

# BILL

No. 72 of 1925.

An Act respecting the Welfare of Children.

(Assented to \_\_\_\_\_, 1925.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## INTERPRETATION.

1. This Act may be cited as "*The Child Welfare Act.*"
2. In this Act, unless the context otherwise requires, the expression—
  - (a) "Boarding home" shall mean a home in which a child is placed to be cared for as a member of the family, in return for a pecuniary payment;
  - (b) "Child" shall mean a boy or girl actually or apparently under eighteen years of age;
  - (c) "Detention home" shall mean a building or part of a building set apart for the custody or detention of children, pending the disposition of their cases by a judge of the Juvenile Court, and subject to the direct supervision of the Superintendent;
  - (d) "Foster home" shall mean a home in which a child who lacks normal parental relatives may be placed as a member of the family;
  - (e) "Home" shall mean a private dwelling occupied by a household or family whose members are closely related to each other;
  - (f) "Infants' home" shall mean any building or part of a building where children are received or retained, for hire, or reward, or otherwise, apart from their parents;
  - (g) "Inspector" shall mean any inspector appointed pursuant to the provisions of this Act, and shall include a probation officer;
  - (h) "Institution" shall mean a building or part of a building, other than the private dwelling of a family, set apart for the care or custody of children, other than an industrial home, and shall include any infants' home or maternity home, and also any society or organization occupying such building or part of a building;

- (i) "Judge" shall mean a judge or a retired judge of the Supreme Court or of the District Court, or a police magistrate, or a justice of the peace appointed as a judge for the trial of juvenile offenders, or two justices; or one justice of the peace, when requested by the Minister to act in any specified case;
- (j) "*Juvenile Delinquents Act*" shall mean *The Juvenile Delinquents Act*, 1908, being chapter 40 of the Statutes of the Dominion of Canada, 1908;
- (k) "Maternity home" shall mean a building or part of a building wherein a woman or girl may be received for care or treatment during pregnancy or for accouchement, or where a woman or girl, together with her child or children, may be cared for at any time during the first two years of the life of such child or children;
- (l) "Minister" shall mean the Minister who is charged with the duty of administering this Act;
- (m) "Municipality" shall mean any city, town, village, municipal district, or local improvement District;
- (n) "Neglected child" shall mean any child found by a judge to be a neglected child pursuant to Part II of this Act;
- (o) "Parent" shall include a guardian and every person who is by law or in fact liable to maintain a child;
- (p) "Probation home" shall mean a home in which a child requiring special care because of delinquency, or physical or mental deficiency, or for any cause which in the judgment of the board of selection (in this Act provided) makes special treatment necessary, may be placed to receive such special care.
- (q) "Receiving home" shall mean a building or part of a building fitted for the reception and examination physically or mentally of any neglected child, or any child who has been made a ward of the Province, and subject to the direct supervision of the Superintendent;
- (r) "Roman Catholic" shall include the Christian religious denominations in communion with the Church of Rome, and "Protestant" shall include any other Christian religious denomination;
- (s) "Shelter" shall mean any building or part of a building, under the supervision of or approved by the Superintendent, which may be used for the temporary care of children;
- (t) "Situation" shall mean a place where a child who is a ward of the Province is placed for employment under the supervision of the Superintendent;
- (u) "Superintendent" shall mean the Superintendent of Child Welfare, or the Deputy Superintendent of Child Welfare, appointed pursuant to the provisions of this Act;

- (v) "Society" shall mean any society, association, or corporation provided for under Part V of this Act;
- (w) "Temporary home" shall mean a home in which a child is placed temporarily pending further consideration of his or her case;
- (x) "Ward of the Province" shall mean—
  - (1) any child who by order of the Judge has been committed to the care and custody of a society or the Superintendent; and
  - (2) any immigrant child as defined in Part IV of this Act.

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## PART I.

### OFFICERS.

**3.—**(1) The Lieutenant Governor in Council may appoint a person to administer and enforce the provisions of this Act under the control and direction of the Minister, which person shall be known as the Superintendent of Child Welfare.

(2) The Lieutenant Governor in Council may also appoint a Deputy Superintendent of Child Welfare, and such probation officers, inspectors, investigators, or other officers or clerks as may from time to time be necessary for carrying out the provisions of this Act.

**4.—**(1) It shall be the duty of the Superintendent of Child Welfare—

- (a) to encourage and promote the conservation of child life in Alberta;
- (b) to encourage the formation of child welfare associations, children's aid societies, and child welfare committees, to assist in their organization, and to co-operate with them;
- (c) to advise such societies, and instruct them as to the manner in which their duties are to be performed;
- (d) to see that a record is kept by such societies of all committals and of all children placed out in foster homes under this Part, and of all particulars connected with each case;
- (e) to have supervision over all children who are wards of this Province;
- (f) to keep records of all children who are dealt with under the Department of Public Welfare;
- (g) to secure through child welfare associations, children's aid societies, child welfare committees, and otherwise, a system of suitable foster homes, boarding homes, and probation homes adapted to the needs of children under supervision;

- (h) to visit and inspect, or to provide for the visitation and inspection of, foster homes, boarding homes, probation homes, temporary homes, receiving homes, detention homes, situations, shelters, industrial homes, and institutions in which children are cared for;
- (i) to make application for a judge's order (a copy of which, when made, shall be kept on file in the office of the Superintendent) respecting every child who in his judgment should be committed to the care and custody of the Superintendent or a society, except in cases where such application has been made by a society;
- (j) to supervise, under this Act, immigrant children, as defined in Part IV of this Act, and to secure the enrolment of such children as wards of the Province and also to provide for the visitation and inspection of places, homes, shelters, or institutions in which such children are cared for or employed;
- (k) to take steps to collect from any proper source moneys payable under the provisions of this Act for the maintenance of any child who is a ward of the Province, or under the supervision of the Superintendent;
- (l) to prepare and submit an annual report to the Minister;
- (m) to enforce the provisions of this Act, and generally to perform such other duties consistent therewith as may be prescribed by the Lieutenant Governor in Council.

5. The Superintendent shall have and may exercise all the powers conferred upon a child welfare association or a children's aid society; and shall have power, subject to the approval of the Minister, to appoint such fit and proper person or persons or committee as he may see fit to act for him in the performance of any of his duties as occasion may require.

