

Bill No. 51 of 1944.

A BILL TO ENACT THE CHILD WELFARE ACT.

NOTE.

This Bill amends and consolidates in one Act the provisions of the following Acts:

The Child Welfare Act;

The Juvenile Court Act;

Part VII of *The Domestic Relations Act*—dealing with adoptions;

The Children of Unmarried Parents Act.

PART I—NEGLECTED AND DEPENDENT CHILDREN.

Section 3 of the Act provides for the appointment of a psychiatrist to be attached to the Child Welfare Branch to assist in the care and placement of mental defective children and also to assist the Commission and the Superintendent in the care, training and treatment of juvenile delinquents and neglected children. The appointment of a psychiatrist was recommended in the report of the Child Welfare Committee.

Section 4 of the Act places the administration and direction of child welfare under the authority of a Child Welfare Commission of not less than three members nor more than five members. This Commission has all the powers formerly held by the Superintendent of Child Welfare who is a member of and the Chairman of the Commission. The powers of the Commission are contained in section 5 of the Act.

Section 6 of the Act provides for the appointment of a Probation Officers Selection Committee consisting of three or more persons whose prior approval shall be necessary to the appointment of all probation officers, inspectors and child welfare workers made under the provisions of this Act. This is to provide for the appointment of persons properly qualified and trained in the handling of children.

Section 7 of the Act provides for the appointment of a Home Investigating Committee of three or more persons to approve of applications for the care and custody of children in foster homes and to arrange for the supervision and inspection of foster homes in which children have been placed for adoption or otherwise.

Section 12 of the Act provides that all inspectors and child welfare workers appointed in cities, towns and municipalities shall be under the direction and supervision of

the Commission. It is proposed that the Commission shall have the over-all supervision and direction of all child welfare work in the Province.

Section 14 of the Act, which replaces section 9 of the old Act, provides that a judge of the Juvenile Court may make one or two orders; either that the child be returned to his parents under the supervision of the Superintendent or that the child be committed temporarily or permanently to the care and custody of the Superintendent as a ward of the Government. Formerly the judge could commit a child to an institution but it is felt that the child should be first committed to the Superintendent, who, if he deems it desirable, may place the child in an institution.

Section 17 of the Act provides for an appeal from the order of a Juvenile Court judge to a judge of the Supreme Court. This is a new provision and is not contained in the old Act.

Section 19 of the Act provides that the Commission may require a city to make provision for the establishment of an observation home and may direct that the observation home be combined with a detention home.

Section 20 of the Act provides for the establishment of observation homes in the cities of Calgary and Edmonton in which a neglected or delinquent child may, on apprehension, be placed for observation, examination and treatment before the child is brought up in court or made a ward of the Government. The observation homes shall be under the direction and supervision of the psychiatrist.

The provisions relating to immigrant children have been left substantially the same as they were in the old Act.

The provisions relating to the establishment of child welfare organizations have also been left substantially the same as under the old Act except that no child welfare society may have a child committed to its care and custody by a Juvenile Court judge.

Section 62 of the Act provides that any person who employs a girl under the age of eighteen years in a restaurant or hotel without the consent of her parents or guardian is guilty of an offence.

The provisions relating to the ill-treatment of children have been strengthened to some extent.

Section 67 of the Act replaces the old section 69 and it provides that the publisher of a newspaper is required to obtain the approval of the Commission before publishing any advertisement dealing with the adoption, putting out or care of children.

Section 71 of the Act enables the Minister to make regulations governing the duties of the Commission and officials appointed under the Act and governing other matters necessary to carry out the provisions of this part of the Act.

PART II—JUVENILE COURT.

The provisions of this Part of the Act are substantially the same as those contained in *The Juvenile Court Act*.

PART III—ADOPTION OF CHILDREN.

This Part of the Act is substantially the same as the provisions of *The Domestic Relations Act* dealing with the adoption of children except that the information to be given on applications for adoption is more extensive than that contained in the old Act.

PART IV—CHILDREN OF UNMARRIED PARENTS.

This Part of the Act is substantially the same as the provisions of *The Children of Unmarried Parents Act* except that it is clearly extended to cover the case of a married woman who has given delivery to an illegitimate child while living apart from her husband.

There are other minor changes from the provisions of the former Acts which are made for the sake of clarification and greater facility in dealing with matters relating to child welfare. Practically all of the recommendations of the Committee on Child Welfare have been incorporated in Part I of this Act.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 51 of 1944.

An Act respecting the Welfare of Children.

(Assented to _____, 1944.)

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

SHORT TITLE.

1. This Act may be cited as "*The Child Welfare Act.*"

INTERPRETATION.

2. In this Act unless the context otherwise requires, the expression, —

- (a) "Commission" means the Child Welfare Commission established pursuant to the provisions of this Act;
- (b) "Guardian" in addition to the natural parent or parents and the legally appointed guardian of the child, includes the Superintendent when the child has been committed permanently to his care and custody as a ward of the Government;
- (c) "Minister" means the member of the Executive Council charged with the administration of this Act;
- (d) "Municipality" means any city, town, village, municipal district, improvement district or special area;
- (e) "Probation Officer" means a probation officer appointed pursuant to the provisions of this Act;
- (f) "Superintendent" means the Superintendent of Child Welfare appointed pursuant to the provisions of this Act.

3. Subject to the provisions of *The Public Service Efficiency Act*, the Lieutenant Governor in Council may appoint a Superintendent of Child Welfare, a Deputy Superintendent of Child Welfare, a psychiatrist, and such probation officers, inspectors, child welfare workers, investigators or other officers or clerks as may from time to time be necessary for carrying out the provisions of this Act.

4. The Lieutenant Governor in Council shall, subject to the provisions of *The Public Service Efficiency Act*, appoint a Commission to be known as "The Child Welfare Commission" which shall consist of not less than three members

nor more than five, one of whom shall be the Superintendent of Child Welfare who shall be Chairman of the Commission.

5. The Commission shall,—

- (a) enforce the provisions of this Act;
- (b) assist and advise the Minister in the administration of this Act;
- (c) encourage the formation of child welfare organizations in the Province and assist in their organization and co-operate with them;
- (d) advise such organizations and instruct them in the manner in which their duties will be performed;
- (e) see that a record is kept by such organizations of all particulars connected with each case under their care;
- (f) prepare and submit an annual report to the Minister;
- (g) encourage, promote and assist in the proper care and welfare of children in the Province;
- (h) have supervision over all children who are wards of the Government;
- (i) cause to be kept case histories and records of all children who are dealt with by the Commission;
- (j) supervise immigrant children as defined in this Act and secure the enrolment of such children as wards of the Government, and also provide for the visitation and inspection of places, homes, shelters or institutions in which such children are cared for or employed;
- (k) 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 Government;
- (l) perform such other duties under the provisions of this Act as may be prescribed by the Minister.

6. The Minister may appoint a committee of three or more persons, one of whom shall be named Chairman, to be known as the "Probation Officers' Selection Committee" whose prior approval shall be necessary to the appointment of all probation officers, inspectors and child welfare workers made under the provisions of this Act.

7. The Minister shall appoint a committee of three or more persons, one of whom shall be named Chairman, to be known as the "Home Investigating Committee."

8. The Home Investigating Committee shall,—

- (a) examine and dispose of all applications received from prospective foster-parents;
- (b) keep careful and accurate records of all foster homes approved of by it;

- (c) arrange for the supervision and inspection of foster homes in which children have been placed for adoption or otherwise;
- (d) perform such other duties in relation to foster homes as may be assigned to it by the Commission.

9. The Minister may from time to time appoint such other committees as may be deemed desirable, consisting of not more than three persons, one of whom shall be named Chairman, for the purpose of making a thorough investigation into problems dealing with child welfare and making recommendations for remedial changes.

PART I

NEGLECTED AND DEPENDENT CHILDREN.

INTERPRETATION.

