

1977 BILL 83

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Third Session, 18th Legislature, 26 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 83**

**THE SOCIAL SERVICES AND COMMUNITY HEALTH  
STATUTES AMENDMENT ACT, 1977**

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MR. STEWART

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First Reading .....

Second Reading .....

Third Reading .....

*Bill 83*  
*Mr. Stewart*

## **BILL 83**

1977

### **THE SOCIAL SERVICES AND COMMUNITY HEALTH STATUTES AMENDMENT ACT, 1977**

*(Assented to , 1977)*

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

#### **The Change of Name Act, 1973**

*1(1) The Change of Name Act, 1973 is amended by this section.*

*(2) Section 5(2)(b) is repealed and the following is substituted:*

(b) each child of the married person who is also the child of the spouse of the married person other than a child whose surname registered under *The Vital Statistics Act* is the same as the surname for which the application is being made.

*(3) The following section is added after section 7:*

#### **7.1 Where a person**

(a) who is married adopts the surname of that person's spouse, or

(b) who is widowed or whose marriage has been dissolved, adopted the surname of the deceased spouse or former spouse, as the case may be,

that person may, without the consent of that person's spouse or child, if any, apply to change a surname which that person had prior to the marriage to another surname.

**7.2** Notwithstanding section 5, where a person has a surname that is not

## **Explanatory Notes**

### **The Change of Name Act, 1973**

**1**(1) This section will amend chapter 63 of the Statutes of Alberta, 1973.

(2) Section 5(2) presently reads:

*(2) A married person who applies for a change of surname shall also apply for a like change of the surname of*

*(a) the spouse of the married person, and*

*(b) each child of the married person who is also a child of the spouse of the married person.*

(3) Change of name.

(a) the surname of that person's spouse, or

(b) the surname of that person's child,

that person may, without the consent of that person's spouse or child, if any, apply to change that surname to another surname.

**7.3(1)** Notwithstanding section 5, where a person has a surname that

(a) is also the surname of that person's child, and

(b) is not the surname of that person's spouse,

that person may apply to change that surname if that person also applies

(c) for a like change of surname of that child, or

(d) to change the surname of that child to the surname of that child's other parent.

(2) A person may not apply for a change of surname under subsection (1) without the consent of the other parent if living.

### **The Dependent Adults Act**

*2(1) The Dependent Adults Act is amended by this section.*

*(2) Section 9(1)(g) is amended by striking out "action" wherever it occurs and substituting "proceeding".*

*(3) Section 26 is repealed and the following is substituted:*

**26(1)** The Court may appoint as a trustee of the estate of a dependent adult

(a) any individual 18 years of age or older who consents to act as trustee and in respect of whom the Court is satisfied that

(i) he will act in the best interests of the dependent adult,

(ii) he will not be in a position where his interests will conflict with the dependent adult's interests,

## **The Dependent Adults Act**

**2(1)** This section will amend chapter 63 of the Statutes of Alberta, 1976.

**(2)** Section 9(1)(g) presently reads:

*9(1) Subject to subsection (2), where the Court makes an order appointing a plenary guardian, the guardianship order confers on the person named as the plenary guardian the power and authority*

*(g) to commence, compromise or settle any legal action that does not relate to the estate of the dependent adult and to compromise or settle any action taken against the dependent adult that does not relate to his estate;*

**(3)** Section 26 presently reads:

*26(1) The Court may appoint as a trustee of the estate of a dependent adult any person 18 years of age or older who consents to act as trustee and in respect of whom the Court is satisfied that*

*(a) he will act in the best interests of the dependent adult,*

(iii) he is a suitable person to act as the trustee of the estate of the dependent adult, and

(iv) he is a resident of Alberta,

(b) a trust company registered under *The Trust Companies Act*, or

(c) the Public Trustee.

(2) The Court may require an individual proposed as trustee or, in the case of a trust company proposed as trustee, an individual representing the trust company, to attend and answer questions that will enable the Court to determine whether the proposed trustee will be able, in the opinion of the Court,

(a) to carry out the duties of the trustee, and

(b) in the case of an individual proposed as trustee, to meet the requirements of subsection (1)(a).

### **The Maintenance and Recovery Act**

*3(1) The Maintenance and Recovery Act is amended by this section.*

*(2) The following is added after section 4:*

**4.1** Where a clerk of the district court is empowered to perform any duty or function under this Act, he may, in writing, authorize one or more members of his staff to perform, in addition to himself or his deputy, those duties or functions.

