

1981 BILL 236

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 236

THE ALBERTA ADOPTIONS FOUNDATION ACT

MRS. CHICHAK

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 236
Mrs. Chichak

BILL 236

1981

THE ALBERTA ADOPTIONS FOUNDATION ACT

(Assented to , 1981)

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

Definitions

1 In this Act

- (a) "Board" means the Board established pursuant to section 2;
- (b) "Fund" means the Alberta Adoptions Foundation Fund established by section 2;
- (c) "Minister" means the Minister of Social Services and Community Health; and
- (d) "mother" means a person who has applied for support pursuant to section 3.

Fund established

2(1) There is hereby established the Alberta Adoptions Foundation which shall be a non-profit foundation with the objective of supporting unmarried pregnant women and girls and assisting them to have their children so that the children may be adopted.

(2) The Foundation shall have a Fund into which shall be paid

- (a) such money as may be appropriated to the purpose by the Legislature;
- (b) contributions by persons as provided for in section 5;
- (c) contributions by any individual, corporation, association or other organization; and
- (d) any repayments made in accordance with section 4.

(3) The Foundation and its Fund shall be administered by a Board consisting of a chairman and 6 members to be appointed by the Minister with the approval of the Lieutenant Governor in Council.

(4) The Board may establish by-laws governing its own procedures.

(5) The Board may employ such staff and contract for such professional services or research as it deems necessary for the purposes of this Act, to be paid for out of such money as is appropriated to the purpose by the Legislature.

(6) The Minister may pay from the Fund such sums as are provided for by section 3 and the regulations.

Unwed mothers'
allowance

3(1) A female person under the age of 25 who is not married and is pregnant may apply to the Board in the manner provided by the regulations, stating

- (a) that she is unmarried;
- (b) that she is pregnant;
- (c) that she wishes to carry and give birth to the child; and
- (d) that she wishes to give the child up for adoption

and the Board, upon receiving such certification or evidence of the matters stated in the application as to clauses (a) and (b), as is provided for in the regulations, may pay to her from the Fund a weekly allowance to provide for her food, shelter, clothing and other necessary living expenses during her pregnancy and for food, shelter, clothing and other necessities for her and for the child from its birth to its adoption.

(2) The allowance shall be payable from the time the person, as a result of her pregnancy, becomes unable to support herself or loses the support of a person who previously supported her.

(3) The allowance shall continue until the child is adopted or aborted or miscarried.

(4) The amount of the allowance shall be determined by the Board, in accordance with the regulations.

(5) Notwithstanding subsection (3), the Board may continue the payment of an allowance after the time provided in subsection (3) for it to cease, if in his opinion the mother is still unable to support herself as a result of the pregnancy.

(6) The Board shall, as a condition of paying or continuing an allowance, require the recipient to receive counselling and proper physical attention to assist her in prenatal care, to assist her to adjust to her pregnancy, to help her to care for herself after the birth and to help her to avoid any further unwanted pregnancy.

(7) No person may make more than 2 applications under this section.

Repayment of allowance

4(1) Where a mother does not give up the child for adoption, the total amount of all allowances paid to her pursuant to this section shall be repaid to the Fund by her or by a person who has either admitted to be or has been found, pursuant to *The Maintenance and Recovery Act*, to be the father of the child, or partly by one of them and partly by the other, over a period of 5 years without interest, in the manner provided in the regulations.

(2) The Board may suspend or cancel the repayment of allowances if, in the circumstances, it considers it appropriate to do so.

(3) Where a mother or father becomes liable to make repayments to the Board pursuant to subsection (1) and subsequently receives a social allowance pursuant to *The Social Development Act*, the Minister may order the amount of the repayment or such portion of it that he deems appropriate, to be deducted from the social allowance before it is paid.

Payments by intending adopters

5(1) Any married couple or single person who wish to adopt a child whose mother has received an allowance under this Act shall

(a) register with the Board in the prescribed manner;

(b) pay to the Fund a sum, determined by the regulations, reflecting the average allowance paid to a mother pursuant to this Act; and

(c) make an application for the adoption of the child pursuant to *The Child Welfare Act*.

(2) Where a married couple or single person has made a payment to the Fund pursuant to subsection (1) and does not adopt a child pursuant to this Act and *The Child Welfare Act* the Minister shall refund the payment without interest on demand.

(3) Nothing in this Act gives a married couple or single person who has made a payment pursuant to this section, a right to adopt a particular child or any child, nor does it give any priority over persons wishing to adopt who have not made such a payment.

Maintenance subrogated to Fund

6 The Board may require a mother who receives a payment under this Act to subrogate to the Fund her right to claim against a putative father for maintenance pursuant to *The Maintenance and Recovery Act*, and the Board may thereupon make a claim for maintenance to be paid to the Fund in her place, pursuant to *The Maintenance and Recovery Act*.

Research

7 The Board may provide for the carrying out of research on the type of counselling to be given pursuant to section 3(6) and on the effectiveness of the counselling given.

- Annual Report** **8(1)** At the end of each fiscal year the Board shall prepare a financial report.
- (2) The Auditor General shall audit the Fund and the report.
- (3) After the report has been audited, the Board shall send it to the Minister.
- (4) The Minister, on receiving the report, shall table it in the Legislative Assembly if it is then sitting and if it is not then sitting, within 15 days of the commencement of the next sitting.
- Regulations** **9** The Minister after consultation with the Board may make regulations
- (a) establishing the manner in which the process of adoption shall be co-ordinated between the Director of Child Welfare and the Board;
- (b) establishing the method of the amount of an allowance payable under section 3;
- (c) establishing the method of repayment of an allowance pursuant to section 4;
- (d) establishing the amount of a repayment to be deducted from a social allowance pursuant to section 4; and
- (e) dealing with any other matter necessary for the administration of this Act.
- Coming into force** **10** This Act comes into force on a date to be fixed by Proclamation which may not be sooner than the date of a certification by the Minister to the Lieutenant Governor in Council that there is in the Fund sufficient money appropriated by the Legislature or provided pursuant to section 5, to enable the purposes of this Act to be fulfilled.