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## PART II.

### NEGLECTED CHILDREN.

6. Any constable, policeman, policewoman, or other police officer, or any school attendance officer, or any officer of a child welfare association, children's aid society, or child welfare committee, duly authorized by the Superintendent, or the Superintendent, may apprehend without warrant and bring to the receiving home or a shelter or a detention home, pending the disposition of his or her case as a neglected child, any child—

- (a) who is abandoned or deserted by both parents, or if one parent is dead, by the survivor, or by his or her guardian, or who is an orphan and destitute, or who is an illegitimate child whose mother fails to maintain it, or who is deserted by one parent, is not maintained by the other parent; or
- (b) who is found living or associating with vicious or disreputable persons; or
- (c) whose place of residence by reason of improvidence, neglect, cruelty or depravity on the part of parents, guardian or other person in whose care he or she may be, is an unfit place for such child; or
- (d) whose parent or guardian neglects or refuses, when able to do so, to provide medical, surgical or other remedial care necessary for his or her health and well being; or
- (e) who is found begging in any street, building or place of public resort; or
- (f) is found associating or dwelling with a thief, drunkard, or vagrant, or, by reason of neglect, or drunkenness, or other vice of the parents or guardians of such child, is suffered to grow up without salutary parental control and education, or in circumstances exposing such child to idle and dissolute life; or
- (g) who, being under the age of twelve years, is found peddling or selling newspapers or other articles or distributing advertising matter for hire in any street or public place at any time during the day or night; or
- (h) who being under sixteen years of age, is employed anywhere between the hours of ten o'clock p.m. of one day and six a.m. of the following day, or is found sleeping at night in barns or outhouses or in the open air; or
- (i) who has been allowed to commit petty crimes and is likely to develop criminal tendencies if not removed from his or her surroundings; or
- (j) who frequents or visits any public pool-room or billiard room, or any place where any gambling device is or is believed to be operated, or any place which exists, or where his or her presence is permitted, in violation of law; or
- (k) who, being under the age of fourteen years and over the age of seven years, without reasonable excuse, does not regularly attend a public school and is not being educated otherwise in a manner equal to the standards of the public schools of this Province (referred to in this Act as a "truant"); or

- (l) who, being under the age of fourteen years, habitually hawks or peddles or sells articles in the streets or public places during school hours or after nine o'clock at night; or
- (m) who is found to have in his or her possession obscene pictures or drawings, or any obscene printed or written matter; or
- (n) who, without just cause and without the consent of his or her parents, guardian or other custodian, absents himself or herself from his or her home or place of abode; or
- (o) who habitually uses obscene, profane, or indecent language; or
- (p) who is guilty of lewd or immoral conduct involving another person; or
- (q) who comes within the definition of a "juvenile delinquent" in *The Juvenile Delinquents Act*.

7.—(1) The officer of a society in charge of a shelter, to which a child has been brought under the powers of the preceding section, shall as soon as possible notify the parents or guardian of the child, and the Superintendent may permit such child to be returned to his or her parents, or guardian, or other person in whose care he or she may be, but in the absence of such permission the child shall be brought before a judge for examination within four days after his or her apprehension, and the judge shall investigate the facts of the case and ascertain whether the child is a neglected child, and his or her age, name and residence, and the religion of his or her parents or guardian.

(2) The judge may compel the attendance of witnesses on such investigation, and is hereby given all the powers which are conferred for that purpose upon a justice of the peace under Part XV of the Criminal Code.

(3) The parents or persons having the actual custody of the child at the time of his or her apprehension, and the Superintendent, shall be notified of the investigation and any person may appear on behalf of the child.

(4) If on such investigation the judge finds that the child is not a neglected child, he shall order that the child be returned to his or her parents, guardian, or other person in whose care he or she may be.

(5) If on such investigation the judge finds that the child is a neglected child, he may so declare, and in such event he may make any of the orders specified in section 8 hereof.

(6) The judge's order shall recite the facts so far as ascertained and the judge shall deliver a certified copy of such order to the Superintendent and also to any society to whose care and custody the child may be committed, and the Superintendent shall on request supply the parents, or guardian, a copy of any such order free of charge.

**8.** Where it appears to the judge that the public interest, and the interest of any child declared by him to be a neglected child may be best served thereby, the judge may make any of the following orders:

- (a) That the child be returned to his or her parents or guardian or other person in whose care he or she may be, subject to supervision by a society or by the Superintendent; or
- (b) That the child shall be committed temporarily or permanently to the care and custody of a society; or
- (c) That the child shall be committed temporarily or permanently to the care and custody of the Superintendent; or
- (d) That the child be sent to an industrial school or other institution which has been approved by the Lieutenant Governor in Council for the care of such children; provided, however, that it shall not be lawful to commit a neglected child apparently under the age of twelve years to any industrial school unless and until an attempt has been made to provide for such child in its own home or in a foster home or in the charge of a society, or of the Superintendent, and unless the court finds that the best interests of the child and the welfare of the community require such commitment.

**9.** No child who is held for examination as a neglected child shall be confined in a gaol, lock-up, or police station.

**10.** No child held in any place of confinement or detention, pending the investigation of his case, shall be placed or allowed to remain in company with adult prisoners; and the officer in charge of such place of confinement or detention shall secure the exclusion of all such children from the society of adult prisoners during their confinement.

**11.** The council of every municipality shall whenever necessary make provision for the temporary custody and detention of every child apprehended as a neglected child or charged with delinquency under *The Juvenile Delinquents Act*, by arrangement with a police officer or some person or organization willing to undertake the responsibility of such temporary custody or detention, on such terms as may be agreed upon, or by providing suitable premises and care entirely separate from the ordinary lock-up and police cells, and such provision shall be subject to the approval of the Superintendent.

**12.** The judge shall investigate the case of any child apprehended as a neglected child and dispose thereof, where practicable, in premises other than the ordinary police court premises; or, where it is not practicable, then in the private office of the judge, if he have one; or, if not, in some other room in the municipal buildings; or, if no other place be available, then in the ordinary police court-room; but, in such last mentioned case, not until one hour has elapsed after the other trials or examinations for the day have been disposed of.

