

1993 BILL 365

Fourth Session, 22nd Legislature, 42 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 365

CHILD WELFARE AMENDMENT ACT, 1993

MR. SEVERTSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 365
Mr. Severtson

BILL 365

1993

CHILD WELFARE AMENDMENT ACT, 1993

(Assented to , 1993)

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2 Section 66.1 of the Child Welfare Act is repealed and the following is added after section 66:

Disclosure of
information
relating to adopted
persons

66.1 The following persons may, upon payment of the prescribed fee, apply to the Minister for the following documents:

(a) adopted persons who are adults may apply for a copy of their original long form birth certificate or certified facsimile thereof if the original cannot be located;

(b) biological parents may apply for a copy of the amended birth certificate of the adopted person, provided that the adopted person is an adult;

(c) adult siblings of an adopted person may apply for a copy

Explanatory Notes

1 This Bill will amend Chapter C-8.1 of the Revised Statutes of Alberta.

2 This amendment will replace the "passive" adoption registry with an "active" registry for adopted persons, their parents, and biological parents.

of the adopted siblings' amended birth certificate provided that the adopted person has reached the age of majority;

(d) adoptive parents on behalf of their child or a disabled adult: may apply for a copy of their adopted child's original long form birth certificate or certified facsimile thereof if the original cannot be located; or

(e) adults related by blood to the adopted person may apply for a copy of the amended birth certificate of the adopted person, if the biological parents of the adopted person consent in writing or, in the event of death of the biological parent, upon production of a death certificate.

Identifying
background
information

66.2 Upon production of an original or amended birth certificate obtained pursuant to section 66.1, the following persons may, upon payment of the prescribed fee, apply to the Minister for the following:

(a) an adopted person may apply for photocopies of all unaltered information in the possession of the Minister with respect to the biological parents of the adopted person and other adults related by blood to the adopted person and any medical history with respect to the adopted person and the biological parents;

(b) the biological parents of an adopted person may apply for photocopies of all unaltered information in the possession of the Minister with respect to the parents of the adopted person photocopies of all unaltered surrender documents;

(c) adult siblings of an adopted person may apply for photocopies of all unaltered information in the possession of the Minister with respect to the adopted person and the parents of the adopted person;

(d) parents on behalf of the adopted child or disabled adult may apply for photocopies of all unaltered information in the possession of the Minister with respect to the biological parents of the adopted child and any medical history with respect to the biological parents.

(e) adults related by blood to the adopted person may apply

for photocopies of all unaltered information in the possession of the Minister with respect to the adopted person and the parents of the adopted person.

Active searches.

66.3 Upon payment of the fees prescribed in the regulations, an agency designated by the person making the application will be provided by the Minister with the original or amended birth certificate, and all identifying background information in their possession in order to conduct an active search for the person requested on behalf of:

(a) adopted persons, biological parents, adult siblings of an adopted person; and

(b) adults related by blood to an adopted person provided such adults obtain the written consent of the biological parent of the adopted person, or produce a death certificate if the biological parent is deceased.

Right to veto

66.4(1) The Minister shall maintain a contact veto registry wherein adopted persons or the biological parents of an adopted person may register the fact that they do not wish to be contacted.

(2) Upon each application for a birth certificate or active search, the contact veto registry shall will be examined.

(3) The Minister shall inform the applicant that the biological parents or the adopted person do not wish to be contacted and a search pursuant to section shall not be conducted.

(4) The parents of an adopted person shall not register pursuant to subsection 1.

(5) A person who has registered pursuant to subsection 1 may withdraw their registration at any time and any person who was previously informed of the of the registration shall be advised of its withdrawal.

Regulations

66.5 The Minister may make regulations governing applications under this Part and

(a) prescribing the form for any application, and

(b) prescribing a tariff of fees payable with respect to any application

under this Part.

3 This Act comes into force on Proclamation.