

[Chairman: Mr. Schumacher]

[8:35 a.m.]

MR. CHAIRMAN: Good morning, ladies and gentlemen; I see a quorum. This morning we will be hearing evidence with regard to Bills Pr. 3 and Pr. 5. I'd first of all like to welcome the proponents of Bill Pr. 3 and Bill Pr. 5 and to just generally explain the nature of our proceedings, if it hasn't already been done.

First of all, I'll ask Mr. Clegg to give us a report on the proposed legislation and then ask that all prospective witnesses be sworn. We make that a uniform practice with any legislation we are presented with. Then there'll be the opportunity for an opening statement by counsel, explaining briefly the need for the legislation and why we're here, and then there will be the opportunity for the evidence to be presented, followed by questioning by members of the committee. Then there'll be an opportunity for summation, if required. Then the committee will take what's heard this morning under advisement, and we'll be considering it at a later date. There will be no decision made this morning.

So with that, I'll ask Mr. Clegg to give a report with respect to Bill Pr. 3.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 3, Paul Mark and Cheryl-Lynne Mary Ibbotson Adoption Act. The purpose of this Bill is to provide for the adoption of two persons who are over the age of 18 years. The Child Welfare Act does not make any provision for the adoption of persons over the age of 18 years, and this is the reason for the Bill being necessary. The Bill does not contain any other provisions which I consider to be unusual.

MR. CHAIRMAN: Thank you.

[Mr. J. Ibbotson, Mrs. W. Ibbotson, Cheryl-Lynne Ibbotson, and Paul Ibbotson were sworn in]

MR. CHAIRMAN: Now, Mr. Graesser, if you'd like to proceed. I should explain that there's no need to stand. If you feel more comfortable standing, that's fine, but if you don't, you may remain seated.

MR. GRAESSER: Mr. Chairman, hon. members, my name is Graesser. I am a lawyer with Reynolds Mirth Richards & Farmer in Edmonton. I appear as agent for Norm Tainsh, barrister and solicitor of Three Hills, who is the solicitor for the Ibbotson family. John and Wendy Ibbotson, the proposed parents, are present, as are Paul and Cheryl, the proposed adoptees. Paul and Cheryl have already legally changed their names to Ibbotson. Their birth name, Wryryha, was changed in 1983.

Paul has lived with John and Wendy Ibbotson since 1981. Cheryl joined that family unit in 1982. John and Wendy have four other children, all of whom are younger than Paul and Cheryl. Two of the Ibbotson's children at present are natural children; two have already been adopted by the Ibbotsons. There has been a guardianship order in effect from 1983 until both Paul and Cheryl reached the age of majority.

The placement of Paul and Cheryl with John and Wendy Ibbotson back in 1981 and 1982 was as a result of a private family arrangement initially. Mrs. Ibbotson and the birth mother of Paul and Cheryl are cousins. Paul initially came to live with the Ibbotsons as a result of an unsatisfactory home life with the

birth mother. Cheryl came a year later at the request of the birth mother, believing that it was better to have the children together and that the Ibbotsons were doing a good job of raising Paul. The guardianship order was put into effect in 1983 to allow the Ibbotsons formal control of the two children.

There has been, as a result of the guardianship and the family relationship that's been created, very close bonding among Wendy and John and Paul and Cheryl. The adoption is sought even at this stage, where adulthood has been reached, to complete the family unit. There is a desire to reaffirm a commitment that was made when both Paul and Cheryl came to live with the Ibbotsons, that an adoption would be sought and there would be a permanent relationship created. Both Paul and Cheryl had experienced an unhappy and rather disruptive childhood until they reached the stability of the Ibbotson home. The adoption was something that was committed to by John and Wendy, and this is the fulfillment of that promise.

It is sought as well to complete the family unit. That is especially important because of there being two other adoptive children in the family. There's a desire for John and Wendy to treat all children the same and equally and have the family unit complete. Cheryl and Paul are very anxious to be included in the family as formal members as opposed to members by a court order by some informal arrangement. Cheryl is presently 18; she will be 19 later on this week. She is still living at home with John and Wendy. Paul is 23. He is not living at home, but he is living still in Three Hills and maintains a close relationship with the family.

The consent of the natural mother is included in the materials. She does not oppose and in fact consents to the adoption of both children. The natural father has provided, through his counsel in Lethbridge, a letter that indicates that he neither consents nor will he object or oppose the application. His involvement with Paul and Cheryl has been virtually nonexistent, certainly at least since they came to live with John and Wendy. Cheryl has never had any contact with the birth father. Paul has had, as I understand it, one brief meeting with his natural father since 1981 and before that had met him on no more than half a dozen occasions. So there's no relationship whatsoever between Paul and Cheryl and the birth father.

With respect to the birth mother, there has been very little contact. The last contact was in November of last year, which was a brief meeting. She has consented to the adoption and is, as far as we know, content with the idea that the Ibbotsons will become the parents, formally, of her two children.

Mr. Pengelly is the sponsoring member for this Bill. Any of the Ibbotsons would be pleased to answer any questions you may have, as will I if I can be of any assistance.

