The Child Welfare Act

being

Chapter 231 of The Revised Statutes of Saskatchewan, 1930 (effective February 1, 1931).

NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.
Table of Contents

SHORT TITLE
1 Short title

INTERPRETATION
2 Interpretation

PART I
Bureau of Child Protection
3 Organisation
4 Salaries
5 Acts administered
6 Superintendent of Neglected and Dependent Children

PART II
Neglected and Dependent Children
7 Interpretation

JURISDICTION
8 Extent of jurisdiction

COMMISSIONER OF CHILD PROTECTION
9 Duties and powers

CHILDREN'S AID SOCIETIES
10 Application for incorporation
11 Evidence with application
12 Incorporation
13 Board of Directors
14 General powers of board
15 Bylaws
16 Special meeting
17 Power of commissioner to suspend officials
18 Dissolution of society

CHILD WELFARE COMMITTEES
19 Power of commissioner to appoint

CHILDREN'S SHELTERS
20 Children's shelters

PROBATION OFFICERS
21 Appointment, duties and powers

APPREHENSION OF NEGLECTED CHILDREN
22 Power to apprehend

PROCEEDINGS SUBSEQUENT TO APPREHENSION
23 Return or examination of child
24 Judge's order
25 Placing child in foster home
26 Placing child in industrial school or refuge
27 Expenses

MAINTENANCE OF CHILDREN
28 Maintenance of neglected children by municipality
29 Enforcement of maintenance order
30 When municipality not liable for maintenance

GUARDIANSHIP
31 Society a legal guardian
32 Investment of funds
33 Power to place child under contract
34 Power to take control of child
35 Transfer to industrial school
36 Application for production of child

SURRENDER OF CHILDREN
37 Surrender by parent
38 Newspaper advertisements, returns by publisher

INSTITUTIONS, VISITATION AND INSPECTION
39 Duties of commissioner
40 Investigation by judge
41 Annual returns by institutions
42 Right of inspection
43 Ministers of religion

DISCHARGE
44 Discharge of child

MATERNITY, NURSING AND OTHER HOMES
45 Notifications to commissioner
46 Inspection
47 Consent required to transfer
48 Advertisements prohibited
49 Penalties
50 Inapplicability to hospitals

ILL-TREATMENT OF CHILD
51 Ill-treating, neglecting, etc.
52 Causing child to beg, perform, etc.

POWER OF SEARCH
53 Search for neglected child

INTERFERING WITH WARDS
54 Prohibitions

REGULATIONS
55 Regulations

PROCEEDINGS
56 Application of Part XV of Criminal Code

PART III
Juvenile Offenders

COURTS
57 Establishment
58 Judges
59 Jurisdiction
60 Judge's report

RECORDS
61 Records
ACTION AGAINST FATHER FOR CONTRIBUTION

137 Liability of father
138 Who may bring action
139 Limitation of action
140 Where action brought
141 Action as for a debt
142 Powers of court
143 Enforcing judgment

GENERAL

144 Other rights reserved
145 Absence of judge
146 Duties of vital statistics registrar
147 Notice to commissioner of birth of child of single woman
148 Penalty
149 New information for failure on irregularity in procedure
150 Applicable to minor
151 Regulation
152 Retroactive

SCHEDULE
CHAPTER 231
An Act respecting the Welfare of Children

SHORT TITLE

Short title
1 This Act may be cited as The Child Welfare Act.

1927, c.60, s.1; R.S.S. 1930, c.231, s.1.

INTERPRETATION

Interpretation
2 In this Act, unless the context otherwise requires, the expression:

“Commissioner”
1. “Commissioner” means the Commissioner of Protection appointed under the provisions of Part I;

“Minister”
2. “Minister” means the member of the Executive Council to whom is assigned for the time being the administration of this Act.

1927, c.60, s.2; R.S.S. 1930, c.231, s.2.

PART I

Bureau of Child Protection

Organisation
3(1) There shall be a permanent bureau under the minister to be called the Bureau of Child Protection, and there may be appointed thereto a chief officer, to be called the Commissioner of Child Protection, and such other officers, clerks, inspectors and employees as may from time to time be necessary for the proper conduct of the bureau.

(2) The persons so appointed shall, under the direction of the minister, carry out the provisions of this Act and perform such other duties as may be assigned to them by the Lieutenant Governor in Council.

1927, c.60, s.3; R.S.S. 1930, c.231, s.3.

Salaries
4 The salaries of the commissioner and all other officers, and employees, and the expenses of the bureau, may be paid out of such moneys as may from time to time be appropriated by the Legislature for that purpose.

1927, c.60, s.4; R.S.S. 1930, c.231, s.4.
Acts administered

5 The bureau shall, under the minister, administer this Act and such other Acts as may be from time to time assigned to it by the Executive Council.

1927, c.60, s.5; R.S.S. 1930, c.231, s.5.

Superintendent of Neglected and Dependent Children

6 Wherever in any Act of the Dominion or of Saskatchewan reference is made to the Superintendent of Neglected and Dependent Children, the Commissioner of Child Protection shall be and be deemed to be for the purposes of that Act the Superintendent of Neglected and Dependent Children, and he shall possess all the powers and perform all the duties of such superintendent.

1927, c.60, s.6; R.S.S. 1930, c.231, s.6.

PART II

Neglected and Dependent Children

Interpretation

7(1) In this Part, unless the context otherwise requires, the expression:

“Boarding home”
1. “Boarding home” means a home in which a child is placed to be cared for as a member of the family but for whose care payment is made;

“Child”
2. “Child” means a boy or girl actually or apparently under the age of sixteen years;

“Children’s aid society”
3. “Children’s aid society” means a society, having among its objects the protection of children from cruelty and the care and control of neglected children, and which has been incorporated under The Children’s Protection Act, chapter 31 of the statutes of 1908 or any subsequent Act for the protection of neglected and dependent children, or is incorporated under this Act; or any other incorporated organisation which has been approved by the Lieutenant Governor in Council for the purposes of this Act; and, except in a municipality in which there is such a society, shall mean the commissioner;

“Foster home”
4. “Foster home” means a home in which a neglected child may be placed as a member of the family;

“Infants’ home”
5. “Infants’ home” means a building or part of a building where children are received or retained, with or without charge, apart from their parents;

“Inspector”
6. “Inspector” means an inspector appointed pursuant to the provisions of this Act and includes a probation officer;
“Institution”
7. “Institution” means a building or part of a building other than a private
dwelling or an industrial school, set apart for the care or custody of children and
includes an infants’ home or maternity home;

“Judge”
8. “Judge” means a judge of the Court of King’s Bench, or of the district court,
or a police magistrate or a magistrate appointed as a judge of the juvenile court, or
two justices, or one justice if requested by the Attorney General or the commissioner
to act in a specified case;

“Municipality”
9. “Municipality” means a city, town, village or rural municipality;

“Neglected child”
10. “Neglected child” means any child found by a judge to be within any of the
classes of children referred to in section 22 of this Act;

“Officer”
11. “Officer” means a member of the board of directors of a children’s aid
society, or any person specially appointed by such society to enforce this Act, or the
commissioner;

“Parent”
12. “Parent” includes a guardian and every person who is by law liable to maintain
a child;

“Place of safety”
13. “Place of safety” includes an industrial school or house of industry for boys
or girls, or a shelter or temporary home established by a children’s aid society, or
any institution established for the care and protection of children, or any other place
which is designated by the commissioner or other officer, but not a gaol, prison, police
station, lockup or guardroom except temporarily for the purpose of investigation;

“Public place”
14. “Public place” means a street, highway or lane, whether a thoroughfare or not,
place of public resort, and generally any place to which the public have access;

“Shelter”
15. “Shelter” means a building or part of a building used for the temporary care
of children which is under the supervision of a children’s aid society and is approved
by the commissioner;

“Temporary home”
16. “Temporary home” means a home in which a child is placed temporarily
pending further consideration of his or her case.

(2) For the purposes of this Part a child shall be deemed to be maintained by a
children’s aid society if it is wholly or partly so maintained, either in a shelter or
temporary home or other institution conducted by the society, or is placed out under
the provisions of this or any other Act.

(3) Where a parent has been convicted on a criminal charge, or in respect of an
offence committed against his child, the child shall be deemed to be deserted by
that parent.
JURISDICTION

Extent of jurisdiction

8 Every judge of the Court of King’s Bench shall have jurisdiction under this Part in any part of the province; a judge of a district court, in the judicial district in which he resides or is authorised to act; a police magistrate or magistrate who is a judge of a juvenile court, in the city, town, village or rural municipality to which he is appointed; and any two justices of the peace, in any part of the province.

1927, c.60, s.8; R.S.S. 1930, c.231, s.8.

COMMISSIONER OF CHILD PROTECTION

Duties and powers

9(1) It shall be the duty of the Commissioner of Child Protection:

(a) to encourage and assist in the establishment of children’s aid societies and child welfare committees;

(b) to advise such societies and instruct them as to the manner in which their duties are to be performed;

(c) to see that a record is kept by such societies of all committals and of all children placed in foster homes under this Part and of such other particulars as are deemed desirable;

(d) to direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Part;

(e) to report to the minister from time to time when so required by him;

(f) to enforce the provisions of this Part.

(2) The commissioner shall have all the powers conferred upon a children’s aid society.

1927, c.60, s.9; R.S.S. 1930, c.231, s.9.

CHILDREN’S AID SOCIETIES

Application for incorporation

10 Any five or more persons, being British subjects of the full age of twenty-one years and resident within any municipality in Saskatchewan, who desire to associate themselves together for the purpose of protecting children from cruelty and of caring for and controlling neglected children, may make application (form A) for incorporation under the provisions of this Act.

1927, c.60, s.10; R.S.S. 1930, c.231, s.10.

Evidence with application

11 The signature of the applicants and the facts stated in the application shall be verified by statutory declaration to the satisfaction of the Provincial Secretary.

1927, c.60, s 11; R.S.S. 1930, c.231, s.11.
Incorporation

12 When an application has been approved by the Provincial Secretary (form B), the applicants and such other persons as may afterwards become members of the society shall be a body politic and corporate by the name of “The Children’s Aid Society of ______________,” and may take and hold by gift, purchase, grant, devise or bequest any property real or personal and may dispose of and mortgage the same at pleasure.

1927, c.60, s.12; R.S.S. 1930, c.231, s.12.

Board of Directors

13(1) The affairs of every such society shall be managed by a board of not less than five directors, who shall be elected by the members in general meeting assembled at such place within Saskatchewan and at such times as the application or the bylaws of the directors may prescribe.

(2) Every member of the board shall hold office until his successor is appointed.

1927, c.60, s.13; R.S.S. 1930, c.231, s.13.

General powers of board

14 The directors shall have full power to administer the affairs of the society and to make or cause to be made for the society any contract which the society may by law enter into.

1927, c.60, s.14; R.S.S. 1930, c.231, s.14.

Bylaws

15(1) The directors may from time to time make bylaws not contrary to law for regulating:

(a) the number of directors of the society, the security to be given by them and their term of service;
(b) the appointment, functions duties and removal of all agents, officers and servants of the society and the security to be given by them;
(c) the remuneration of directors, agents, officers and servants;
(d) the time at which and the place where the annual meeting of the society shall be held, the calling of meetings, regular and special, of the board of directors, the quorum and the procedure at such meetings;
(e) the qualifications and terms of admission of members; and
(f) the conduct in all other particulars of the affairs of the society.

(2) Every bylaw and every repeal, amendment or re-enactment thereof shall, unless confirmed at a general meeting called for that purpose, have force only until the next annual meeting of the society unless confirmed at such annual meeting.

1927, c.60, s.15; R.S.S. 1930, c.231, s.15.

Special meeting

16 On receipt of a written requisition signed by at least one-fourth of the members, the president shall forthwith call a special meeting of the society for the transaction of the business specified in the requisition.

1927, c.60, s.16; R.S.S. 1930, c.231, s.16.
Power of commissioner to suspend officials

17 The commissioner may suspend any officer or employee of a children’s aid society, guilty of improper conduct or negligence in the performance of his duties, pending investigation by the society. Notice of such suspension shall be served on the president of the society by registered letter, prepaid, and addressed to him at his usual place of abode, within five days thereafter, and such officer or employee may be discharged by the municipality, society or person appointing him.

1927, c.60, s.17; R.S.S. 1930, c.231, s.17.

Dissolution of society

18(1) If a society established under this Act ceases to exist or does not hold a meeting for a period of eighteen months, the secretary or other officer shall deliver to the commissioner all books, documents, records and financial statements, and pay over to him all trust funds on hand, and the society or committee shall thereupon be dissolved and its property shall be vested in the minister, and the commissioner shall then reorganise the work, or make such arrangements for carrying it on as the minister approves.

(2) The commissioner may take children who were under the care and custody of the dissolved society into his own, or may by order in writing commit them to the care and custody of some other society.

1927, c.60, s.18; R.S.S. 1930, c.231, s.18.

