

No. 72

5th Session, 14th Legislature, Alberta
11 Elizabeth II

BILL 72

A Bill to amend The Child Welfare Act

HON. MR. HALMRAST

Explanatory Note

2. Section 3, which is revised, presently reads:

"3. Subject to The Public Service Act, the Lieutenant Governor in Council may appoint a Superintendent of Child Welfare, a Deputy Superintendent of Child Welfare, a psychiatrist and such child welfare workers or other officers or clerks as are necessary for carrying out the provisions of this Act."

3. Section 5, clauses (d) and (j) presently read:

"5. The Commission shall

-
- (d) keep careful and accurate records of foster homes approved by it,
- (j) supervise immigrant children as defined in this Act and secure the enrolment of such children as wards of the Government, and also provide for visits to and inspection of places, homes, shelters or institutions in which such children are cared for or employed,".

4. A new section is added prohibiting the disclosure of information of a personal nature obtained by child welfare workers.

BILL

No. 72 of 1963

An Act to amend The Child Welfare Act

(Assented to _____, 1963)

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 3 is struck out and the following section is substituted:

3. (1) Subject to *The Public Service Act, 1962*, there may be appointed a Superintendent of Child Welfare and such employees as are necessary for carrying out the provisions of this Act.

(2) The Minister may appoint any employee a child welfare worker for the purposes of this Act.

3. Section 5 is amended

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

(d) arrange for the keeping of careful and accurate records of foster homes in which wards of the Government are maintained,

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

(j) supervise immigrant children, as defined in section 9, and provide for visits to and inspections of places, homes, shelters or institutions in which such children are cared for or employed.

4. The following new section is added immediately after section 5:

6. (1) In the public interest, any file, document or paper kept by any person in any place,

(a) that deals with the personal history or record of a child or an adult, and

(b) that has come into existence through any thing done under or pursuant to this Act,

5. (a) The definition of "child welfare worker" is revised.
 Clause (c) presently reads:

"9. In this Part,

.....

"(c) "child welfare worker" means an official appointed by the Lieutenant Governor in Council or by a municipality to carry on child welfare work in the Province, or in the municipality, as the case may be;"

(b) The definition of "neglected child" is revised. Section 9, clause (i) presently reads:

"(i) "neglected child" means

- (i) a child who is abandoned or deserted by his parents or only living parent, or who is deserted by one parent and whose other parent is unable to maintain him,
- (ii) a child whose parents, only living parent or other person in whose charge he may be, cannot, by reason of disease, misfortune or infirmity, properly care for him,
- (iii) a child whose home, by reason of neglect, cruelty or depravity on the part of his parents or other person in whose charge he may be, is an unfit and improper place for him,
- (iv) a child found living or associating with a thief, drunkard, vagrant, prostitute or other dissolute person not his parent, or living in or frequenting a house of ill-fame,
- (v) a child found begging or receiving alms in a public place or carrying on a street trade contrary to this Part, or loitering in a public place after nine o'clock in the evening,

shall not, without the written consent of the Minister, be disclosed to any person other than an employee in the Minister's Department or a solicitor acting on behalf of any of them in matters under this Act.

(2) A person appointed under section 3, 4 or 10 shall not disclose or be compelled to disclose any information obtained by him in the course of the performance of his duties under this Act,

- (a) except at a trial, hearing or proceeding under this Act, and
- (b) in any other case, except upon the written consent of the Minister.

5. Section 9 is amended

- (a) by striking out clause (c) and by substituting the following:

- (c) "child welfare worker" means a person appointed under section 3 or section 10 as a child welfare worker;

- (b) by striking out clause (i) and by substituting the following:

- (i) "neglected child" means a child in need of protection and without restricting the generality of the foregoing includes any child who is within one or more of the following descriptions:

- (i) a child who is abandoned or deserted by his parents or who is deserted by one parent and whose other parent is unable to maintain him or who is an orphan and who is not being properly cared for;
 - (ii) a child whose parents, or other person in whose charge he may be, cannot, by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof, care properly for him;
 - (iii) a child whose home, by reason of neglect, cruelty or depravity on the part of his parents, or other person in whose charge he may be, is an unfit and improper place for him;
 - (iv) a child found living or associating with a thief, drunkard, vagrant or other dissolute person, not his parent, or living in or frequenting a house of ill-fame;
 - (v) a child who is found begging in any street, house or place of public resort, whether actually begging or under pretext of selling or offering any thing for sale or is found loitering in a public place after ten o'clock in the evening;