**13.** Where a child welfare association, or a children's aid society, or a child welfare committee possesses premises affording the necessary facilities and accommodation, the child may, after apprehension under the provisions of this Act, be temporarily placed in the charge of such society or committee until his or her case is disposed of, and the judge may hold the examination into the case of such child in the said premises.

**14.** When a child, or a parent, or other person charged with an offence in respect of a child, under this Act, is being tried or examined the judge shall exclude or cause to be excluded from the room or place where such person is being tried, or examined, all persons other than the counsel and witnesses in the case, officers of the law or of any child welfare committee, and the immediate friends or relatives of the child or parent, and such persons as the judge in his discretion may permit to be present.

**15.** When a neglected child is committed by order of a judge to the permanent care and custody of the Superintendent, or to the permanent care and custody of a society, the Superintendent, or the said society, as the case may be, shall be the legal guardian of the person of such child.

**16.** When the Superintendent, or a society, becomes the legal guardian of a child, such legal guardianship shall continue until such child has reached the age of twenty-one years, unless the judge's order otherwise specifies.

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### PART III.

#### HANDICAPPED CHILDREN.

**17.** In this Part the expression "handicapped child" means any child who, because of crippling of any portion of the body, or of lack of development of any bodily organ, or lack of sight, or of hearing, or of speech, is handicapped in the pursuit of education or in preparing for the common vocations and social relationships of life.

**18.** It shall be the duty of the Superintendent to obtain information in respect of all handicapped children in the Province, and report on the same to the Minister as required.

**19.** For the purpose of obtaining such information, the Superintendent may communicate with physicians, nurses, school teachers, clergymen, or other persons likely to have knowledge of such children, seeking to enlist their co-operation, and may require officers of child welfare associations, children's aid societies, and child welfare committees to report to him the names and addresses of handicapped children who come to their attention, and to give particulars as to the nature of the handicap in each case.

**20.** The Superintendent shall investigate the case of every handicapped child reported to him, and shall report on the same to the Minister, who may take such steps as he may deem expedient to have such case studied by competent persons, and to provide, in co-operation with the parents or guardian, such special education and training as the welfare of such child may require.

**21.** It shall be the duty of the Superintendent to encourage co-operation on the part of child welfare associations, children's aid societies, child welfare committees, school boards, hospitals, and other institutions and organizations, whether public or private, in providing adequate care and treatment of all handicapped children in accordance with their special needs.

**22.** It shall be the duty of the Superintendent to make investigation in respect of every deaf child between the ages of eight and fifteen years, and to require that such children shall attend an institution for the education and instruction of the deaf at least four months in every year; and, if any parent or guardian shall refuse to permit any such child under his care to attend such institution during such period, the Superintendent may institute proceedings against such parent or guardian, who shall be liable for such neglect, on summary conviction by a justice of the peace, to a penalty of twenty-five dollars and costs, and in default of payment to imprisonment for a term not exceeding thirty days.

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#### PART IV.

##### IMMIGRANT CHILDREN.

**23.** In this Part, unless the context otherwise requires, the expression—

- (a) "Agent" includes the chief or other officers of an organization, and also any person who undertakes for reward or otherwise to place immigrant children in the Province;
- (b) "Immigrant child" means a child who has been brought into the Province by any organization or agent for the purpose of settlement in this Province, and who does not reside in the home of its parents or step-parents within Alberta;
- (c) "Organization" means any person, or group of persons, within the Province of Alberta, whether incorporated or unincorporated, which has for one of its purposes the placing of immigrant children in the Province, and includes a branch or agency of any such organization.

**24.—**(1) An organization or agent desiring to carry on the work of placing immigrant children in the Province, prior to placing in the Province any immigrant child, shall secure from the Lieutenant Governor in Council authority by Order in Council for such organization or agent to carry on such work, and shall deposit with the Minister the sum of five hundred dollars, or furnish satisfactory security for that amount.

(2) Such authority may be revoked by the Lieutenant Governor in Council; and such sum or portion thereof, on the retirement of the organization or agent from such work or on the dissolution of the organization, may be returned.

**25.** Every organization or agent shall keep a full and complete record of all immigrant children brought into the Province by such organization, which shall contain the name of the child, the name of its parents, its place and date of birth, and the name of the person, society, or corporation who last had charge of such child immediately before it became an immigrant child.

**26.** Every organization or agent shall as to its operations in the Province of Alberta be subject to the inspection and supervision of the Superintendent, and to such regulations as the Lieutenant Governor in Council may deem necessary, from time to time, for the effective supervision of the operations of such organizations or agents with respect to immigrant children.

**27.** When any immigrant child is placed in the Province by any organization or agent, such immigrant child shall be enrolled as a ward of the Province, and the organization or agent shall furnish the Superintendent with information in such form as may be by him prescribed.

**28.** Every person who, in the Province of Alberta, not being a parent or step-parent of such child takes into his home any immigrant child shall within ten days after the reception of such child into his home send by registered mail, addressed to the Superintendent of Child Welfare, Edmonton, a notice in writing stating the name of the child, the date of its reception, and the place from which such child came.

**29.** Every organization or agent shall be responsible for the maintenance of any immigrant child placed or caused to be placed in the Province by such organization or agent, and for the cost involved in placing such child in a foster home; and, if the person with whom the child has been placed is unable or unwilling to retain the custody or control of the child, such organization or agent shall be responsible for the maintenance of the child until he is again placed as aforesaid, and for the cost involved in so replacing such child.

**30.** An organization or agent may place immigrant children in foster homes or situations on a written agreement, during minority, or for any less period, in the discretion of the organization or agent, and such contract shall contain a clause reserving the right to withdraw the child from any person having the custody of such child when in the opinion of the organization or agent the welfare of the child requires it:

Provided, however, that such organization or agent shall make such reports concerning the child as may be required by any regulations in that behalf; and further provided that, when in the opinion of the Superintendent the welfare of the child may require it, the Superintendent may require such organization or agent to bring the child to such place or institution within the Province of Alberta for examination and observation, as the Superintendent may require; and the Superintendent is empowered to make such arrangements for the disposition of the child as to him seem proper.