CHILD WELFARE COMMITTEES

Power of commissioner to appoint

19(1) When in any municipality no children’s aid society has been organised, the commissioner may appoint from such municipality a child welfare committee to consist of not less than three nor more than seven persons to be known as the “Child Welfare Committee of _____________,” and the commissioner may grant to the committee such powers as he deems wise, 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.

(2) The committee shall be subject to the supervision and authority of the commissioner.

1927, c.60, s.19; R.S.S. 1930, c.231, s.19.

CHILDREN’S SHELTERS

Children’s shelters

20(1) For the better protection of children every city having a population of 10,000 or over shall, and any other city or town may, provide and maintain one or more places of refuge for children only, to be known as temporary homes or shelters.
(2) Such homes shall be entirely distinct and separate from any penal or pauper institution, and no pauper or convict shall be permitted to live or work therein. They shall be used not as a permanent residence for any child but for its temporary protection for so long a time only, not exceeding three months, unless authorised by the commissioner, as shall be absolutely necessary for placing the child in a foster home, and no child shall be refused admittance to the shelter when accompanied by an order of the president of a local children's aid society or of the commissioner.

(3) An orphan or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section; and when desirable for economical reasons, not inconsistent with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family; but in no case shall such home or shelter be under the same care and management as a penal or pauper institution.

(4) When a children's aid society has been established it shall have the supervision and management of children in the temporary home or shelter, if any, provided by or at the expense of the municipality; but this provision shall not, without the consent of the trustees or governing body thereof, apply to an orphan home or other children's home mentioned in subsection (3).

1927, c.60, s.20; R.S.S. 1930, c.231, s.20.

PROBATION OFFICERS

Appointment, duties and powers

21(1) The children's aid society of every city having a population of ten thousand or over shall appoint one or more officers, to be known as probation officers, for the enforcement of this Part and Part III, and notice of every such appointment shall be given to the commissioner.

(2) The municipality shall pay every officer so appointed such salary as is approved by the children's aid society. In case the society does not make such appointment the same may be made by the commissioner.

(3) Every probation officer shall perform such services as are required by the society or by the commissioner.

(4) Every probation officer shall for the purposes of this Act be vested with the powers of a peace officer and shall have authority to enter factories, workshops, stores, homes and all other places where children are employed or congregated, and shall perform such services as are necessary for the enforcement of this Act.

(5) The commissioner may make rules not inconsistent with the provisions of this Act or the regulations thereunder for the direction of the officer in the enforcement of this Act.

(6) Every probation officer shall report monthly to the local children's aid society and to the commissioner according to the forms prescribed by the commissioner.

(7) Every probation officer constituted or appointed as such under Part III shall have all the powers of a probation officer under this Part.

1927, c.60, s.21; 1928, c.76, s.3; R.S.S. 1930, c.231, s.21.
Power to apprehend

22 Any officer, probation officer, constable or other peace officer may apprehend without warrant and take to a place of safety any child who is within any of the following descriptions:

(a) who is found begging or receiving alms in a street, building or place of public resort;
(b) who is found wandering about at a late hour or sleeping at night in barns or outhouses or in the open;
(c) who is found associating or dwelling with a thief, drunkard or vagrant or who by reason of neglect or drunkenness or other vices of his parents or guardians is suffered to grow up without salutary parental control and education or in circumstances exposing him to an idle and dissolute life;
(d) who, owing to the inability of his parents or guardians to control him, is growing up without salutary parental control or education, or in circumstances exposing him to an idle or dissolute life;
(e) who is a habitual vagrant;
(f) subject to the provisions of subsection (2) of section 52 of this Act, who is employed anywhere between the hours of ten o’clock in the evening of one day and six o’clock in the morning of the following day;
(g) who is found in a disorderly house or in the company of reputed criminal, immoral or disorderly people;
(h) who is a destitute orphan or who has been deserted by his lawful parents or guardians;
(i) who is an illegitimate child and whose mother is unable or unwilling to maintain him;
(j) who has been found guilty of petty crime and is likely to develop criminal tendencies if not removed from his surroundings;
(k) who is a habitual truant from school or habitually wanders about the streets or public places during school hours without lawful occupation or employment;
(l) whose only living parent is undergoing imprisonment for crime, or is confined in a mental hospital or an institution for incurables and is unable to provide for the child;
(m) in respect of whom his parents or only living parent have or has been convicted of an offence against this Part, or under the Criminal Code;
(n) who is in peril of loss of life, health or morality by reason of ill treatment, continual personal injury, habitual intemperance or other grave misconduct of his parents or either of them;
(o) whose home by reason of neglect, cruelty or depravity is an unfit place for him;
(p) who is a habitual delinquent;
(q) whose parents or guardians neglect or refuse to provide medical, surgical or other remedial care necessary for his health and well-being, when ordered by competent authority.

1927, c.60, s.22; 1928, c.76, s.4; R.S.S. 1930, c.231, s.22.

PROCEEDINGS SUBSEQUENT TO APPREHENSION

Return or examination of child

23(1) Except in the case of a child who is liable to be charged with an offence against the laws of Canada or of Saskatchewan or the bylaws of a municipality, the commissioner or the local children's aid society may order the child to be returned to his parents or guardians, but in the absence of such order the child may, with the consent of the commissioner or of the children's aid society but not otherwise, be brought before a judge for examination, and the judge shall investigate the facts of the case and ascertain whether the child is a child within and of the classes of children referred to in section 22 of this Act and his age, and the name, residence and religion of his parents or guardians.

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

(3) The judge shall not proceed to hear and dispose of the matter until he is satisfied that the parents, or the persons having the actual custody of the child and, where there is no children's aid society, 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.

(4) The judge may compel the attendance of witnesses.

(5) The evidence of every witness shall be taken under oath, and the judge shall cause the same to be taken down in writing and signed by the witness in the same manner as upon a preliminary inquiry under Part XIV of the Criminal Code before a justice.

1927, c.60, s.23; 1928, c.76, s.5; R.S.S. 1930, c.231, s.23.

Judge's order

24(1) If, on such investigation, the judge finds that the child is a neglected child, he may order that he be delivered to a children's aid society.

(2) A judge, when making an order that a child shall be delivered to a children's aid society, shall set out the facts so far as ascertained and shall make it a term of the order that the municipality to which the child belongs shall pay to the minister a reasonable sum not less than $3.50 per week for the expense of supporting the child wherever the child may properly be kept or maintained, and shall further provide for the payment to the minister by the proper municipality of the expense of conveying the child to a children's aid society or of any subsequent conveyance of the child to a place where he may be properly kept or maintained.
(3) All judge's orders and all depositions taken shall be filed with the commissioner, and in each case the judge shall transmit a certified copy of his order to the children's aid society to which the child is ordered to be delivered and a certified copy to the municipality ordered to pay any expense or cost of maintenance.

1927, c.60, s.24; R.S.S. 1930, c.231, s.24.

Placing child in foster home

25 The children's aid society may send the child to its temporary home or shelter to be kept until placed in a foster home or otherwise dealt with pursuant to the provisions of this Part; and the person conveying the child shall, when practicable, be an officer of a children's aid society.

1927, c.60, s.25; R.S.S. 1930, c.231, s.25.

Placing child in industrial school or refuge

26 If, at any time after the making of an order pursuant to the provisions of section 24, or in the case of a child which has been surrendered as provided by section 37, or in the case of a child which has been committed to the commissioner or to a children's aid society under the provisions of the *Juvenile Delinquents Act*, it is established to the satisfaction of the minister that a child may be better cared for and educated in an industrial school or refuge for boys or girls, the minister may, at the expense of the municipality responsible for its maintenance, cause the child to be removed to one of such institutions in or outside of the province willing to receive him, there to be kept, cared for and educated for a period not extending beyond the time at which he shall attain the age of 21 years and not exceeding in any event three years, thereafter, if under the age of 21 years, to be delivered to the society for the purpose of being placed in an approved foster home, boarding home or shelter until he attains the age of 21 years.

1927, c.60, s.26; R.S.S. 1930, c.231, s.26.

Expenses

27 The expense of conveying a child to a children's aid society or any subsequent conveyance to a place where he may be properly kept or maintained shall be paid to the minister by the municipality to which the child belongs.

1927, c.60, s.27; R.S.S. 1930, c.231, s.27.

MAINTENANCE OF CHILDREN

Maintenance of neglected children by municipality

28(1) When a child is ordered to be delivered to a children's aid society the municipality to which the child belongs shall pay to the minister a reasonable sum not less than $3.50 per week for the expense of supporting the child wherever such child may properly be kept or maintained.

(2) For the purpose of this section, a child one year of age or older shall be deemed to belong to the municipality in which he last resided for a period of six months. In the absence of evidence to the contrary residence for six months in the municipality in which the child was taken into custody shall be presumed.
(3) For the purposes of this section, a child under one year of age shall be deemed to belong to the municipality in which the child’s mother last resided for a period of twelve months. In the absence of evidence to the contrary residence for twelve months in the municipality in which the mother resided at the time the child was born shall be presumed.

(4) For the purposes of this section, stay as an inmate in a maternity boarding house, an infants’ or children’s boarding home, a correctional or charitable institution, hospital or any home or institution for custodial, medical or other care or supervision, shall not be deemed residence or domicile in that municipality.

(5) A municipality, which has made any payment under this section for the maintenance of a child in respect of whom some other municipality is liable to make such payment, shall be entitled to recover from such other municipality the amount so paid, and on proof of payment shall be entitled to an order from a judge directing the municipality liable to pay the amount.

(6) A municipality which has been ordered to make any payment under this section may apply to a judge to have the order amended on the ground that some other municipality should be required to make the payments specified in the order, and the judge, upon proof of service of such notices as he may require to be served and upon proof in the manner that he directs that the order should be amended, may amend the order in so far as it relates to the payment of money, and may by the amendment direct that from and after a date subsequent to the amendment some other municipality shall make the payments of money directed to be paid. The amended order shall comply with the requirements of this Part, and shall have the same force and effect as if it were an original order.

(7) Every municipality incurring expenditure hereunder may recover the amount from the parent of the child in respect of whom such expenditure is made, and upon proof of payment shall be entitled to an order from a judge directing the parent to pay the amount.

(8) In case of default in payment of the amount ordered, the judge may order that the defaulting parent be imprisoned for any period not exceeding thirty days, and such committal shall not affect the right to a further or other order for committal for a subsequent default.

(9) At any time after the committal of a child, or his being placed in a foster home, the children’s aid society or foster parent may apply to the judge for an order for the payment of such additional maintenance as to him seems just.

(10) A parent against whom an order has been made under this section may apply to the judge for an order reducing the amount payable, or revoking, varying or suspending the operation of the previous order.

(11) Nothing in this section shall relieve the municipality from payment when the parent is unable or refuses to contribute.

1927, c.60, s.28; R.S.S. 1930, c.231, s.28.
Enforcement of maintenance order

29(1) On default being made in payment, the order may be filed in the office of the clerk of the district court of the judicial district in which the municipality is or the order defaulting person resided. Upon such filing, with proof by affidavit of the default and the amount owing, judgment shall be entered against the defaulting party, which judgment may be enforced as a judgment recovered under The District Courts Act. In the event of a judgment having been entered and a further default being made, upon proof by affidavit of the further default, judgment shall be entered against the party further defaulting, which judgment may be entered and recovered in the manner hereinbefore set out.

(2) For the purposes of this section the district court scale of the tariff of costs shall apply.

1927, c.60, s.29; R.S.S. 1930, c.231, s.29.

When municipality not liable for maintenance

30 Notwithstanding anything herein contained providing for payment by the municipality to which a neglected child or juvenile offender belongs of the expense of supporting him, and notwithstanding the terms of any judge’s order requiring such payment, a municipality shall not be liable for such expense for any part of the period during which the child is confined in an industrial school or refuge.

1928, c.76, s.6; R.S.S. 1930, c.231, s.30.

GUARDIANSHIP

Society a legal guardian

31 The children’s aid society to which a child has been delivered under section 24, or surrendered under section 37, shall, subject to the provisions of sections 42 and 43, be the legal guardian of the child, and it shall be the duty of such society to use diligence in providing a suitable home for the child.

1928, c.76, s.7; R.S.S. 1930, c.231, s.31.

Investment of funds

32 A children’s aid society having in its possession money belonging to a ward may invest the same in the name of the ward in any securities in which a trustee is authorised to invest trust funds under The Trustee Act and may retain possession of such securities until the ward is discharged from the custody of the society.

1927, c.60, s.31; R.S.S. 1930, c.231, s.32.

Power to place child under contract

33(1) The society may place the child in a foster home until he is 21 years of age, or for any shorter period in its discretion, under a written contract which shall provide for the education of the child, for teaching him some useful occupation, for his kind and proper treatment as a member of the family and for payment on the termination of such contract, or oftener at the discretion of the society, to the society for the use of the child of any sum of money that is provided for in the contract, and shall contain a provision reserving the right to withdraw the child from any person having the custody when in the opinion of the society the welfare of the child so requires.
(2) The society may, if thought to be in the interest of the child, enter into a contract with his parents or guardians permitting him to live with them, subject to the supervision of the society or its executive officer, but none of the rights or powers vested in the society by this Part shall be thereby impaired.