- (vi) a child who is growing up without salutary parental control or under circumstances tending to make him idle or dissolute,
- (vii) a child who without sufficient cause habitually absents himself from his home,
- (viii) a child born out of wedlock whose mother is unable to maintain him or is unfit or refuses to care for him properly,
- (ix) a child whose parents neglect or refuse to provide or secure proper medical, surgical or remedial care or treatment necessary for his health or well-being, or who refuses to permit such care or treatment to be supplied to the child when ordered by competent authority,
- (x) a child who is not being properly cared for,
- (xi) a child who by reason of ill-treatment, cruelty, continual personal injury, grave misconduct or frequent intemperance by or of either of his parents or other person in whose charge he may be, is in danger of loss of life, health or morality,
- (xii) a child who is under no proper guardianship or who has no parent capable of exercising and willing to exercise proper parental control over the child,
- (xiii) a child who is found peddling or selling newspapers or other articles for hire or reward on a street or public place at any time during the day or night, and who is
 - (A) a female,
 - (B) a male under the age of twelve years, or
 - (C) a male twelve years of age or over and under fourteen years of age who is so peddling or selling without the written consent of his parents,
- (xiv) a child who, being under sixteen years of age, is habitually employed anywhere between the hours of nine o'clock p.m. of one day and eight o'clock a.m. of the following day, or is found sleeping at night in barns or outhouses or in the open air,
- (xv) a child who frequents or visits a place where any gambling device is or is believed to be operated, or a place that exists, or where his presence is permitted, in violation of law, or
- (xvi) a child who, being over the age of seven years and under the age of fifteen years, fails without reasonable excuse to attend a public school regularly and is not being educated otherwise in a manner equal to the standard of the public schools of the Province;"

- (vi) a child who is misdemeanant by reason of the inadequacy of the control exercised by the person in whose charge he is, or who is being allowed to grow up without salutary parental control or under circumstances tending to make him idle or dissolute;
- (vii) a child who without sufficient cause habitually absents himself from his home;
- (viii) a child born out of wedlock whose mother is unfit or refuses to care for him properly, or is unable to maintain him;
- (ix) a child born out of wedlock whose mother consents to him being brought before the court for the purpose of transferring his guardianship to the Superintendent;
- (x) a child whose parents neglect or refuse to provide or secure proper medical, surgical or other remedial care or treatment necessary for his health or well-being, or who refuse to permit such care and treatment to be supplied to the child when ordered by competent authority;
- (xi) a child who is not being properly cared for;
- (xii) a child who by reason of ill-treatment, cruelty, continual personal injury, grave misconduct or frequent intemperance by or of either of his parents or other person in whose charge he may be, is in danger of loss of life, health or morality;
- (xiii) a child who is not under proper guardianship or who has no parent
 - (A) capable of exercising, or
 - (B) willing to exercise, or
 - (C) capable of exercising and willing to exercise proper parental control over the child;
- (xiv) a child whose proper physical, mental, moral or emotional development is endangered by ill-treatment, indifference or neglect or from grave misconduct of the parents or other person in whose charge he may be;
- (xv) a child, who, being under sixteen years of age, is habitually employed anywhere between the hours of nine o'clock p.m. of one day and eight o'clock a.m. of the following day, or who is found sleeping at night in other than proper housing accommodation, or without proper adult supervision, or who is found wandering about at late

6. Section 11 presently reads:

- "11. Child welfare workers appointed under this Part
- (a) are subject to the direction and supervision of the Commission,
 - (b) shall perform such duties as may be assigned to them, and
 - (c) shall carry out the provisions of any rules or regulations made under this Part."

7. Section 12 is revised. Section 12 presently reads:

"12. A child welfare worker appointed under section 10, or a constable, policewoman, school attendance officer or the Superintendent, or a person duly authorized in writing by the Superintendent, may apprehend without warrant, and bring to a shelter or observation home pending the disposition of his case, a child that, on reasonable or probable grounds, he believes to be a neglected child."