**31.** If any person who has received from an organization or agent an immigrant child is unable or unwilling to carry out the agreement entered into by him with the organization or agent, he shall, at his own expense, return the child safely to the organization or agent; and any such person who abandons a child so received, or refuses to maintain the child, and neglects or refuses to return him to the organization or agent as aforesaid, shall, on summary conviction, be liable to a fine of not more than one hundred dollars and costs, nor less than ten dollars and costs, and in default of payment to imprisonment for any term not exceeding three months.

**32.—(1)** When an immigrant child has been returned to the custody of the organization or agent after having been placed out, the Superintendent shall ascertain, as far as possible, the true cause of such return, and such child shall not again be placed with any person by the organization or agent without the knowledge and approval of the Superintendent.

**(2)** Any organization or agent who contravenes the provisions of this section shall be guilty of an offence, punishable on summary conviction by a fine of not more than one hundred dollars and costs, and shall further be liable to the forfeiture of the authority held by it under this Act.

**33.** Where a child who has been received by any person as aforesaid deserts the home or employment of such person of his own accord, or is wrongfully taken from the custody of such person, with or without the consent of the child, before attaining the age of eighteen years, the person from whose home or employment the child has deserted or from whose custody the child has been taken shall immediately notify the Superintendent, and shall give all reasonable assistance in recovering the child, under penalty, in case of default, of not more than twenty dollars and costs, and not less than five dollars and costs, to be recovered on summary conviction before a police magistrate, or two or more justices of the peace.

**34.** The Superintendent may at any time require that any immigrant child be examined by one or more duly qualified medical practitioners as to its physical and mental condition.

**35.** Any person who, without authority from the Lieutenant Governor in Council, places or causes to be placed in this Province any immigrant child, not being his own child or a child of whom he is acting as guardian or one towards whom he stands *in loco parentis*, shall, on summary conviction thereof by a justice of the peace, be liable to a fine of not more than two hundred dollars and costs, nor less than twenty dollars and costs, and in default of payment, to imprisonment for any period not exceeding three months. This section shall not apply in the case of any person, not acting as an agent or on behalf of any organization who may be specially entrusted by the parents or guardian with the custody of the child, for the purpose of bringing the child into Alberta and delivering him to the custody of some person in the Province:

Provided that the person to whom the child is to be delivered is, in the opinion of the Superintendent, a fit and proper person to be entrusted with the custody of the child, and further provided that the written approval of the Superintendent has been secured, nor shall the foregoing provision apply in the case of any child who has been brought into the Province to be cared for by any institution organized under the laws of this Province.

**36.—(1)** Any person who knowingly places, or causes to be placed, in the Province of Alberta any immigrant child, who from defective intellect, or disease, or physical infirmity, or any other defect is unable to follow any trade or calling, or any immigrant child who is known to be delinquent, or who has been reared or has resided amongst habitual criminals, or any immigrant child whose parents have been mental defectives, habitual criminals, lunatics, or idiots, or feeble-minded or defective or confirmed paupers, or diseased, shall on summary conviction thereof before the judge of the juvenile court, a police magistrate, or two or more justices of the peace, be liable to a penalty of not more than two hundred dollars and costs, nor less than twenty dollars and costs; and, in default of payment, to imprisonment for any period not exceeding three months.

(2) No proceedings against any person under this section shall be taken unless directed by the Superintendent in writing, nor after the expiration of one year from the date on which the child was placed in the Province as aforesaid.

**37.** If any immigrant child who has been placed or caused to be placed in Alberta by any organization or agent or other person, shall within one year thereafter become a charge upon the funds of any municipality or upon the Province, or be dependent upon private charity, such organization or agent or other person shall, if so required by the Superintendent, pay to the municipality or the Province or to any person maintaining the child, as the case may be, the cost of maintenance of the child, and the amount so payable shall be a debt which may be recovered by suit brought by the corporation or person entitled to the same.

**38.** If any person resident in Alberta gives notice to the Superintendent that an immigrant child is being ill-treated or overworked, or is not being properly educated, or is being otherwise neglected, the Superintendent shall cause the complaint to be investigated, and shall take all necessary steps to protect the child from further ill-treatment or neglect.

**39.** Any person with whom an immigrant child has been placed, who ill-treats or overworks or neglects to provide for the proper maintenance and education of such child, shall upon summary conviction thereof before a judge be liable to a fine not exceeding five hundred dollars and costs, or to imprisonment with or without hard labour, for any term not exceeding six months, or to both fine and imprisonment.

**40.** Whenever any immigrant child placed in the Province under this Part is held for examination as a neglected child or otherwise under this Act, sections 9 and 10 of this Act shall apply, and it shall be the duty of the officer in charge of the place of confinement or detention of such child to notify the Superintendent of the name and age of such child, and the date, place, and cause of such confinement or detention.

**41.** The Superintendent may institute proceedings against any person for violating the provisions of this Part, and he shall for that purpose inquire into all complaints made to him against any organization or agent or other person, and report thereon to the Minister; and may, in his report, recommend that the authority given such organization or agent by the Lieutenant Governor in Council be revoked.

**42.** A certificate in writing, signed by the Superintendent, stating the age of any person placed in this Province as an immigrant child under this Part, at the date when such person was so placed, shall, in any prosecution, action, or other proceedings instituted, brought, or taken under any Act of the Legislature of the Province of Alberta on account of, or by, or against, or on behalf of any person so placed, be *prima facie* evidence as to the age of such person.

## PART V.

## CHILD WELFARE ORGANIZATIONS.

**43.**—(1) Any twelve or more persons, being entitled to vote at an election of a member of the Legislature of Alberta and over the age of twenty-one years, who shall desire to associate themselves together for the purpose of carrying on work, whether educational or preventative or remedial, for the welfare or protection of children, may make an application in form 1 in the schedule hereto for incorporation under the provisions of this Part; provided, however, that any society, having as its objects the care and protection of children, which at the time of the coming into force of this Act had already been incorporated or assumed to be incorporated under the provisions of *The Children's Protection Act* or any other Act of this Province then in force, shall *ipso facto* be deemed to have been and to be incorporated under the provisions of this Act.

(2) The signatures of the applicants to the application and the facts stated in the application shall be submitted to the Minister.

