

1994 BILL 207

Second Session, 23rd Legislature, 43 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 207

ADULT ADOPTION ACT

MR. RENNER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 207
Mr. Renner

BILL 207

1994

ADULT ADOPTION ACT

(Assented to , 1994)

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

Definition

1 In this Act, "Court" means the Court of Queen's Bench.

Application

2 This Act applies to the adoption of persons who are 18 years
of age or older.

Petition for
adoption order

3(1) An adult person may petition the Court in the prescribed
form for an adoption order under this Act.

(2) A petition for an adoption order under this section must
include:

(a) an affidavit of the petitioner outlining his relationship to
the person who he is petitioning to adopt and the reasons for
adopting that person,

(b) an affidavit of the person to be adopted indicating his
consent to the adoption and outlining his reasons for wishing
to be adopted,

(c) a certified copy or extract of the record of birth of the
person who is to be adopted made under the law respecting
the registration of births in the province, state, or country in
which the person was born,

(d) a certified copy of any change of name certificate made under the law respecting change of name in the province, state or country in which the change of name was obtained.

4 The Court may grant an adoption order under this Act if

(a) the reason for the adoption is acceptable to the Court, and

(b) it is not contrary to the public interest to make the order.

Residency
Requirement

5 An adoption order shall not be granted under this Act unless the petitioner is resident in Alberta and the person to be adopted is a Canadian citizen or is lawfully admitted to Canada for permanent residence.

Who may apply

6 A petition for an adoption order under this Act may only be made by one individual or jointly by two individuals who are spouses of one another.

Participation of
person to be
adopted

7 Where a petition for an adoption order is made under this Act, the Court shall consider the views and wishes of the person who is to be adopted and shall, upon request, hear that person.

Private hearing

8 A petition for an adoption order under this Act may, in the discretion of the Court, be heard in private.

Effect of an
adoption order

9(1) For all purposes, when an adoption order is made, the petitioner is the parent of the adopted person as if the adopted person had been born to the petitioner in lawful wedlock.

(2) Subject to subsection (3), for all purposes when an adoption order is made the adopted person ceases to be the child of his previous parents and his previous parents cease to be his parents.

(3) If the petitioner adopts a person who is the child of his spouse, the person does not cease to be the child of the spouse and that spouse does not cease to be the parent of that person.

(4) In any testamentary or other document, whether made before or after the coming into force of this Act, unless the contrary is expressed, a reference to a person or a group or class of persons described in terms of their relationship by blood or marriage to another person is deemed to refer to or to include, as the case may be, a person who comes within the description as

a result of his own adoption or the adoption of another person.

(5) For all purposes, when an adoption order is made, the relationship between the adopted person and any other person is the same as it would have been if the adopted person had been born to the adopting person in lawful wedlock.

(6) Subsections (2), (4) and (5) do not apply

(a) for the purposes of the laws relating to incest, and

(b) with respect to the prohibited degrees of marriage, to remove a person from a relationship in consanguinity that, but for this Act, would have existed between them.

(7) A marriage between 2 persons is prohibited if, as a result of an adoption order, the relationship between them is such that their marriage would be prohibited by the law respecting those relationships that bars the lawful solemnization of marriage.

(8) Nothing in this section affects an interest in property that has vested in a person before the making of an adoption order under this Act.

ig aside of
tion order

10(1) No application to set aside an adoption order shall be made after the expiration of 1 year from the date of the adoption order except on the ground that the order was procured by fraud.

(2) Notice of the nature, time and place of the hearing of an application under subsection (1) shall be served by the applicant on

(a) the adopting person, if he is not the applicant,

(b) the adopted person if he is not the applicant, and

(c) any other person who in the opinion of the Court should be served.

(3) If the adoption order is set aside, the applicant for the order setting it aside shall serve a copy of the order setting it aside on all those required to be served under subsection (2).

(4) When an adoption order is set aside,

(a) the adopted person ceases to be the child of the adopting person,

(b) the adopting person ceases to be the parent of the adopted person,

(c) the relationships to one another of the adopted person and all persons are re-established as they were immediately before the adoption order was made.

Regulations

11(1) The Lieutenant Governor in Council may make regulations

(a) prescribing the forms to be used for petitions, applications and orders under this Act;

(b) prescribing the fees that may be charged for a petition or application under this Act;

(c) prescribing the rules to be followed in a proceeding before the Court under this Act.

Coming into force

12 This Act comes into force on Proclamation.