

1973 Bill 75

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Second Session, 17th Legislature, 22 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 75**

**The Child Welfare Amendment Act, 1973, (No. 2)**

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THE MINISTER OF HEALTH AND SOCIAL DEVELOPMENT

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First Reading .....

Second Reading .....

Third Reading .....

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## BILL 75

1973

### THE CHILD WELFARE AMENDMENT ACT, 1973 (NO. 2)

(Assented to \_\_\_\_\_, 1973)

**H**ER 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 5, subsection (2), clause (a) is amended by adding at the end thereof the words “and provide guidance, counselling and other services to families for the protection of children”.*

3. *Section 16, subsection (2) is amended by striking out the words “medical superintendent or senior medical officer of the hospital” and by substituting the words “hospital administrator”.*

4. *Section 34 is struck out and the following section is substituted therefor:*

**34.** (1) A parent who surrenders a child by instrument as mentioned in section 30 may state that he has no preference as to what religious denomination or faith the child is to be brought up in, and in that event the placement of the child is not governed by religious denomination or faith.

(2) At the time of surrendering a child by instrument as mentioned in section 30, a parent may state

- (a) that he would prefer the child to be brought up in a specific religious denomination or faith,
- (b) that this statement of preference is binding for a specific time not exceeding six months, and
- (c) that if the child is not placed for the purpose of adoption with a person of the stated religious denomination or faith preferred by the parent within the specified time, it shall be conclusively deemed that the parent made a statement of no preference under subsection (1) at the time of the surrender of the child.

## **Explanatory Notes**

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

**2.** Section 5, subsection (2), clause (a) presently reads:

(2) As part of his duties the Director shall

(a) arrange for the investigation of allegations or evidence that children may be in need of protection and, where necessary, see that protection is provided,

**3.** Section 16, subsection (2) presently reads:

(2) Where at the time of being apprehended a child is a patient in a hospital, the person apprehending him may, upon advising the medical superintendent or senior medical officer of the hospital, leave the child in the hospital, and thereafter the hospital shall, for the purposes of the disposal of the case of the child under this Part be deemed to be a shelter and the child to be detained therein.

**4.** Section 34 presently reads:

34. (1) In this section,

(a) "Protestant" includes the Christian religious denominations other than Roman Catholic;

(b) "Roman Catholic" includes the Christian religious denominations in communion with the Church of Rome.

(2) A parent who surrenders a child by instrument as mentioned in section 30 may state that he has no preference as to what religious faith the child is brought up in, and in that event the placement of the child is not governed by religious faith.

(3) At the time of surrendering a child by instrument as mentioned in section 30, a parent may state

(a) that he would prefer the child to be brought up in the Protestant faith or in the Roman Catholic faith or in a religious faith other than Protestant or Roman Catholic,

(b) that this statement of religious preference is binding for a specified time not exceeding six months, and

(c) that if the child is not placed for the purpose of adoption with a person of the designated religious faith within the specified time, it shall be conclusively deemed that the parent made a statement of no preference under subsection (2) at the time of surrender of the child.

(4) At the time of surrendering a child by instrument as mentioned in section 30 the parent has the right, if the parent so wishes, to state a preference as to whether he or she wishes the child to be brought up in the Protestant faith or in the Roman Catholic faith or in a religious faith other than Protestant or Roman Catholic, and in that event all reasonable efforts shall be made to comply with the religious preference.

(3) At the time of surrendering a child by instrument as mentioned in section 30 the parent has the right, if the parent so wishes, to state a preference as to whether he wishes the child to be brought up in a specific religious denomination or faith, and in that event all reasonable efforts shall be made to comply with that preference.

(4) A statement of religious preference made pursuant to subsection (3) ceases to be effective upon the issue of a certificate by the Minister certifying that he is satisfied that the best interests of the child require that the placement of the child no longer be governed by preference as to religious denomination or faith.

(5) Due regard shall be given to religious denomination or faith in the placement of a child made a temporary or permanent ward of the Crown by order of a judge, but

(a) where there appears to be no suitable family, foster home or institution with which he may be placed that is of the same religious denomination or faith as that of the child, or

(b) where there is a lack of evidence or knowledge of or a conflict of evidence as to the religious denomination or faith of the child,

the case shall be referred to the Commission which, in its discretion but subject to subsection (6), may provide for the placement of the child.

(6) Where a child is made a permanent ward of the Crown by order of a judge, a placement of the child for the purpose of adoption shall be with a person of the same religious denomination or faith as that of the child, but that requirement ceases to be effective upon the issue of a certificate by the Minister certifying that he is satisfied that the best interests of the child require that the placement of the child no longer be governed by religious denomination or faith.

(7) This section does not apply to the placing of children in a temporary home or an observation home, shelter or diagnostic centre for children established for the purposes of this Act, but due regard shall be given to the religious preference of a child so placed and proper time allowed for the exercise of religious duties.

*5. Section 57, clause (b) is amended by striking out the words "one year" and by substituting the word "six-month".*

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

(5) A statement of religious preference made pursuant to subsection (4) ceases to be effective upon the issue of a certificate by the Minister, at any time after one year from the date of the surrender, certifying that all reasonable efforts have been made to comply with the religious preference, and in that event the placement of the child is no longer governed by religious faith.

(6) Due regard shall be given to religious faith in the placement of a child made a temporary or permanent ward of the Crown by order of a judge, but

(a) where there appears to be no suitable family, foster home or institution with which he may be placed that is of the same religious faith as that of the child, or

(b) where there is a lack of evidence or knowledge of or a conflict of evidence as to the religious faith of the child, the case shall be referred to the Commission which, in its discretion but subject to subsection (7), may provide for the placement of the child.

(7) Where a child is made a permanent ward of the Crown by order of a judge, a placement of the child for the purpose of adoption will be with a person of the same religious faith as that of the child, but this requirement ceases to be effective upon the issue of a certificate by the Minister, at any time after one year from the date of the order of permanent wardship, certifying that all reasonable efforts have been made to place the child with a person having the same religious faith, and in that event the placement of the child is no longer governed by religious faith.

(8) This section does not apply to the placing of children in a temporary home or an observation home, shelter or diagnostic centre for children established for the purposes of this Act, but due regard shall be given to the religious preference of a child so placed and proper time allowed for the exercise of religious duties.

## **5. Section 57 presently reads:**

57. 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 six months 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.