8. (a) Section 13 sets out the procedure for bringing a child before a magistrate to determine whether he is a neglected child. Subsection (2) of section 13 presently reads:

"(2) The person apprehending a child shall make a written report to the Commission setting out the circumstances of the case and the time and place for investigating the facts, and the person apprehending the child may permit the child to be returned, pending the making of the written report and the investigation, to his parents or either of them, or guardian, or other person in whose care the child may have been."

(b) Subsection (6) presently reads:

"(6) The evidence of each witness shall be taken under oath, and the judge shall cause the same to be taken down in writing and signed by the witness in the same manner as if the same were a preliminary inquiry before a justice of the peace under Part XV of the Criminal Code."

(c) Authority is given to accept evidence by affidavit and certificates.

- hours and not having any home or settled place of abode, or proper guardianship;
- (xvi) a child who frequents or visits a place where any gambling device is or is believed to be operated, or a place that exists in contravention of the law or a place where his presence is permitted in contravention of law;
 - (xvii) a child who, being over the age of seven years and under the age of fifteen years, fails without reasonable excuse to attend a public school regularly and is not being educated otherwise in a manner equal to the standard of the public schools of the Province;
 - (xviii) a child who is being cared for by and at the expense of an institution or nursery or a person other than his parents and in circumstances which indicate that his parents are not performing their parental duties toward him;

6. Section 11 is amended by adding the following clause after clause (a) :

- (a1) shall follow or use any procedures, forms or processes laid down by the Commission for the carrying out of their duties or directions given them under this Part,

7. Section 12 is struck out and the following section is substituted :

12. A child welfare worker, a peace officer, the Superintendent, and any person specifically authorized in writing by the Superintendent, may apprehend without a warrant and bring to a shelter or observation home pending the disposition of his case, a child that on reasonable and probable grounds he believes to be a neglected child.

8. Section 13 is amended

- (a) as to subsection (2) by adding immediately after the word "Commission" the words ", on a form provided by the Commission,"
- (b) as to subsection (6) by adding immediately at the end thereof the words "or shall cause the evidence of all witnesses to be taken down in shorthand and transcribed",
- (c) by adding the following subsection after subsection (7) :

(d) Copies of evidence to be given to the Superintendent of Child Welfare.

9. (a) Section 14, subsection (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 for not longer than twelve months from the date of the order and that the child in the interim be returned to his parents or guardian or other person having actual custody of the child at the time of apprehension subject to inspection and supervision by the Superintendent, or
- (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."

(b) Subsection (2) is amended to allow a case to be returned before a judge other than the one originally hearing the case.

(c) The new subsection (2a) is intended to make it clear that evidence previously received can be used in later proceedings in the same or other courts.

10. Section 14a which provides for permanent wardship orders is amended for the reasons given in the note to subclause (c) of clause 9 of this Bill.

(7a) The judge may in his discretion accept evidence by affidavit and shall accept a certificate purporting to be signed by the head officer of a mental hospital or a penal institution as *prima facie* proof of the detention and the cause of detention of any person in the hospital or institution.

- (d) by adding the following subsection after subsection (10) :

(10a) The judge shall cause a copy of any statement or transcript of evidence made pursuant to subsection (6) to be delivered to the Superintendent.

9. Section 14 is amended

- (a) as to subsection (1), clause (a) by adding immediately after the word "Superintendent" the words "or a municipal child welfare worker specifically designated under section 11 to accept such supervision",

- (b) as to subsection (2) by striking out the words "before the judge" where they occur in clauses (a) and (b) and by substituting the words "before a judge",

- (c) by adding the following subsection after subsection (2) :

(2a) The statements or transcript of the evidence taken at a prior hearing and any documents received in evidence at that hearing and the order of the committal made after that hearing are admissible in evidence in an inquiry under this section without proof or upon such proof as the judge may require.

10. Section 14a is amended by adding the following subsection after subsection (2b) :

(2c) The statements or transcript of the evidence taken at a prior hearing and any documents received in evidence at that hearing and the order of committal made after that hearing are admissible in evidence in a hearing under this section without proof or upon such proof as the judge may require.

11. Section 14b, subsection (3) presently reads:

"(3) An order made under this section may be enforced in the same manner as an order made under The Alimony Orders Enforcement Act."

The proceedings are transferred from the district court to the juvenile court.