10. 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) “Child” means an unmarried boy or girl actually or apparently under eighteen years of age;
- (c) “Child Welfare worker” means an official appointed by a municipality or under this Part and approved by the Selection Committee to carry on child welfare work in the Province;
- (d) “Detention home” means 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 supervision of the Commission;
- (e) “Foster home” means a home in which a neglected or delinquent child may be placed as a member of the family;
- (f) “Immigrant child” means a child who has been brought into the Province by any organization or agent for the purpose of settlement in the Province, and who does not reside in the home of his parent within the Province;
- (g) “Inspector” means any inspector appointed pursuant to the provisions of this Part and includes a probation officer and child welfare worker;
- (h) “Institution” means 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 includes any infants’ home or maternity home;
- (i) “Judge” means a judge of the Juvenile Court appointed under *The Juvenile Court Act*, or a police

magistrate, or any justice of the peace who may be requested by the Commission to act in any case specified in the request;

(j) "Neglected child means,—

- (i) a child who is abandoned or deserted by his parents or only living parent, or who is deserted by one parent and whose other parent is unable to maintain him;
- (ii) a child whose parents, only living parent or other person in whose charge he may be, cannot by reason of disease or misfortune, or infirmity, properly care for him;
- (iii) a child whose home, by reason of neglect, cruelty, or depravity on the part of his parents or other person in whose charge he may be, is an unfit and improper place for him;
- (iv) a child found living or associating with a thief, drunkard, vagrant, prostitute or other dissolute person not his parent, or living in or frequenting a house of ill fame;
- (v) a child found begging or receiving alms in a public place or carrying on a street trade contrary to this Part, or loitering in a public place after nine o'clock in the evening;
- (vi) a child who with the consent or connivance of his parent or parents commits any act which renders him liable to a fine or to be sent to any prison or reformatory under any Dominion or Provincial statute;
- (vii) a child who by reason of inadequate parental control is delinquent or incorrigible, or who is growing up without salutary parental control or under circumstances tending to make him idle or dissolute;
- (viii) a child who without sufficient cause habitually absents himself from his home;
- (ix) a child born out of lawful wedlock whose mother is unable to maintain him or is unfit or refuses to properly care for him;
- (x) a child whose parents neglect or refuse to provide or secure proper medical, surgical or remedial care or treatment necessary for his health or well-being, or who refuse to permit such care or treatment to be supplied to the child when ordered by competent authority.
- (xi) a child who is not being properly cared for and whose only parent is serving a term of imprisonment and who is brought, with the consent of the person in whose charge he is, to the judge to be dealt with under this Part;
- (xii) a child who by reason of ill-treatment, cruelty, continual personal injury, grave misconduct or

- frequent intemperance by or of either of his parents or other person in whose charge he may be, is in peril of loss of life, health or morality;
- (xiii) a child who is guilty of lewd or immoral conduct involving another person;
 - (xiv) a child who has no proper guardianship or who has no parent capable and willing to exercise proper parental control over the child.
 - (xv) a child who,—
 - (i) being a female; or
 - (ii) being a male under the age of twelve years; or
 - (iii) being a male over the age of twelve years and under the age of fourteen years, without the written consent of his parents, is found peddling or selling newspapers or other articles for hire or reward on any street or public place at any time during the day or night;
 - (xvi) a child who, being under sixteen years of age, habitually is employed anywhere between the hours of nine o'clock p.m. of one day and eight o'clock a.m. of the following day, or is found sleeping at night in barns or outhouses or in the open air;
 - (xvii) a child who frequents or visits any place where any gambling device is or is believed to be operated, or any place which exists, or where his presence is permitted, in violation of law;
 - (xviii) a child who, being under the age of fifteen 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 the Province;
 - (xix) a child who is found to have in his possession obscene pictures or drawings, or any obscene printed or written matter;
 - (xx) a child who habitually uses obscene, profane, or indecent language;
 - (k) "Observation home" means a building or part of a building fitted for the reception, examination and treatment, physically or mentally, of any neglected or delinquent child or any child apprehended as a neglected or delinquent child or of any child who has been made a ward of the Government and is subject to the direction of the Superintendent;
 - (l) "Organization" means any person, or group of persons, within the Province, 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;

- (m) "Parent" includes a step-parent, guardian and every person who is by law or in fact liable to maintain a child;
- (n) "Probation home" means 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 Commission (in this Part provided) makes special treatment necessary, may be placed to receive such special care;
- (o) "Roman Catholic" includes the Christian religious denominations in communion with the Church of Rome; "Protestant" includes any Christian religious denominations other than Roman Catholic;
- (p) "Shelter" means any building or part of a building, under the supervision of or approved by the Commission which may be used for the temporary care of children;
- (q) "Situation" means a place where a child who is a ward of the Government is placed for employment under the supervision of the Commission;
- (r) "Temporary home" means a home in which a child is placed temporarily pending further consideration of his case;
- (s) "Ward of the Government" means,—
 - (i) any child who by order of a judge has been committed temporarily or permanently to the care and custody of the Superintendent;
 - (ii) any immigrant child as defined in this Part;
 - (iii) any child surrendered to the Superintendent by indenture, agreement or otherwise;

11.—(1) (a) Subject to the provisions of section 6 every city, and every town of three thousand population or over shall appoint and pay one or more inspectors or child welfare workers for the enforcement of this Act and notice of the appointment shall be forthwith given to the Commission;

(b) In every town of less than three thousand population a police officer having jurisdiction in the town may act as inspector or child welfare worker.

(2) Any inspector or child welfare worker shall, for the purpose of this Act, have the powers of a peace officer, and shall have authority to enter factories, workshops, stores, theatres, hotels, restaurants, homes and all places where children may be employed or congregated, and may obtain from the employers or persons having charge of such places, full and complete information relating to any child found or employed thereon, and shall perform such services as may be necessary for the enforcement of this Part.

(3) If the city or town neglects to provide and pay such inspectors or child welfare workers as may be required before the first day of February in each year, the Commis-

sion may appoint such inspectors or child welfare workers as may be required for the city or town at a salary to be approved by the Minister, and any inspector or child welfare worker so appointed shall be entitled to recover his salary by action as a debt owing by the city or town to him.

(4) The Commission may make rules not inconsistent with the provisions of this Part or the Regulations made hereunder for the direction of the inspector or child welfare worker and the enforcement of this Part.

12.—(1) All inspectors and child welfare workers appointed under this Part shall be subject to the direction and supervision of the Commission and shall perform such duties as may be assigned to them and they shall carry out the provisions of any rules or regulations made under this Part.

(2) Any inspectors or child welfare workers so appointed may act as probation officers in the city or town for which they are so appointed.

13. Any inspector or child welfare worker appointed by a city or town pursuant to section 11, or any constable, policewoman, school attendance officer or the Superintendent, or any person duly authorized in writing by him, may apprehend without warrant and bring to a shelter, detention home or observation home pending the disposition of his case, any child who, on reasonable or probable grounds he believes to be a neglected child.

14.—(1) Any person who has apprehended any child pursuant to section 13 or the Superintendent or any person duly authorized in writing by him shall within ten days from the date of the apprehension, serve or cause to be served, a notice upon the parent or guardian of the child and upon the municipality to which the child is deemed to belong, stating the time and place for investigating the facts of the case, which time shall not be more than twenty days after the date of apprehension of the child, unless otherwise ordered by the judge and stating the intention to apply to a judge for an order against the municipality to which the child belongs for the expenses of maintaining and supporting the child, including medical and hospital treatment, from the date of apprehension of the child and so long as the child remains a ward of the Government or in an industrial school or other institution approved by the Commission.

(2) The person apprehending any child shall make a written report to the Commission, setting out the circumstances of the case and the time and place for investigating the facts, and the Superintendent may permit the child to be returned pending the investigation, to his parents, or either of them, or guardian or other person in whose care he may have been.

(3) The judge shall upon the return date of the notice, investigate the facts of the case and ascertain whether the child is a neglected child and his age, name and residence and the religion of his parents.

(4) The judge shall not proceed to hear and dispose of the matter until he is satisfied that the parents or guardian and the municipality to which the child is deemed to belong have been notified of the investigation, or that every reasonable effort has been made to give such notification.

(5) The judge may compel the attendance of witnesses on the 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*.

(6) The evidence of every witness shall be taken under oath, and the court shall cause the same to be taken down in writing and signed by the witness in the same manner as if the same were a preliminary inquiry before a justice of the peace under Part XIV of *The Criminal Code*.

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

(8) If on the 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 15.

(9) The judge's order shall recite the facts so far as ascertained and the judge shall deliver a certified copy of the order to the Commission and the Superintendent shall on request supply to the parents or guardian a copy of the order, free of charge.