(3) A contract under either of the preceding subsections may be made and executed by the society or by the commissioner on behalf of the society.

1927, c.60, s.32; R.S.S. 1930, c.231, s.33.

Power to take control of child

34(1) Whenever a child is ordered to be delivered to a children’s aid society, the child shall, unless the order otherwise directs, be deemed to have been ordered to be delivered to the society until he is of the full age of twenty-one years, and until the child reaches that age all the powers and rights of the parent shall, subject to the provisions of this Part, vest in the society.

(2) Nothing in this section shall relieve any person from liability to contribute to the maintenance of a child; but the fact of such contribution being made shall not deprive the society of any of the powers and rights conferred on it by this section.

1927, c.60, s.33; R.S.S. 1930, c.231, s.34.

Transfer to industrial school

35 Where a child has been placed in a foster home, and has failed to show good conduct or for any other reason appears to the commissioner to require special training, the commissioner may order the child, if a boy, to be transferred to an industrial school or other suitable institution, or if a girl to some suitable institution, and such order shall have the same effect as if made by a judge.

1927, c.60, s.34; R.S.S. 1930, c.231, s.35.

Application for production of child

36(1) Where a parent applies to the Court of King’s Bench for an order for the production of a child committed under this Part, and the court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the court should refuse to enforce his right to the custody of the child, the court may in its discretion decline to make the order.

(2) If, at the time of the application, the child is being brought up by another person, or has been placed out by a children’s aid society, the court, if it directs the child to be given up to the parent, may order that the parent shall pay to such person or society the whole of the expense properly incurred in bringing up the child, or such portion thereof as seems just.

(3) Where a parent has:

(a) abandoned or deserted his child;

(b) allowed his child to be brought up by another person at that person’s expense, or by a children’s aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties;

the court shall not make an order for the delivery of the child to the parent unless he satisfies the court that having regard to the welfare of the child he is a fit person to have the custody of the child.
(4) If the court is of opinion that the parent ought not to have the custody of the child but that the child is being brought up in a different religion from that in which the parent has a legal right to require that the child shall be brought up, the court may make such order as it thinks fit to secure that the child be brought up in that religion.

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

(6) A judge of the Court of King’s Bench or a judge of the district court if satisfied on complaint made by a parent of the child that the child has not been maintained by a society or was not deserted by such parent, and that it is for the benefit of the child that he should be either permanently or temporarily under the control of such parent, may, after due notification to the society of which the child is a ward, make an order accordingly, and any such order shall be obeyed by the society, and the society shall cease to have the rights and powers of the parent in respect of the child.

SURRENDER OF CHILDREN

Surrender by parent

37(1) Subject to the provisions of subsections (2) and (3), a parent, who by instrument in writing has surrendered the custody of a child not over the age of seven years to a children’s aid society, shall not thereafter be entitled, contrary to the terms of such instrument, to the custody of or any control or authority over or any right to interfere with the child.

(2) In case both the father and mother of the child are living and no guardian has been appointed, no surrender shall be accepted under this section unless both father and mother execute the same.

(3) In case the child is illegitimate, the mother may execute the surrender, and may do so though under the age of 21 years.

(4) Every child surrendered under this section shall be dealt with in all respects as though delivered to the society by order of a judge under the provisions of section 24.

(5) No parent shall surrender the custody of a child to a children’s aid society without having first obtained the consent in writing of the commissioner, and any surrender without such consent shall be null and void.

Newspaper advertisements, returns by publisher

38(1) Every publisher of a newspaper or magazine published in Saskatchewan who receives any advertisement dealing with the adoption, boarding out or care of a child, shall obtain from the advertiser a memorandum in writing signed by him giving his name, address and occupation, and shall immediately after the first publication of the advertisement mail to the commissioner, Bureau of Child Protection, Regina, a copy thereof as published, together with the name, address and occupation of the advertiser.
(2) Any person who fails to comply with the provisions of subsection (1) shall be
guilty of an offence and liable on summary conviction to a penalty not exceeding $50
and in default of payment to imprisonment for a term not exceeding one month.

1927, c.60, s.37; R.S.S. 1930, c.231, s.38.

INSTITUTIONS, VISITATION AND INSPECTION

Duties of commissioner

39 The commissioner shall provide for the visitation and inspection from time to
time of every child placed in a foster home and of every institution dealing with or
caring for children, and any person appointed by the commissioner for the purpose
may enter any institution at any time and examine every part thereof and every
child therein, call for and examine the records of the institution and inquire into
all matters concerning the institution and the inmates thereof.

1927, c.60, s.38; R.S.S. 1930, c.231, s.39.

Investigation by judge

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

(2) The judge upon making such inquiry may require the child to be observed, and
may for that purpose order the child to be confined for so long as he thinks fit in
any institution or place approved by the commissioner, and may by order authorise
the commissioner:

(a) to return the child to the institution with or without special supervision
by the commissioner; or

(b) to take steps to have the child dealt with under the preceding provisions
of this Part.

1927, c.60, s.39; R.S.S. 1930, c.231, s.40.

Annual returns by institutions

41 Every institution dealing with or caring for children shall at least once annually
supply the commissioner with such information and particulars as he may require,
and shall forthwith on request furnish the commissioner with all further information
or particulars that he may at any time require concerning any child or children with
whom the institution has dealt or to whom the institution has given care.

1927, c.60, s.40; R.S.S. 1930, c.231, s.41.

Right of inspection

42 Every society or person to whose care a child is committed under the provisions
of this Part, and every person intrusted with the care of such child, shall, from time
to time, submit the child to be visited, and any place where the child is or resides to
be inspected, by the commissioner or any person duly authorised in that behalf.

1927, c.60, s.41; R.S.S. 1930, c.231, s.42.
Ministers of religion
43 Subject to such regulations as are approved by the minister, all ministers of religion or persons authorised by the recognised head of any religious denomination, shall have admission to every temporary home or shelter, and access to such of the children placed or detained therein as belong to their respective denominations, and may give instruction to them on the days and at the times appointed by 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 or shelter.

1927, c.60, s.42; R.S.S. 1930, c.231, s.43.

DISCHARGE

Discharge of child
44 Where a child, after being committed to a society is placed permanently under the control of his parents or parent and further supervision or control is deemed unnecessary, the Lieutenant Governor in Council may, on the recommendation of the minister or at any time, discharge the child from the care or custody of the society, either absolutely or on such conditions as may seem expedient and are set forth in the order of discharge.

1927, c.60, s.43; R.S.S. 1930, c.231, s.44.

MATERNITY, NURSING AND OTHER HOMES

Notifications to commissioner
45(1) Any person in a city or town, and the person in charge of any institution, engaged in the business of receiving and lodging women or girls for accouchement, for hire or reward, or keeping unmarried women with infants for board and lodging, or keeping a maternity boarding house or home, shall notify the commissioner of the fact.

(2) Any person in a city or town, and the person in charge of any orphanage or other institution, receiving or keeping in such person’s care and custody, for hire or reward, one or more infants under the age of seven years for the purpose of nursing or maintaining them, shall in each case notify the commissioner of the fact within one week after any such infant is received.

1927, c.60, s.44; R.S.S. 1930, c.231, s.45.

Inspection
46 The mayor of a city or town, the commissioner or any person appointed by them or either of them for that purpose may visit and inspect at any time any house used for any of the purposes mentioned in section 45, and the keeper or person in charge of such house shall afford the person making the inspection every reasonable facility for viewing and inspecting the premises and seeing the inmates thereof.

1927, c.60, s.45; R.S.S. 1930, c.231, s.46.
Consent required to transfer

47 No keeper or person in charge of such a house shall transfer a child under seven years of age, whether an inmate or born therein or brought thereto, to the care and custody of any person other than his parents without the knowledge and consent of the commissioner.

1927, c.60, s.46; R.S.S. 1930, c.231, s.47.

Advertisements prohibited

48 No proprietor of such a house shall advertise that he will adopt a child or children, or hold out inducements to parents to part with their offspring; and when a child under seven years of age, the inmate of such a house, is transferred by his parents or given into the care and custody of other persons, the transfer shall be made only with the consent of the commissioner.

1927, c.60, s.47; R.S.S. 1930, c.231, s.48.

Penalties

49 Any person who contravenes any of the provisions of sections 45 to 48 shall be guilty of an offence and liable upon summary conviction to a penalty of not more than $100, exclusive of costs, and, in default of payment of such penalty and costs, to imprisonment for a term not exceeding one month.

1927, c.60, s.48; R.S.S. 1930, c.231, s.49.

Inapplicability to hospitals

50 Nothing in sections 45 to 49 shall apply to a hospital receiving public aid from the Government of the Province of Saskatchewan.

1927, c.60, s.49; R.S.S. 1930, c.231, s.50.

ILL-TREATMENT OF CHILD

Ill-treating, neglecting, etc.

51 Any person who, having the care, custody, control or charge of a child under the age of 16 years, ill-treats, neglects, abandons or exposes the child, or causes or procures the child to be ill-treated, neglected, abandoned or exposed in a manner likely to cause him unnecessary suffering, or serious injury to his health, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding $100, and in default of payment of such penalty, or in addition thereto, to imprisonment for a term not exceeding two months.

1927, c.60, s.50; R.S.S. 1930, c.231, s.51.

Causing child to beg, perform, etc.

52(1) Any person who:

(a) causes or procures a child to be in any public place for the purpose of begging or receiving alms, or of inducing the giving of alms, whether under the pretence of singing, playing, performing, offering anything for sale, or otherwise; or

(b) causes or procures a child to be in any public place for the purpose of singing, playing, or performing for profit, or offering anything for sale, or procures or causes a child to be employed between ten p.m. of one day and six a.m. of the following day; or
(c) subject to the provisions of subsection (2) causes or procures a child to be at any time in a circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale;

shall be guilty of an offence and liable on summary conviction to a penalty not exceeding $100, and in default of payment of the penalty, or in addition thereto, to imprisonment for a term not exceeding two months.

(2) In the case of an entertainment or series of entertainments in premises used for public entertainment, 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 mayor of a city or town or overseer of a village, or the commissioner, may grant a license for such time and during such hours of the day, not to exceed seven hours in any day of twenty-four hours, and subject to such restrictions and conditions as he thinks fit, for any child of whose fitness to take part in such entertainment or series of entertainments without injury he is satisfied; and such license may at any time be varied, added to or revoked by him.

(3) The municipal council shall assign to some person the duty of seeing that the restrictions and conditions of any license granted under authority of this section are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed. This duty shall be discharged by the chief constable of the municipality until some other person is appointed.

1927, c.60, s.51; R.S.S. 1930, c.231, s.52.

POWER OF SEARCH

Search for neglected child

53(1) If it appears to a police magistrate, or to a justice of the peace, on information laid before him on oath by any person who in the opinion of the magistrate or justice is bona fide acting in the interest of the child, that there is reasonable cause to suspect that a child has been or is being ill-treated or neglected in any place within the jurisdiction of such magistrate or justice in a manner likely to cause the child unnecessary suffering or to be injurious to its health or morals, the magistrate or justice may issue a warrant authorising any person named therein to search for such child, and, if the child is found to have been or to be ill-treated or neglected, to take him to and detain him in a place of safety, and thereafter the preceding provisions of this Part governing proceedings subsequent to apprehension shall apply.

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

(3) Any person authorised by warrant under this section to search for a child and to take him to 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.

1927, c.60, s.52; R.S.S. 1930, c.231, s.53.
INTERFERING WITH WARDS

Prohibitions

54(1) No person shall:

(a) induce a child to leave the building or premises or custody or control of a children's aid society or of any boys' or girls' home or orphans' home or children's or infants' home, industrial school or other institution to which such child has been confined by competent authority; or

(b) induce or attempt to induce a child under the age of 21 years to leave any service or apprenticeship or any place where the child has been lawfully placed for the purposes of being nursed, supported, educated or adopted; or

(c) induce or attempt to induce a child under the age of 21 years to break articles of apprenticeship or agreement lawfully entered into by or with the authority of the trustees or directors or governing body of such children's aid society or home; or

(d) detain or harbour a child after demand made by or on behalf of an officer of any such institution or of any children's aid society for delivery up of a child who has been confined in such institution or of whom the children's aid society is the legal guardian.

(2) A person who violates the provisions of this section shall be guilty of an offence and liable on summary conviction to a penalty not exceeding $20 and costs, and in default of payment of the penalty and costs, to imprisonment for any period not exceeding thirty days.

1927, c.60, s.53; 1928, c.76, s.8; R.S.S. 1930, c.231, s.54.

REGULATIONS

Regulations

55 The Lieutenant Governor in Council may make rules respecting the management of societies operating under this Act.

1927, c.60, s.54; R.S.S. 1930, c.231, s.55.

