

1997 BILL 201

First Session, 24th Legislature, 46 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 201

PARENTING AFTER SEPARATION ACT

MR. YANKOWSKY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 201
Mr. Yankowsky

BILL 201

1997

PARENTING AFTER SEPARATION ACT

(Assented to , 1997)

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

Definitions

1 In this Act,

- (a) "child" means a child who
 - (i) is under the age of 16 years, or
 - (ii) is 16 years of age or over but unable, by reason of illness, disability or other cause, to withdraw from the charge of one or both of the parties to a family law proceeding or to obtain the necessaries of life;
- (b) "court" means the court before which a family law proceeding is held;
- (c) "family law proceeding" means a proceeding in court involving the custody of or access to children or other such family matter as may be designated in the regulations;
- (d) "judge" means a judge of the court;
- (e) "instructor" means an instructor or person responsible for a parent information course;
- (f) "private dispute" does not include a dispute involving a

director designated under the *Child Welfare Act*.

Parent
information
course

2(1) Subject to subsection (2) and (5)(b)

- (a) where a family law proceeding is commenced in a judicial centre prescribed in the regulations, and
- (b) there is a private dispute respecting the custody of or access to a child,

the parties must attend a parent information course before any further steps may be taken in the proceeding.

(2) The court may, on application by a party to a family law proceeding

- (a) exempt the parties from the requirement to attend a parent information course if the court considers it appropriate to exempt one or both of the parties, or
- (b) postpone the requirement for the parties to attend a parent information course until such time as the court considers appropriate and on such terms as the court may prescribe.

(3) After a party has attended a parent information course, the party must file with the court a certificate of attendance validated by an instructor.

(4) After the parties have

- (a) filed a certificate of attendance,
- (b) obtained an exemption under subsection (2)(a), or
- (c) obtained a postponement under subsection (2)(b) and the judge has ordered that the proceeding may continue,

they may continue with the family law proceeding.

(5) If a party does not attend a parent information course under subsection (1), or does not obtain an exemption under subsection (2), the court may order the party to attend the course and either

- (a) adjourn the family law proceeding until that party has

attended, or

- (b) allow only the party who has attended the course or who has obtained an exemption to continue with the family law proceeding.

(6) If a party ordered to attend a parent information course under subsection (5) does not attend, the court may strike out the pleadings of that party.

Evidence not
admissible

3 Evidence arising from any admission or communication made in the course of a parent information course is not admissible in any proceeding before a court.

Regulations

4 The Lieutenant Governor in Council may make regulations

- (a) prescribing what proceedings in family matters constitute family law proceedings under this Act;
- (b) designating the judicial centres at which section 2 applies;
- (c) prescribing when the parent information course in a family law proceeding is to occur;
- (d) respecting the procedures for the parent information course process;
- (e) prescribing the standards to be met in providing parent information courses including the qualifications of persons to be employed in providing that service;
- (f) prescribing the forms to be used under this Act respecting the content of a parent information course.

Conflict

5 Where there is a conflict between this Act and any other enactment, this Act prevails.

Binds the
Crown

6 The Crown is bound by this Act.

Coming Into Force

Coming into
force **7** This Act comes into force on Proclamation.