12. A new section authorizes recognition of wardship orders of other provinces.

13. Section 48 is revised for greater clarity of meaning. The section presently reads:

"48. Notwithstanding the provisions of section 23, the Lieutenant Governor in Council may at any time by order, either absolutely or upon such conditions as are deemed necessary and set forth in the order, discharge a child from the care and custody of the Superintendent or of any person to whom such child has been committed under this Act."

14. Sections 51 and 52 presently read:

"51. A parent of any age who by instrument in writing approved by the Commission has surrendered the custody of a child to the Superintendent or to any other person is not thereafter entitled, contrary to the terms of the instrument, to the custody of or control or authority over any right to interfere with the child.

11. Section 14*b* is amended by striking out subsection (3) and by substituting the following:

(3) For the purpose of enforcing an order made under this section, a judge of the juvenile court, on the application of the Superintendent or a person acting on his behalf, may issue a summons to any person against whom the order was made, and subsections (2) and (3) of section 3 and of sections 4 to 14 of *The Alimony Orders Enforcement Act* apply *mutatis mutandis*, to the proceedings.

12. The following new section is added immediately after section 42:

43. (1) Where, by an order of a court in any other province or territory of Canada or in any state or country, full parental rights and responsibilities in respect of a child have been absolutely and for all purposes legally vested in any person, organization, province or legal representative thereof, other than a parent of the child, the order has the same force and effect in Alberta as if it had been made under this Act.

(2) Any statement, consent or declaration made by anyone in whom parental rights and responsibilities have been vested as mentioned in subsection (1) have the same force and effect as it would have had if made by the parent or parents of the child.

13. Section 48 is struck out and the following section is substituted:

48. Where, pursuant to this Act, a child has been committed to the care and custody of the Superintendent or any other person, the Lieutenant Governor in Council may

(a) at any time before an order of adoption in respect of that child is made, and

(b) either absolutely or upon such conditions as are set forth in his order,

discharge the child from the care and custody of the Superintendent or other person.

14. Sections 51 and 52 are struck out and the following sections are substituted:

51. (1) Where a parent, by instrument in writing approved by the Commission, surrenders custody of a child to the Superintendent for the purposes of adoption, the parent is not thereafter entitled, contrary to the terms of the instrument, to the custody of or the control or authority over or any right to interfere with the child.

52. (1) Except upon the order of a district court judge, no parent shall surrender the custody of his child and no person shall accept the custody of that child without having first obtained the approval in writing of the Commission, and a surrender without such approval is null and void.

(2) A parent or person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not less than twenty dollars and not more than two hundred dollars, and in default of payment to a term of imprisonment of not more than three months."

15. Section 67, subsection (1) reads:

"67. (1) No owner or publisher of a newspaper or magazine published in Alberta shall accept for publication or shall publish an advertisement dealing with the adoption of a child."

16. "Child" is defined for the purposes of Part II dealing with the adoption of children.

17. Section 76 requires that consent to an adoption be given by the child's guardian. The proposed new subsections will authorize the use of consents given in other provinces.

(2) Where a parent, by instrument in writing approved by the Commission, surrenders custody of a child to a person other than the Superintendent for the purposes of adoption, the parent, notwithstanding that he may be a legal guardian of the child, is not thereafter entitled, contrary to the terms of the instrument, to the custody of or the control or authority over or any right to interfere with the child.

(3) A surrender of custody of a child given by a parent who is under twenty-one years of age is as valid and binding as if the parent had attained the age of twenty-one.

(4) An instrument mentioned in subsection (2) ceases to have any effect if the person who obtained the custody of the child is refused an order of adoption.

52. (1) A person who surrenders the custody of a child to another person for the purposes of adoption shall notify the Commission of the surrender of custody.

(2) A person who receives the custody of a child from another person for the purposes of adoption shall notify the Commission of the receipt of custody.

(3) A person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars and in default of payment to imprisonment for a term not exceeding ninety days.

15. Section 67 is amended by adding the following subsection after subsection (2) :

(3) Subsection (1) does not apply to the publication of a notice pursuant to an order of a judge.

16. Section 72 is amended by adding the following clause after clause (a) :

(a1) "child" means an unmarried boy or girl under twenty-one years of age;

17. Section 76 is amended by adding the following subsections after subsection (3) :

(4) A consent to an adoption executed in any province or territory in Canada in a form prescribed for consents in that province or territory is as good and sufficient as if it had been executed in the form prescribed under this Act.