PROCEEDINGS

Application of Part XV of Criminal Code

56 Except as otherwise provided proceedings under this Act shall be summary and shall mutatis mutandis be governed by Part XV of the Criminal Code in so far as such provisions are applicable.

1927, c.60, s.55; R.S.S. 1930, c.231, s.56.
PART III

Juvenile Offenders

COURTS

Establishment

57(1) In every city and town in Saskatchewan there shall be a juvenile court, and such court shall have jurisdiction over such portion of the province, in addition to the area included within the limits of the city or town, as the Lieutenant Governor in Council may from time to time designate.

(2) The Lieutenant Governor in Council may, at any time, establish a juvenile court for any rural municipality or for any village.

(3) A juvenile court shall be styled “The Juvenile Court of (city, town, village or rural municipality, as the case may be).”

1927, c.60, s.56; R.S.S. 1930, c.231, s.57.

JUDGES, JURISDICTION

Judges

58(1) The following persons shall be ex officio judges of juvenile courts as hereunder set forth:

(a) every judge of the Court of King’s Bench, of the juvenile courts of the province;

(b) every district court judge, of the juvenile courts within his judicial district or any district for which he is authorised to act;

(c) the police magistrate in a city, of the juvenile court of the city.

(2) The Lieutenant Governor in Council may appoint magistrates with the powers of police magistrates, to hear and determine complaints against juvenile offenders, who shall be judges of the juvenile courts of the city, town, village or rural municipality to which they are appointed.

(3) Judges of the Court of King’s Bench and district courts shall not be required to preside at a juvenile court unless willing to do so.

(4) In any place where a magistrate has been appointed under subsection (2), no other person shall act as judge of the juvenile court of such place except during the absence or illness of the magistrate, or on his written request, or on the request of the minister or of the commissioner.

(5) Any justice of the peace may, on the written request of the minister or of the commissioner, act as juvenile court judge for the trial of any specified case and shall, while so acting, have all the powers of a juvenile court.

1927, c.60, s.57; R.S.S. 1930, c.231, s.58.
Jurisdiction

59 Every juvenile court hereunder shall be a juvenile court within the meaning and for the purposes of the *Juvenile Delinquents Act*, and shall have power to deal with matters arising under Part II.

1927, c.60, s.58; R.S.S. 1930, c.231, s.59.

Judge’s report

60 Every judge of the juvenile court shall make or cause to be made, at the close of each sitting of the court, a report to the commissioner on forms supplied for the purpose, giving a full report of the cases brought before the court, the disposition or order made in each case, the parentage, age and religion of each delinquent, and such other information as the commissioner may require.

1927, c.60, s.59; R.S.S. 1930, c.231, s.60.

RECORDS

Records

61 One or more books, in form approved by the minister, shall be kept by the commissioner, in which shall be entered the particulars of each case heard before a juvenile court as shown by the judge’s report.

1927, c.60, s.60; R.S.S. 1930, c.231, s.61.

PROCEDURE

Separate custody and trial

62(1) A child charged with an offence against the laws of Canada or of the Province of Saskatchewan, or who is brought before a judge under any of the provisions of this Act, shall not before trial or examination be confined in a lockup or a police cell used for persons charged with crime.

(2) The council of every municipality shall make provision for the separate custody and detention of such child prior to his trial or examination, by arrangement with a police officer or some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lockup or police cells.

1927, c.60, s.61; R.S.S. 1930, c.231, s.62.

Exclusion from adult prisoners

63 No child held for trial or under sentence in any gaol or other place of confinement shall be placed or allowed to remain in the same cell or room in company with adult prisoners, and the officer in charge of such place of confinement shall secure the exclusion of such child from the society of adult prisoners during his confinement.

1927, c.60, s.62; R.S.S. 1930, c.231, s.63.
Children's courts

64(1) The judge shall try such child or examine into his case and dispose thereof, where practicable, in premises other than the ordinary police court, or where this is not practicable, in the private office of the judge, if he has one, or in some other room in the municipal buildings, or if this is not practicable, then in the ordinary police court room, but in such last mentioned case not until two hours have elapsed after the other trials or examinations for the day have been disposed of.

(2) Where a children's aid society possesses premises affording the necessary facilities and accommodation, a child may, after apprehension under the provisions of this Act, be temporarily taken charge of by the society until his case is disposed of; and the judge shall hold the examination into the case of such child in the premises of the society.

(3) When a child or a parent charged with an offence in respect of a child under this Act is being examined or tried, the judge shall exclude from the court room all persons other than the counsel and witnesses in the case, officers of the law or of any children's aid society and the relatives of the child or parent.

1927, c.60, s.63; R.S.S. 1930, c.231, s.64.

Notification to society

65 When a complaint is made or pending against a child before a judge he shall at once cause notice in writing to be given to the officer of the children's aid society, or to the commissioner who shall have opportunity allowed him to investigate the charge.

1927, c.60, s.64; R.S.S. 1930, c.231, s.65.

Inquiry by society

66 Upon receiving such notice the officer or the commissioner may proceed to inquire into and make full examination as to the parentage and surroundings of the child, and all the circumstances of the case and report his findings to the judge.

1927, c.60, s.65; R.S.S. 1930, c.231, s.66.

Judge's order

67 Where it appears to the judge that the public interest and the interest of the child will be best served thereby, he may make an order for the return of the child to his parents or guardians, or may commit the child to a children's aid society or the commissioner for the purpose of placing him in a foster home, or may impose a fine or suspend sentence for a definite or indefinite period, and after commitment to the children's aid society or commissioner, may recommend that the child, if a boy, be sent to an industrial school, or, if a girl, to a suitable home for correction either inside or outside the province; or the judge may make an order committing the child to such industrial school or home for a definite or indefinite period.

1927, c.60, s.66; R.S.S. 1930, c.231, s.67.

Presumptive age of child

68 Where a person is charged with an offence under this Act in respect of a child who is alleged to be under a specified age, and the child appears to the judge to be under that age, such child shall for the purposes of this Act be deemed to be under that age, unless the contrary is proved.

1927, c.60, s.67; R.S.S. 1930, c.231, s.68.
CHILD WELFARE

PROBATION OFFICERS

Probation officers

69 Every probation officer appointed by a children’s aid society shall be a probation officer for juvenile delinquents within a city, town, village or rural municipality in which such society is situate, and every inspector a probation officer, with power to act at any place within the province.

1927, c.60, s.68; R.S.S. 1930, c.231, s.69.

Appointment of probation officers

70 Upon the consent of the commissioner and of the person to be appointed, a judge of a juvenile court may, in writing, appoint such person a probation officer for the time mentioned in the appointment, and any person so appointed shall be a voluntary probation officer and act without remuneration, unless remuneration has been provided by the city, town, village or rural municipality for which he is appointed.

1927, c.60, s.69; R.S.S. 1930, c.231, s.70.

Duties

71 A voluntary probation officer appointed under the provisions of section 70 shall be under the control and subject to instruction of the judge of the juvenile court making the appointment, and shall perform such duties as are assigned to him by the judge.

1927, c.60, s.70; R.S.S. 1930, c.231, s.71.

DETENTION HOMES

Detention homes

72 Any orphan or children’s home with the consent of the trustees or governing body thereof, and every temporary home or shelter under Part II, shall be a detention home within the meaning of the Juvenile Delinquents Act, in which any child may be held in confinement at the expense of the city, town, village or rural municipality within which the offence with which the child is charged was committed.

1927, c.60, s.71; R.S.S. 1930, c.231, s.72.

Power to declare any institution a detention home

73 Subject to the provisions of the Juvenile Delinquents Act, the minister may declare any place, house, home or institution to be a detention home within the meaning of that Act, and may make regulations for the government and management of such homes in so far as they are used for that purpose.

1927, c.60, s.72; R.S.S. 1930, c.231, s.73.
ENFORCEMENT OF MAINTENANCE ORDERS

Procedure

74 An order for the support of a child under subsection (2) of section 17 of the Juvenile Delinquents Act, may be enforced in the same manner as an order made by a judge under Part II of this Act.

1928, c.76, s.9; R.S.S. 1930, c.231, s.74.

PART IV

FEEBLE MINDED AND OTHER MENTALLY DEFECTIVE CHILDREN

Interpretation

75 In this Part, unless the context otherwise requires, the expression:

“Child”
1. "Child" means a boy or girl actually or apparently under the age of sixteen years;

“Defective child”
2. "Defective child" includes:
   (a) an idiot child, that is to say a child so defective in mind from birth or from an early age as to be unable to guard himself against common physical dangers;
   (b) an imbecile child, that is to say a child in whose case there has been from birth or from an early age mental defectiveness not amounting to idiocy, yet so pronounced that the child is incapable of managing his affairs or himself or being taught to do so;
   (c) a moron child, that is to say a child in whose case there has been from birth or from an early age mental defectiveness not amounting to imbecility, yet so pronounced that the child requires care, supervision and control for his own protection or for the protection of others.

1927, c.60, s.74; R.S.S. 1930, c.231, s.75.

Care of defective child pending investigation

76 The parents or guardian of a defective child or of a child presumed to be defective may take the child to a shelter or to any other place designated by the commissioner for the temporary care of such children pending examination by a psychiatrist.

1927, c.60, s.75; R.S.S. 1930, c.231, s.76.

Disposal of child after examination

77 If a psychiatrist finds that the child is a defective child, the parents or guardian may, subject to the approval of the commissioner, take the child back to his own home or may place him in an institution suitable for his care and training.

1927, c.60, s.76; R.S.S. 1930, c.231, s.77.
Notice to commissioner

78(1) Any parent or guardian or other person who has reason to believe that a child under his care is a defective child may notify the commissioner in writing of the facts, giving the name and address of the child.

(2) Any physician or nurse who in the practice of his or her profession has knowledge of a defective child, or of any person who is presumed to be a defective child, shall notify the commissioner in writing of the facts, giving the name and address of the parents or guardian or other person in charge of the child.

(3) Any inspector or peace officer, who in performing his duties has knowledge of a defective child or of any person who is presumed to be a defective child, shall notify the commissioner in writing of the facts, giving the name and address of the child and of the person having the care or custody of the child.

1927, c.60, s.77; R.S.S. 1930, c.231, s.78.

Inquiry by commissioner

79 On receipt of such information, the commissioner shall, if after investigation he deems it advisable, cause the child to be examined by a psychiatrist.

1927, c.60, s.78; R.S.S. 1930, c.231, s.79.

Examination by judge

80 If the parents or guardian of a defective child or of a person presumed to be a defective child refuses to cooperate with the commissioner in the examination of a child, a judge of the juvenile court or a justice of the peace may, on the application of the commissioner, issue an order requiring the parents or guardian to bring the child before him for examination, or may order that the child be apprehended and brought before him for examination.

1927, c.60, s.79; R.S.S. 1930, c.231, s.80.

Powers of judge

81 When the child is brought before him, the judge or justice shall investigate the facts and ascertain the age of the child and the name, residence and religion of the parents or guardian, and may authorise an examination of the child by a psychiatrist, who shall make a report to the judge or justice as to the physical and mental condition of the child.

1927, c.60, s.80; R.S.S. 1930, c.231, s.81.

Powers under Public Inquiries Act

82 The judge or justice shall have all the powers which may be conferred upon commissioners under The Public Inquiries Act.

1927, c.60, s.81; R.S.S. 1930, c.231, s.82.

Notice to parents or guardians

83 The parents or persons having the actual custody of the child at the time of his apprehension, or up to the time when he was taken to a shelter or place designated by the commissioner, shall be notified of the investigation and any person may appear on behalf of the child.

1927, c.60, s.82; R.S.S. 1930, c.231, s.83.
Order by judge

84 If, on report of the psychiatrist, the judge or justice finds that the child is a defective child, he may order that the child be returned to the care of his parents or guardian, with or without the supervision and inspection of the commissioner, or he may order that the child be committed to the care and custody of the commissioner as a neglected child, and the commissioner may place him in an institution for feeble minded or defective children.

1927, c.60, s.83; R.S.S. 1930, c.231, s.84.

PART V

ADOPTION OF CHILDREN

Interpretation

85 In this Part, unless the context otherwise requires, the expression:

“Judge” 1. “Judge” means a judge of a district court in and for the Province of Saskatchewan;

“Regulations” 2. “Regulations” means regulations made under the authority of this Part.

1927, c.60, s.84; R.S.S. 1930, c.231, s.85.

Who may apply for order

86(1) Any adult person may apply to a judge by petition for leave to adopt an unmarried minor as his child.

(2) Where an applicant has a husband or wife living who is competent to join in the application, such husband or wife shall join therein, and upon adoption the child shall be in law the child of both.

1927, c.60, s.85; R.S.S. 1930, c.231, s.86.

