

1968 Bill 73

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First Session, 16th Legislature, 17 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 73**

**An Act to amend The Child Welfare Act, 1966**

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THE MINISTER OF PUBLIC WELFARE

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 73

1968

An Act to amend The Child Welfare Act, 1966

(Assented to \_\_\_\_\_, 1968)

**H**ER 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, 1966* is hereby amended.
2. Section 2 is amended by striking out clause (a) and by substituting the following:
  - (a) "child welfare worker" means a child welfare worker designated under section 8 or appointed under section 93;
3. Section 8 is struck out and the following section is substituted:
  8. (1) The Minister may designate any employee or class of employees in the Department as child welfare workers.
  - (2) In improvement districts and special areas, the Director may also designate a member of the Royal Canadian Mounted Police or other responsible official as child welfare worker for any district or area, or part thereof.
  - (3) A certificate purporting to be signed by the Deputy Minister of Public Welfare stating that a person named therein is a child welfare worker for the purpose of this Act, shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or official character of the person signing it.
4. Section 10, clause (a) is amended by adding the word "and" at the end of subclause (ii) and by adding the following subclause after subclause (ii):
  - (iii) any adopted child who, in the opinion of the Commission, qualifies for a maintenance allowance in accordance with the regulations,
5. Section 13 is amended by adding the following subsection after subsection (4):
  - (4a) Nothing in this section prohibits the Director from publishing notice of hearings or other notices as may be necessary in the interests of justice or for the proper administration of this Act.

## **Explanatory Notes**

**1.** This Bill will amend chapter 13 of the Statutes of Alberta, 1966.

**2.** Section 2 (a) presently reads:

(a) "child welfare worker" means a person appointed under this Act as a child welfare worker;

**3.** Section 8 presently reads:

8. (1) The Minister may appoint any employee in the Department a child welfare worker for the purposes of this Act.

(2) In improvement districts and special areas, the Director may also appoint a member of the Royal Canadian Mounted Police or other responsible official as child welfare worker for any district or area, or part thereof.

**4.** Section 10 (a) presently reads:

10. Out of the moneys appropriated by the Legislature for the purpose, the Minister shall pay:

(a) the costs incurred for the maintenance of

(i) a child apprehended under Part 2, while he is detained in custody pending the disposition of his case, and

(ii) a temporary or permanent ward of the Crown, including necessary clothing, transportation and medical, hospital and dental treatment;

.....

**5.** Section 13 (4) presently reads:

(4) No person shall publish in any form or by any means

(a) the name of a child or his parent concerned in any judicial proceedings under this Act, or

(b) an account of the circumstances brought out at such a judicial proceeding.

**6.** Section 18, subsection (1) is amended by striking out the figure “16” and by substituting the figure “15”.

**7.** Section 28 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) Where a child born out of wedlock is made a permanent ward of the Crown under subsection (2) of section 26 and subsequently the parents of the child intermarry the permanent wardship order shall be deemed to have been given with the consent of the father of the child.

**8.** Section 30, subsection (1) is amended by striking out the words “acceptable to the Director,” and by substituting the words “acceptable to the Commission,”.

**9.** Section 48 is amended

- (a) as to subsection (3) by striking out the words “An order’ and by substituting the words “Where the child is not a ward of the Crown, an order”,
- (b) by adding the following subsection after subsection (3):

(4) Where the child is a ward of the Crown, an order of adoption shall not be made unless a petition together with a certificate of approval in the prescribed form, signed by the chairman of the Commission or the Director on behalf of the Commission, is presented to the judge by the Director.

**10.** Section 49 is amended

- (a) as to subsection (1) by striking out clause (c),
- (b) by striking out subsection (2).

**11.** Section 52, subsection (5) is amended by striking out the word “prescribed” wherever it occurs and by substituting the words “in use”.

**12.** Section 54 is amended by striking out subsection (1) and by substituting the following:

**54.** (1) Where the child is a ward of the Crown an order of adoption shall not be made unless the Director certifies

- (a) that the child has been in the custody of the petitioner for at least six months immediately prior to the day of the filing of the petition, or
- (b) that the child has not been in the custody of the petitioner for six months but a six months’ period of custody is dispensed with on either of the following grounds:

**6. An error in cross-reference to another section is corrected.**

**7. Section 28 reads:**

28. No adjudication or order made under this Part with respect to a child shall be quashed or set aside because of any informality or irregularity when it appears that the disposition of the case was in the best interests of the child.

**8. Section 30 (1) presently reads:**

30. (1).Where a parent, by instrument of surrender acceptable to the Director, surrenders custody of a child to the Director 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.

**9. Section 48 (3) presently reads:**

(3) An order of adoption shall not be made unless a petition together with a report of the investigation is presented to the judge by the Director.

**10. Section 49 (1) (c) and (2) read:**

49. (1) A petition shall be supported by affidavit disclosing

.....

(c) the name, date of birth, sex and address of each child of the petitioner.

(2) The petition shall, in respect of the fitness of each petitioner to adopt the child, be further supported by an affidavit or affidavits of persons acceptable to the Director, or by such other material as the Director may require.

**11. Section 52 (5) presently reads:**

(5) 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.

**12. Section 54 (1) presently reads:**

54. (1) Where the child is a ward of the Crown, an order of adoption shall not be made unless the Director, in writing, certifies that the petitioner is in the opinion of the Director a fit and proper person to have the care and custody of the child and, subject to subsection (2), also certifies

(a) that the child has been in the custody of the petitioner for at least one year immediately prior to the day of the filing of the petition, or

(b) that the child has not been in the custody of the petitioner for one year but a one year period of custody is dispensed with on either of the following grounds:

(i) that a period of custody has been partially completed and the petitioner has decided to live outside the Province, or is now living outside the Province, or

(ii) that the petitioner does not live in the Province and will take the child to live outside the Province if the order is granted.

- (i) that a period of custody has been partially completed and the petitioner has decided to live outside the Province, or is now living outside the Province, or
- (ii) that the petitioner does not live in the Province and will take the child to live outside the Province if the order is granted.

**13.** Section 55 is amended by striking out the words "one year" where they occur in clauses (a) and (b) and by substituting the words "six months".

**14.** Section 56 is amended

- (a) as to subsection (1) by adding after the words "Where the" the words "child is not a ward of the Crown and the",
- (b) by adding the following subsection after subsection (1):
  - (1a) Where the child is a ward of the Crown and the judge before whom a petition is brought is satisfied that the requirements of this Part have been complied with, the judge shall make an order of adoption of the child by the petitioner.

**15.** This Act comes into force on July 1, 1968.

**13. Section 55 presently reads:**

55. Where the child is not a ward of the Crown, an order of adoption shall not be made unless the judge is satisfied with the propriety of the adoption having regard to the welfare and interests of the child and

- (a) that the child has lived with the petitioner for at least one year immediately prior to the day of the petition, and that during that period the conduct of the petitioner and the conditions under which the child has lived have been such as to justify the making of the order, or
- (b) that the petitioner is a fit and proper person to have the care and custody of the child, and that it appears desirable in the best interests of the child or for other good and sufficient reason that the one year period of residence or any portion thereof be dispensed with.

**14. Section 56 (1) presently reads:**

56. (1) Where the judge before whom a petition is brought is satisfied

- (a) that the petitioner is able to fulfil the obligations and perform the duties of a parent toward the child, and
  - (b) that the requirements of this Part have been complied with,
- the judge may make an order of adoption of the child by the petitioner.