

1969 Bill 97

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 97

An Act to amend The Family Relief Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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1969

An Act to amend The Family Relief Act

(Assented to _____, 1969)

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

1. *The Family Relief Act* is hereby amended.

2. (1) Section 2 is amended

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

(b) "child" includes

(i) a child of a deceased born after the death of the deceased,

(ii) an illegitimate child of a deceased man who

(A) has acknowledged the paternity of the child, or

(B) has been declared to be the father of the child by an order under *The Maintenance and Recovery Act* or any prior Act providing for affiliation or paternity orders,

and

(iii) an illegitimate child of a deceased woman;

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

(d) "dependant" means

(i) the spouse of the deceased,

(ii) a child of the deceased who is under the age of 21 at the time of the deceased's death, and

(iii) a child of the deceased who is 21 years of age or over at the time of the deceased's death and unable by reason of mental or physical disability to earn a livelihood;

Explanatory Notes

1. This Bill amends chapter 109 of the Revised Statutes.

2. These changes

(a) bring illegitimate children within the definition of “dependant”, thus allowing them to apply, if otherwise eligible and subject to proving paternity, and

(b) increase the age references in respect of child dependants from 19 to 21 and make all spouses, female or male, dependants whether or not their deceased partner died testate or intestate.

Section 2 (b) and (d) presently read:

2. In this Act,

.....

(b) “child” includes

(i) a child lawfully adopted by the deceased, and

(ii) a child of the deceased en ventre sa mere at the date of the deceased's death;

(d) “dependant” means

.....

(ii) a child of the deceased who is under the age of nineteen years at the time of the deceased's death,

(iii) a child of the deceased who is nineteen years of age or over at the time of the deceased's death, and unable by reason of mental or physical disability to earn a livelihood, and

.....

(2) This section does not apply in any case where the application for a grant of probate or administration was made before the commencement of this section.

3. Section 15 is amended by striking out the words “other than illegitimate children or children legally adopted by others,”.

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

3. Section 15 presently reads:

15. Where it appears that at the date of the deceased's death the spouses were living together, and

(a) all the children of the deceased who at the date of the deceased's death were under the age of nineteen years, and

(b) all the children of nineteen years of age or over who by reason of mental or physical disability were unable to earn a livelihood, other than illegitimate children or children legally adopted by others, were living with or being supported by the spouses or either of them, there is no obligation on the guardian, Public Trustee or other person representing a child who is a dependant under this Act, to make an application on behalf of the child, if the guardian, Public Trustee, or other person is satisfied that the child is receiving adequate maintenance and support.