Consents required

87(1) An order for adoption shall not be made, except as hereinafter provided, without the consent in writing of the required commissioner and of the following:

(a) the child, if he has attained the age of twelve years;

(b) the parents or surviving parent of the child, or the parent having the lawful custody of the child where the parents are divorced or live apart;

(c) the guardian or person, if any, having the lawful custody of the child, where the child has no parent living or no parent whose consent is necessary;

(d) the parent by adoption if the child has been previously adopted;

(e) the mother only, if the child was born out of wedlock, notwithstanding that she may be under the age of 21 years;
(2) A person whose consent is hereby required shall not be thereby debarred from being the applicant.

(3) The fact that the child was born out of wedlock shall in no case appear upon the order.

(4) Where upon an application for an order for the adoption of a child under this Part it appears to the judge that the child has lived since his earliest years with the applicant and has known no other parents, the judge may, in his discretion, dispense with the consent of the child required by clause (a) of subsection (1).

1927, c.60, s.86; R.S.S. 1930, c.231, s.87.

When consent unnecessary

88 The consent of any of the persons named in subsection (1) of section 87, other than the child, shall not be required if:

(a) such person is adjudged by the judge upon evidence submitted to him to be insane or mentally incompetent or unfit to give such consent; or

(b) such person is undergoing sentence for a term of which more than three years remain unexpired at the date of the application; or

(c) such person is one whose duty is to provide proper care and maintenance for the child, and has neglected so to do; or

(d) the judge for reasons which appear to him sufficient and which are approved by the commissioner, deems it necessary or desirable that such consent should be dispensed with.

1927, c.60, s.87; R.S.S. 1930, c.231, s.88.

Notice to persons whose consent is required

89(1) If the written consent required by the provisions of sections 87 and 88 is not submitted with the application, the judge may order notice of the application to be served on the parties whose consent is required.

(2) The judge may order the service required by subsection (1) to be made substitutionally or by publication of the notice in each of three successive weeks in such newspaper as the judge may order, the last publication thereof to be at least seven clear days before the time appointed for the hearing.

(3) The judge may require additional notice and consent.

1927, c.60, s.88; R.S.S. 1930, c.231, s.89.

Power of judge to dispense with consent

90 If, after such notice, a person whose consent is required does not appear and object to the adoption, or appears and consent objects upon grounds which the judge deems insufficient having in view the interests of the child and of his parents, the judge may dispense with his consent.

1927, c.60, s.89; R.S.S. 1930, c.231, s.90.
Order of adoption

91 The judge, if satisfied of the ability of the applicant to fulfil the obligations and perform the duties of a parent towards the child, and of the fitness and propriety of the adoption having regard to the welfare of the child and the interests of the natural parents if living, may make an order for the adoption of the child by the applicant.

1927, c.60, s.90; R.S.S. 1930, c.231, s.91.

Certificate of commissioner

92 An order for the adoption of a child under twelve years of age shall not be made unless the commissioner certifies in writing:

(a) that the child has lived for at least one year previously with the applicant, and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as to justify the making of the order; or

(b) that the applicant is to the knowledge of the commissioner 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.

1927, c.60, s.91; R.S.S. 1930, c.231, s.92.

Effect of order

93(1) An order for adoption shall:

(a) divest the natural parent, guardian or person in whose custody the child has been, of all legal rights in respect of the child, and free such person from all legal obligations and duties as to the maintenance of such child;

(b) make the child, for the purposes of the custody of the person and rights of obedience, to all intents and purposes the child of the adopting parent;

(c) give the child the same right to any claim for nurture, maintenance and education upon his adopting parent that he would have were the adopting parent his natural parent.

(2) In and by the adoption order the judge may in his discretion give to the adopted child the surname of his adopting parent, and in that event the child shall thenceforth be entitled to and be known by the surname of the adopting parent.

1927, c.60, s.92; R.S.S. 1930, c.231, s.93.

Rights of succession to property

94(1) A person who has been adopted in accordance with the provisions of this Part shall 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 or inheritance from his adopting parent or from the kindred of such parent, shall be distributed according to the laws of this 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.

1927, c.60, s.92; R.S.S. 1930, c.231, s.93.
(3) Where a person is adopted he shall not lose his right to inherit from his natural parents or kindred.

1927, c.60, s.93; R.S.S. 1930, c.231, s.94.

“Child”

95 The word “child” or its equivalent in any instrument shall include an adopted child unless the contrary plainly appears by the terms of the instrument.

1927, c.60, s.94; R.S.S. 1930, c.231, s.95.

Rights of adopted non-resident to succession in Saskatchewan

96 A person resident out of the province, who has been adopted in accordance with the laws of any of the provinces of Canada, shall, upon proof of the adoption, be entitled to the same rights of succession to property as he would have had if he had been adopted in accordance with the laws of this province.

1927, c.60, s.95; R.S.S. 1930, c.231, s.96.

Effect of order on previous adoption

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

1927, c.60, s.96; R.S.S. 1930, c.231, s.97.

Order to be filed

98(1) Every order of adoption, together with all the material used on the application, shall be filed in the office of the clerk of the court the judge of which made the order, and the clerk shall forward a copy of the order certified by the judge to the Deputy Minister of Public Health who shall record the same in the manner prescribed by the regulations.

(2) No search of any file containing an order of adoption or material relating thereto shall be permitted unless under an order of the judge of the court in which the order of adoption was made, after reasonable notice to the commissioner.

1927, c.60, s.97; 1928, c.76, s.10; R.S.S. 1930, c.231, s.98.

Hearing in chambers

99 Every application under this Part shall be heard by the judge in his chambers.

1927, c.60, s.98; R.S.S. 1930, c.231, s.99.

Regulations

100 The Lieutenant Governor in Council may make regulations:

(a) for the recording of all orders of adoption made under this Act in the office of the Deputy Minister of Public Health as Registrar General under The Vital Statistics Act;

(b) respecting the procedure to be followed upon an application for an order for adoption;
(c) for fixing the fees, costs, charges and expenses payable on 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;

(d) for payment out of such sums as may be appropriated by the Legislature for that purpose of the expenses of the commissioner in carrying out the provisions of this Part;

(e) for the appointment of local and other assistants to the commissioner under this Part, and for authorising any of such assistants to act for and in the place of the commissioner;

(f) generally for better carrying out of the provisions of this Part.

1927, c.60, s.99; R.S.S. 1930, c.231, s.100.

PART VI

MOTHERS' ALLOWANCES

Qualifications of applicants and conditions of payment

101(1) Subject to the provisions of this Part and of any regulations made thereunder, monthly payments, not to exceed in the whole the amount voted for that purpose by the Legislature, may be paid to provide support or partial support for the dependent children, under sixteen years of age, of any woman who, by reason of poverty, is unable to take proper care of her child or children, and who:

(a) is a widow or the wife of an inmate of a gaol or penitentiary, of a tubercular sanatorium, an institution for incurables or for the feeble minded or insane in Canada, or of a man who is permanently incapacitated by incurable disease or insanity from contributing sufficiently to the support of his family; or

(b) has resident with her one or more such children who are orphans, and is the grandmother, sister, aunt, or other suitable person acting as the foster mother of such children, and has not adequate means to care properly for them without the assistance of an allowance under this Part.

(2) Allowances shall be paid under subsection (1) only where it is shown to the satisfaction of the minister that the husband of the applicant resided in Saskatchewan at the time of his death, or when he became an inmate of any institution referred to in clause (a) of subsection (1), or when he became permanently incapacitated from contributing sufficiently to the support of his family, and that the grantee:

(a) is resident in Canada and was so resident for at least two years prior to the time of making application for an allowance;

(b) is resident in Saskatchewan at the time of the application, and was so resident for at least one year immediately prior thereto;

(c) continues to reside in Saskatchewan with the dependent child or children while in receipt of an allowance

(d) is a fit and proper person to have care and custody of the child or children.
(3) If it is shown to the satisfaction of the minister that the husband of the applicant has not been heard of for seven years, the minister may, for the purposes of this Part, presume that the husband is dead and that at the time of his death he was a resident of Saskatchewan.

Duties of commissioner
102 It shall be the duty of the commissioner:

(a) to inquire into the merits of all applications for allowances and to advise the minister as to the expediency of granting, continuing, altering or withdrawing the same; and

(b) to carry out the provisions of this Part and the regulations under the direction of the minister.

Reciprocal arrangements with other provinces
103 When legislation has been passed in another province for reciprocal action with regard to beneficiaries under this Part the commissioner may recommend to the minister the grant of an allowance to any person who:

(a) has been in receipt of an allowance in such other province and moves into Saskatchewan; or

(b) has resided in such other province and in Saskatchewan for periods which together equal the term of residence required by this Part in the case of a resident of Saskatchewan;

and the minister may consider such recommendation and direct the payment of an allowance accordingly.

Regulations
104 The Lieutenant Governor in Council may make regulations for the administration of this Part and the control of all expenditures to be made thereunder.

PART VII
Children of Unmarried Parents

INTERPRETATION

Interpretation
105 In this Part, unless the context otherwise requires, the expression:
“Judge”
1. “Judge” means the judge of the district court of the judicial district in which the complainant resides; or, subject to the provisions of The Police Magistrates Act, the police magistrate, appointed under the provisions of the said Act, of a city or town situate within the judicial district in which the complainant resides, or a police magistrate having jurisdiction throughout the province;

“Single woman”
2. “Single woman” includes a widow, and a married woman living apart from her husband if the child is the offspring woman of an adulterous intercourse;

“Father”
3. “Father” includes one of two or more persons who may be the possible father.

1930, c.70, s.2; R.S.S. 1930, c.231, s.105.

Filiation Orders

WHEN INFORMATION LAID BEFORE BIRTH OF THE CHILD

Information before birth
106(1) If a single woman is pregnant she may lay an information in writing under oath (form C) before a judge, stating that she is so pregnant, where she is living, and the name of the alleged father of the child; or her father or mother, an officer of a children’s aid society or the commissioner or any officer of the Bureau of Child Protection appointed by him for the purpose, may lay the information (form D) on her behalf. The information shall be accompanied by a certificate of a duly qualified medical practitioner that the woman alleged to be pregnant is pregnant.

(2) Notwithstanding anything contained in the preceding subsection, the information may, with the consent of the commissioner, be laid before a justice of the peace. Any justice before whom an information is laid under this subsection shall forthwith transmit the same to a judge having jurisdiction under this Part, with an indorsement thereon to the effect that the information is transmitted under the provisions of this subsection, and on receipt of the information the judge shall proceed as hereinafter set forth.

1930, c.70, s.2; R.S.S. 1930, c.231, s.106.

Summons or warrant
107 The judge may thereupon issue a summons (form E) for service upon the alleged father requiring his attendance before him, or he may in his discretion issue a warrant (form F) to arrest the alleged father and bring him before him.

1930, c.70, s.2; R.S.S. 1930, c.231, s.107.

Bond by alleged father
108(1) When an alleged father is brought before a judge under a summons or warrant the judge shall, in such manner as he sees fit, make inquiries from such alleged father or others as to the facts set out in the information and, if in his opinion the circumstances warrant, may require the alleged father to enter into a bond (form G), with or without sureties, conditioned upon his appearance upon any summons or warrant issued under this Part after the birth of the child; or may require the alleged father to make a cash deposit with him not exceeding $1,000, conditioned upon the alleged father’s appearing upon any summons or warrant issued under section 110 after the birth of the child.
(2) Before requiring the alleged father to give a bond or make a cash deposit, the judge shall give due consideration to the probability of such alleged father obeying any summons served on him by virtue of section 110.

(3) A judge receiving a cash deposit may deposit the same with the commissioner pending the fulfilment of the condition on which it was received, and thereafter the money so deposited shall be subject to the order of the judge.

(4) If the alleged father is required to furnish such bond or make such alternative cash deposit, and does not do so, he may be committed to a common gaol by warrant of commitment (form H) until an order of filiation is made or refused, or until such bond is given or cash deposit made.

1930, c.70, s.2; R.S.S. 1930, c.231, s.108.

Costs

109 Any costs properly payable under the provisions of sections 106 to 108 inclusive may be indorsed on the information, and ultimately, if an order of filiation is made, may be included in the costs recoverable under such order from the alleged father.

1930, c.70, s.2; R.S.S. 1930, c.231, s.109.

Father brought before judge

110(1) Within sixty days, or such further time as a judge may order, after the birth of a child whose parents have not been legally married, the judge, on the application of the person who laid the information or of any of the persons named in section 106, shall issue a summons (form I) for service on the alleged father requiring his attendance before him, or a warrant (form J) to arrest the alleged father and bring him before him, or, if he is in gaol, shall issue an order for his attendance before him.

(2) If no application is made under subsection (1) within the time limited thereby, any warrant of commitment or any bond entered into under the provisions of section 108 shall become null and void and any cash deposit shall be returned to the person from whom the same was received. If the alleged father is in gaol under a warrant issued under this Part, the judge shall make an order directing his release forthwith.

1930, c.70, s.2; R.S.S. 1930, c.231, s.110.