(10) In respect of any child who has been surrendered pursuant to section 52 a notice may be served upon the municipality to which the child is deemed to belong, stating the intention to apply to a judge on the date mentioned in the notice for an order against the municipality for the expenses including medical and hospital treatment, and maintenance and support of the child, including necessary clothing, from the date of surrender of the child so long as the child remains a ward of the Government or in an industrial school or other institution approved by the Commission.

(11) In respect of any child who has been arrested under *The Juvenile Delinquents Act*, a notice shall be served upon the municipality to which the child is deemed to belong, stating the intention to apply to a judge on the date mentioned in the notice for an order against the municipality for the expenses including medical and hospital treatment, and maintenance and support of the child, including necessary clothing, from the date of arrest of the child and so long as the child remains a ward of the Government or in the charge of the Superintendent or in an industrial school or other institution approved by the Commission.

(12) In respect of any child declared to be a neglected child or of any child surrendered under section 52, or of any child adjudged to be a juvenile delinquent under *The Juvenile Delinquents Act*, the judge upon proof of service of a notice upon the municipality in accordance with this section shall determine whether the municipality is liable to pay the expenses including medical and hospital treatment, and maintenance and support of the child, including necessary clothing, from the date of apprehension, surrender or arrest, so long as the child remains a ward of the Government or in the charge of the Superintendent or in an industrial school or other institution approved by the Commission.

(13) The judge shall upon the application referred to in subsection (12) 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 the child belongs to the municipality make an order against the municipality;

Provided that if the municipality does not appear the judge may make an order against the municipality, or may adjourn the hearing on such terms as to costs or otherwise as he may deem advisable;

Provided also that every order shall direct the municipality to pay a reasonable sum to be named therein which sum shall not be less than seven dollars per week, as maintenance for the support of the child, including necessary clothing and in addition thereto the expenses including medical and hospital treatment which may be incurred in respect of the child from the date of the apprehension or surrender or arrest of the child and so long as the child remains a ward of the Government or in the charge of the Superintendent or in an industrial school or other institution approved by the Commission.

(14) For the purpose of this section, any child shall be deemed to belong to the municipality in which the child has last resided, prior to the date of apprehension, for a period of six months; or, in the case of a child under two years of age, the municipality in which the 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 the child is taken into custody shall be presumed;

Provided always that for the purpose of this section the time during which a child or a child's mother, in case the child is under two years of age, is outside the Province or during which a child in an inmate of a maternity boarding house, an infants' or children's boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision, shall not be included in the calculation of time of residence of the child;

Provided also that if a child of a woman in receipt of an allowance under *The Mothers' Allowance Act* is apprehended or surrendered under the provisions of this Act or *The Juvenile Delinquents Act*, the child shall, notwithstanding any other provision hereof, be deemed to belong to the municipality liable for payment of any part of the allowance under *The Mothers' Allowance Act*.

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

(16) Any municipality which has made a payment under the provisions of this section for the expenses or maintenance of a child shall be entitled to recover the amount so paid from the parent or parents of the child by action or by distraint upon any of the goods of the parent or parents or either of them within the Province.

(17) The municipality shall have a charge upon the lands owned by the parent or parents or either of them and situate within the Province for the expenses of maintenance ordered to be paid by the municipality under this section.

(18) In case of default in making payment under any order made under subsection (13), the order may be filed in the office of the Clerk of the Supreme Court of the judicial district or sub-judicial district in which the municipality or the greater part thereof is situate. Upon such filing with proof by affidavit of the default, and the amount owing, judgment shall be entered in favour of the Crown, against the municipality, and thereupon it shall be and shall have the same force and effect as a judgment of the Court.

(19) Service of any notice directed to be given under this section may be effected either personally or by double-registered mail.

(20) Every order for support heretofore made under *The Juvenile Delinquents Act*, or any other Act previously in force respecting juvenile delinquents shall be as valid and have the same force and effect as if the same had been made in accordance with the provisions of this section.

(21) If and in so far as any provision of *The Juvenile Delinquents Act* is within the legislative authority of the Province and outside that of the Dominion of Canada, that provision shall have the force of law in the Province, until it is repealed by the Dominion Parliament, or until this Act is repealed by the Legislature of the Province, whichever shall first happen.

(22) Any sum made payable by any order made at any time heretofore or hereafter pursuant to this section shall be deemed to be a debt due to the Crown and shall be payable to the Commission which shall forward all sums so received to the Provincial Treasurer.

15. 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 either of the following orders:

- (a) that subject to supervision by the Superintendent the child be returned to his parents, or either of them, or guardian or other person in whose care he may be; or
- (b) that the child shall be committed temporarily or permanently to the care and custody of the Superintendent as a ward of the Government.

16.—(1) Proceedings under this Part with respect to a child, including the investigation and disposition of the case, may be as informal as the circumstances will permit, having due regard to the best interests of the child.

(2) No adjudication or order of the Court with respect to a child shall be quashed or set aside because of any informality or irregularity, where it appears that the disposition of the case was in the best interests of the child.

17.—(1) A parent, the municipality or the Superintendent, may appeal to a judge of the Supreme Court from the order of a judge made under this Part by filing with the clerk or deputy clerk of the court of the judicial district or sub-judicial district in which the order was made within thirty days from the making of the order, a notice of appeal setting out the particulars of the order appealed from and the grounds for the appeal.

(2) A copy of the notice of appeal shall be served upon the judge making the order, and upon the parent or parents of the child, the Commission or the municipality as the case may be, within thirty days from the date of the making of the order, or such longer time as a judge of the Supreme Court may order.

(3) The judge who made the order appealed from, shall, within seven days from the time the notice of appeal is served upon him, forward to the clerk or deputy clerk of the court of the judicial district or sub-judicial district in which the notice of appeal is filed, the order, the evidence taken at the hearing, all documents and exhibits filed at the hearing and a report setting out his reasons for making the order.

(4) Unless a Supreme Court judge shall otherwise direct, the appeal shall come on for hearing at the first sittings of the Supreme Court to be holden after the filing and serving of the notice of appeal, in the judicial district or sub-judicial district in which the notice of appeal is filed.

(5) Upon the hearing, the Supreme Court judge shall determine the appeal upon the material filed and such further evidence as he, in his discretion may require or permit to be given, and may affirm the order made or

revoke the same, or may make any order that a judge could have made at the original hearing, and for that purpose have all the powers of a judge under this Part.

18.—(1) No child who is held for examination as a neglected child shall be confined in a gaol, lock-up, or police station.

(2) 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 the place of confinement or detention shall secure the exclusion of all such children from the society of adult prisoners during their confinement.

19. The council of every municipality shall whenever necessary make provision for the custody and detention of every child apprehended as a neglected child by providing suitable premises and care entirely separate from the gaol, lock-up or police station, and such provision shall be subject to the approval of the Commission.

20.—(1) The Commission may require any city to make provision for the establishment of an observation home within the city for the reception, examination and treatment of neglected or delinquent children.

(2) The Commission may give directions as to the size and type of building to be used and may direct that the observation home be combined with a detention home.

(3) The observation home so provided, shall be under the control and direction of a competent supervisor appointed pursuant to the provisions of this Part whose appointment shall be subject to the approval of the Commission.

21. 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 has one; or, if not, in some other room in the municipal buildings; or, if no other place is available, then in the ordinary police courtroom; but, in the last mentioned case, not until one hour has elapsed after the other trials or examinations for the day have been disposed of.

22. When a child, or a parent, or other person charged with an offence in respect of a child under this Part, 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, the immediate relatives of the child, parent, or other person charged.

23. When a neglected child is made a permanent ward of the Government, the Superintendent shall be the legal guardian of the person or the child.

24. When the Superintendent becomes the legal guardian of a child, the legal guardianship shall continue until the child has reached the age of eighteen years, unless the judge's order otherwise specifies.

IMMIGRANT CHILDREN.

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

(2) The authorization may be revoked by the Lieutenant Governor in Council on such terms and conditions with respect to the disposition of the deposit or security as may be deemed proper.

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

27. Every organization or agent shall as to its operations in the Province be subject to the inspection and supervision of the Commission and to such rules and regulations as the Commission may from time to time deem necessary, for the effective supervision of the operations of the organizations or agents with respect to immigrant children.

28. When any immigrant child is placed in the Province by any organization or agent, the immigrant child shall be a ward of the Government, and the organization or agent shall furnish the Commission with information in such form as may be by it prescribed.