(3) Upon the Minister giving his approval of such application in form 2 in the said schedule, the persons who have signed the application and such others as may thereafter become members of the organization, shall be a body politic and corporate by the name of "Child Welfare Association of . . . . .," or if the persons who have signed the said application so choose, "The Children's Aid Society of . . . . .," with powers to make and enter into contracts necessary to carry into effect its objects, and to take and hold by gift, purchase, grant, devise, or bequest any property, real or personal, and to dispose of and mortgage the same at pleasure.

**44.** The affairs of every such corporation shall be managed by a board of not less than seven nor more than fifty directors.

**45.** The directors of the corporation shall be elected by the members at a general meeting assembled at such place within the Province, and at such time as the application or its by-laws may prescribe.

**46.** The directors of the corporation shall have full power in all things to administer its affairs, and may make or cause to be made for it any description of contract which it may lawfully enter into, and may from time to time make by-laws not contrary to law for regulating the number of directors, their term of service, the appointment, functions, duties, and removal of all agents, officers and servants of the corporation, the security to be given by them to the cor-

poration, their remuneration, the time at which and places where the annual meetings shall be held, the calling of meetings, regular and special, of the board of directors, the quorum, and the procedure in all things at such meetings, the qualifications and terms of admission of members and the conduct in all other particulars of the affairs of the corporation. The directors may, from time to time, repeal, amend, or re-enact any of the by-laws, but every such by-law, and every repeal, amendment, or re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation called for that purpose, shall only have force until the next annual meeting, unless confirmed at such annual meeting.

**47.—**(1) When under the provisions of this Act a child has been committed to the care and custody of a society, such society shall be the legal guardian of such child, and it shall be the duty of such society to use special diligence in providing suitable foster homes or situations for all such children, and such society is hereby authorized to place such children in foster homes or situations on a written agreement during minority or for any less period in the discretion of such society. All such contracts shall contain a clause reserving the right to withdraw the child from any person having the custody of such child when in the opinion of the society placing out such child the welfare of such child requires it:

Provided, however, that such society shall make reports to the Superintendent in accordance with the regulations made or to be made by the Lieutenant Governor in Council in that behalf; and further provided that, when in his opinion the welfare of such child may require it, the Superintendent may require such society to bring such child to the receiving home for study, or the Superintendent may cause such child to be brought to the receiving home for such purpose.

(2) Any Children's Aid Society or its executive officer may, if it or he considers it best in the interest of any such child, permit such child to live with his or her parents or relatives, subject to the supervision of such Children's Aid Society or its executive officer, but none of the rights or powers vested in such Children's Aid Society or its executive officer by this Part of this Act in respect to such child shall in any way be impaired by any such permission.

**48.** When in any municipality or community no child welfare association or children's aid society has been organized, the Superintendent may appoint from such municipality or community a child welfare committee, to consist of not less than three persons nor more than seven persons, to be known as the "Child Welfare Committee of . . . . .," and the Superintendent may grant to such committee such

powers as he may deem wise consistent with this Act and may prescribe regulations for the guidance of such committee in the performance of its duties for the welfare and protection of children, and such committee shall be subject to the supervision and authority of the said Superintendent.

**49.** If a child welfare association, or children's aid society, or child welfare committee under this Act ceases to exist, or does not hold a meeting for a period of twelve months, the secretary or other officer shall deliver to the Superintendent all books, documents, records, and financial statements, and pay over to him all trust funds on hand, and the association, society, or committee shall thereupon be dissolved and its property shall be vested in the Minister, and the Superintendent shall then reorganize the work and make arrangements for carrying it on consistent with the powers vested in him under this Act.

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## PART VI.

### GENERAL PROVISIONS.

**50.**—(1) Where a child who is a ward of the Province, and under the age of twenty-one years, has been placed in a foster home, or boarding home, or institution, and has failed to show good conduct or for any other reason requires special training, the Minister may order the child to be transferred to an industrial home, and the order for such transfer shall have the same effect as if made by a judge:

Provided, however, that the period for which such child may be sent to an industrial home shall not extend beyond the period on which such child shall attain the age of twenty-one years, and not exceeding in any event three years, and such child shall thereafter be returned to the Superintendent or the society concerned.

(2) The Lieutenant Governor in Council may on the recommendation of the Superintendent, or at any time, discharge a child from the care and custody of any person or society to whom it has been committed under this Act, either absolutely or on such conditions as may be deemed necessary and are set forth in the order of discharge.

**51.**—(1) The person in charge of any institution dealing with or caring for children shall immediately enter in a register in form 3, in the schedule to this Act, to be kept by him or her, the name, sex, and age of any child received into such institution and the date at which and the names and addresses of the persons from whom he or she was re-

ceived, and shall also enter in the register the time when and the names and addresses of the person or persons by whom any such child received and retained as aforesaid is removed immediately after the removal of the child; and shall produce the register, when required to do so, by the Superintendent or any person employed or appointed by him, and, in the event of his or her refusal so to produce the register or neglecting to enter in a register the name, sex, and age of every child and the dates at which and the names and addresses of persons from whom he or she was received and by whom he or she was removed respectively, shall be guilty of an offence.

(2) In case the lawful parents or guardian of any child who has been placed in an institution subject to payment being made by such parents or guardian neglects to visit or to contribute to the support of such child, the person in charge of such institution shall after such neglect has continued for a period of two months notify the Superintendent of such neglect.

(3) The Superintendent shall provide for the visiting and inspecting from time to time, and at least once during each year, of every institution dealing with or caring for children, and the person or persons appointed by the Superintendent to visit or inspect may enter any such institution at any time and examine every part thereof and every child therein, and call for and examine the records kept by such institution and enquire into all matters concerning the institution and the inmates thereof.

(4) Every institution dealing with or caring for children shall at least once annually supply the Superintendent with information and particulars in accordance with regulations made by the Lieutenant Governor in Council in that behalf, and shall furnish the Superintendent on request without undue delay all further information or particulars that he may at any time require concerning any child or children with whom the institution had dealt or to whom the said institution has given care.

(5) Any person or institution violating any of the foregoing provisions of this section shall be liable on summary conviction by a justice of the peace to a fine of not less than ten dollars and costs, nor more than one hundred dollars and costs; and any institution violating the foregoing provisions of this section shall be liable on a second offence to cancellation of its charter or other authority under which the said institution is conducted by order of the Lieutenant Governor in Council.