Thank you.

MR. CHAIRMAN: Thank you very much, Mr. Graesser.

MR. WRIGHT: Are there written consents on file there, Mr. Chairman?

MR. M. CLEGG: Mr. Wright, the documentation relating to the consents is on file.

MR. CHAIRMAN: Thank you. Mr. Graesser, before inviting further questions, a lot of your presentation has been based on fact, and I'd like to ask all of the witnesses who are here whether they all adopt what has been said factually as their evidence. You all indicate in the affirmative.

MR. DOWNEY: Mr. Chairman, I did have a couple of questions. One has been answered by Mr. Graesser's presentation. The other one I had was: why has the family waited till now to bring this in in the form of a private Bill when in fact both the prospective adoptees were with the family at an age when they could have been adopted under the regular procedure?

MR. GRAESSER: If I may answer the question, any of the Ibbotsons will certainly correct me if I'm wrong. There was a Child Welfare Act adoption undertaken of Cheryl. Paul had already attained the age of majority. It was opposed at that stage by the birth mother and did not go through. She has since withdrawn any objection to the adoption.

As far as why adoption was not sought immediately in 1983, I'm not aware. Perhaps Mr. Ibbotson can . . .

MR. J. IBBOTSON: Mr. Chairman, when Cheryl first came, we discussed that possibility. Cheryl at that point had been promised adoption before by other individuals, so the whole concept of adoption, I think, was a negative concept. So we actually went for guardianship in '83, just because she didn't know what all was involved in adoption and so on at that point, and the birth mother consented, of course, to that.

MR. CHAIRMAN: Thank you, Mr. Ibbotson.  
Any further questions?

MR. M. CLEGG: Mr. Chairman, I'd just like to ask Mr. Graesser whether he could file with us a copy of the guardianship order, just for the record.

MR. GRAESSER: Yes. I don't have it with me, but I will undertake to obtain a copy and file a certified copy with you, Mr. Clegg.

MR. M. CLEGG: Mr. Chairman, I'd like to ask Mr. Ibbotson: what are the ages of the other children in the family?

MR. J. IBBOTSON: 16, 14, 12, and 9. You asked the wrong person.

MR. M. CLEGG: Thank you, Mr. Chairman.

MR. CHAIRMAN: Well, if there are no further questions, if Mr. Graesser would like to sum up or if you . . .

MR. GRAESSER: My submission, Mr. Chairman and hon. members, would be that the adoption here is a very sincere attempt by the four people present to complete the family bonding, and it's not only a legal step but a significant emotional step for them and would certainly be in the public interest to encourage this and give it legal effect.

Thank you.

MR. CHAIRMAN: Now with regard to Bill Pr. 5, I'll ask Mr. Clegg to give his report.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 5, Patricia, Alejandra and Marcello Becerra Adoption Act. The purpose of this Bill is to provide for the adoption of three persons who are over the age of 18 years. In view of the fact that the Child Welfare Act does not make provision for the adoption of persons over 18 years, this exception is a necessary step to

achieve the adoption. Apart from that, there are no other aspects of the Bill which I consider to be unusual.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Scott.

MR. SCOTT: Thank you, Mr. Schumacher. Mr. Chairman, members of the Assembly, I'm . . .

MR. CHAIRMAN: I'm sorry; forgive me. I should let Mr. Clegg do the oaths first.

[Mrs. S. Callejon, Mr. F. Callejon, and Miss E. Callejon were sworn in]

MR. SCOTT: My clients, Mr. and Mrs. Callejon, and their daughter Elizabeth have been introduced to you through their oath. My associate Heather Murray is at the far end of the tables to my left. I am counsel for the Callejon's with respect to this petition, sponsored by Mr. Gibeault, to adopt their nephew and their nieces. The application is somewhat different than the one you had before you just moments ago. Perhaps I could spend some time with you this morning to give you the outline and the background to the petition, which will perhaps clarify some of the points that you will wish to have clarified. In the materials provided to you by Mrs. Mackenzie this morning is the following documentation which I shall go through with you. Hopefully, God willing, it should be in the order that I refer to it, as I go through it.

The first document is a declaration of Mary Nimmons which in fact indicates that Mrs. Nimmons, a resident of Edmonton, is able to translate from the Spanish language to the English language and that the documents she has had provided to her in Spanish in fact have been accurately and correctly translated from the Spanish language to the English language. The next document that you should have at hand is simply the petition of Mr. and Mrs. Callejon to the adoption before you. I have included as well a photocopy of Bill Pr. 5. The next documents are simply the formal requirements to indicate that in fact the proper publication of the notices has been done in the particular instance.

The documents beyond that are with respect to the consents to the adoption by the children themselves, and perhaps at this point I should stop here and give you a bit more of the background to the application before I move into the formal documentation. Mr. and Mrs. Callejon are former citizens of Chile. They immigrated to Canada in May 1978. They are now Canadian citizens, as are their three children: Elizabeth, Felix, and Alex. Mrs. Callejon has a sister who is now a widow who lives in Chile and with whom they were very, very close over their entire lifetime. Iris has three children: Patricia, Alejandra, and Marcello — twin daughters and a son. The daughters are 22 years of age and the son is 20, I believe it is.

