

1972 Bill 84

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First Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 84**

**The Child Welfare Amendment Act, 1972**

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DR. PAPROSKI

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 84

1972

## THE CHILD WELFARE AMENDMENT ACT, 1972

(Assented to \_\_\_\_\_, 1972)

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

1. *The Child Welfare Act is hereby amended.*
2. *Section 10 is amended by adding the following clause after clause (e):*
  - (f) the costs incurred in providing and maintaining special programs designed to meet the particular needs of children on probation.
3. *Section 13, subsection (6) is amended*
  - (a) *by striking out the words "one hundred dollars" and by substituting therefor the figures "\$500", and*
  - (b) *by striking out the words "three months" and by substituting therefor the words "90 days".*
4. *Section 16, subsection (1), clause (a) is amended by adding after the word "shelter" the words "or in a foster home".*
5. *Section 26.1, subsection (4) is amended by adding after the words "Part 4" the words ", except section 59 and section 61, subsection (1),".*
6. *Section 35 is amended by striking out subsection (5) and by substituting therefor the following subsection:*
  - (5) For the purpose of enforcing an order or agreement made under this section a judge of the juvenile court, on the application of
    - (a) the Director, or
    - (b) the Director of Maintenance and Recovery,

## Explanatory Notes

**1.** This Bill will amend chapter 45 of the Revised Statutes of Alberta 1970.

**2.** Provision will be made by this amendment for funding special programs designed to assist the rehabilitation of children on probation.

**3.** The maximum fine for unauthorized disclosure of information will be increased.

**4.** When a neglected child is apprehended this amendment will allow it to be placed immediately in a foster home pending the hearing. Section 16, subsection (1) reads in part:

16. (1) A child apprehended pursuant to section 15 may, pending the disposition of his case,

(a) be taken into custody and detained in a shelter, or

**5.** Section 26.1 (4) reads:

(4) For the purpose of enforcing an order made under subsection (1) a judge of the juvenile court, on the application of

(a) the Director, or

(b) the Director of Maintenance and Recovery,

may issue a summons to any person against whom the order was made, and Part 4 of The Maintenance and Recovery Act applies mutatis mutandis to the proceedings.

**6.** This amendment extends the subsection to include persons required to pay by a court order or who have agreed to pay.

may issue a summons to any person who has been ordered to pay or who has agreed to pay any money and has not paid any or all of the sums payable, and Part 4 of *The Maintenance and Recovery Act*, except section 59 and section 61, subsection (1), applies with all necessary modifications to the proceedings.

7. *The following section is added after section 36:*

**36.1** (1) Where a ward of the Crown has been placed by the Director in an adoptive home or a foster home and the Director considers it in the best interests of the child, the Director may apply to a judge of the district court for an order directing that the child be returned to the Director immediately upon service of a certified copy of the order upon the person who is caring for the child.

(2) A certified copy of an order granted under subsection (1) may be served anywhere in Alberta and the judge may authorize service of it outside Alberta.

8. *The following section is added after section 58:*

**58.1** (1) Where the judge before whom a petition for adoption is brought dismisses the petition for an order of adoption, no further petition under this Part shall be presented to a judge until a period of two years has elapsed from the date of the hearing of the previous adoption petition.

(2) Notwithstanding subsection (1), a judge may permit the filing of a new petition within the two-year period upon being satisfied that the reasons for dismissal of the previous petition no longer exist.

9. *The following Part is added after section 80:*

## **PART 5**

### **SERVICES FOR THE MENTALLY RETARDED**

**81.** In this Part,

- (a) "child" means an unmarried male or female person actually or apparently under 21 years of age;
- (b) "Director" means the Director of Services for the Handicapped appointed pursuant to section 82;
- (c) "home" means any institution, building or other place designated by the Minister as a home for the purpose of this Part.

**82.** In accordance with *The Public Service Act*, there may be appointed a Director of Services for the Handicapped who shall perform such duties as may be assigned to him by the Minister.

**7.** Order to surrender a child back to the Director.

**8.** This amendment limits further petitions where a petition has already been dismissed.

**9.** Self-explanatory.

**83.** The Minister may declare any place which he considers appropriate to be a home for the care of children who are mentally retarded.

**84.** The Director, upon being satisfied that a child is mentally retarded, may accept the child under his care for placement in a home

- (a) if the parent or other person who has actual custody of the child enters into an agreement to that effect with the Director, or
- (b) if the child is a permanent or temporary ward of the Crown pursuant to the provisions of this Act.

**85.** The Minister may make regulations respecting any matter with respect to the carrying out of this Part not specifically provided for in this Part.

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