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

30. Every organization or agent shall be responsible for the maintenance of any immigrant child placed or caused to be placed in the Province by the organization or agent,

and for the cost involved in placing the 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, the 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 the child.

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

Provided, however, that the 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 Commission it is desirable in the interest of the child, it may require the organization or agent to bring the child to such place or institution within the Province for examination and observation as it may specify; and the Commission may make such arrangements for the disposition of the child as to it seems proper.

32. 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, or neglects or refuses to return him to the organization or agent as aforesaid, shall be guilty of an offence, and liable on summary conviction, to a fine of not less than ten dollars and costs nor more than one hundred dollars and costs, and in default of payment, to imprisonment for a term not exceeding three months.

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

(2) Any organization or agent who contravenes the provisions of this section shall be guilty of an offence, and liable on summary conviction, to a fine of not more than one hundred dollars and costs, and in default of payment to a term of imprisonment not exceeding three months, and the authorization granted under this Part may be revoked.

34. Where a child has been received by any person as aforesaid deserts the home of that person of his own accord,

or is wrongfully taken from the custody of that person with or without the consent of the child before he attains the age of eighteen years, the person from whose home the child has deserted or from whose custody the child has been taken shall immediately notify the Commission in writing and shall give all reasonable assistance in recovering the child, and any such person who fails to give notice as aforesaid shall be guilty of an offence and liable on summary conviction to a penalty of not more than twenty dollars and costs and in default of payment to a term of imprisonment not exceeding thirty days.

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

36.—(1) Any person who, without authorization granted by the Lieutenant Governor in Council places or causes to be placed in the 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 be guilty of an offence and liable on summary conviction to a fine of not less than twenty dollars and costs nor more than two hundred dollars and costs, and in default of payment to imprisonment for a term not exceeding three months.

(2) 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 the Province and delivering him to the custody of some person in the Province.

37.—(1) Any person who knowingly places, or causes to be placed, in the Province 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 a delinquent or who has been reared or has resided amongst habitual criminals, or any immigrant child whose parents are or have been mental defectives, habitual criminals, lunatics, or idiots, or feeble-minded or defective or confirmed paupers, or diseased, shall be guilty of an offence and liable on summary conviction to a penalty of not less than twenty dollars and costs nor more than two hundred dollars and costs, and in default of payment, to imprisonment for a term not exceeding three months.

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

38. If any immigrant child who has been placed or caused to be placed in the Province by any organization or agent within one year thereafter becomes a charge upon the funds

of any municipality or upon the Province, or upon private charity; the organization or agent shall, if so required by the Commission, 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 against the organization or agent by the corporation or person entitled to the same.

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

40. 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 the child, shall be guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars and costs, or to imprisonment with or without hard labour, for a term not exceeding six months, or to both fine and imprisonment.

41. Whenever any immigrant child placed in the Province under this Part is held for examination as a neglected child or otherwise under this Act, section 18 shall apply, and it shall be the duty of the officer in charge of the place of confinement or detention of the child to notify the Commission of the name and age of the child, and the date, place, and cause of confinement or detention.

42. The Superintendent may institute proceedings against any person for violating the provisions of sections 32, 33, 34, 36, 37 and 40 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 authorization given to any organization or agent by the Lieutenant Governor in Council be revoked.

43. 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 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.

CHILD WELFARE ORGANIZATIONS.

44.—(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 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 to the Minister of Form 1 in the Schedule, for incorporation under the provisions of this Part, provided, however, that any society, having as its objects the care and protection of children, which was incorporated or assumed to be incorporated, under the provisions of *The Children's Protection Act* or any other Act or Ordinance respecting child welfare at any time in force in the Province, shall be deemed to have been and to be incorporated under the provisions of this Part.

(2) Upon the Minister giving his approval of the application in Form 2 in the Schedule hereto 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.

45. The affairs of every such corporation shall be managed by a board of not less than five nor more than fifteen directors.

46. 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.

47. The directors of the corporation shall have full power 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, fixing 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 corporation, 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 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.

48. When in any municipality or community no child welfare association or children's aid society has been organized, the Commission may appoint from the 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 Commission may grant to the committee such powers as it may deem expedient consistent with this Act and may prescribe regulations for the guidance of the committee in the performance of its duties for the welfare and protection of children, and the committee shall be subject to the supervision and authority of the Commission.

49. If a child welfare association, or children's aid society, or child welfare committee under this Part ceases to exist, or does not hold a meeting for a period of twelve months, the secretary or other officer shall deliver to the Commission all books, documents, records, and financial statements, and pay over to it 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 Commission shall then reorganize the work and make arrangements for carrying it on consistent with the powers vested in it under this Part.

GENERAL PROVISIONS.

50.—(1) Where a child who is a ward of the Government and under the age of eighteen years has been placed in a foster home or institution, and has failed to show good conduct or for any other reason requires special training, the Commission may order the child to be transferred to an industrial home;

Provided, however, that the period for which the child may be sent to an industrial home shall not extend beyond the time when the child attains the age of eighteen years, and shall not exceed in any event three years, and the child shall, upon the expiration of that period, be returned to the Superintendent if still a ward of the Government.

(2) The Lieutenant Governor in Council may, on the recommendation of the Minister, at any time discharge a child from the care and custody of the Superintendent or of any person to whom he had 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 an institution shall on the admission of a child enter in a register in Form 3 in the Schedule to be kept by him, the name, sex and age of the child and the date on which and the name and address and religion of the person from whom he was received, and shall also immediately after the removal of the child from the institution enter in the register the date on which and the name and address of the person by whom any such child is removed.

(2) The person in charge of an institution shall keep such case histories and records in such manner and upon such forms as may be prescribed by the Commission.

(3) The person in charge of an institution shall produce the register, case history and records of a child when required to do so by the Commission or any person employed or appointed by it and in the event of his refusal so to produce the register, case history or records or neglecting to keep any of the case history or records or making any of the entries required to be made by him under this section, shall be guilty of an offence.

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

(5) Upon receipt of the notification, the Superintendent shall investigate the facts of the case and take such action against the parents in the interest of the child as he may deem necessary.

(6) The Commission shall provide for the inspection from time to time, and at least once during each year, of every institution, and the Superintendent or any person appointed by the Commission to inspect, may enter any institution at any time and examine every part thereof and every child therein, and call for and examine the records kept by the institution and inquire into all matters concerning the institution and the inmates thereof.

(7) Every institution shall at least once annually supply the Commission with information and particulars in accordance with regulations made by the Minister in that behalf, and shall furnish the Commission on request without undue delay all further information or particulars that it may at any time require concerning any child with whom the institution has dealt or to whom the institution has given care.

(8) Any person or institution violating any of the provisions of this section shall be guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars and costs, and in default to a term of imprisonment not exceeding three months; and any institution violating the provisions of this section shall be liable on conviction for a second offence to have its authority to operate the institution cancelled by order of the Lieutenant Governor in Council.

(9) If it appears to the Commission from information received in respect of any child in any institution, that the best interests of the child require that his case be inquired into, it may request the executive officer of the institution to bring the child before a judge for investigation and examination.

(10) The judge upon making any such inquiry may require the child to be taken to an observation home or other place approved by the Commission, and may thereafter 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 as a neglected child under this Part.

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

53. No parent shall surrender the custody of his child, and no person shall accept the custody of such a child, without having first obtained the approval in writing of the Commission, and any surrender without such approval shall be null and void, and any parent or person who violates the provisions of this section shall be guilty of an offence and liable on summary conviction 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 person in whose care a child is placed under the provisions of this Part, and every person entrusted with the care of any such child, shall from time to time permit the child to be visited, and any place where the child may be or reside, to be inspected by the Superintendent or any person duly authorized by the Commission in writing in that behalf.

BY-LAWS OF MUNICIPAL COUNCILS.

55.—(1) The municipal council of any city, town, village or municipal district may pass a by-law 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 the by-law shall apply.

(2) A child to whom the by-law applies found in a public place after the time so fixed may be warned to go home by a probation officer, inspector, constable or peace officer and if after the warning, the child refuses or fails to go home he may be taken by the probation officer, inspector, constable or peace officer to his home or to a shelter.

(3) A parent who permits his child to violate the by-law shall be guilty of an offence and liable on summary conviction for a first offence to a penalty of five dollars, and for a second offence to a penalty of ten dollars, and for a third

or any subsequent offence to a penalty of twenty dollars, in each case with costs, and in each case in default of payment to a term of imprisonment not exceeding three months.

