

1977 Bill 251

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 251

AN ACT TO AMEND THE CHILD WELFARE ACT

MR. KUSHNER

First Reading

Second Reading

Third Reading

Bill 251
Mr. Kushner

BILL 251

1977

AN ACT TO AMEND THE CHILD WELFARE ACT

(Assented to _____, 1977)

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

1. *The Child Welfare Act is amended by this Act.*
2. *The following section is added after section 41.2:*

41.3 (1) In this section

- (a) "child" means a child, apparently or actually under the age of 16 years; and
- (b) "public place" means any place to which the public has access as a matter of right or to which the public is allowed access with or without payment.

(2) No child shall be in a public place between the hours of 10 p.m. and 5 a.m. unless the child is accompanied by and under the control of his parent or guardian or an adult who has care of the child with the prior knowledge and consent of his parent or guardian.

(3) Subsection (2) shall not apply to a child behaving in an orderly manner and

- (a) in a public place for the purpose of participating in or attending an educational, cultural, religious, community, sporting or similar organized activity, or an amusement or carnival show within the meaning of *The Amusements Act*, or
- (b) travelling directly between two private places, between a private place and a public place mentioned in clause (a) or between two such public places.

(4) A child found contravening this section may be warned by a peace officer and if after the warning the child refuses to discontinue the contravention he may be taken to his home or to a place of safety by a peace officer and thereafter dealt with as a neglected child.

Explanatory Notes

- 1.** Amends c. 45, R.S.A. 1970.
- 2.** Adds section 41.3.

(5) A parent or guardian who by act or omission permits his child to contravene this section on a second or subsequent occasion shall be deemed to have contributed to a child becoming a neglected child for the purposes of section 43.

(6) In any proceedings pursuant to this section the onus establishing the age of any child shall be upon the child or the parent or guardian of the child.

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