It is with respect to the children that the adoption application is made. I'll give the background as we go through in terms of why this is made in this respect. The document there is the consent to adoption, and you can see that it is in the English language as well as in the Spanish language. The consent of the mother, Iris, is also provided, and that is the first document. Iris Valentina Becerra Martinez is the mother of the children. She has granted her consent to the adoption before a notary public, as I understand it, and I have the original document here, which might be the best one to have before your Assembly. That is

under seal, as are the three with respect to the children. They were in fact presented to the children and to the mother in English and in Spanish at the time of execution.

The next document is really a statutory or a sworn declaration which sets forth the status, if you will, of the natural and lawful mother at this point in time, indicating that she is the widow of Manuel Isidaro Gonzalez Sobarzo. He died, the natural and lawful father, in 1972, and there is the death certificate enclosed with these documents, and that is indicating, as well, how the father died.

The next document is a further sworn declaration, again of the proper authority, again indicating that the consent has been granted. This is a fully narrative statement showing that consent has been granted, and it's been done in English and in Spanish. The next document which you should have before you in fact is a document in Spanish with the translation. The Spanish should read -- and you'll forgive my Spanish if I have difficulty -- certificado de defuncion. It's a certificate of death, and it is indicating that Manuel Isidaro Gonzalez Sobarzo died on October 29, 1972. That is the natural and lawful father of the three children. He passed away some 16 years ago. The next document is simply a formal document obtained for purposes of placing before your Assembly a notary declaration indicating that to this point in time the mother is still a widow and that she is still domiciled in the same residence as she has been for the past 16 years.

Thereafter in Spanish and in English we have the marriage certificate indicating the marriage of Manuel and Iris on June 15, 1966. There is also the marriage certificate of Mr. and Mrs. Callejon themselves, and then at that point in time we have provided to your Assembly the certificates of birth of Iris, the natural mother, and the certificate of birth, which is the certificado de nacimineto -- I'm improving with that -- of Alejandra, the daughter, and Patricia, the daughter. You will note that they are twins. They were born on November 5, 1966. They will be 22 in November of this year.

There is also the certificate of birth of Marcello Jose. His birth date is December 2, 1967, so he will be 21 this year. We have a birth certificate in Spanish, and regrettably I see that it has not been fully translated. However, I can advise you it is the birth certificate of Silvia Callejon, my client, indicating her date of birth on June 19, 1937; her certificate of birth of her husband Felix, indicating the date of birth of July 14, 1942. I believe those are the documents that you have before you in your materials at this time. I have some further documents I'll make reference to, which in the course of it will perhaps be relevant to the representations that I make on behalf of my clients.

I believe that the evidence given by Mr. and Mrs. Callejon and their daughter Elizabeth will show that in Chile, and especially in their family background, there's a strong cultural and a religious background relating to the family. The family unit is an extremely strong unit, and that is even more so with Mr. and Mrs. Callejon and their sister-in-law and their former family in Chile. After the marriage of Felix and Silvia in 1968 they had three children, all three of whom were born in Chile: Elizabeth, Felix, and Alej. The only sister of Mrs. Callejon is Iris, and she married Manuel Becerra on June 15, 1966. The three children that we've referenced were born at that time.

I should digress for the moment and advise you that during the childhood of Iris and Silvia, they were very, very close at that time. Their parents were separated when they were children. That was when Silvia was 12 years of age. According to the customs or the cultural background of the Chileans, at that

point in time their uncle really moved the family unit in with him, so Silvia and her sister Iris were basically raised by their uncle and supported in totality at that point in time. The family was supported by the uncle. So from 1966 until 1972, the date of Manuel's death, the family units were very close not only emotionally, not only physically and as a family group -- they did many things together. They lived within five kilometres in the same city in Chile. Manuel did not have a particularly good job, and therefore there was substantial financial assistance given by Felix and Silvia to Iris and Manuel's family at that point in time. Iris taught in schools in Chile at that point in time.

The two sisters, Patricia and Alejandra, were like older sisters to Elizabeth during the course of this initial stage for the first six years of their lives. Marcello played and fit into the family units very well together as well. There was a complete interchange of toys, of those things that children have. The family units were looked at substantially as one during this period in time. I'm informed by my clients that Iris's children would come over and stay with Felix and Elizabeth for upwards of two weeks at a time, despite the fact that they only lived five kilometres apart.

During that time, as well, Silvia became -- and I've had some difficulty with the language -- the madrina to Patricia and to Alejandra. The madrina is really the godparent, the godmother. The brother of Silvia, Luis, was the male godparent, the padrino. He has since died. He died in 1987, and I'll deal with that in just a short while. It was only this morning that I obtained certificates of baptism which show this relationship, which is taken within the church and is a promise made by the godparents to, in fact, care for and support and provide the family support to those children that you are the godparent for. Silvia is that godparent of Patricia and Alejandra. She is not of Marcello, as at the time that the godparent was named for Marcello, she was no longer there. That is virtually an oath that is given to the church and to the family at the time the baptism is done.