Miscarriage or death of mother

111 In the event of a miscarriage of the mother or her death without giving birth to the child, any warrant of commitment issued under this Part, or any bond entered into under the provisions of section 108, shall become null and void, and any cash deposit shall be returned to the person from whom the same was received. If the alleged father is in gaol under a warrant issued under this Part, the judge shall make an order directing his release forthwith.

1930, c.70, s.2; R.S.S. 1930, c.231, s.111.
WHEN INFORMATION LAID AFTER BIRTH OF CHILD

Information after birth

112(1) If a single woman has given birth to a child and an information has not been laid under the provisions of section 106, she may lay an information in writing under oath (form K) before a judge, stating that she has given birth to a child, where she is living, and the name of the alleged father of the child; or, her father or mother, an officer of a children’s aid society or the commissioner or any officer of the Bureau of Child Protection appointed by him for the purpose may lay the information (form L) on her behalf.

(2) Notwithstanding anything contained in subsection (1) the information may, with the consent of the commissioner, be taken by a justice of the peace. Any justice by whom an information is taken shall forthwith transmit the same to a judge having jurisdiction under this Part, with an indorsement thereon to the effect that the information is transmitted under the provisions of this subsection, and on receipt of the information the judge shall proceed as if it had, been taken by him.

1930, c.70, s.2; R.S.S. 1930, c.231, s.112.

Issue of summons

113 The judge may thereupon issue a summons (form M) for service upon the alleged father requiring his attendance before him, or he may in his discretion issue a warrant (form N) to arrest the alleged father and bring him before him.

1930, c.70, s.2; R.S.S. 1930, c.231, s.113.

No application after 12 months from birth

114 No filiation proceedings shall be commenced under this Part after the expiration of twelve months from the date of birth, save that if the alleged father has paid money for the maintenance of the child after its birth, or has left the province before the expiration of twelve months next after such birth, then such proceedings may be commenced within twelve months of the last payment of such money or of his return to Saskatchewan as the case may be.

1930, c.70, s.2; R.S.S. 1930, c.231, s.114.

Death of mother

115 If the mother of a child whose parents have not been legally married dies prior to filiation proceedings being taken or completed against the alleged father, any of the persons named in section 106 may, on behalf of the child, continue or institute such proceedings against the alleged father, in accordance with the provisions of this Part, and the judge before whom such proceedings are brought may make any order in accordance with the provisions of this Part.

1930, c.70, s.2; R.S.S. 1930, c.231, s.115.

HEARING AFTER BIRTH

Father in gaol

116 If the alleged father is in gaol under a warrant issued under this Part, a judge may make an order (form O) directed to a peace officer to bring such alleged father before him, and he shall be delivered into the custody of the peace officer producing the order.

1930, c.70, s.2; R.S.S. 1930, c.231, s.116.
Adjournment of hearing

117 The judge may, from time to time, adjourn the hearing before him and may release the alleged father, if under arrest, on his entering into a bond (form P) with sufficient sureties, or on his making a sufficient cash deposit, conditioned on his being present at the time and place fixed for the adjourned hearing.

1930, c.70, s.2; R.S.S. 1930, c.231, s.117.

Committal in absence of bail

118 If the alleged father does not furnish such bond to the satisfaction of the judge or make such cash deposit, he shall be committed to gaol until the adjourned hearing or until such bond is sooner given or cash deposit made.

1930, c.70, s.2; R.S.S. 1930, c.231, s.118.

Hearing

119 Upon the alleged father being brought before him in obedience to a summons, order or warrant issued after the birth of the child, the judge shall hear the evidence which is adduced before him and may exclude from the room or place where such evidence is being taken all persons other than the counsel, officers of the law, or of the Bureau of Child Protection or of a children’s aid society and the immediate relatives of the mother or alleged father.

1930, c.70, s.2; R.S.S. 1930, c.231, s.119.

Filiation order

120(1) Upon such evidence the judge, unless he discharges the alleged father:

(a) may adjudge him to be the father of the child and make an order of filiation (form Q) requiring him to pay to the mother, or, in his discretion, to any person or charitable organisation or society, or to the commissioner, on behalf of the mother or child;

(i) the expenses incidental to the lying in and maintenance of the mother and the birth and maintenance of the child up to the date of the order; and

(ii) such sum of money weekly or monthly towards the maintenance of the child until if reaches the age of sixteen years or sooner dies, as shall be considered right, respect being had to the ability and prospective means of the father and the mother; or

(iii) the expenses of the funeral of the child if it has died before reaching that age; and

(iv) the costs incurred in obtaining the order of filiation, including the costs incurred in respect of any application before the birth of the child;

(b) and in addition, or in lieu of any other order, having regard to the welfare of the child, may declare it to be a neglected child within the meaning of Part II of this Act, and may thereupon make an order for the delivery of the child to a children’s aid society as provided by section 24 of this Act;

(c) and in addition to or in lieu of any other order, having regard to the welfare of the child, may order such child to be delivered to the father or to some person on his behalf.
(2) Notwithstanding anything herein contained, the order for maintenance may
be made for a shorter period than that mentioned in subclause (ii) of clause (a) of
subsection (1), and in such case the judge may renew the order from time to time,
until the child attains the age of sixteen years or sooner dies, on the application
of the mother or of any of the persons named in section 106 of this Part, and upon
such notice as the judge may direct.

(3) The judge may order the father to give a bond (form R) in a penal sum not
exceeding $1,000 with sufficient sureties conditioned to fulfil the order, whether
original or renewed under subsection (2), or to make with him a cash deposit of an
amount to be fixed by him as security for the payments required by the filiation
order, and to be applied thereon as far as it will extend; in default of the father
giving such bond or making such cash deposit, the judge may commit him to gaol
for a period not exceeding twelve months.

(4) No order of filiation shall be made unless the evidence of the mother is
corroborated in some material particular by evidence implicating the alleged
father.

Information against several persons

121(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 of the
persons named in section 106 of this part may lay an information before a judge
naming each such possible father, and the provisions of this Part setting forth the
proceedings following the laying of an information, shall apply to an information
laid under this section, and the forms in the schedule, suitably amended to meet
the case, shall be applicable.

(2) The judge may make a filiation order according to the provisions of section 120
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 120 in the case of a filiation 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 make such order as to payment of costs as he deems fit.

Power to vary or rescind order

122 The judge may, at any time where an order for payment hereunder has been
made, upon the application of the father or of any persons on his behalf, or upon the
application of the mother or of any person on her behalf, and upon such notice as
the judge may direct having been given, rescind or vary any order made hereunder
as he sees fit with such direction as to costs as he deems proper, and any order so
varied may be enforced in like manner as the original order.
Order as regards mother

123 The judge may, in a separate order (form S), direct that the mother shall bear such part of the expense of maintaining the child as to him seems just, and may require that she shall nurture and care for the child for at least six months or until she produces to him the certificate of a duly qualified medical practitioner that she is unable to do so, or he may make any other order in respect thereto as seems right.

1930, c.70, s.2; R.S.S. 1930, c.231, s.123.

Costs to father

124 If no order of filiation is made against the alleged father he shall be entitled, in the discretion of the judge, to an order for payment to him of his costs of defence by the mother or other person applying on her behalf.

1930, c.70, s.2; R.S.S. 1930, c.231, s.124.

Proceedings in absence of father

125(1) If an alleged father conceals himself or avoids arrest, the judge may, upon proof thereof by affidavit or oral testimony, make an order of filiation (form Q) against him in his absence.

(2) In such case the judge shall issue a warrant to arrest the alleged father, if afterwards found in Saskatchewan, and bring him before him to show cause why he should not fulfil the order of filiation and enter into a bond or make a cash deposit to fulfil such order.

(3) On the alleged father being brought before him, the judge may confirm, reverse or vary the order of filiation, or make a new order of filiation as shall seem right, and thereupon, unless the order is reversed, the provisions of section 120 shall apply.

1930, c.70, s.2; R.S.S. 1930, c.231, s.125.

Distress

126 Where a person against whom an order of filiation has been made and who has been ordered to make a cash deposit as security for the payments required by the filiation order, whether or not he has been committed to gaol under this Part, fails to make such cash deposit, the judge may on the application of the mother or of any of the persons named in section 106, issue a warrant of distress directed to any constable or other peace officer, requiring him to levy on the goods and chattels of such person the cash deposit fixed as aforesaid and the costs incurred in obtaining the order of filiation, including those incurred in respect of any summons or warrant issued before the birth of the child, together with the costs and charges attending the levy and distress.

1930, c.70, s.2; R.S.S. 1930, c.231, s.126.

Application of deposit

127(1) Such cash deposit, when made or levied, shall be transmitted to the commissioner, and shall be applied by him in payment of:

(a) the expenses incidental to the lying in and maintenance of the mother;

(b) the expenses incidental to the birth of the child;
(c) the maintenance of the child during the period named in the order, or during his life, whichever may be the shorter period;

(d) the funeral expenses of the child if he dies;

and, in the event of the death of the child, the balance, if any, remaining in the hands of the commissioner after the payments hereinbefore mentioned have been made, shall be disposed of as directed by a judge.

(2) The payments shall be made in the order named in subsection (1) unless otherwise directed by an order of the judge.

1930, c.70, s.2; R.S.S. 1930, c.231, s.127.

Proceedings on default

128(1) Upon default being made in any payment directed to be made under this Part by a person named in a filiation order as the father of a child born out of wedlock, the mother or any of the persons named in section 106 of this Part may apply to the judge who shall have power upon such application:

(a) to make an order forfeiting any bond given by the father and directing that the proceeds of such bond shall be applied by the commissioner in making the payments ordered to be made by the father;

(b) to summon the father to attend before him to show cause why he should not be committed to gaol for noncompliance with the filiation order.

(2) In the event of a bond being forfeited, the judge shall indorse thereon a memorandum of forfeiture and may forthwith issue one or more writs of execution directed to the sheriff or sheriffs of one or more judicial districts, commanding him or them that of the goods of the father and of the goods of the bondsman or bondsmen, or of any of them be caused to be made the amount of the forfeited bond;

(3) The district court scale of costs shall apply to the issue of writ of execution and all proceedings arising out of such issue.

(4) The provisions of The Exemptions Act shall not apply to a seizure made by virtue of a writ of execution issued under the provisions of this Part.

(5) A writ of execution issued under this Part shall remain in force for six years from the date of issue unless sooner satisfied.

(6) Where the father fails to attend in obedience to a summons issued under the authority of clause (b) of subsection (1), or, upon his attending, fails to show cause why he has not complied with such order, the judge may order him (form T) to be committed to gaol for a period of not more than six months unless the sums in respect of which he is in default are sooner paid.

(7) No imprisonment under this Part shall impair an order of filiation or extinguish the payments ordered to be made thereunder.

1930, c.70, s.2; R.S.S. 1930, c.231, s.128.

Orders of district court judge

129 Proceedings under this Part, when taken before a judge of the district court shall be carried on in the district court chambers of the district court over which that judge presides, and all orders made by him shall issue under the seal of the district court.

1930, c.70, s.2; R.S.S. 1930, c.231, s.129.
Transmission of orders

130 The judge shall, forthwith after making an order, transmit a copy thereof to the commissioner, except where the judge is a judge of a district court in which case the clerk of the court shall do so.

1930, c.70, s.2; R.S.S. 1930, c.231, s.130.

AGREEMENT

Agreement between mother and father

131(1) If an agreement has been entered into between the mother of the child and the father in respect of the support of the child, and such agreement has been approved by the commissioner by indorsing or causing to be indorsed thereon the words, “The above agreement is hereby approved,” attested by his signature, no summons or warrant shall be applied for or issued against the father so long as the terms of the agreement are fulfilled.

(2) If the father at any time fails in whole or in part to carry out the terms of the agreement, the mother or any of the persons named in section 106 may apply to a judge for a filiation order under this Part.

(3) No mother shall be incapable of entering into any agreement or taking any proceeding referred to in this Part merely because she is under the age of twenty-one years.

(4) Any agreement coming within subsection (1), which has not been approved by the commissioner, shall be voidable at the instance of the commissioner.

1930, c.70, s.2; R.S.S. 1930, c.231, s.131.

Agreement between father and commissioner

132(1) Where the father admits the paternity of the child and makes, in the opinion of the commissioner, an adequate offer to provide for the maintenance and education of the child, he may enter into an agreement, in accordance with the terms of such offer, with the commissioner, and thereafter he shall be in the same position as if he had entered into an agreement with the mother of the child under the provisions of section 131.

(2) If the father at any time fails, in whole or in part to carry out the terms of the agreement, the commissioner may apply to a judge for a filiation order under this Part.

1930, c.70, s.2; R.S.S. 1930, c.231, s.132.

APPEAL

Appeal to Court of King's Bench

133 If either party is aggrieved by an order of filiation or an order confirming, reversing, varying or renewing an order of filiation, or by any order made under section 123, or by the refusal to make any such order, he or she may appeal to the Court of King’s Bench sitting in the judicial district in which the order or refusal appealed from was made.