(5) A consent sworn outside Alberta before a commissioner for oaths is as good and sufficient as if it had been sworn before a notary public.

18. Section 90 is revised. The section presently reads:

"90. (1) The order of adoption together with the material used on the petition shall be filed in the office of the clerk, and the clerk shall forward a copy of the order certified by the judge to the Deputy Registrar-General of Vital Statistics, who shall record the same and make the changes in his records required by the order of adoption.

(2) The order of adoption, the petition, the material filed and the recorded proceedings in relation thereto shall not be made public or disclosed to any person save upon the order of a judge.

(3) The order of adoption, the petition, the material filed and the record of proceedings in relation thereto shall be kept by the clerk in a sealed packet and all papers in the custody of the Commission relating to the adopted child shall be kept by the Commission in a sealed packet, and neither packet shall be opened save upon the order of a judge.

(4) Notwithstanding anything to the contrary in The Vital Statistics Act, orders of adoption and original birth registration of all adopted children shall be kept by the Deputy Registrar-General of Vital Statistics in a special register and no person is entitled to have the special register or an entry therein searched or to obtain a certified extract therefrom save upon the order of a judge.

(5) Notwithstanding subsection (4), the Deputy Registrar-General may refer to the special register for the purpose of preparing a birth certificate requested by an adopted child or either of the adopters, which birth certificate shall be in the name given to the said adopted child by the order of adoption.

(6) Notwithstanding subsection (4), the Deputy Registrar of Vital Statistics shall, upon the request of an issuer, clergyman or marriage commissioner, within the meaning of The Solemnization of Marriage Act, refer to the special register for the purpose of determining, when one of the parties to proposed marriage is an adopted child, whether the parties are within the forbidden degrees of consanguinity."

The duties and responsibilities of the Director of Vital Statistics are more fully set out in section 10 of The Vital Statistics Act, 1959.

19. Section 98, subsection (4) presently reads:

"(4) Where any proceedings are instituted under this Part by a person other than the Superintendent or a person authorized by the Commission, the person instituting the proceedings shall give notice thereof to the Commission, and the Superintendent or a person authorized by the Commission has the right in such proceedings to appear and intervene and be heard in person or by counsel."

This Part of the Act deals with children of unmarried parents. Section 3 provides for the appointment of child welfare workers.

18. Section 90 is struck out and the following section is substituted:

90. (1) Except as authorized by this section,

- (a) an order of adoption, the petition, the material filed and the record of proceedings in relation thereto,
- (b) the file of the Commission in relation to an adoption, or a microfilm thereof, and any information contained therein, and
- (c) the special register maintained by the Director of Vital Statistics pursuant to *The Vital Statistics Act, 1959* and any entry or information contained therein,

shall not be made public or disclosed to any person save upon the order of a judge or of the Minister.

(2) The order of adoption and the material used on the petition, shall be filed with the clerk of the court who shall place them, together with the petition and the record of proceedings, in a sealed packet which shall not be opened save upon the order of a judge.

(3) The clerk shall transmit a certified copy of every order of adoption to the Director of Vital Statistics who shall keep it in the special register.

(4) The Director of Vital Statistics may refer to the special register

- (a) for the purpose of preparing a birth certificate requested by an adopted child or either of the adopters, and
- (b) upon the request of an issuer, clergyman or marriage commissioner, within the meaning of *The Solemnization of Marriage Act*, for the purpose of determining, when one of the parties to a proposed marriage is an adopted child, whether the parties are within the forbidden degrees of consanguinity.

(5) The Commission shall arrange for the microfilming of its adoption files and for the safekeeping of the microfilm.

19. Section 98, subsection (4) is amended by adding immediately after the words "Commission, and the Superintendent" the words and figure "or a child welfare worker appointed under section 3".

20. Section 99 presently reads:

"99. No affiliation order shall be made upon a complaint under this Part unless the complaint is made within the lifetime of the putative father and

- (a) within the twelve months next after the birth of the child,
- (b) within the twelve months next after the doing of an act, on the part of the putative father, that could reasonably be regarded as an acknowledgment of paternity, or
- (c) within twelve months after the return to the Province of the putative father where he was absent from the Province at the expiration of the period of twelve months from the birth of the child."

The section is amended to make it consistent with preceding sections which authorize the lodging of the complaint before the child is born. The present wording of clause (a) suggests that it cannot be lodged until after the child is born.

21. Section 104 presently reads:

"104. (1) Where an affiliation order has been made under this Part, then upon the application from time to time of the Superintendent, or a person appointed by the Commission, or either parent of the child, or the child, or a person entitled to make a complaint in respect of the child under this Part, and upon proof

- (a) that there has been a substantial alteration in respect of
 - (i) the means of either parent,
 - (ii) the needs of the child, or
 - (iii) the cost of living since the making of the affiliation order or the latest subsequent order varying it,
 or
 - (b) that the declared father is, owing to the terms of the order, unable to provide the proper subsistence for his wife and legitimate children, if any, and for the education of the latter,
- a judge may vary the original or subsequent order so made.
- (2) An order under this Part for the payment of money for the maintenance and education of a child terminates
- (a) on the death or adoption of the child, or
 - (b) subject to subsection (3), on the marriage of the mother where she retains the child in her custody.
- (3) Before an order terminates under clause (b) of subsection (2), the Superintendent may apply to a judge for the continuation of the order after the marriage of the mother, and the judge, if he considers it to be in the best interests of the child, may so order."

22. Section 110, subsection (3) presently reads:

"(3) The Commission shall ensure that the moneys collected under an affiliation order are paid out and applied for the purposes specified in the order and where moneys for the maintenance and education of a child are collected in other than equal monthly sums, shall cause the moneys to be paid out in such monthly sums as the Commission considers reasonable."

23. Section 112, subsection (3) presently reads:

"(3) After the death of the declared father no action or other proceeding shall be taken on the affiliation order without the leave of a judge, and the judge, before granting leave, shall direct that notice be given to the widow and legitimate children of the declared father."

20. Section 99 is amended by striking out clause (a) and by substituting the following:

- (a) not later than twelve months after the birth of the child, or

21. Section 104 is amended

- (a) as to subsection (2), clause (b) by striking out the words and figure "subject to subsection (3),",
- (b) by striking out subsection (3) and by substituting the following:

(3) An application may be made to a judge,
 (a) before the marriage of the mother, for the continuation of the order after the marriage, or
 (b) after the marriage of the mother, for the reinstatement of the order,
 and notwithstanding subsection (2), the judge, if he considers it to be in the best interests of the child, may so order.

(4) An application under subsection (3) may be made by any of the persons mentioned in subsection (1).

(5) Subsection (2) does not apply to an order made under subsection (7) of section 101.

22. Section 110 is amended by striking out subsection (3) and by substituting the following:

(3) The Commission shall ensure that the moneys collected under an affiliation order are paid out and applied for the purposes specified in the order, but

- (a) the Commission may cause any such moneys to be paid out in such amounts and at such times as the Commission considers reasonable, and
- (b) where any public funds have been or are being spent on any of the expenses mentioned in subsection (1) of section 101, the Commission may pay into the General Revenue Fund a like amount collected under the affiliation order.

23. Section 112, subsection (3) is amended by adding immediately at the end thereof the words "except those children who are under the care of and living with the widow".

24. (a) Section 114, subsection (1) presently reads:

"114. (1) Where a putative father admits the paternity or possible paternity of a child and makes an acceptable offer to pay all or any of the payments mentioned in subsection (1) of section 101, he may enter into an agreement therefor

(a) with the Superintendent, or

(b) with the Superintendent and the mother of the child."

(b) Subsection (2) presently reads:

"(2) The agreement shall contain an admission of paternity or possible paternity and has the same force and effect as if its terms were contained in an affiliation order and the agreement may be enforced or varied in the same way as an affiliation order."

25. Commencement of Act.

24. Section 114 is amended

- (a) as to subsection (1) by adding immediately after the words “offer to pay” the words “to the Commission”,
- (b) as to subsection (2) by adding immediately at the end thereof the words and figures “and section 104 applies to the agreement as if it were an order”.

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

No. 72

FIFTH SESSION
FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The Child
Welfare Act

Received and read the

First time

Second time

Third Time

HON. MR. HALMRAST
