

1980 BILL 217

Second Session, 19th Legislature, 29 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 217

THE CHILDREN'S RIGHTS ACT

MR. NOTLEY

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Printed by the Queen's Printer for the Province of Alberta, EDMONTON

Bill 217
Mr. Notley

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THE CHILDREN'S RIGHTS ACT

(Assented to , 1980)

WHEREAS the year 1979 had a special significance for children as it marked the 20th anniversary of the United Nations Declaration of the Rights of the Child;

AND WHEREAS the United Nations General Assembly declared 1979 the International Year of the Child;

AND WHEREAS it is in the public interest to demonstrate to all children that we live in a civilized and democratic society;

AND WHEREAS the rights of adults have already been enshrined by law and the concept of natural justice requires equal protection for children, the following Act represents an acknowledgement of the rights of children;

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

1. In this Act,

- (a) "child" means an individual under the age of 18 years;
- (b) "parent" means the parent or guardian of a child.

2. Each child has:

- (a) the right to food, clothing and housing in order to ensure good health and personal development;
- (b) the right to an environment free from physical abuse, exploitation and degrading treatment;
- (c) the right to health care necessary to promote physical and mental health and to remedy illness;
- (d) the right to reside with parents and siblings except where it is in the best interests of the child and family members for the child to reside elsewhere;
- (e) the right to parental and adult support, guidance and continuity in the child's life;

Explanatory Notes

1. Definitions.

2. Children's rights.

- (f) the right to an education that ensures every child the opportunity to reach and exercise his full potential;
- (g) the right to play and recreation;
- (h) the right to be consulted in decisions related to guardianship, custody and a determination of status;
- (i) the right to independent adult counselling and legal assistance in relation to all decisions affecting guardianship, custody or a determination of status;
- (j) the right to a competent interpreter where language or other communication disability is a barrier in relation to any decision affecting guardianship, custody or a determination of status;
- (k) the right to an explanation of all decisions affecting guardianship, custody or a determination of status; and
- (l) the right to be informed of the rights of children and to have them applied and enforced.

3. Every person who, without lawful authority, deprives or denies any child of any right enumerated in section 2 is guilty of an offence and liable on summary conviction to a fine of up to \$ 10 000 and to imprisonment for not more than 2 years or to both fine and imprisonment.

4. A child or his legal representative may commence an action by statement of claim in the Court of Queen's Bench against any person who, without lawful authority, denies or removes from a child any of the rights enumerated in section 2 and the court may award damages or make any order it deems fit or both.

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

3. Offences and penalties.

4. Right to bring action.