56.—(1) The municipal council of any city, town, village or municipal district 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,—

and for prohibiting children from engaging in any such occupation without a 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 license shall be granted,—

- (a) to any child under the age of twelve years; or
- (b) to any child over the age of twelve years but under the age of fifteen years, unless the child presents written authority from his parents authorizing him to make application for a license for the purpose of engaging in the occupation.

(4) No licensee under this section shall engage in any occupation for which he is licensed 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.

SHELTERS AND CHILD WELFARE OFFICERS.

57.—(1) Every city, and every town of three thousand population or over shall provide and maintain one or more places for the case of neglected children, to be known as shelters and which shall be entirely separate and distinct from an institution and which shall not be used as a permanent residence for a child, but for his temporary care during such period as shall be absolutely necessary;

Provided that, with the approval of the Commission,—

- (a) any institution may with the consent of the governing body thereof, be used as a shelter; or
- (b) a shelter may be established in a private home.

(2) No neglected child shall be refused admittance to the shelter when accompanied by a probation officer, inspector, constable or peace officer, or by the Superintendent or any person authorized by the Commission.

58. When a child welfare association or children's aid society or child welfare committee has been established in any municipality, the Commission may appoint the associa-

tion 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 this provision shall not apply without the consent of the governing body thereof.

ILL-TREATMENT OF CHILD.

59. No person shall employ a child under the age of sixteen years between the hours of nine o'clock in the evening and eight o'clock in the morning of the following day, or employ a child under the age of sixteen years in an occupation likely to be injurious to his life, limbs, health, education, or morals; and any person contravening the provisions of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred dollars and costs, and in default of payment to imprisonment for a term not exceeding three months.

60. Any parent or person having the care, custody, control or charge of a child, who ill-treats, neglects, abandons or exposes the child, or causes or procures the child to be ill-treated, neglected, abandoned or exposed, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding five hundred dollars and costs and in default of payment to a term of imprisonment not exceeding two years, or to both fine and imprisonment.

61. Any parent or 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 or not accompanied by singing, playing, offering anything for sale, or any other performance; or
- (b) causes a child under the age of sixteen years to be in any public place for the purpose of singing, or 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 o'clock in the evening and eight o'clock in the morning of the following day; or
- (d) subject to the provisions of section 62, causes a child under the age of sixteen years to be at any time in a circus or other place of amusement to which the public is admitted by payment, for the purpose of singing, or playing, or performing, for profit, or offering anything for sale; or
- (e) is guilty of an act or omission contributing to a child being or becoming a neglected child, or likely to make him a neglected child;

shall be guilty of an offence, and liable on summary conviction, to a penalty not exceeding two hundred dollars and

costs, and in default of payment to imprisonment for a term not exceeding six months or to both fine and imprisonment.

62. In the case of an 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 Commission 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 the entertainment or series of entertainments without injury it is satisfied, and the license may at any time be varied, added to, or revoked by the Commission and the cost of investigation, and all other expenses involved in the granting of the license shall be paid by the person or persons making application therefor.

63. Any person who employs a girl under the age of eighteen in a restaurant or an hotel without the written consent of her parent or guardian shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding two hundred dollars and costs, and in default of payment, to imprisonment for a term not exceeding six months or to both fine and imprisonment.

POWER OF SEARCH.

64.—(1) If it appears to a judge, on information laid before him on oath by any person, 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 the judge, the judge may issue a warrant authorizing any person named therein to search for the child, and also if the person finds the child to have been, or to be, in his opinion, ill-treated or neglected, to take and detain him in a place of safety until he can be brought before a judge and the judge before whom the child is brought may cause him to be dealt with in the manner provided for in this Part.

(2) The judge may by the same or a separate warrant cause any person accused of an offence under this Part 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 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.

65.—(1) No person shall,—

- (a) induce or attempt to induce a child or a ward of the Government to leave the building, or premises or custody or control of any observation home, detention home, foster home, temporary home, shelter or institution in which the child has been placed or confined by competent authority; or
- (b) induce or attempt to induce a child or a ward of the Government to break any agreement lawfully entered into by or with the authority of the Commission or the Superintendent; or
- (c) detain or harbour any such child after demand for his delivery up has been made by or on behalf of any officer of this Part authorized to take possession of the child.

(2) Any person who violates any of the provisions of this section shall be guilty of an offence and liable, upon summary conviction, to a penalty not exceeding one hundred dollars and costs, and, in default of payment to imprisonment for a term not exceeding three months.

66. Subject to such regulations as may be approved by the Minister, all ministers of religion or persons authorized by them shall have the right of admission to an observation home, detention home, shelter or institution established hereunder for the care of children and may give instruction to them on the days and at the time appointed by the regulations for the religious education of the children, and may enter in a book to be kept for that purpose any remarks pertinent to the work of instruction.

67.—(1) (a) No Protestant child dealt with under this Part shall be placed in the care of any Roman Catholic child welfare organization, or be placed in any Roman Catholic family, home, shelter or institution.

(b) No Roman Catholic child dealt with under this Part shall be placed in the care of any Protestant child welfare organization, or be placed in any Protestant family, home, shelter or institution.

(c) No child dealt with under this Part 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, shelter or institution.

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

Provided, however, that due regard shall be given to the religious preference 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 his family with which he 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 Commission who, in its discretion, may provide for the placement of the child.

(4) Notwithstanding the other provision of this section, and for the purposes of this section, in the case of a child whose parents have not been married to each other, the religion of the child shall be the religion of the mother unless she expresses a wish in writing to have it brought up in some other religion and in case she is not living, the religion of the mother at the time of her death, if it can be ascertained.

68.—(1) The publisher of any newspaper or magazine published in Alberta, receiving for publication any advertisement dealing with the adoption, boarding out or care of a child, shall obtain from the person requiring the publication of the advertisement a memorandum in writing signed by that person, giving his name, address and occupation.

(2) A copy of the memorandum together with the advertisement shall be submitted to the Commission and its approval in writing obtained before the advertisement is published in the newspaper.

(3) Any person contravening the provisions of this section shall be guilty of an offence and liable on summary conviction, to a fine not exceeding fifty dollars and costs, and in default of payment to imprisonment for any term not exceeding one month.

69. No official appointed under this Part or appointed by a municipality pursuant to this Part, shall disclose to any person or make public the contents of any file, record, report or any information acquired by him in his official capacity concerning a child, his parent or the disposition of the case of a child under the provisions of this Part without written authorization given by the Minister and any official contravening the provisions of this section shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and costs and in default of payment, to a term of imprisonment not exceeding three months.

70. Wherever any provision of any other Act of the Province is in conflict with any provision of this Part, the provision of this Part shall prevail.

71. The forms mentioned in the various sections of this Act refer to the forms contained in the Schedule hereto. 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.

RULES AND REGULATIONS.

72. The Minister may from time to time make regulations,—

- (a) governing the duties of the Commission, the Superintendent, the Deputy Superintendent, the psychiatrist and any other official appointed under this Part;
- (b) governing the conduct, administration and inspection of observation homes, detention homes and shelters established under this Part;
- (c) governing the conduct, administration and inspection of institutions operating in the Province;
- (d) prescribing additional forms or changing the forms prescribed under this Part;
- (e) governing such other matters as are necessary to carry out the provisions of this Part according to its true intent.

PART II

JUVENILE COURT.

73. There shall be a Juvenile Court for the Province, and such Court shall be styled "The Juvenile Court of the Province of Alberta."

74.—(1) Every judge of the Supreme Court of the Province, every judge of a District Court in the Province and every police magistrate in the Province shall be *ex officio* a judge of the Juvenile Court, but shall not be required to act in such capacity unless willing to do so.

(2) The Lieutenant Governor in Council may appoint a judge or judges of such Court, and the persons so appointed shall hold office during pleasure.

(3) Any justice of the peace may on the written request of the Minister or of the Superintendent, act as a judge of the Juvenile Court for the trial of any case specified in the request, and shall while so acting have all the powers of the Juvenile Court.

75. The Juvenile Court shall be a Juvenile Court within the meaning and for the purposes of *The Juvenile Delinquents Act, 1929 (Canada)*, and shall have all the powers vested in a Juvenile Court under that Act, and shall also have jurisdiction to hear and determine any charge for any offence against any statute of the Province preferred against any child who comes within the definition of "child" in *The Juvenile Delinquents Act, 1929*, or this Act.