(6) If it appears to the Superintendent, from information received in respect of any child in any institution, that the best interests of such child require that his or her case be enquired into, he may request the executive officer of such institution to bring such child before a judge for investigation and examination.

(7) The judge upon making any such enquiry may require the child to be observed, and may for that purpose order the child to be confined for so long as he thinks fit in any institution or place approved by the Superintendent, and may by order authorize the Superintendent—

- (a) to return the child to the institution with or without special supervision by the Superintendent; or
- (b) to take steps to have the child dealt with under Part II of this Act.

**52.** Any parent who, by any instrument in writing approved by the Superintendent, has surrendered the custody of a child shall not thereafter, contrary to the terms of such instrument, be entitled to the custody of or any control or authority over or any right to interfere with such child.

**53.** No parent shall surrender the custody of his or her child, and no person shall accept the custody of such child, without having first obtained the approval in writing of the Superintendent, and any surrender without such approval shall be null and void, and any parent or person who violates any provision of this section shall be liable on summary conviction by a justice of the peace to a fine of not less than twenty dollars and costs and not more than two hundred dollars and costs, and in default of payment to a term of imprisonment not exceeding three months.

**54.** Every society or person in whose care a child is placed under the provisions of this Act, and every person entrusted with the care of any such child, shall from time to time permit such child to be visited, and any place where such child may be or reside to be inspected by, the Superintendent or any person duly authorized by him in writing in that behalf.

#### BY-LAWS OF MUNICIPAL COUNCILS.

**55.** Municipal councils in cities, towns, municipal districts, and incorporated villages may pass by-laws regulating the time after which children shall not be in a public place at night without proper guardianship, and the age or apparent age of boys and girls respectively to whom such by-laws shall apply.

**56.** A child to whom any such by-law applies found loitering in a public place after the time so fixed may be warned to go home by the constable or peace officer, and if after such warning the child is found loitering in a public place such child may be taken by the constable or officer to his or her home or to a shelter.

**57.** Any parent who knowingly or negligently permits his child to violate any such by-law shall upon summary conviction by a justice of the peace be liable for the first offence to a penalty of five dollars, and for a second offence of ten dollars, and for a third or any subsequent offence of twenty dollars, in any case with or without costs.

**58.**—(1) Municipal councils in cities, towns, and incorporated villages may pass by-laws for regulating and controlling and licensing children engaged as—

- (a) express or dispatch messengers;
- (b) vendors of newspapers and small wares;
- (c) shoe-shiners;
- (d) pin-boys of bowling alleys—

and for prohibiting children from engaging in any such occupation without such license.

(2) No license fee imposed under any such by-law shall exceed the sum of fifty cents per annum, and no child engaged in two or more of the said occupations shall be compelled to take out more than one license, or pay more than one license fee.

(3) No such license shall be granted to any female child nor to any male child under the age of twelve years, nor to any male child of the age of twelve years but under the age of fourteen years, unless such child presents written authority from his parents or guardians authorizing him to make application for a license for the purpose of engaging in any of the above named occupations.

(4) No licensee under this section shall be permitted to engage in any occupation for which he is licensed within the limits of the municipality after the hour of eight o'clock in the evening in the months of December, January and February, or after the hour of nine o'clock in the evening throughout the rest of the year, or during school hours.

(5) No license issued by or under the authority of any municipal council shall be valid if its terms or any of them contravene any of the provisions of this Act, and any license so contravening shall be subject to cancellation by the Minister.

#### SHELTERS AND CHILD WELFARE OFFICERS.

**59.** Every town or city having a population of five thousand or over shall provide and maintain one or more places for the care of neglected children, to be known as shelters. Such shelters shall be entirely distinct from any institution caring for the poor or the delinquent, and they shall not be used as a permanent residence for any child, but for his or her temporary care for so long a time only as shall be absolutely necessary, not exceeding three months, unless

authorized by the Superintendent; and no neglected child shall be refused admittance to such shelter when accompanied by any constable, policeman, or any peace officer, or by any school attendance officer, or by any officer of a child welfare association, children's aid society, or child welfare committee which has been duly authorized by the Superintendent or by any probation officer of the juvenile court or the Superintendent.

**60.** Any institution in which children are cared for may, with the consent of the governing body thereof, be used as a shelter, and, when desirable and not inconsistent with the welfare of the children to be provided for, a shelter may be established in a private family.

**61.** When a child welfare association or children's aid society or child welfare committee has been established in any town or city or municipality, the Superintendent may appoint such association or society or committee to have the supervision and management of children in the shelter provided by and at the expense of the municipality; but, in the case of an institution in which children are cared for, this provision shall not apply without the consent of the governing body thereof.

**62.** The Superintendent may suspend any agent, officer, or employee of a child welfare association or children's aid society guilty of improper conduct or negligence in the performance of his or her duties pending investigation by the association or society. Notice of such suspension shall be sent to the president of such association or society by registered letter, postage prepaid, and addressed to him or her at his or her usual place of abode within five days thereafter, and such agent, officer, or employee may thereupon be discharged by the association, society, or person appointing him or her, without notice.

**63.** The Superintendent may make rules, not inconsistent with the provisions of this Act, prescribing the duties of all officers appointed under Section 3 of this Act, and may require that any such officer shall report monthly to the local child welfare association or children's aid society or child welfare committee. Such rules shall first be approved by the Lieutenant Governor in Council.

**64.** It shall be unlawful to employ habitually any child under the age of fourteen years between the hours of nine o'clock in the evening and six o'clock in the morning, and it shall also be unlawful to employ any child under the age of sixteen years in any occupation likely to be injurious to the life, limbs, health, education, or morals; and any person guilty of a contravention of this section shall be liable, on summary conviction before a justice of the peace or a judge of the juvenile court, to a fine not exceeding fifty dollars and costs, and in the default of payment to imprisonment with hard labour for any term not exceeding one month.

