established under section 395 of *The School Act*, where, whether for compensation or not, four or more children may be left by their parents or guardians for supervision or care during the day or for longer periods;

(b) as to clause (*u*), subclause (i), by adding after the word "judge" the words "of the Juvenile Court or district court, as the case may be".

3. Section 14, subsection (1) is amended

(a) by adding at the end of clause (*a*) the word "or",

(b) by striking out the word "or" at the end of clause (*b*),

(c) by striking out clause (*c*).

4. The following section is added immediately after section 14:

14a. (1) In this section "judge" means a judge of a district court.

(2) Where a child has been declared a neglected child and committed to the temporary care and custody of the Superintendent, or where the Superintendent is of the opinion that a child is a neglected child and should be made a permanent ward of the Government, the Superintendent or any person authorized by him in writing may apply to a judge upon such notice to the parent or guardian of the child as a judge may direct, for an order committing the

5. Section 16(1) presently reads:

"16. (1) Within thirty days from the making of an order under this Part by a judge, a parent, guardian or other person in whose charge the child may have been, or the Superintendent may appeal to a judge of the Supreme Court by filing with the clerk or deputy clerk of the court of the judicial district or sub-judicial district in which the order was made a notice of appeal setting out the particulars of the order appealed from and the grounds for the appeal."

6. This section is amended (a) for clarification and (b) to refer to the two means by which permanent wardships are made. Section 22 presently reads:

"22. When a neglected child is made a permanent ward of the Government, the Superintendent shall be made the legal guardian of the person of the child."

7. Section 23 is amended for clarification and to refer to the two means of making children permanent wards of the Government.

8. Section 74(1) relating to a petition for an order of adoption is amended to provide uniformity of language with section 80 which sets out matters to be considered by the judge in granting the order of adoption. Section 74(1) presently reads:

"74. (1) The petition shall be supported by affidavit or affidavits, which shall disclose,

- (a) with regard to the child to be adopted,
 - (i) the name, age, sex, place of residence since birth and parentage,
 - (ii) the religious denomination of the child's parents, or where the child is illegitimate, the religious denomination of the mother, and
 - (iii) if the child has a guardian other than its parents or the Superintendent, the religious denomination of the guardian, so far as known,
- (b) the age, religious denomination, address, marital status, and occupation of each petitioner and the relationship, if any, of the proposed adopter to the child, and
- (c) the name, age, sex, address and occupation of each natural or adopted child of the proposed adopter."

9. This Act would be effective on May 1st, 1960.

child to the permanent care and custody of the Superintendent.

(3) Where upon the hearing of an application under this section the judge finds that the child is a neglected child and the judge is of the opinion that it is in the best interests of the child to do so, the judge may make an order that the child be committed permanently to the care and custody of the Superintendent.

(4) Upon the hearing of an application under this section, the judge may, in lieu of making an order under subsection (3), make any order or give any direction that a judge of a Juvenile Court may make or give under section 14.

5. Section 16, subsection (1) is amended by striking out the words "by a judge" and by substituting the words "by a judge of the district court or the Juvenile Court, as the case may be, hereinafter in this section referred to as "judge".

6. Section 22 is struck out and the following substituted:

22. When a neglected child is committed permanently to the care and custody of the Superintendent by an order under section 14a or by a surrender of custody under section 51, the Superintendent thereupon becomes the sole guardian of the person of the child.

7. Section 23 is amended by striking out the words "judge's order otherwise specified" and by substituting the words "order or surrender of custody instrument specifies an earlier age for the termination of the guardianship".

8. Section 74, subsection (1) is amended by striking out the words "religious denomination" wherever they occur and by substituting the word "religion".

9. This Act comes into force on the first day of May, 1960.

No. 76

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Child Welfare
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. JORGENSEN