If Mr. Clegg would like to have these for his records, I'm quite prepared to leave them with him.

Also within that tradition is the reality that the godparents give a commitment that they will become responsible for the well-being of the children if it's necessary.

Between October of 1972, after the death of the father, and May of 1978 when, in fact, Mr. and Mrs. Callejon immigrated to Canada, the families became even closer in every respect. Iris moved to within one block, obtained premises within one block, of Mr. and Mrs. Callejon. The families now became virtually a single unit for all intents and purposes, although they lived in separate quarters at that point in time. Iris was economically not well off, and accordingly financial assistance was given substantially by Felix, who had a very good job in Chile at that point in time. The children would go back and forth between the two households and would spend time in either household, completely. They would take a taxi to school, which I'm informed was necessary for purposes of being safe at that point in time. That was paid for by Felix in the course of it. The children would do that together. They would exchange clothing. Elizabeth, I'm informed, obtained clothes from the older girls on a hand-me-down basis at that point in time. It was, for all intents and purposes, a very close-knit family. Felix and Silvia assisted in the school situation with the books and the costs and the uniforms for Patricia, Alejandra, and for Marcello. They were as proud of the nephew and nieces as they were of their own children at that point in time.

Then, as I indicated, Felix and Silvia came to Canada in 1978, and for all intents and purposes their entire savings were utilized to immigrate to Canada at that point in time. I'm informed they wanted to bring the children with them at that point in time, to bring them in the family unit, but economically it was impossible to do so. There was certainly that in consideration at that point in time. When Mr. and Mrs. Callejon first arrived in Canada in 1978, Felix obtained a job at the University of Alberta and at the General hospital for a short while. Then, in fact, he obtained employment in Krupp steel industries. Many of you, of course, will be familiar with what happened in 1981. Economically that part of the economy went to pot, and accordingly, financially they were still unable to bring the children to Canada to be with them at that point in time.

As well, they obtained in 1982 their home for the first time. They purchased their first house in Canada. At that point in time Mrs. Callejon as well went to work for the family unit. During the period of time that they've been in Canada, they have been providing financial support to the nephew and nieces and to Iris in Chile, throughout this entire period of time. There's been a constant contact throughout the entire period of time.

As well, to supplement the income and to help maintain this and to obtain further moneys to lead to where they are today, Felix went to work in janitorial, and still continues to do so. Mrs. Callejon went to work with Mid Western, I believe it's called, which is Kentucky Fried Chicken, and in fact, in due course, Elizabeth went to work as well, to support as well as going to school. The family, as a unit, has an income now and can certainly afford to support the children very well. They have a combined family income of approximately \$47,000 per annum at this point in time.

Then in August of 1987 Mr. Callejon got a job with Strathcona Steel, which has largely supplemented his income, and they decided at that point in time that they had sufficient financial resources, they had the home in place, that they could now bring forth this application to adopt the children and to treat them as their own.

The two girls have completed their schooling in Chile. I have here the marks they have obtained; they are not in the materials that you have. I can advise you that the marking system in Chile is out of 7, and the marks range around between 5.8 and 6.4. Academically, the children, or the young adults, are very strong. I've been told that one of the girls wishes to go into teaching and one wishes to become a hair stylist. Marcello, who also is a student and just in his final year, as I understand it, is very strong academically and intends and wishes to go into pharmacy. That is supported completely by Mr. and Mrs. Callejon. They will support them entirely. They will treat them as their own. They are proud of how well the children have done, and they are able to, in fact, ensure that they will get to university. It is interesting to note that they have as second languages both English and French. They have studied both in Chile.

There has been, I'm informed, a steady interchange of letters and telephone calls over the years, that there's been no loss of contact as such. I've already indicated that the moneys and the receipts have been sent over from time to time, and that is substantially the submissions that will be made or that I make on their behalf and that I'm informed their evidence will support.

They love the children as their own, as a parent/child; the family units are very close. The brother/sister relationships are very close. They have been a close-knit family. They have few friends outside of either family unit, I'm told, either in Canada

or in Chile. Together they were all very happy at all times. They're a proud family group. Certainly in Canada Felix and Elizabeth can provide much better education for the children, and they will, all in all, have a much better future in that respect.

I think those are my submissions. Mr. and Mrs. Callejon are quite prepared or Elizabeth is quite prepared to answer any questions that any of the members may have.

MR. CHAIRMAN: Thank you, Mr. Scott. I would ask the three witnesses whether they adopt as their evidence what has been said factually on their behalf by Mr. Scott.

I would also say that certainly if you wish to supplement anything or add to anything Mr. Scott has said, you're certainly free to do so, in case he's missed anything that you feel is important.

Well then, I'll invite committee members to ask any questions. Keep your hands up, please.

Mr. Sigurdson.

MR. SIGURDSON: Thank you, Mr. Chairman. I'm wondering if Mrs. Becerra has ever applied to Canada Immigration to come to Canada, or her adult children now.