## ILL-TREATMENT OF CHILD.

**65.** Any person who, having the care, custody, control, or charge of a child, permits such child to be truant or ill-treats, neglects, abandons, or exposes such child, or causes or procures such child to be truant or to be ill-treated, neglected, abandoned, or exposed, in a manner likely to cause such child unnecessary suffering or serious injury to its health, including injury to or loss of sight or hearing or limb or organ of the body, or any mental derangement, shall be guilty of an offence against this Act, and upon conviction thereof shall be liable to a penalty not exceeding five hundred dollars and costs, and in default of payment of such penalty or in addition thereto to imprisonment for a term not exceeding two years.

**66.** Any person who—

- (a) causes a child under the age of sixteen years to be in any public place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or
- (b) causes a child under the age of sixteen years to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale; or
- (c) causes a child under the age of sixteen years to be employed for hire between nine p.m. on one day and eight a.m. of the following day; or
- (d) subject to the provision of section 67 hereof, causes any child under the age of sixteen years to be at any time in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale; or
- (e) is wilfully guilty of an act or omission producing, promoting, or contributing to a child being or becoming a neglected child—

shall be guilty of an offence against this Act, and liable upon summary conviction by a justice of the peace to a penalty not exceeding two hundred dollars and costs, and in default of payment of such penalty and costs, or in addition thereto, shall be liable to imprisonment for a term not exceeding six months.

**67.** In the case of any entertainment or series of entertainments to take place in premises used for public entertainments or in any circus or other place of public amusement, where it is shown that proper provision has been made to secure the health and kind treatment of a child proposed to be employed thereat, the Superintendent may grant a

license for such time and during such hours of the day, and subject to such supervision, restrictions, and conditions as he may think fit, for any child over ten years of age to be so employed, of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied, and such license may at any time be varied, added to, or revoked by him, and the cost of investigation and all other expenses involved in the granting of such license shall be paid by the person or persons making application therefor.

#### POWER OF SEARCH.

**68.**—(1) If it appears to a judge, on information laid before him on oath by any person, who in the opinion of the judge is *bona fide* acting in the interest of the child, that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such judge, in a manner likely to cause the child unnecessary suffering or to be injurious to his or her health or morals, such judge may issue a warrant authorizing any person named therein to search for such child, and also if such person finds the child to have been or to be, in his opinion, ill-treated or neglected, to take and detain him or her in a place of safety until he or she can be brought before a judge and the judge before whom the child is brought may cause him or her to be dealt with in the manner provided for by Part II of this Act.

(2) The judge may by the same or a separate warrant cause any person accused of an offence under this Act in respect of the child to be apprehended and brought before a judge to be dealt with according to law.

(3) Any person authorized by warrant under this section to search for a child and to take and detain him or her in a place of safety may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove the child therefrom.

(4) It shall not be necessary in any information or warrant, laid or issued under the provisions of this section to describe a child by name.

#### INTERFERING WITH CHILDREN

**69.**—(1) No person shall—

- (a) induce or attempt to induce any child under twenty-one years of age to leave the building or premises or custody or control of any home or shelter or institution to which such child has been confined by competent authority; or

- (b) induce or attempt to induce a child under twenty-one years of age to leave any service or any place where the child has been lawfully placed for the purposes of being nursed, supported, educated, or adopted; or
  - (c) induce or attempt to induce any child under twenty-one years of age to break any agreement lawfully entered into by or with the authority of any society or the Superintendent; or
  - (d) detain or harbor any such child after demand for its delivery up has been made by or on behalf of the executive officer of a society or any officer by this Act authorized to take possession of such child.
- (2) Every person who violates any of the provisions of this section shall be guilty of an offence against this Act, and shall, upon summary conviction by a justice of the peace be liable to a penalty not exceeding one hundred dollars and costs, and, in default of payment to imprisonment for a term not exceeding three months.

**70.** Subject to such regulations as may be approved by the Lieutenant Governor in Council, all ministers of religion of persons authorized by them shall have the right of admission to the receiving home and every shelter or institution established hereunder for the care of children and access to such of the children placed or detained therein as belong to their respective denominations, and may give instruction to them on the days and at the times appointed by such regulations for the religious education of such children, and may enter in a book to be kept for that purpose any remarks pertinent to the work of instruction.

**71.—(1)** Where a parent applies to the Supreme Court of Alberta, or to a judge thereof, for an order for the production of a child committed under this Act, and the court or judge is of the opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that it is improper or inexpedient having regard to the welfare of the child that such application should be granted, the court may in its discretion decline to make the order.

(2) If at the time of the application the child is being brought up by another person, or has been placed out by a children's aid society, the court or judge, upon making an order for the delivery of the child to the applicant, may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as may seem just, and may make the payment of such sum a condition precedent to the order becoming effective.

(3) Where a parent has abandoned or deserted his child, or allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court or judge that the parent was unmindful of his parental duties, no order for the delivery of the child to the parent shall be made unless he satisfies the court or judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child.

(4) If the court, or judge, is of the opinion that the parent ought not to have the custody of the child, but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the court or judge may make such order as it may think fit to secure that the child be brought up in that religion.

(5) Nothing in this section shall affect the power of the court or judge to consult the wishes of the child in determining what order ought to be made, or any right which a child now possesses to exercise its own free choice.

**72.** Any constable, policeman, policewoman, or other peace officer, or any school attendance officer, or any officer of a child welfare association, children's aid society, or child welfare committee, or any school teacher, may seize any cigarettes or cigarette paper or tobacco in the possession of any child apparently under the age of sixteen years whom he or she finds smoking in any street, lane, public park, school ground, or public place, and shall for such purpose have authority to take any such child found smoking to the home of such child, or the receiving home, or a detention home, or to a shelter or any place in which children are cared for under the provisions of this Act, for the purpose of having the clothing of such child searched by a proper person to ascertain if he or she is in possession of any such things.

**73.** Any constable, policeman, policewoman, or other peace officer, or any school attendance officer, or any officer of a child welfare association, children's aid society or child welfare committee, or any school teacher, who suspects on reasonable grounds that any child apparently under sixteen years of age has in his possession any cigarettes, or cigarette paper, or tobacco or intoxicating liquor, or any obscene book, or other printed picture, photograph, model or other object, shall have authority to take such child to the home of such child, or to the receiving home, or to a detention home, or to a shelter or any other place in which children are cared for under the provisions of this Act, for the purpose of having the clothing of such child searched by a proper person and if any such thing is found upon such search the same may be confiscated or destroyed.

