

1967 Bill 36

Fifth Session, 15th Legislature, 15 Elizabeth II

THE LEGISLATIVE ASSEMBLY ~~OF~~ ALBERTA

BILL 36

An Act to amend The Family Court Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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An Act to amend The Family Court Act

(Assented to _____, 1967)

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. The following sections are added after section 9:

10. (1) Where

(a) the parents of a child are in fact living apart from one another, and

(b) there is a dispute as to the custody of or access to the child,

a judge may, on an application therefor, make such order as he sees fit regarding

(c) the custody of the child, and

(d) the right of access to the child,

by either parent or any other person, having regard to the best interests of the child.

(2) The application for an order may be made

(a) by either parent of the child, or

(b) by the child, who may apply with or without any person interested on his behalf.

(3) An applicant for an order shall

(a) apply in person to the clerk of the Family Court, and

(b) file with the clerk a supporting affidavit setting out the material facts,

and upon being satisfied there may be reasonable grounds for the making of an order, the clerk shall summons all interested parties to the application to appear at the hearing of the application before the Family Court.

(4) Where a parent or other interested party

(a) has been served with a copy of the summons, and

(b) fails to attend as required by the summons,

an order may be made in his absence.

Explanatory Notes

1. This Bill amends chapter 108 of the Revised Statutes.

2. A new section 10 is added allowing Family Courts to make custody orders. A new section 11 allows Family Courts to hold hearings in private where it is considered advisable. Appeals to the district court are provided for under a new section 12.

(5) The applicant and all persons whom the judge thinks proper may be examined on oath touching the matters in issue.

(6) A judge

(a) upon application therefor, and

(b) upon reasonable notice to the interested parties, may review an order made under this section and may confirm, vary or discharge the order.

(7) Any person who contravenes any provision as to custody or right of access in an order made under this section is guilty of an offence and liable on summary conviction to a fine of not more than \$100 or to imprisonment for a term not exceeding four months, or to both fine and imprisonment.

(8) To the extent that an order made under this section is in variance with an order of the Supreme Court or a district court, the order under this section is void.

11. Any case arising under this Act may, in the discretion of the judge, be heard in private.

12. A party to proceedings under this Act who is dissatisfied with an order or refusal to make an order may appeal to the district court and the provisions of section 27 of *The Domestic Relations Act* relating to appeals applies *mutatis mutandis* thereto.

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