MR. SCOTT: Iris herself? No, she has not.

MR. SIGURDSON: Have the children applied to Canada Immigration? Have they ever visited Canada -- the three children?

MR. SCOTT: My understanding is that they have not.

MR. CHAIRMAN: Mrs. Hewes.

MRS. HEWES: Thank you, Mr. Chairman. Mr. Scott, you didn't mention it, but is that the intent: that the children will come to Canada to join this family? Or will they simply be adopted and stay in Chile?

MR. SCOTT: Thank you, Mrs. Hewes. Yes, they will come to Canada and live here. I should advise that it's my understanding that, in fact, upon it being granted that they will become Canadian citizens, they will, of course, lose their Chilean citizenship at that point in time, as have the Callejons. They intend to come to Canada, very definitely.

MRS. HEWES: Immediately. They intend to come to Canada, Mr. Chairman, Mr. Scott, whether or not the adoption goes through. Is that the intent?

MR. SCOTT: No. I can't say that. That's not the intention. It's my understanding with respect to the adoption that they intend to come to Canada.

MRS. HEWES: Thank you.

MR. CHAIRMAN: Mr. Day.

MR. DAY: Thank you, Mr. Chairman. I may have missed this. The mother and father -- in terms of Silvia and Felix being prospective mother and father, are they now Canadian citizens?

MR. SCOTT: They are, yes.

MR. DAY: Mr. Chairman, to Mr. Scott. From your opinion,

would the prospective adoptive children be able, legally, to immigrate to Canada at this point?

MR. SCOTT: Immigrate to Canada?

MR. DAY: Without being adopted.

MR. SCOTT: Without being adopted? That's a difficult question to say. I don't think I could give an opinion that quickly on that point, sir, without taking a look at it.

MR. DAY: With the Callejons already -- I understand they are godparents at this point.

MR. SCOTT: That's correct. Mrs. Callejon is; Felix is not. The male godparent is deceased; it was Luis, the brother of Mrs. Callejon. He died one year ago.

MR. DAY: Given the cultural understanding in Chile of family responsibility, which is certainly commendable, and with Mrs. Callejon already being a godparent, is there a need -- in the Chilean cultural understanding -- is there a need to go through adopting? Is that usual, or is not the godparent framework sufficient in terms of their cultural understanding of family?

MR. SCOTT: Mr. Member, I don't have sufficient knowledge of the Chilean cultural background to answer that properly in all likelihood, but I can give you an example of a situation which I acted on several years ago on a similar matter with respect to a Chinese cultural matter, whereby a father passed away, the eldest son took it upon himself to ensure that the youngest children were properly educated, and to in fact properly adopt them. And that's the stance taken here.

Mr. Chairman, certainly this distance between the Callejons and the Becerras at this point in time makes it very difficult to exercise their proper role as a godparent.

MR. DAY: Okay. Has Felix or Silvia been back to Chile since they've come to Canada?

UNIDENTIFIED SPEAKER: No.

MR. DAY: Is it possible -- or have the children in Chile applied to the Chilean government to be adopted in Chile?

MR. SCOTT: My clients are unable to advise us. They don't know whether adoption on that basis could in fact occur in Chile. They just don't know.

MR. DAY: Mr. Chairman, a couple of the birth certificates are not signed or sealed. I wonder -- is that just because they are English translations? Would Mr. Scott be able to advise us on that?

MR. SCOTT: I believe that would only be an English translation. I know that the original Spanish documents which I have, have all been signed and sealed, and I'm quite prepared to leave the originals with the Clerk, along with the certificates of death.

MR. DAY: Thank you, Mr. Chairman.

MRS. MIROSH: Well, Mr. Chairman, my understanding is that

these three children are adults. Am I correct?

MR. SCOTT: That's correct.

MRS. MIROSH: Why wouldn't they apply for immigration to Canada? It would seem that would be the first course if they were interested in becoming Canadians. I feel very strongly that if we were to adopt this Bill Pr. 5, it would set a precedent for adults to gain entrance into Canada without proper immigration procedure.

MR. CHAIRMAN: Before Mr. Scott answers that, I'll ask Mr. Clegg to comment.

MR. M. CLEGG: Mr. Chairman, with respect to the adoptive relationship and the immigration status, I have had discussions on other occasions, and in connection with this application, with the immigration authorities to clarify my previous understanding about this matter, and this committee could obtain more direct evidence if it wishes.

I am advised by the federal immigration authorities that an adoption of a child over the age of 13 makes no difference to them in an application for immigrant status, that any person over the age of 18 has to make an independent application for immigration status. The impression I have from them is that whether or not this adoption is granted by the Legislature would make no difference whatsoever. The immigration authorities would not regard it as a factor in any way except, possibly, evidence of willingness to support. But what I'm advised is that the immigration authorities would have to be satisfied that the children were qualified as immigrants, as independent adults. And as I say, their relationship, if it is created by this legislation, would not be recognized as a factor, because they're too old. This is to prevent adoptions being used as a means of bringing children in and as a major lever in the immigration process.

MR. SCOTT: I should say that this is not an application for immigration; it's an application for adoption.

