

No. 47

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 47

A Bill to amend The Domestic Relations Act

HON. MR. MANNING

Explanatory Note

2. (a) Subsection (2a) is amended to clarify its intent. It reads as follows:

“(2a) Where a married woman has not been deserted by her husband, if she has the care and custody of their children she may apply to a magistrate for an order for maintenance restricted to the maintenance of the children, and the application may be dealt with in every other respect as an application under subsection (2) by a deserted wife.”.

(2b) Subsection (2b) will permit the magistrate to make maintenance orders on behalf of the children where the wife is held not to be a deserted wife within the meaning of the Act.

(2c) Subsection (2c) will permit the magistrate to make a maintenance order on behalf of the children of a divorced husband and wife.

BILL

No. 47 of 1961

An Act to amend The Domestic Relations Act

(Assented to _____, 1961)

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

1. *The Domestic Relations Act*, being chapter 89 of the Revised Statutes, is hereby amended.

2. Section 27 is amended

- (a) as to subsection (2a) by striking out the words "has the care and custody of their children" and by substituting the words "has their children in her care",
- (b) by adding immediately after subsection (2a) the following subsections:

(2b) Where a married woman makes an application for herself and children under subsection (2) and it is held that she is not a deserted wife, the court may make an order for maintenance restricted to the maintenance of the children.

(2c) Where a divorced woman has in her care or custody legitimate children of herself and her divorced husband and there is no order of the court for maintenance of the children, she may apply to a magistrate for an order for maintenance restricted to the maintenance of the children and the application may be dealt with in every respect as an application under subsection (2) by a deserted wife.

3. This Act comes into force on the day upon which it is assented to.

No. 47

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act to amend The Domestic
Relations Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING
