

No. 15

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 15

A Bill to amend The Family Court Act

HON. MR. MANNING

Explanatory Note

- 1.** This Bill will amend chapter 108 of the Revised Statutes.
- 2.** The definition of "judge" is revised to conform to the amendments being made to section 3 of the Act.

3. Section 3, subsection (1) presently reads:

3. (1) The Lieutenant Governor in Council by order may
 - (a) establish a Family Court in a municipality or area within the Province to be known as The Family Court of the municipality or area concerned, and
 - (b) appoint one or more judges of the Family Court of a municipality or other area.

The jurisdiction of Family Court judges is enlarged so as to enable them to deal more effectively with cases when one of the parties resides outside the municipality for which the Court was mainly established.

- 4.** Section 6, subsection (1) is amended to conform to the amendment of section 3.

5. Three new sections are added

- (a) to enable a welfare worker to make the application on behalf of a wife or children,
- (b) to authorize a Family Court to order interim maintenance, and
- (c) to authorize consent orders.

BILL

No. 15 of 1966

An Act to amend The Family Court Act

(Assented to _____, 1966)

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

1. *The Family Court Act* is hereby amended.
2. Section 2 is amended by striking out clause (a) and by substituting the following:
 - (a) "judge" means a judge of a Family Court appointed pursuant to this Act;
3. Section 3 is amended
 - (a) as to subsection (1) by striking out clause (b),
 - (b) by adding the following subsection after subsection (1):
 - (1a) The Lieutenant Governor in Council may appoint a magistrate as a judge of the Family Court of a municipality or area, with jurisdiction in every part of the Province.
4. Section 6, subsection (1) is amended by striking out the words "having jurisdiction where the person ordered to pay the alimony or maintenance resides,".
5. The following sections are added after section 6:
 7. (1) Where a wife is receiving economic assistance
 - (a) from the Province, or
 - (b) from a municipality in the Province,in respect of herself or a dependent child, any application that she can make to a Family Court in respect of a maintenance order may be made on behalf of her or the child by a welfare worker of the Province or the municipality, as the case may be.
 - (2) On an application authorized under subsection (1), all proceedings shall be conducted in the same manner and to the same effect as if the application in respect of maintenance were made by the wife.

6. Commencement of Act.

8. (1) On an application by a husband for an adjournment of a hearing, the judge may, as a condition of granting the adjournment, order the husband to pay to the wife such sum as the judge considers proper for the support of the wife and the children, if any, during the period of adjournment.

(2) An order under subsection (1) may order payment to be made in a lump sum or by instalments.

9. (1) Where the parties to an application for maintenance

(a) are in agreement respecting the matters in question, and

(b) consent to an order on the terms agreed upon, the judge in his discretion may make the order without holding a hearing.

(2) An order made pursuant to subsection (1) is of the same force and effect as an order made after a hearing.

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

No. 15

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The Family
Court Act

Received and read the

First time

Second time

Third time

HON. MR. MANNING