*(3) Section 12(1)(c) and (2) are repealed.*

*(b) he will not be in a position where his interest will conflict with the dependent adult's interests,*

*(c) he is a suitable person to act as the trustee of the estate of the dependent adult, and*

*(d) he is a resident of Alberta.*

*(2) The Court may require the person proposed as trustee to attend and answer questions to determine whether he meets the requirements of subsection (1).*

### **The Maintenance and Recovery Act**

**3(1)** This section will amend chapter 223 of the Revised Statutes of Alberta 1970.

(2) Delegation of authority by a clerk of the district court.

(3) Section 12(1) and (2) presently read:

*12(1) A complaint shall be made before*

*(a) a judge, or*

*(b) a clerk of the court, or*

*(c) a member of the staff of the clerk of the court designated by the clerk of the court, or*

*(d) a provincial judge,*

*and shall be in writing and under oath.*

*(2) A complaint made before a designated member of the staff of a clerk of the court prior to January 1, 1972 shall for all purposes be deemed to have been made in accordance with this section and as though this section were in force at the time the complaint was made.*

## **The Mental Health Act, 1972**

*4(1) The Mental Health Act, 1972 is amended by this section.*

*(2) Section 5(3) is amended by striking out “and vice-chairman”.*

*(3) Section 18(3) is amended by striking out “The Lieutenant Governor in Council” and substituting “The Minister”.*

*(4) Section 33(1) is repealed and the following is substituted:*

**33(1)** Anyone who has reasonable and probable grounds to believe that a person

(a) may be suffering from mental disorder, and

(b) is in a condition presenting a danger to himself or others

may bring an information under oath before a provincial judge.

(1.1) Where an information is brought before a provincial judge under subsection (1) and the judge is satisfied that

(a) the person with respect to whom the information is brought should be examined in the interests of his own safety or the safety of others, and

(b) an examination can be arranged in no other way,

he may issue a warrant to apprehend that person for an examination.

*(5) Section 50.1(6) is amended by adding the following after clause (c):*

(c.1) to a board of review appointed pursuant to the *Criminal Code* that is to review the case of the person to whom the diagnosis, record or information relates, or

*(6) Section 60(2)(b) is amended by adding the following after subclause (v):*

(v.1) prescribing the charges that the owner or operator of a facility or any class thereof may make for diagnostic and treatment services and other services provided to persons



## The Mental Health Act, 1972

4(1) This section will amend chapter 118 of the Statutes of Alberta, 1972.

(2) Section 5(3) presently reads:

*(3) The Lieutenant Governor in Council shall designate the chairman and vice-chairman of the Council.*

The Council referred to is the Provincial Mental Health Advisory Council.

(3) Section 18(3) presently reads:

*(3) The Lieutenant Governor in Council shall appoint members to a Regional Mental Health Council in accordance with the regulations.*

(4) Section 33(1) presently reads:

*33(1) Where any person brings information upon oath before a provincial judge that a person*

*(a) is suffering from mental disorder,*

*(b) is in a condition presenting a danger to himself or others, and*

*(c) refuses to be examined by a therapist or physician,*

*the judge may, if he is satisfied that*

*(d) the person should be examined in the interests of his own safety or the safety of others, and*

*(e) an examination can be arranged in no other way,*

*issue an order to apprehend that person for an examination.*

(5) Permits disclosure to a board of review. Section 50.1(6)(c) presently reads:

*(6) Notwithstanding subsection (4) or any other law, the Minister, a person authorized by the Minister, a physician or a therapist may disclose any diagnosis, record or information relating to a person receiving diagnostic and treatment services in a centre*

*(c) to a review panel established pursuant to section 19 that is to hear or is hearing an application from the person to whom the diagnosis, record or information relates, or*

who are not patients and who are not entitled to those services at the expense of the Government of Alberta, or

### **The Preventive Social Services Act**

*5(1) The Preventive Social Services Act is amended by this section.*

*(2) Section 5 is amended by adding after subsection (2) the following:*

*(3) Upon the request of the council of an Indian band, the Minister may enter into an agreement with the Government of Canada providing for the establishment, administration and operation of preventive social service programs on an Indian reserve.*

### **Commencement**

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

(6) Section 60(2)(b)(v) and (vi) presently read:

(2) *The Lieutenant Governor in Council may make regulations*

*(b) in respect of facilities or any class thereof,*

*(v) prescribing the forms, records, books, returns and reports to be made and kept in connection therewith and providing for returns, reports and information to be furnished to the Minister,*

*(vi) prescribing the charges that the owner or operator of a facility or any class thereof may make for diagnostic and treatment services and other services provided to patients in that facility who are not entitled to those services at the expense of the Government of Alberta;*

### **The Preventive Social Services Act**

**5(1)** This section will amend chapter 282 of the Revised Statutes of Alberta 1970.

(2) Establishment, administration and operation of preventive social services on an Indian reserve.