**74.—(1)** The Superintendent or the Society may at any time in respect of any child which has been placed in any shelter or institution by the Superintendent or the Society, apply to the judge for a summons directed to the municipality to which such child belongs, calling upon the municipality to appear before him at a time and place therein mentioned, to show cause why such municipality should not be ordered to pay the expense and support of such child in the shelter or institution in which it has been placed, and every such summons shall be returnable not sooner than 14 days and not later than 21 days after the date of the service thereof on the municipality.

(2) The judge shall, upon the return of the summons, proceed with all possible expedition to deal with the matter, and if the application is opposed by the municipality shall hear such evidence as either party desires to adduce; and shall, if it appears that such child belongs to the municipality, make an order against such municipality:

Provided that if the municipality does not appear the judge shall make an order against the municipality:

Provided, also, that every order shall direct the municipality to pay a reasonable sum, to be named therein, not less than \$7.00 weekly, for the expenses and support of such child so long as such child remains in such shelter or institution.

(3) For the purpose of this section, any child shall be deemed to belong to the municipality in which said child has last resided, prior to apprehension, for a period of six months; or, in the case of a child under six months of age, the municipality in which the said child's mother has last resided for a period of six months; but, in the absence of evidence to the contrary, residence of six months in the municipality in which such child is taken into custody shall be presumed.

(4) Any municipality which has made a payment under the provisions of this section for the maintenance of a child in respect to whom some other municipality is liable shall be entitled to recover the amount so paid from such other municipality.

(5) Any municipality which has made a payment under the provisions of this section for the maintenance of a child shall also be entitled to recover the amount with costs of action against the parent or parents of the child, unless it has been already recovered under the preceding sub-section.

(6) In case of default in making payment under any such order, the order may be filed in the office of the Clerk of the Supreme Court of the judicial division in which the municipality is or the defaulting person resides. Upon such filing with proof by affidavit of the default, and the amount owing, judgment shall be entered against the defaulting party, which judgment shall be and shall have the same force and effect as a judgment of the said Court.

**75.—**(1) (a) No Protestant child dealt with under this Act shall be placed in the care of any Roman Catholic society, or be placed in any Roman Catholic family, home, or shelter, or institution;

(b) No Roman Catholic child dealt with under this Act shall be placed in the care of any Protestant society, or be placed in any Protestant family, home, or shelter, or institution;

(c) And further, no child dealt with under this Act of a religious faith other than Protestant or Roman Catholic shall be placed in the care of either a Protestant or Roman Catholic family, home, or shelter, or institution.

(2) This section shall not apply to the placing of children in a situation, or in a temporary home or shelter for children established under the authority of this Act:

Provided, however, that due regard shall be given to the religious preferences of any child so placed, and proper time allowed for the exercise of religious duties.

(3) When there appears to be no suitable family, home, or institution of the same religious faith as that professed by the child or its family with which it may be placed, or where there is a lack of evidence or knowledge, or a conflict of evidence as to the religion of a child, the case shall be referred to the Minister, and the disposition of such child in this regard shall be within his discretion.

(4) For the purposes of this section, in the case of a child whose parents have not been married to each other, the first determining factor shall be the preference of the mother, if she is living; and, in case she is not living, the religion of the mother at the time of her death, if it can be ascertained.

**76.** It shall be the duty of the publisher of any newspaper or magazine published in Alberta, receiving and publishing any advertisement dealing with the adoption, boarding out or care of any child, to obtain from the person requiring the publication of such advertisement a memorandum in writing signed by such person, giving his or her name, address and occupation, and immediately after the first publication of such advertisement to mail forthwith a copy of the same as published, together with a memorandum of the name, address, and occupation of the person requiring the publication, to the Superintendent of Child Welfare, Edmonton, and any person contravening the provisions of this section shall be liable, on summary conviction thereof, to a fine not exceeding fifty dollars and costs, and in default of payment to imprisonment for any term not exceeding one month.

**77.** Wherever any provision of any other existing Act passed by the Legislature of Alberta is found to be in conflict with any provision of this Act the said provision of this Act shall prevail.

**78.** The forms mentioned in the various sections of this Act refer to the corresponding forms contained in the schedule thereto. These several forms, varied to suit the case, or forms to the like effect, shall be deemed good, valid, and sufficient in the cases thereby respectively provided for; and may, when made for one class of officials, be varied so as to apply to any other class having the same or similar duties or jurisdiction.

**79.** The Children's Protection Act, being Chapter 217 of the Revised Statutes of Alberta, 1922, is hereby repealed.

**80.** This Act shall come into force on proclamation by the Lieutenant Governor in Council.

## SCHEDULE OF FORMS.

### FORM 1.

(Section 43, Subsection 1.)

#### APPLICATION FOR INCORPORATION.

We, the undersigned, all being of the full age of twenty-one years, and being entitled to vote at elections of members of the Legislature of Alberta, do hereby make application for incorporation as....., under the provisions of *The Child Welfare Act*,....., and hereby adopt the following articles of incorporation:

1. The society shall be known as.....  
.....of (*Give distinguishing name*)  
.....
2. The business and objects of.....  
.....shall be as set forth in  
*The Child Welfare Act*.
3. The number of directors of the said society shall be  
.....
4. The names of the first directors of the society who shall hold office until the first annual meeting of the society are .....
5. The annual meeting of the society shall be held at  
.....on the.....day of.....each  
year, until changed by by-law of the society or directors.

In witness whereof we have here-	}	.....
unto severally subscribed our		.....
names, this.....day of		.....
.....in the year		.....
19....		.....

In the presence of.....

FORM 2.

(Section 43, Subsection 3.)

CERTIFICATE TO BE ENDORSED ON APPLICATION.

I hereby approve of the within application for incorporation as .....  
of .....  
(Giving distinguishing names).

FORM 3.

(Section 51.)

REGISTER OF INFANTS.

Date at which received.	Name.	Sex.	Age.	Name and address of person from whom received.	Date at which removed.	Name and address of person by whom removed.

No. 72.

FIFTH SESSION  
FIFTH LEGISLATURE  
15 GEORGE V  
1925

BILL  
An Act respecting the Welfare of  
Children.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A.D. 1925