76.—(1) The Superintendent and any probation officer, inspector or child welfare worker, appointed under Part I of this Act may act as clerk of the Juvenile Court.

(2) Any municipality agreeing to pay for the services of a clerk may, with the approval of the Superintendent appoint such a clerk.

77.—(1) The clerk of the Juvenile Court shall see that all cases to be heard before the Court at which he attends are properly prepared, shall have before the Court all papers and documents in the cases, shall arrange for the sittings of the Court and preserve order during the sittings.

(2) Every clerk shall at the close of each sitting of the Court or at the end of each month, as required by the Commission, forward to it on forms supplied for the purpose, a full report of the cases brought before the Court of which he is clerk or at which he acted as clerk, the disposition or order made in each case, the parentage and religion of each neglected or delinquent child and such other information as may be required.

(3) No clerk or other person shall disclose or make public the contents of any report or any portion thereof or any information therein contained and any clerk or other person contravening the provision of this subsection shall be guilty of an offence and liable on summary conviction to a penalty not exceeding one hundred dollars and costs and in default of payment to a term of imprisonment not exceeding three months.

78. A book or books, the form of which shall be approved by the Minister, shall be kept by the Superintendent, in which shall be entered the particulars of each case heard before the Juvenile Court, as shown by the reports received from the clerks of the Court.

79. Every city and town shall appoint one or more persons to be probation officers for juvenile delinquents within the city or town, and notice of such appointment shall be forthwith given to the Commission.

80. Subject to the approval of the Superintendent and with the consent of the person to be appointed, a judge of the Juvenile Court may, in writing, appoint any person a probation officer for the time mentioned in the appointment, and the person so appointed shall be a voluntary probation officer and act without remuneration, unless remuneration has been provided by municipal authority or otherwise.

81. Every probation officer while acting as a probation officer of the Juvenile Court shall be under the direction of the judge and shall perform such duties as shall be assigned to him by the judge.

82. Every probation officer, duly appointed as hereinbefore provided, while acting as a probation officer shall have all the powers of a peace officer.

83. Every probation officer shall have all the powers of a truant officer under the provisions of *The School Attendance Act*.

84. Subject to the provisions of *The Juvenile Delinquents Act, 1929*, when there is no child welfare organization or committee in a municipality the Commission may, with the approval of the Minister, appoint a committee of citizens to be known as the Juvenile Court Committee for the municipality.

85.—(1) Any orphan or children's home, with the consent of the trustees or governing body thereof, and every temporary home or shelter under this Act, shall be a detention home within the meaning of *The Juvenile Delinquents Act, 1929*, in which any child may be held in confinement at the expense of the municipality within which the offence with which the child is charged, was committed.

(2) Subject to the provisions of *The Juvenile Delinquents Act, 1929*, the Minister may declare any place, house, home or institution a detention home within the meaning of that Act and may make regulations for their government and management in so far as they are used for that purpose.

PART III

ADOPTION OF CHILDREN.

86. In this Part, unless the context otherwise requires,—

- (a) "Judge" means a District Court judge having jurisdiction in the judicial district in which the proposed adoptive child resides, or in which the petitioner or the guardian of the child resides;
- (b) "Regulations" means regulations made under the authority of this Part;
- (c) "The Clerk" means the clerk or the deputy clerk of the District Court acting in the judicial or sub-judicial district in which the application is made.

87.—(1) Any adult person being of the full age of twenty-one years may apply to a judge by petition for an order of adoption of an unmarried minor as his child.

(2) Where a petitioner has a spouse who is competent to join in the petition, such spouse must join therein and upon adoption, the child shall be in law the child of both.

88.—(1) The petition shall be supported by affidavit or affidavits which shall disclose,—

- (a) the name, age, sex, place of residence since birth, and parentage of the child to be adopted, and the religious denomination of the child's parents, or where the child is illegitimate, the religious denomination of the mother and if the child has a guardian other than its parents or the Superintendent, the religious denomination of the guardian;
 - (b) the age, religious denomination, address, marital status and occupation of each petitioner and the relationship (if any) of each petitioner to the child;
 - (c) the name, age, sex, address and occupation of each natural or adopted child of the petitioner;
 - (d) in case any agreement or arrangement exists whereby any consideration is passing to or from a petitioner, the terms of the agreement or arrangement shall be disclosed in the petition and document or writing relating thereto shall be made an exhibit to the affidavit of the petitioner.
- (2) The petition shall be further supported by an affidavit or affidavits of the fitness of each petitioner to adopt the child by persons well and favourably known in the district in which the petitioner resides or by such other material as the judge in his discretion may require.

89.—(1) Every petition and all material to be used in connection therewith shall be filed in the office of the clerk.

(2) Copies of the petition and material shall also be served upon the Commission and no order for adoption shall be made unless the Commission has been served with notice thereof and is represented thereon or has expressed in writing its intention of not being so represented.

90.—(1) Subject to the other provisions of this Part, respecting consent, no order of adoption shall be made without the consent,—

- (a) of the child, if the child has attained the age of fourteen years;
- (b) of the guardian or guardians of the child.

(2) The consent of the child to the order of adoption shall not be required if the judge, for reasons appearing to him to be sufficient, considers it necessary or desirable to dispense with his consent.

(3) The consent of a guardian shall not be required if,—

- (a) he is found by the judge, upon evidence submitted to him, to be insane, incompetent or unfit to give such consent, or
- (b) he is undergoing a sentence for a term of which more than two years remain unexpired at the date of the filing of the petition, or
- (c) being under a duty to provide proper care and maintenance for the child, he has neglected so to do, or

- (d) the judge, for reasons which appear to him sufficient, deems it necessary or desirable to dispense with his consent.

91.—(1) If the consent of the child to the order is required and is not submitted and is not by the judge dispensed with, the judge may require the child to be brought before him or may take such other means as he thinks proper to inquire into the reasons for failure to produce the consent.

(2) (a) If the consent of any other person required to an order of adoption is not submitted, the judge may order notice of the petition to be served on such person and may permit the service to be made substitutionally in accordance with the Consolidated Rules of Court.

(b) If such person fails to appear at the time and place appointed, or appears and objects upon grounds which the judge deems insufficient the judge may dispense with his consent.

92. The judge may require further information, consents to be obtained and notices to be served as to any matter affecting the adoption and may direct investigation as to the physical, mental or moral fitness of the child or the adopting parents.

93. Where the child is a ward of the Government, an order of adoption shall not be made unless the Superintendent certifies in writing,—

- (a) that the child has lived with the petitioner for at least one year immediately prior to the date of the petition, and that during that period the conduct of the petitioner and the conditions under which the child has lived have been such as to justify the making of the order, or
- (b) that the petitioner is to the knowledge of the Superintendent, a fit and proper person to have the care and custody of the child, and that for reasons set out in the certificate, the period of residence may be dispensed with.

94. The judge, if satisfied of the ability of the petitioner to fulfil the obligations and perform the duties of a parent towards the child and the propriety of the adoption having regard to the welfare and interests of the child, the religion in which he has been brought up and the interest of his adoptive parents and their religion, may make an order of adoption of the child by the petitioner.

95. If the child has been born out of wedlock, that fact shall in no case appear in the order of adoption.

96. Every order of adoption shall be on a prescribed form to be supplied by the Superintendent without charge.

97.—(1) An order of adoption shall,—

- (a) divest the natural parent, guardian or person in whose custody the adopted child has been, of all legal rights and free them from all legal obligations and duties in respect of the child.
- (b) make such child, to all intents and purposes the child of the adopting parent or parents;
- (c) impose upon the adopting parent or parents all legal obligations and duties as if the adopting parent or parents were the natural parent or parents of the child as from the date of the order of adoption.

(2) The adopted child shall bear the surname of his adopting parent, unless otherwise ordered by the judge.

(3) In and by the order of adoption the judge may in his discretion give to the adopted child any first or Christian name or names requested by the petitioner in his petition.

98.—(1) A person who has been adopted in accordance with the provisions of this Part shall upon the intestacy of an adopting parent take the same share of property which the adopting parent could dispose of by will as he would have taken if born to such parent in lawful wedlock, and he shall stand in regard to the legal descendants but to no other kindred of the adopting parent, in the same position as if he had been born to him.

