

1993 BILL 208

First Session, 23rd Legislature, 42 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 208

CHILD WELFARE AMENDMENT ACT, 1993
(NO. 3)

MR. SEVERTSON

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 208
Mr. Severtson

BILL 208

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CHILD WELFARE AMENDMENT ACT, 1993 (NO. 3)

(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*2 Section 66.1 of the Child Welfare Act is repealed and the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
of the adopted siblings' amended birth certificate provided
that the adopted person has reached the age of majority;

Explanatory Notes

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

2 Section 66.1 presently reads:

66.1(1) In this section, "interested person", in respect of an adopted person, means any one or more of the following:

- (a)** a biological parent of the adopted person;
- (b)** an adult sibling of the adopted person;
- (c)** an adult related by blood to the adopted person if the biological parents of the adopted person consent in writing to the recording of the name of the related person under subsection (4) or if the Minister is satisfied that the biological parents of the adopted person
 - (i)** are deceased,
 - (ii)** cannot be located, or
 - (iii)** are unable by reason of mental incapacity to consent to the recording of the name of the related person under subsection (4);

(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,

- (d) if the adopted person is an Indian and if the criteria under clause (c) are met, in addition to a person referred to in clauses (a) to (c), an adult member of the band of the adopted person;
 - (e) a person who was a parent of the adopted person under a previous adoption order.
- (2) If an adoption order is made under this Act or any predecessor to this Act, an interested person may apply to the Minister for the disclosure to the interested person of the identity of the adopted person.
- (3) An adopted person who is 18 years of age or over may apply to the Minister for the disclosure to the adopted person of the identity of an interested person who applies under subsection (2) for the disclosure of the identity of the adopted person.
- (4) On receipt of an application under subsection (2) or (3), the Minister shall enter the name of the applicant in a record kept for that purpose and shall examine the record to determine
- (a) when the applicant is an interested person, if the name of the adopted person is entered in the record, and
 - (b) when the applicant is the adopted person, if the name of an interested person is entered in the record.
- (5) Notwithstanding section 66, if the applicant is
- (a) the adopted person and the Minister determines that the name of an interested person referred to in subsection (1)(a) or (b) is entered in the record, or
 - (b) an interested person referred to in subsection (1)(a) or (b) and the Minister determines that the name of the adopted person is entered in the record,

the Minister shall disclose the identity of each of the applicants to the other.

- (6) Notwithstanding section 66, if the applicant is
- (a) the adopted person and the Minister determines that the name of an interested person other than an

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 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 66.3 shall not be conducted and no documents shall be provided under section 66.1 or 66.2.

(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.

interested person referred to in subsection (1)(a) or (b) is entered in the record, or

- (b) an interested person other than an interested person referred to in subsection (1)(a) or (b) and the Minister determines that the name of the adopted person is entered in the record,

the Minister shall

- (c) locate and advise the adopted person that the name of that interested person is entered in the record,
- (d) inquire as to whether the adopted person wishes his identity to be disclosed to that interested person, and
- (e) if the adopted person agrees to the disclosure, disclose the identity of each of the applicants to the other.

(7) If, after reasonable efforts have been made, the Minister is unable to locate an adopted person or an interested person for the purposes of disclosure under subsection (5) or (6)(e), the Minister shall disclose an identity only to an adopted person or an interested person the Minister is able to locate.

(8) If an applicant withdraws his application under subsection (2) or (3), the Minister shall remove the name of the applicant from the record referred to in subsection (4).

(9) On being advised by an adopting parent that an adopted person has died, the Minister shall enter in the record referred to in subsection (4) the name of the adopted person and the fact of his death.

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