MRS. MIROSH: I understand that. I just would feel more comfortable if they had immigrated here first and come here themselves, as others have done. It would appear that would be the first procedure, and then the adoption once they have arrived here.

Mr. Chairman, I have one more question, with regards to any criminal record. Do we have any evidence of their stability and whether or not they have any criminal record?

MR. SCOTT: I have no documentation to that effect. I'm informed by my clients that there are absolutely no criminal records whatsoever.

MR. MUSGROVE: Recognizing the close family ties, what are the plans of the mother of the three adoptive children? Is it her intention to immigrate to Canada also?

MR. SCOTT: Sir, I can only advise that she, for the present time, intends to remain in Chile. That's my understanding. She is on a pension in Chile. She has a form of pension that she receives there as a widow.

MR. CHAIRMAN: Mr. Sigurdson.

MR. SIGURDSON: That's fine.

MR. CHAIRMAN: Mr. Wright.

MR. WRIGHT: Mr. Chairman, I just want to record my unease with the questions about immigration. That's a completely separate question. These petitioners are Canadian citizens. They're entitled to the rights of Canadian citizens, and the case should be judged entirely on the family relationship.

MR. CHAIRMAN: Mr. Callejon.

MR. CALLEJON: I would like to answer some questions you might have asked before about why we didn't try to make an application in Chile for my nephew and my nieces. Well, because when they moved one block from my home, they came and lived -- we almost lived together. So it was not necessary to make application for our daughters and our son because we already lived together. We shared everything. We stayed in at Christmas and New Year. All the time all the family was together, so at that time it was not necessary. But now it's different, because we are living away, too far away. So in that way and at that time we didn't send in an application because it wasn't necessary -- what I said before.

Thank you very much.

MR. SCOTT: Thank you too. Forgive me. That is an example of the closeness of this family, that at the time the Callejons left Chile, they didn't sell their property, their house, and pocket the money and bring it to Canada. In fact, they gave their house to Felix's parents who, I understand, still live in that home. They gave the clothing, their beds, their living room furniture, and a sewing machine to Iris and the children, and they gave whatever tools Mr. Callejon had to other family members. So it's a very family-oriented society, and that's precisely what is being sought to maintain and develop and finalize here with this application at this time.

MRS. McCLELLAN: My question is to Elizabeth. It's personal, and you don't have to answer it if you don't want to. I'm wondering what your age is and if you're presently a student.

MISS CALLEJON: I am 19 years old, and yes, I am presently a student. I'm in my final year of grade 12.

DR. WEST: My question was: is the children's mother very close to the children in Chile? Have they been together and very close all these years?

MR. SCOTT: Yes, they have.

MRS. CALLEJON: They are very close, but my sister says she will be very happy if they come to live with us because we can give them the same education we want for our children. For example, my daughter wants to be a social worker. My son is now in grade 11; he wants to be an engineer. The other one, the last one, is 13 years old; he wants to be a doctor. They will be an engineer, a social worker, and a doctor. We want the same for the other three children, because my brother died last year in a very poor condition. He had two degrees in the university, but he didn't find any job. It's very hard over there. He worked in a minimum job; over there the name in Spanish is [remarks in Spanish]. They pay 5,000 pesos a month; that means \$25 a

month. Nobody can survive with that money. My sister has to do this too. She was a teacher, but the government changed all the education system, and she was retired two years ago. When she knew that, she went to university and took another degree. But now she is retired.

There is no future for the three children over there -- no future. We always are talking, our family, and we are thinking about that. Here we are very happy. My children are very, very nice children, very happy, because they feel a very strong love for this country. They say they will never go back.

DR. WEST: Just as a follow-up, you haven't seen these children for 10 years. Can I assume that, that you haven't personally seen these children for 10 years?

MRS. CALLEJON: Yes.

DR. WEST: Now, understanding, you know, the emotion you have as a family tie, if the adoption takes place and it is impossible that you ever see these children again the rest of your lives, are you satisfied with that position? You heard from Mr. Clegg that immigration was not guaranteed because of adoption in this country, and you haven't seen these children for 10 years. They are adults in their own country. Would you be satisfied, then, with strict adoption without having them come to this country ever?

MR. SCOTT: It's my understanding, sir, that they would be; yes.

DR. WEST: As a follow-up to that, it is not your expectation that they ever immigrate to Canada through this adoption? What I'm trying to establish is that they could apply for immigration right today.

MR. SCOTT: Sir, they could have applied for immigration several years ago in that respect. They have not done so. This is not a matter relating to immigration; this is a matter relating to adoption.

DR. WEST: One follow-up question to the Callejons. Have you ever been advised -- and you don't have to answer this -- by legal counsel in Canada that adoption would be beneficial to the immigration status of your nieces?

MR. SCOTT: I don't really think that's a fair question at all, quite frankly. That impinges upon any solicitor/client privilege they may have had long before they've seen my firm, certainly. I have been consulted with respect to an adoption matter, and with great respect, to ask behind the solicitor/client privilege, I think, from what Mr. Wright said just moments ago, that impinges on that relationship very heavily.