(2) If the person adopted dies intestate his property acquired by himself or by gift, inheritance or descent from his adopting parent or from the kindred of such parent, shall be distributed according to the laws of the Province relating to intestacy among the persons who would have been his kindred if he had been born to his adopting parent in lawful wedlock, and the property received by gift or inheritance from his natural parents or kindred shall be distributed in the same manner as if no act of adoption had taken place.

(3) Where a person is adopted, he shall not lose his right to inherit from his natural parents or kindred.

99. The word “child” or its equivalent in any will, conveyance or other instrument shall include an adopted child unless the contrary plainly appears by the term of the instrument.

100. An order of adoption made with respect to an illegitimate child shall not be affected in any way by the marriage or intermarriage of its natural parents.

101. No action or proceeding to set aside an order of adoption granted under the provisions of this Part shall be commenced after the expiration of one year from the date of the order, except on the ground that the order was procured by fraud and then it may only be set aside if it is in the interests of the child so to do.

102. A person who has been adopted according to the laws of any other country or any of the Provinces of Canada shall be entitled to the same rights of succession to property as he would have had if adopted pursuant to the laws of Alberta.

103. If the child has been previously adopted, all legal consequences of the former order of adoption shall, upon a subsequent adoption, determine except in so far as any right, title or interest in property may have vested in law or equity in the adopted child.

104.—(1) The order of adoption, together with all the material used on the petition shall be filed in the office of the clerk, and he shall forward a copy of the order certified by the judge to the Deputy Registrar General of Vital Statistics, who shall record the same, and make the changes in his records required by the order of adoption.

(2) The order of adoption, the petition, the material filed and the record of proceedings in relation thereto shall not be made public or disclosed to any person save upon the order of a judge.

(3) The order of adoption, the petition, the material filed and the record of proceedings in relation thereto shall be kept by the clerk in a sealed packet and all papers in the custody of the Commission relating to the adopted child shall be kept by it in a sealed packet, and neither packet shall be opened save upon the order of a judge.

(4) Notwithstanding anything to the contrary contained in *The Vital Statistics Act*, orders of adoption and original birth registration of all adopted children, shall be kept by the Deputy Registrar General of Vital Statistics in a special register and no person shall be entitled to have the special register or any entry therein searched or to obtain any certified extract therefrom save upon the order of a judge;

Provided however, that the Deputy Registrar General shall be entitled to refer to the special register for the purpose of preparing a birth certificate requested by an adopted child, or either of the adopting parents, which birth certificate shall be in the name given the said adopted child by the order of adoption.

105. A petition under this Part shall be dealt with by the judge in his chambers and may be heard in camera.

106. The Lieutenant Governor in Council may make regulations,—

- (a) respecting the procedure to be followed upon an application for an order of adoption where not provided for by this Part;
- (b) for fixing the fees, costs, charges and expenses payable in connection with proceedings under this

Part and for dispensing with the payment of such fees, costs, charges and expenses where owing to lack of means or any other reason the judge deems such action advisable;

- (c) for payment, out of such sums as may be appropriated by the Legislature for that purpose, of the expenses of the Commission in carrying out the provisions of this Part;
- (d) generally for better carrying out the provisions of this Part.

PART IV

CHILDREN OF UNMARRIED PARENTS.

INTERPRETATION.

107. In this Part, unless the context otherwise requires,—

- (a) “Judge” means a judge of a District Court, or a judge of the Supreme Court acting as a District Court judge;
- (b) “Mother” means any single woman or widow who has been delivered of an illegitimate child, or who is pregnant and likely to be delivered of an illegitimate child, or any married woman who is living apart from her husband and who has been delivered of an illegitimate child, or who is pregnant and likely to be delivered of an illegitimate child, and who was living apart from her husband at the time of the conception of the child;
- (c) “Superintendent” means the Superintendent of Child Welfare appointed pursuant to the provisions of this Act, or any person authorized by the Minister to act for and in the place of the Superintendent for the purposes of this Part.

GENERAL PROVISIONS.

108. The Lieutenant Governor in Council may from time to time,—

- (a) fix the amount of the fees to be paid in any proceeding taken under the provisions of this Part;
- (b) provide for the expenditure involved in the administration of this Part;
- (c) make rules and regulations as to the procedure governing all applications and proceedings under this Part, and for the due administration thereof.

109. Every district registrar of Vital Statistics shall, as soon as possible, give notice to the Commission of the birth of every child born out of wedlock which is registered in his office under *The Vital Statistics Act* and of the birth of every child which has been registered in such manner

as to suggest that the parents were then unmarried or unknown, and shall furnish to the Commission such particulars as to the birth of the child as it may require.

110. The Commission shall by inquiry through child welfare organizations, maternity homes and otherwise obtain all information possible with respect to every child born out of wedlock.

111. The mother of any child born out of wedlock or any person who has the custody of such a child or who has undertaken the care and maintenance of such a child or who has supplied the mother or the child with necessities may apply to the Commission for aid and advice in all matters pertaining to the child, and it shall thereupon take such lawful action as may seem to it to be in the interests of the mother or the child.

AFFILIATION PROCEEDINGS.

112.—(1) Upon complaint made in writing upon oath to a judge having jurisdiction in the judicial or sub-judicial district in which the mother hereinafter mentioned resides, or in which the child is born, that any child has been born out of wedlock or that any woman has become a mother within the meaning of this Part, and stating the name of the person alleged to be the father of the child or to have caused the pregnancy as the case may be, the judge may issue his summons requiring the putative father to appear at a time and place mentioned in the summons and show cause why an affiliation order should not be made against him under this Part.

- (2) The complaint may be made,—
 - (a) by the mother of the child; or
 - (b) by the next friend or guardian of the child born out of wedlock; or
 - (c) by the Superintendent or by any person authorized in writing by the Commission.

113. No affiliation order shall be made upon a complaint under this Part unless the complaint is made within the lifetime of the putative father, and,—

- (a) within the twelve months next after the birth of the child; or
- (b) within the twelve months next after the doing of any act on the part of the putative father which could reasonably be regarded as an acknowledgement of paternity; or
- (c) within twelve months after the return to the Province of the putative father where he was absent from the Province at the expiration of the period of twelve months from the birth of the child.

114.—(1) If the judge is satisfied upon evidence on oath that the putative father will not attend at the hearing of the complaint without being compelled so to do, then instead of issuing a summons, he may issue a warrant in the first instance under his hand directing the arrest of such person, and that he be brought before the judge at the time and place mentioned in the warrant.

(2) If the putative father, having been duly served with a summons, does not appear at the time and place specified therein and no just excuse is offered for his non-appearance, then the judge, after proof upon oath of the service of the summons, may issue a warrant under his hand directing the arrest of such person and that he be brought before the judge at the time and place mentioned in the warrant.

(3) Upon the putative father being brought before the judge upon a warrant, the latter may bind him over to appear at the hearing of the complaint, and may require that a surety or sureties be procured or produced and join in the recognizance, or that a sum of money be deposited with the judge, sufficient to ensure the appearance of the putative father at the hearing of the complaint, or upon being satisfied that the ends of justice would otherwise be defeated, the judge may commit such person to prison until the hearing of the complaint.

115.—(1) In all proceedings, whether or not the putative father appears in obedience to the summons, or pursuant to his recognizance, the judge, upon proof of the service of the summons or of the giving of the recognizance, as the case may be, and upon sufficient evidence being adduced before him as to the fact of paternity, may make an order declaring the putative father to be the father of the child and requiring the putative father to make to the Commission any or all of the following payments:

- (a) The reasonable expenses for the maintenance and care, medical or otherwise, of the mother during the three months next preceding the birth of the child, at the birth, and during such period after the birth as may in the opinion of the judge have been or be necessary in connection with or as a consequence of the birth of the child, taking into consideration the circumstances of the case and the report of a duly qualified medical practitioner made in respect thereof;
- (b) A sum of money weekly, monthly or yearly towards the maintenance and education of the child until he attains the age of sixteen years, or as long as he is mentally or physically incapable of earning his own living;
- (c) The amount necessarily expended upon the care and maintenance of the child prior to the date of the affiliation, or the value of the necessities supplied to the child, as the case may be;

- (d) The expenses of the burial of the mother in case of her death at or in consequence of the birth of the child;
- (e) The expenses of the burial of the child in case of the death of the child before the making of the affiliation order;
- (f) The costs of all proceedings taken under the provisions of this Part.

