

1977 BILL 85

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 85

**THE SOCIAL DEVELOPMENT AMENDMENT
ACT, 1977 (NO.2)**

MR. ASHTON

First Reading

Second Reading

Third Reading

Bill 85
Mr. Ashton

BILL 85

1977

THE SOCIAL DEVELOPMENT AMENDMENT ACT, 1977 (NO.2)

(Assented to , 1977)

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

1 The Social Development Act is amended by this Act.

2 The following is added after section 12:

12.1(1) Where a social allowance is paid to or on behalf of a person who has a right to maintenance or alimony for himself or his dependent children or both under an Act, order of a court or agreement, the Government is subrogated to all of the rights to maintenance or alimony of that person under the Act, order or agreement.

(2) The subrogation under this section applies to a right to maintenance or alimony payable in a period during which a social allowance is paid whether the period occurs before or after the commencement of this Act.

(3) Where the Government is subrogated to any right pursuant to this section it may bring an action or make an application in its own name or the name of the person to whose rights the Government is subrogated.

(4) This section does not apply where the person who has a right to maintenance or alimony for himself or his dependent children or both under an Act, order of a court or agreement is receiving that maintenance or alimony from the person liable to pay it.

12.2 Where a person has received a social allowance and applies for the issue of a summons pursuant to section 28 of *The Domestic Relations Act*, that person shall notify the Minister of the issuance of the summons not less than 10 days before the date on which the summons is returnable.

Explanatory Notes

1 This Bill will amend chapter 345 of the Revised Statutes of Alberta 1970.

2 Under the proposed section 12.1, the Crown is subrogated to all the rights to alimony or maintenance of a person who is receiving a social allowance. As to the proposed section 12.2, see the amendments to section 28 of *The Domestic Relations Act* in Bill 86.

3 The Family Court Act is amended by repealing sections 6(1.1) and 7.

4 This Act comes into force on a date to be fixed by Proclamation.

3 Amends chapter 133 of the Revised Statutes of Alberta 1970. Sections 6(1.1) and 7 now read:

(1.1) Where the person entitled to file and enforce a judgment or order under subsection (1)

(a) receives economic assistance from the Government of Alberta or a municipality in Alberta on his or her behalf or on behalf of a dependent child, and

(b) refuses to file or enforce the judgment or order,

a welfare worker of the Government or municipality, as the case may be, may file and enforce the judgment or order.

7(1) Where a wife is receiving economic assistance

(a) from the Province, or

(b) from a municipality in the Province,

in respect of herself or a dependent child, any application that she can make to the Family Court in respect of a maintenance order may be made on behalf of her or the child by a welfare worker of the Province or the municipality, as the case may be

(2) On an application authorized under subsection (1), all proceedings shall be conducted in the same manner and to the same effect as if the application in respect of maintenance were made by the wife.