MR. CHAIRMAN: Mrs. Hewes.

MRS. HEWES: Thank you, Mr. Chairman. Mr. Callejon, would you tell us the nature of your work now and whether or not you anticipate that it will be permanent and will provide you with an income over some years?

MR. CALLEJON: Well, I would go back to when I came to Canada in 1978. I started working in the University hospital -- no, sorry; in the ... Well, where the students went -- I started

working when they had the Commonwealth Games. After that, when the Commonwealth Games were finished, I was a very good worker, so the lady in the kitchen told me, "Well, if you want to keep the job, you can possibly stay here." At that time I was making \$4.25, but it was only part-time. So at that time I went to school to learn English and then see if I wanted to go to university. When I finished my course, and when I saw I was a little better, I asked for a job in the General hospital. Over there I worked for about three or four months, and after that I went to Krupp Industries and stayed for three, where I was more familiar with that kind of job. I am a hard worker. I was working in my country mining copper, in a mine underground. So I thought I would make more money soon for . . . My scheme was to buy a house and bring my nephew and family over here. We still live here, but we miss them. My job now is very good. I am [making] \$11.75 an hour, and I have some overtime. I still do some cleaning.

MRS. HEWES: Two jobs at present?

MR. SCOTT: He has two jobs; that's correct. He's worked in the steel industry, and he was in the mines prior to coming to Canada. He works in the steel industry now. He has worked with Krupp, C.W. Carry, and they each had financial difficulties in their time. He's now at Strathcona Steel and has been since late last summer. It's my understanding that his chances for employment in the industry are excellent so long as the industry does well, and that's the situation there. He also has a cleaning contract with Midwestern cleaning, which has a janitorial service with the banks of Montreal. He has one contract himself, and his daughter Elizabeth has another contract. So they have that. Elizabeth also works at The Bay on a part-time basis on the weekends while she's going to school.

MRS. HEWES: Thank you.

MR. DAY: Just a comment and a question. Mr. Callejon and Mrs. Callejon, I want you to know that I think I speak for everybody here that we are very delighted that you have found a good life in Canada, and I'm thankful that you are a very positive part of our country and our province, and hardworking people. I think that's wonderful.

My concern is for the mother back in Chile, because you have stated that the adoption is not at all for any immigration related reasons. As you've said, it's mainly economic, so the children can move out of a tough environment for them now and have opportunity here in Canada. And I think that's wonderful.

They can live close to you here. They can live on the same block or a block away or in your home here without being adopted. They have a good relationship with their mother now in Chile, a strong family relationship. Do you feel that she is prepared emotionally to have now her children by law removed from her, when in fact everything that you've said you want to accomplish for the children in terms of opportunity could be done without adoption, and you haven't seen them for 10 years? Is she prepared, do you think, for this? I see it as being really traumatic. Have you talked that through, this detachment? Not just the children moving away now, but the children actually being taken from her by law?

MRS. CALLEJON: She is a very strong lady, a very, very strong person. She has a conscience. She will be okay because she will be happy for her children. We can give a better educa-

tion to them.

MR. SCOTT: It is my understanding, Mr. Day, that she in fact has given serious consideration to the matter -- she's happy for the children, in fact -- and that she has granted her consent knowing that. The sisters are very close and have maintained a very close relationship over the years, despite the distance and despite the fact that they haven't seen each other. There has been contact by letter, by telephone on a frequent and constant basis.

MR. CALLEJON: I have never even told my wife because, well, this is a decision, say, for my sister-in-law. She had one operation for cancer in my country already, so what I see is that she got afraid of dying and the kids would be alone. So what she meant is to give the kids to us, to stay with us [inaudible] happy.

MR. CHAIRMAN: Thank you. Any further questions or comments?

DR. WEST: Just on an interesting note. I don't know the Chilean culture that well, but at what stage do children or individuals in Chile become adults, independent and living . . .

MISS CALLEJON: In our country we don't really become adults until we go on our own. For example, my cousins in Chile are married. They're still going to university, but they still live at home with my aunt. Although you have grown up and you are over the age of 21, which is the adult age over there, you still live with your parents. You don't move out at the age of 18. You don't move out; they don't make you leave. You go when you are able to support yourself, when they see that you can support yourself, when you have the ability to go out there and are able to have a job and support yourself for the rest of your life. They know. Because right now my cousins have a university degree and everything, but they don't have a job. They can't find jobs because jobs are very limited. So there's my aunt still supporting them. She's still helping them with buying clothes. She's still helping them with the food, and they, both of them, are married. They have four children. Two of them are married, and they're both living at home.

MR. SCOTT: I should say that I see some consternation over there. It's not Patricia and Alejandra who are married. This is the other side of the family that Elizabeth is talking about. Patricia, Alejandra, and Marcello are single; they are not married. We are not looking at nephews, grandnephews, and nieces.

DR. WEST: The only reason I asked the question was, you know, once they're 21, 22, they certainly have an independence as an adult in this country, and that relationship to your mother or father becomes not distant but at least an adulthood versus your child state.