(2) In determining the weekly, monthly or yearly sums payable by the putative father under this section, the judge shall take into consideration the respective abilities of the putative father and of the mother to provide the same, and the means of the putative father to make provisions for the proper subsistence of his wife and legitimate children, if any, and for the education of the latter.

(3) When the judge determines that the mother should contribute towards the maintenance of the child, he shall make an order to that effect, the observance of which shall be enforced in the same way as an affiliation order, and may be varied in the same way.

(4) Every order made by a judge under this Part shall be in duplicate and one of the duplicates shall be transmitted to the Commission which shall be entered in a register to be kept by it for that purpose, particulars thereof.

(5) Where a putative father has given a recognizance, and fails to appear at the hearing, the judge may direct that all or any part of the amount of the recognizance be applied to the support of the mother or child in such way as he may direct.

(6) If at any time after complaint is made, a judge may examine, under oath and as a part of the proceedings, the mother and the putative father, as to her or his means.

(7) The judge may order that the liability of a putative father under the provisions of this Part shall be finally satisfied upon payment of a specified sum.

116.—(1) Where any one of two or more persons may be the possible father of a child born out of wedlock, or of a child likely to be born out of wedlock, any person named in section 112, subsection (2) may make a complaint under the provisions of that section, naming each such possible father, and the provisions of this Part setting forth the proceedings following the making of a complaint shall apply to the complaint.

(2) The judge may make an affiliation order according to the provisions of section 115 against any one of such persons; or, upon such evidence as in his discretion is deemed sufficient, the evidence of the mother being corroborated in some material particular by evidence implicating the accused, and having regard to the amounts payable under section 115 in the case of an affiliation order, he may make an order against one or more of such persons, fixing

an amount to be paid by each of them, and the provisions of this Part shall as nearly as may be, apply to any order made under this section.

(3) The judge may from time to time vary the amount to be paid under the order on the application of any person named in section 115 or any person against whom an order is made, and upon proof of such circumstances as in his opinion, having regard to the objects of this Part, justify a varying of the terms of the order or any subsequent order varying it, and may require security to be given for the fulfilment of the order as varied.

117. The judge shall fix such sums for maintenance as will enable the child to be maintained according to a reasonable standard of living, and the judge shall be governed in his findings by a consideration of the probable standard of living the child would have enjoyed if he had been born to his parents in lawful wedlock.

118.—(1) Where an affiliation order has been made under this Part, then, upon the application from time to time of the Superintendent or any person appointed by the Commission or of either parent of the child, or of the child, or of any person entitled to make complaint in respect of the child under this Part, and upon proof that there has been a substantial alteration in respect of the means of either parent or the needs of the child, or in respect of the cost of living, since the making of the affiliation order or the latest subsequent order varying it, or that the putative father owing to the terms of the order is unable to make provision for the proper subsistence of his wife and legitimate children, if any, and for the education of the latter, the judge may vary the original or subsequent order so made.

(2) No application to vary any affiliation order shall be made until the lapse of one year from the date of the order it is sought to vary.

119. Where an affiliation order is made or varied under this Part, the judge may, after inquiry into the means of the putative father, require him to furnish such security for the future performance of the order and in such manner as the judge may direct; and if the putative father fails to furnish the security required, the judge may forthwith commit him to gaol, there to be imprisoned with hard labour for a term of not more than twelve months, or until he furnishes the security and pays the cost and charges of the commitment and conveying of him to gaol.

120.—(1) No affiliation order shall be made upon the evidence of the mother of a child unless her evidence as to the paternity of the child is corroborated by some other material evidence implicating the putative father.

(2) Subject to subsection (1) and notwithstanding any other statute or law to the contrary, in all proceedings under this Part a married woman shall be a competent and compellable witness to testify as to the paternity of her child in respect of whom the proceedings are taken.

121. The Superintendent or any person authorized by the Commission shall not be debarred from instituting or continuing proceedings under this Part by the death of the mother of the child for whom relief is sought.

122. Where any proceedings are instituted under this Part by any person other than the Superintendent or a person authorized by the Commission, the person instituting the proceedings shall give notice thereof to the Commission, and the Superintendent or any person authorized by the Commission shall have the right to appear and intervene and be heard in person or by counsel on the proceedings.

123. The room or place in which the judge sits to hear any complaint under this Part shall not be deemed an open or public court, and no persons other than the officers of the Court, the complainant and the defendant, their respective counsel, and such other persons as the judge in his discretion expressly permits, shall be present at the hearing.

124. Every payment ordered by a judge to be made in accordance with the provisions of this Part shall be made to the Commission or to such person as the Commission may from time to time direct.

125. The Commission or the Superintendent shall,—

- (a) see that all payments directed to be made by the putative father under an affiliation order are duly made, and in default of payment shall take all necessary proceedings for the enforcement of the order, including the enforcement of any security given by the putative father;
- (b) in default of payment, take the proceedings authorized by the provisions of *The Alimony Orders Enforcement Act*;
- (c) see that all moneys collected under an affiliation order are paid and applied forthwith, without any deduction, to or for the persons entitled to relief in accordance with the terms of the order and the provisions of this Part.

126. Every complaint under this Part and every order made hereunder shall be filed with the clerk or deputy clerk of the District Court, and he shall keep and record the same in the same manner as he is required to do in connection with civil proceedings, or in such other manner as may be provided by the Lieutenant Governor in Council,

and the Commission or the Superintendent may from time to time proceed to enforce the payment of all sums which it or he certifies in writing to be due under the order, as if the same were a judgment of the court in excess of the sum of one hundred dollars.

127.—(1) Every affiliation order shall bind the estate of the putative father after his death, and every sum payable thereunder shall be a debt due from and chargeable upon the estate of the putative father and recoverable at the suit of the Commission or Superintendent, but every affiliation order shall, as to any payment falling due before or after the putative father's death, be subject to review as provided in section 118, and after the death of the father no action or other proceeding shall be taken thereon without the leave of a judge, and the judge, before granting leave, shall direct that notice be given to the widow and legitimate children of the putative father.

(2) Where it appears to the judge that the terms of the affiliation order cannot be carried out without depriving the widow or legitimate children of the putative father of proper subsistence and education, he shall vary the affiliation order to such an extent and in such manner that the widow of the father and his children born in wedlock, if any, shall be duly provided for before the child or children born out of wedlock.

128. No agreement entered into between the mother of a child and the putative father of the child, relating to any matters within the scope of this Part shall be a bar to any proceedings under this Part.

PATERNITY AGREEMENT.

129.—(1) Where the putative father admits the paternity or possible paternity of the child and makes an adequate offer to provide for the maintenance and education of the child, he may enter into an agreement therefor with the Superintendent, which agreement shall contain an admission of paternity or possible paternity and shall have the same force and effect as if its terms were contained in an affiliation order, and may be enforced or varied in the same way as an affiliation order, and the agreement shall be deemed to be an order for the payment of money under the provisions of this Part for the purpose of proceedings under *The Alimony Orders Enforcement Act*.

(2) The agreement shall be filed in the office of the Commission, and shall be recorded and kept by it, in the same manner as if it were an order made under this Part.

ENACTMENTS REPEALED.

130. The following enactments are hereby repealed,—

- (a) *The Child Welfare Act*, being chapter 263 of the Revised Statutes of Alberta, 1942;

- (b) *The Juvenile Court Act*, being chapter 131 of the Revised Statutes of Alberta, 1942;
- (c) Part VII of *The Domestic Relations Act*, being chapter 300 of the Revised Statutes of Alberta, 1942;
- (d) *The Children of Unmarried Parents Act*, being chapter 305 of the Revised Statutes of Alberta, 1942.

131. This Act shall come into force on the day upon which it is assented to.

SCHEDULE

FORM 1

(Section 44, 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.....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 }
hereunto severally sub- }
scribed our names, this }
day of }
in the year 19..... }

In the presence of

FORM 2

(Section 44, Subsection (3))

CERTIFICATE TO BE ENDORSED ON APPLICATION.

I hereby approve of the within application for incorporation as of
 (Give distinguishing name).

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 received	Name and address of person by whom removed

No. 51.

FOURTH SESSION
NINTH LEGISLATURE
8 GEORGE VI
1944

BILL
An Act respecting the Welfare of
Children.

Received and read the

First time.....

Second time.....

Third time.....

HON. DR. CROSS.

EDMONTON:
A Shnitka, King's Printer
1944