1930, c.70, s.2; R.S.S. 1930, c.231, s.133.
Bond on appeal by father

134(1) In the case of the alleged father appealing, and his desiring a stay of proceedings, a bond (form U) shall be entered into by him, with sufficient sureties approved by the judge making the order, conditioned to perform the order of filiation if confirmed in whole or in part, or to abide by and fulfil the judgment of the court on such appeal.

(2) The sureties upon any bond given under this section shall severally justify.

1930, c.70, s.2; R.S.S. 1930, c.231, s.134.

Powers of judge on appeal

135(1) The judge who hears the appeal may vary or set aside the order of filiation, or may confirm the same, or may make an order of filiation, or may, by order directed to the judge of first instance, require him to make an order of filiation as the circumstances of the case require.

(2) The local registrar of the court appealed to shall forthwith forward to the commissioner a certified copy of any order made by the judge of the court appealed to.

1930, c.70, s.2; R.S.S. 1930, c.231, s.135.

Parts XV and XXII of Criminal Code to apply

136 Except it is otherwise especially provided, all the provisions of Part XV respecting appeals, and Part XXII of the Criminal Code, in so far as they are applicable, shall apply to appeals under this Part.

1930, c.70, s.2; R.S.S. 1930, c.231, s.136.

ACTION AGAINST FATHER FOR CONTRIBUTION

Liability of father

137 If no filiation order under this Part has been made the father of a child whose parents have not been legally married shall be liable to contribute;

(a) to the medical and other expenses connected with the birth of the child, its maintenance and education until sixteen years of age and its burial in case it dies before that time;

(b) to the expenses incidental to the lying in and maintenance of the mother.

1930, c.70, s.2; R.S.S. 1930, c.231, s.137.

Who may bring action

138(1) Actions against the father for such contribution may be brought from time to time by the mother of the child, or by her father or mother, or by any other person, society or corporation which has maintained such child or has necessarily expended money on or rendered services in connection with any of the matters for which the father is declared in section 137 to be liable, or by the commissioner or any officer of the Bureau of Child Protection appointed by him for the purpose.

(2) Where action is brought by any person other than the commissioner, notice thereof shall be given to him.

1930, c.70, s.2; R.S.S. 1930, c.231, s.138.
Limitation of action

139 No such action shall be brought within three months after the commencement of a previous action against the same person on account of the same child.

1930, c.70, s.2; R.S.S. 1930, c.231, s.139.

Where action brought

140 Any such action may be brought in the district court, or in the court of King’s Bench, in the judicial district in which the mother resided at the time of the birth of the child provided the amount claimed is within the jurisdiction of the court in which the action is brought.

1930, c.70, s.2; R.S.S. 1930, c.231, s.140.

Action as for a debt

141 The action shall be brought as for a debt and the statement and particulars of claim shall indicate with sufficient clearness the nature and amount of the claim.

1930, c.70, s.2; R.S.S. 1930, c.231, s.141.

Powers of court

142 (1) The court shall decide, in view of the circumstances of both parents, what proportion, up to the whole, of the reasonable and necessary charges and expenses in connection with any of the matters for which the father is declared in section 137 to be liable shall be paid by him, and may give judgment against him for such amount as it deems just.

(2) In any such action the evidence of the mother shall not be sufficient proof of the paternity of the child unless corroborated in some material particular by evidence implicating the alleged father.

1930, c.70, s.2; R.S.S. 1930, c.231, s.142.

Enforcing judgment

143 Every judgment in any such action may be enforced in the same manner and by the like proceedings as a judgment in an ordinary action in such court.

1930, c.70, s.2; R.S.S. 1930, c.231, s.143.

GENERAL

Other rights reserved

144 The provisions of this Part shall not take away or abridge any right of action or remedy which without this Part might have been maintained against the father of a child born out of wedlock.

1930, c.70, s.2; R.S.S. 1930, c.231, s.144.

Absence of judge

145 In the absence of the judge before whom an information under this Part was heard or his inability for any cause to act or at his request any other judge may act in his stead.

1930, c.70, s.2; R.S.S. 1930, c.231, s.145.
Duties of vital statistics registrar

146 Every registrar of vital statistics shall, on receiving notification of the birth of a child whose parents are not legally married to each other, send a record of such notification to the commissioner within three days after the receipt of the same, giving such particulars as the commissioner may require.

1930, c.70, s.2; R.S.S. 1930, c.231, s.146.

Notice to commissioner of birth of child of single woman

147 When any institution has received for care during pregnancy or accouchement any single woman, the superintendent or other person in charge of such institution, shall, within three days notify the commissioner, and the birth in such institution of any child whose parents have not been legally married to each other, or with regard to the marriage of whose parents there exists reasonable doubt, shall be reported within three days to the commissioner by the superintendent or the person in charge of such institution.

1930, c.70, s.2; R.S.S. 1930, c.231, s.147.

Penalty

148 Any person violating the provisions of sections 146 or 147 shall be liable on summary conviction to a penalty of not less than $10 nor more than $100, and in default of payment to imprisonment for not more than one month.

1930, c.70, s.2; R.S.S. 1930, c.231, s.148.

New information for failure on irregularity in procedure

149 In the event of any proceedings under this Part failing owing to any technicality or irregularity in the procedure a judge under this Part in the first instance or a judge in procedure of the Court of King’s Bench sitting as an appeal court judge under this Part may direct that a new information may be taken or laid and thereafter the application shall be heard de novo.

1930, c.70, s.2; R.S.S. 1930, c.231, s.149.

Applicable to minor

150 All the provisions of this Part shall be applicable although the mother, father or possible father is under the age of 21 years.

1930, c.70, s.2; R.S.S. 1930, c.231, s.150.

Regulation

151 The Lieutenant Governor in Council may make such regulations as he deems expedient for the better carrying out of the provisions of this Part.

1930, c.70, s.2; R.S.S. 1930, c.231, s.151.

Retroactive

152 The provisions of this Part shall be retroactive and apply, so far as applicable, to filiation proceedings and filiation orders heretofore taken or made.

1930, c.70, s.2; R.S.S. 1930, c.231, s.152.
APPLICATION FOR INCORPORATION

We, the undersigned, all being of the full age of twenty-one years and being British subjects and residents within (name the city, town, village, rural municipality, as the case may be, within which the society is to be formed) in Saskatchewan do hereby make application for incorporation as “The Children’s Aid Society of _______________________” under the provisions of The Child Welfare Act, and do hereby adopt the following articles of incorporation:

1. The society shall be known as “The Children’s Aid Society of (give distinguishing name).”

2. The business and objects of the society shall be the protection of children from cruelty and the care and control of neglected children and the enforcement by all lawful means of the laws relating thereto.

3. The number of directors of the 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 meetings of the society shall be held at ______________ on the ____________ day of ______________ in each year until changed by bylaw of the directors.

In witness whereof we have hereunto severally subscribed our names this ______________ day of ______________ in the year one thousand nine hundred and ______________.

In the presence of ________________________________.

FORM B

(Certificate)

I hereby approve of the within application for incorporation as “The Children’s Aid Society of (give distinguishing name).”

...................................................

Provincial Secretary.

Dated at Regina this ______________ day of ______________ 19____.
FORM C

(Section 106)

INFORMATION OF MOTHER BEFORE BIRTH OF CHILD

Canada:
Province of Saskatchewan.

The Information and Complaint of __________________________ in the Province of Saskatchewan, taken on oath before the undersigned who says that she is pregnant with a child which is likely to be born while she is a single woman;

That she is resident at the __________________________ in the Province of Saskatchewan, and that ____________________ of __________________________ in said Province of Saskatchewan, is the father of such child.

Sworn before me at the __________________________ in the Province of Saskatchewan, this __________ day of __________ 19____.

........................................................
A Judge under Part VII of The Child Welfare Act, or a Justice of the Peace acting with the consent of the Commissioner.

FORM D

(Section 106)

INFORMATION ON BEHALF OF A MOTHER BEFORE BIRTH OF CHILD

Canada:
Province of Saskatchewan.

The Information and Complaint of __________________________ in the Province of Saskatchewan, taken on oath before the undersigned who says that he is (fill in representative capacity) a person named in section 106 of The Child Welfare Act;

That he has good reason to believe that __________________________ residing at the __________________________ in the Province of Saskatchewan, is pregnant with a child that is likely to be born while she is a single woman and that ____________________ of __________________________ in the said Province of Saskatchewan, is the father of such child.
FORM E

(Section 107)

SUMMONS BEFORE BIRTH OF CHILD

Canada:
Province of Saskatchewan.

To ______________________________________ of the __________________ of
________________________________________ in the Province of Saskatchewan:

Complaint has been made that __________________________________________________________
a single woman residing at the __________________ of ____________________________
in the Province of Saskatchewan, is now with child, of which child it is alleged upon
oath that you are the father and application has been made for a summons to be
served on you to answer such complaint.

You are therefore commanded to appear before me sitting at the __________________
of ____________ in the said Province on _____________________
the ____________ day of ____________ 19_____, at the hour
of _______ o’clock in the _____ noon to answer the said complaint.

Dated the ____________ day of ____________________ 19_____.

A Judge under Part VII of The
FORM F

(Section 107)

WARRANT TO ARREST BEFORE BIRTH OF CHILD

Canada:
Province of Saskatchewan.

To all or any of the Peace Officers of the said Province:

Whereas ____________________________ of the __________________ of __________________ in the Province of Saskatchewan has been charged upon oath before the undersigned that he is the father of the unborn child of one ____________________________ a single woman residing at the __________________ of ____________________________ in the said Province.

These presents are therefore to command you in His Majesty's name forthwith to apprehend the said ____________________________ and bring him before me to answer unto the said charge and to be further dealt with according to law.

Given under my hand this _______________ day of ____________________ 19_____.

........................................................

FORM G

(Section 108)

BOND BEFORE BIRTH

Canada:
Province of Saskatchewan.

Know all men by these presents that we ____________________________ of ____________________________ in the Province of Saskatchewan and ____________________________ of ____________________________ and ____________________________ of ____________________________ in the said Province of Saskatchewan, are jointly and severally bound unto ________________ (a judge under Part VII of The Child Welfare Act) in the sum of ____________ dollars to be paid to him (or as the case may be) for which payment well and truly to be made, we bind ourselves and each of us, firmly by these presents.

Sealed with our seals and dated this _____________ day of ________________ A.D., 19______.

Whereas ____________________________ of the __________________ of ____________________________ in the Province of Saskatchewan or (fill in representative capacity) on behalf of the __________________ of ____________________________ in the Province of Saskatchewan, has declared on oath that she is pregnant with child which is likely to be born while she is single, and that the above bounden ____________________________ is the father of the child.
Now the condition of this obligation is such that if the said ____________________
in the event of a summons or warrant being issued after the birth of such child,
commanding his appearance at the hearing of an application for an order of filiation
against him in respect of such child, appears upon such application or surrenders
himself into the custody of the constable serving such summons or executing such
warrant, then this obligation shall be void otherwise to be and remain in full force
and effect.

Signed, sealed and delivered [SEAL] [SEAL]
in the presence of _________ [SEAL]

FORM H

WARRANT OF COMMITMENT BEFORE BIRTH OF CHILD

Canada:
Province of Saskatchewan.

To all or any of the Peace Officers of the said Province and to the Keeper of the
Common Gaol at ____________________________ in the said Province:

Whereas ______________________________________________ was this day charged
before me that he is the father of an unborn child of one ______________________
________________________ a single woman, and was required to enter into a bond
to be approved by me in the sum of _________ dollars or to deposit with me the
sum of _________ dollars to be held conditioned upon his appearing upon any
summons or warrant issued under section 110 of The Child Welfare Act, and has
failed to enter into such bond or make such cash deposit.

These are therefore to command you in His Majesty's name, forthwith, to take the
said ______________________________________________ and him safely to convey
to the common gaol at _________________________ and there to deliver him to the
Keeper thereof together with this precept;

And I do hereby command you the said Keeper to receive the said accused into your
custody in the said common gaol and there keep him for a period ________ months
or unless I sooner certify to you that he has entered into the required above mentioned
bond or made the required above mentioned cash deposit.

Given under my hand this ________________ day of ____________________ 19_____.

........................................................
A Judge under Part VII of The
SUMMONS AFTER BIRTH OF CHILD, INFORMATION AND COMPLAINT HAVING BEEN LAIRED PREVIOUS TO BIRTH

Canada:
Province of Saskatchewan.

To ________________________________________________ of the __________________
of ____________________________ in the Province of Saskatchewan:

Whereas Information and Complaint was laid on the _______________ day
of ____________________ A.D., 19____, alleging that you were the father of
an unborn child of ________________________________ of the __________________
in the Province of Saskatchewan, a single woman;

And whereas the said child has now been born, and application has been made
for a summons to be served on you to answer such complaint you are therefore
commanded to appear before me sitting at the ________________________________
on ________________________ the _______________ day of ____________________ 19____, at the hour of ______
o'clock in the ________ noon, to answer the said complaint.

Dated the_______________ day of ____________________ 19_____.