MR. YOUNIE: Just a comment. I think perhaps a number of the members are having trouble with a lack of appreciation for the strength of the extended family in Chile and the difference in culture. I'm wondering if it wouldn't be, in fact, a case of where in Canada culturally adoption would have the same strength as the godparent relationship does in Chile. So that in fact what you are trying to do through this is to establish within

the family a relationship within our culture that would be as strong as the godparent relationship would be if you were still in Chile, so that the family will be brought together by Canadian custom as strongly as it is in Chile by the godparent relationship.

MR. SCOTT: [Inaudible] Mr. Younie. Perhaps, Mr. Chairman, I could just quote, in fact, from a text on Chilean culture on those very points, which I think might assist your Chamber. It's one I got from the public library just to browse through it. I quote from page 101, it looks like:

The ideal of family loyalty makes the individual somewhat reluctant to give a nonrelative a political, social, or economic advantage over a member of his own family. Such a step would violate his sense of family obligation and responsibility.

And then a couple of pages later:

The responsibilities of parents and children are outlined in a civil code. Parents are required by law to provide their children with a home, the basic necessities of life, and education. Children in return must respect and obey their parents. Aside from the fundamental provisions, patterns of child rearing and parent/child relationships vary, depending on the family's social position.

And then they go on to state:

A godmother and a godfather are chosen by the parents to sponsor the child's baptism, with the traditional understanding that they will take a special interest in the future of their god-child. The relationship with the child and his parents is one of mutual affection, trust, and respect.

In fact, very much what we, I think, impose upon a parental/child relationship here. Yes.

MR. CHAIRMAN: Mr. Scott, could you give us the name of the publication?

MR. SCOTT: Could I get back to Mr. Clegg on that? I don't have the actual title of the book, and I could advise him of that.

MR. CHAIRMAN: Thank you.

If there are no further questions or comments . . . Oh, sorry. Mr. Wright?

MR. WRIGHT: [Inaudible] formal thing. It's customary with notarized documents internationally to have authentication of the appointment of the notary public. Does our Parliamentary Counsel think that's necessary in this case? The consent of the adults is quite an important document I think.

MR. M. CLEGG: Mr. Chairman, it's something which could be pursued through the normal consular channels no doubt. All the documents bear a purported notarial seal. All that I would be able to do . . . I have knowledge of written Spanish; I would be able to say that I agreed with the translations. When I have reviewed them, I will do that for the committee. I could ask Mr. Scott if he could have the seals validated through the consular channels if the committee wished that to be done. I can't really say whether it is necessary. It's not possible for me to say whether or not the forms appear or do not appear to be authentic. It's something on which I wouldn't have an opinion.

MR. SCOTT: If the committee wishes, I can certainly work with Mr. Clegg to have the necessary authentication provided to your committee.

MR. M. CLEGG: I would just like to add, Mr. Chairman, that

the originals that I have here do have both an ink seal and an impressed seal, the same as we would expect here. But that is something which has no real bearing on the matter except that they are a kind of seal which I would expect on a notarial form.

MR. CHAIRMAN: Mr. Scott, is there any summing up?

MR. SCOTT: I believe that probably within the course of it we have touched on all the points that must be touched upon. I simply ask your committee to complete this, which Mr. and Mrs. Callejon and their family have undertaken through their obligation and their promise to this family, and that they grant the adoption.

Thank you very much.

MR. CHAIRMAN: Well then, as I pointed out before, we will be taking the matter under advisement, and you will be advised as to the committee's recommendation.

MR. SCOTT: Thank you very much.

MR. CHAIRMAN: Thank you.

Members of the committee, there is one item of further business that I'd like to deal with before we adjourn. It's very brief. It has to do with next week's business.

We have Bills Pr. 6, Pr. 8, and Pr. 12. We sort of lumped those together because they were all of the educational variety. They are the Old Sun Society Community College Act, the Rosebud School of the Arts Act, and the Canadian Southern Baptist Seminary Act.

The point I'd like to deal with now is that in the case of Bill Pr. 8, the Rosebud School of the Arts Act, there was one deficiency, and that was the advertising in the *Alberta Gazette*. That was completed on April 15, which was 10 days after the formal ending for petitioning. I would invite a motion that we waive that deficiency. The advertising has been completed now for a couple of weeks, but it was 10 days late.

Mr. Downey, any discussion on it?

MR. DOWNEY: So moved.

MR. CHAIRMAN: Mr. Wright.

MR. WRIGHT: Has anyone ever met anybody that's ever read the *Alberta Gazette*?

MR. DAY: Mr. Chairman, I haven't read it, but I am waiting for the video to come out.

MR. CHAIRMAN: All those in favour of Mr. Downey's motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed, if any? Thank you.

Any further business before I ask for a motion to adjourn?

MR. ADY: I'll make that motion.

MR. CHAIRMAN: You'll make that motion, Mr. Ady? Okay. All those in favour?

HON. MEMBERS: Agreed.



MR. CHAIRMAN: Opposed? Carried. Thank you.

[The committee adjourned at 9:47 a.m.]

