

2006 Bill 206

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Second Session, 26th Legislature, 55 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 206**

## **DESIGNATION OF CHILD ACCESS EXCHANGE CENTRES ACT**

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MS DELONG

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 206

2006

### DESIGNATION OF CHILD ACCESS EXCHANGE CENTRES ACT

(Assented to \_\_\_\_\_, 2006)

WHEREAS there is a need to encourage parents and guardians to have access to their children in keeping with the best interests of the child;

WHEREAS the Province should promote access exchange in a positive environment by designating existing child-centred facilities for this purpose; and

WHEREAS courts that are required to address access issues would benefit from the designation of neutral, impartial facilities for access exchange and the documentation of access exchange;

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

#### Definitions

1(1) In this Act,

- (a) “centre” means a child access exchange centre designated as such by the Minister under section 2 to exchange access to children;
- (b) “guardian” means a person other than a parent who is a guardian of a child under Part 2, Division 1 of the *Family Law Act*;
- (c) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act.

(2) Unless the contrary intention appears, an expression used in this Act that is defined in the *Family Law Act* has the same meaning in this Act as it has for the purposes of that Act.

### **Designation of centres**

**2(1)** In order to create an environment that encourages access between a child's parents, guardians or other individuals involved in the child's life and in keeping with the best interests of the child, the Minister may designate facilities as centres for the purposes of facilitating a child's association with his or her parents, guardians or other individuals who have a legitimate interest in the child's well-being and development whether by agreement or court order.

(2) The requirements that exist for day care facilities under the *Social Care Facilities Licensing Act* and regulations thereto, apply with all necessary modifications to a centre under this Act.

### **Individuals who may use centres**

**3(1)** Where 2 persons who are parents, guardians or other persons who a court has determined are to have access to a child under the authority of

- (a) a parenting order,
- (b) a contact order, or
- (c) an order granting a right of custody or access under the *Provincial Court Act*, the *Divorce Act* (Canada) or similar legislation

and it is in the best interests of the child or a condition of an order under clauses (a), (b) or (c) that the individuals are not to be in each other's presence when they exchange access to the child, then subject to any conditions of the applicable order the individuals may use the services of a centre.

(2) In addition to the individuals identified in subsection (1), guardians, parents, grandparents or other classes of persons designated by the Minister may voluntarily agree to exchange access to a child by using the services of a centre.

### **Conditions on access to a centre**

**4(1)** Unless section 3(1) applies, individuals who wish to use the services of a centre for the purposes of exchanging access to a child must

- (a) apply to the centre to use its services,
- (b) pay or agree to pay any fee charged by the centre,
- (c) agree to abide by the terms and conditions that the centre has in effect concerning the use of its facilities and services, and
- (d) provide any information that the Minister requires to be provided to the centre.

**(2)** Where individuals are using the services provided by a centre pursuant to an order under section 3(1), they must

- (a) notify the centre of the order,
- (b) pay or agree to pay any fee charged by the centre,
- (c) agree to abide by the terms and conditions that the centre has in effect concerning the use of its facilities and services, and
- (d) provide any information that the Minister requires to be provided to the centre.

**(3)** Failure to meet the requirements of subsection (1) or (2) or failure to provide information or providing incorrect information may result in the centre denying use of its services.

### **Records**

**5** A centre must record the times that children arrive and depart the centre and any other information prescribed by the Minister or by order of a court concerning use of the centre.

### **Limitation of liability**

**6** A person who provides services under this Act, including an employee of a centre, is not liable for anything done or not done by that person in good faith while carrying out that person's powers or duties under this Act.

### **Regulations**

**7** The Minister may make regulations

- (a) designating facilities as centres;
- (b) setting additional terms and conditions for providing services to children at a centre;
- (c) identifying classes of persons who may use the facilities for the purposes of this Act;
- (d) establishing qualifications and training requirements for staff employed at the centres;
- (e) setting standards for the physical structure of centres;
- (f) respecting the form and types of information and records to be kept by the centres;
- (g) concerning any other thing to give effect to this Act.

**Coming into force**

- 8** This Act comes into force on Proclamation.