........................................................

FORM J

WARRANT TO ARREST AFTER BIRTH OF CHILD, INFORMATION HAVING BEEN TAKEN BEFORE BIRTH

Canada:
Province of Saskatchewan.

To all or any of the Peace Officers of the said Province:

Whereas ________________________________________________ of the __________________
of ____________________________ in the Province of Saskatchewan has been charged
upon oath before the undersigned that he is the father of the unborn child of
one ________________________________ a single woman residing at the __________________
in the said Province, and
the said child having now been born;
These presents are therefore to command you in His Majesty's name forthwith to apprehend the said _______________ and bring him before me to answer unto the said charge and to be further dealt with according to law.

Given under my hand this ______________ day of ______________ 19_____.

........................................................

__________
FORM K

(Section 112)

INFORMATION OF MOTHER AFTER BIRTH OF CHILD

Canada:
Province of Saskatchewan.

The Information and Complaint of ________________

a single woman residing at the __________________ of __________________ in the Province of Saskatchewan, who alleges that at the __________________ of __________________ in the Province of Saskatchewan she was delivered of a child and alleges that __________________ of __________________ in the said Province is the father of such child, and she applies for a summons to be served upon him to answer the said complaint.

Sworn before me at the __________________ of __________________ in the Province of Saskatchewan, this ______________ day of ______________ 19_____.

........................................................
A Judge under Part VII of The Child Welfare Act, or a Justice of the Peace acting with the consent of the Commissioner.
FORM L

(Section 112)

INFORMATION ON BEHALF OF A MOTHER AFTER BIRTH OF A CHILD

Canada:
Province of Saskatchewan.

The Information and Complaint of ____________________________ of the ______________ of ____________________________ in the Province of Saskatchewan taken on oath before the undersigned who says that he is (fill in representative capacity) a person named in section 112 of The Child Welfare Act, that he has good reason to believe that ____________________________ a single woman residing at the ______________ of ____________________________ in the said Province on the ______________ day of ____________________ 19_____, was delivered of a child and that ____________________________ of the ______________ of ____________________________ in the said Province is the father of such child and he applies for a summons to be served upon the alleged father to answer the said complaint.

Sworn before me at the ______________ of the ______________ of Saskatchewan, this ______________ day of ____________________ 19_____.

........................................................
A Judge under Part VII of The Child Welfare Act, or a Justice of the Peace acting with the consent of the Commissioner.

FORM M

(Section 113)

SUMMONS WHERE THE APPLICATION FIRST MADE AFTER THE BIRTH OF THE CHILD

Canada:
Province of Saskatchewan.

To ____________________________ of the ______________ of ____________________________ in the Province of Saskatchewan:

Complaint has been made that ____________________________ a single woman residing at the ______________ of ____________________________ in the said Province was delivered of a child at the ______________ of
CHILD WELFARE

in the said Province and it is alleged that you are the father of such child and an application has been made for a summons to be served on you to answer such complaint.

You are therefore commanded to appear before me at the ________________ of ________________ in the said Province on the ________________ day of ________________ 19___, at the hour of ______ o’clock in the _____ noon to answer the said complaint.

Dated the ________________ day of ________________ 19____.

........................................................

FORM N

(Section 113)

WARRANT TO ARREST AFTER BIRTH OF CHILD,
NO INFORMATION HAVING BEEN TAKEN BEFORE BIRTH

Canada:
Province of Saskatchewan.

To all or any of the Peace Officers of the said Province:

Whereas ________________ of the ________________ of ________________ in the Province of Saskatchewan has been charged upon oath before the undersigned that he is the father of the child of one ________________ a single woman residing at the ________________ in the said Province.

These presents are therefore to command you in His Majesty’s name forthwith to apprehend the said ________________ and bring him before me to answer unto the said charge and to be further dealt with according to law.

Given under my hand this ________________ day of ________________ 19____.

........................................................
FORM O

(Section 116)

ORDER TO BRING ALLEGED FATHER BEFORE JUDGE IF IN GAOL

Canada:
Province of Saskatchewan.

To all or any of the Peace Officers of the said Province and to ________________ the Keeper of the common gaol at ____________________________ in the said Province:

Whereas __________________________________________ of the __________________ of ____________________________ in the said Province is now in custody in the common gaol at ____________________________ in the said Province by virtue of an order made under the provisions of Part VII of The Child Welfare Act.

It is hereby ordered that the keeper of the said common gaol shall on the production of this order deliver the body of the said _____________________________________ to any such peace officer.

It is further ordered that the said above named peace officer do take the said _____________________________________ in custody and him safely convey and bring before me to abide any further order that may be made in this behalf.

Dated the _______________ day of ____________________ 19_____.

........................................................


FORM P

(Section 117)

BOND ON ADJOURNMENT OF HEARING

Canada:
Province of Saskatchewan.

Know all men by these presents that we _____________________________________
of _____________________________________ in the Province of Saskatchewan
and _____________________________________ of ____________________________ in the said Province of Saskatchewan, are jointly and severally bound unto ____________________________ (a judge under Part VII of The Child Welfare Act), in the sum of ____________ dollars to be paid to him (or as the case may be) for which payment well and truly to be made, we bind ourselves and each of us, firmly by these presents.

Sealed with our seals and dated this _____________ day of __________________ A.D., 19_____.

........................................................

Whereas the above bounden __________________________________________

of the __________________ of ____________________________ in the Province
of Saskatchewan, has been charged that he is the father of a child born

to ____________________________________________ of the __________________
of __________________ in the Province of Saskatchewan, a single

woman;

And whereas the said ____________________________________________ is now before

me; and whereas it is deemed advisable that the hearing should be adjourned:

Now the condition of this obligation is such that if the said __________________
appears before me at the time and place fixed for the adjourned hearing there to

abide by the judgment of this Court then this obligation shall be void otherwise to

be and remain in full force and effect.

Signed, sealed and delivered [SEAL] [SEAL] [SEAL]
in the presence of __________

FORM Q

(Section 120 and 125)

ORDER OF FILIATION

Canada:
Province of Saskatchewan.

Proof having been made to my satisfaction that _______________________________
of the __________________ of ____________________________ in the Province
of Saskatchewan is the father (or one of the possible fathers) of the child
of _____________________________________ of the _______________________
of ____________________________ in the said Province, a single woman, it is so

adjudged; and

I do hereby order that the said _____________________________________ do pay
to ______________________________________________ the sum of _______ dollars per week (or per
month) until the child shall reach the age of _______ years or sooner dies;

I do further order that the said _____________________________________ do pay
to __________________________________________________:

(i) the expenses incidental to the lying in and maintenance of the mother and
the birth and maintenance of the child up to the date of this order;

(ii) the expenses of the funeral of the child if it has died before the date of
this order;

(iii) the costs incurred in obtaining the order of filiation including the costs
incurred in respect of any application before the birth of the child.
I do further order that the said _______________________________ shall forthwith give a bond for the fulfilment of this order in the penal sum of ________ dollars with sureties to be approved by me or make a cash deposit with me to be transmitted to the commissioner in the amount of ________ dollars, as security for the payments required by this order and to be applied thereon as far as it will extend.

I do adjudge and find that there is now due and owing by the said _______________________________ the sum of ________ dollars made up as follows:

Weekly (or monthly) payments accrued from date of birth ..........................................................$
Expenses ...........................................................................
Costs .............................................................................$

Total .............................................................................$

I do further order that the amount found to be now due and owing shall be paid _________________________________________ (as directed).

Alternative or additional
I do declare the child of the said _______________________________ to be a neglected child within the meaning of Part II of The Child Welfare Act, and I do order that the said child be delivered into the custody of the Children’s Aid Society of ___________________ and I do certify and order that the Municipality of ___________________ is liable for the maintenance of the said child in the sum of ________ dollars and _______ cents per week, such sum to be paid to the Minister in charge of the Bureau of Child Protection.

Further alternative or additional
Having regard to the welfare of the child of the said _______________________________
I do order that such child be delivered to (the father or some person on his behalf).

Dated this _______________ day of ____________________ 19_____

........................................................

FORM R

(Section 120)

BOND ON FATHER CONDITIONED UPON FULFILLMENT OF TERMS OF ORDER OF FILIATION

Canada:
Province of Saskatchewan.
Know all men by these presents that we ___________________________ of ___________________________ in the Province of Saskatchewan and ___________________________ of ___________________________ and ___________________________ of ___________________________ in the said Province of Saskatchewan, are jointly and severally bound unto ___________________________, (a judge under Part VII of The Child Welfare Act), in the sum of ____________ dollars to be paid to him (or as the case may be) for which payment well and truly to be made, we bind ourselves and each of us, firmly by these presents.

Sealed with our seals and dated this _____________ day of __________________ A.D., 19_____.

Whereas ___________________________ of the________________________ of ___________________________ in the Province of Saskatchewan has been adjudged to be the father of the child of ___________________________ of ___________________________ in the Province of Saskatchewan, a single woman, and a Filiation Order dated the _______ day of __________ A.D. 19_____, has been made against him (which order was renewed on the ______ day of __________ A.D. 19______).

Now the condition of this obligation is such that if the said __________________________ complies with each and every term and condition of the said Filiation Order (or renewal thereof) then this obligation shall be null and void otherwise to be and remain in full force and effect.

Signed, sealed and delivered [SEAL]

FORM S

(Section 123)

ORDER FOR NURTURE AND CARE BY MOTHER

Canada:
Province of Saskatchewan.

Whereas ___________________________ of the________________________ of ___________________________ in the Province of Saskatchewan, a single woman, is the mother of a child, born on the ________ day of ___________ A.D. 19____;

And whereas she has applied for an Order of Filiation under the provisions of Part VII of The Child Welfare Act, and such Order of Filiation having been made:

I do order that the said ____________________________, mother of the child shall nurture and care for the said child for a period of _________ months from the date hereof or until she produces to me a certificate of a duly qualified medical practitioner that she is unable so to do.

Dated the _____________ day of ________________ 19____.

FORM T

(Section 128)

WARRANT OF COMMITMENT AFTER ORDER OF FILIATION
FOR FAILURE TO MAKE PAYMENTS

Canada:
Province of Saskatchewan.

To all or any of the Peace Officers of the said Province:

Whereas __________________________ has been adjudged to be the father of the child of __________________________ a single woman, and a Filiation Order under The Child Welfare Act, dated the _______ day of ______________ A.D. 19_____, has been made against him;

And whereas the said __________________________ has failed to comply with the said order in the following particulars:

Here fill in details of the default

.......................................................................................................................................  
.......................................................................................................................................  
.......................................................................................................................................  
.......................................................................................................................................  
.......................................................................................................................................  
.......................................................................................................................................  

These presents are therefore to command you in His Majesty’s name forthwith to take the said __________________________ and him safely to convey to the common gaol at __________________________ and there deliver him to the Keeper with this precept:

And I do hereby command you the said Keeper to receive the said __________________________ into your custody in the said gaol and there keep him for a period of _______ months unless a judge certifies to you that he has complied with the Filiation Order made herein to the extent of remedying the above mentioned default.

Given under my hand this ___________ day of ____________________ 19_____.

........................................................  
FORM U

(Section 134)

BOND ON APPEAL TO THE COURT OF KING'S BENCH

Canada:
Province of Saskatchewan.

Know all men by these presents that we ___________________________ of ___________________________ in the Province of Saskatchewan and ___________________________ of ___________________________ and ___________________________ of ___________________________ in the said Province of Saskatchewan, are held and firmly bound unto (here insert name and description of respondent) in ____________ dollars to be paid to the said ___________________________ or ___________________________ assigns, for which payment to be well and truly made we bind ourselves and each of us firmly by these presents, sealed with our seals.

Dated this _____________ day of _____________ 19_____.

Whereas by an Order of Filiation made by ___________________________ in the matter of a child lately begotten of ___________________________, a single woman, the said ___________________________ has been adjudged to be the father of such child, and has been required to fulfil such order, from which order the said ___________________________ has appealed to the Court of King's Bench sitting in the Judicial District of ___________________________:

Now the condition of this obligation is such that in case such order is confirmed by the court, in whole or in part, then if the said ___________________________ shall fulfil such order so confirmed, or confirmed in part, and abide by and fulfil the judgment of such court, this obligation shall become void, otherwise to be and remain in full force and effect.

Signed, sealed and delivered [SEAL]

in the presence of ______ [SEAL]

Canada:
Province of Saskatchewan.

To wit:
I, ___________________________ of ___________________________, in the Province of Saskatchewan, make oath and say:
1. That I am one of the proposed sureties on behalf of __________________________
in the foregoing bond named.

2. That I reside at ___________________________ in the Province of Saskatchewan,
and am possessed of property in the said Province of the value of ________ dollars,
all my debts being first paid, and over and above any other amounts for which I am
now bail, or for which I am liable as surety or indorsor or otherwise, and over and
above all exemptions from seizures and sale under execution allowed by law.

Sworn before me at __________________
in the Province of Saskatchewan, this
__________________________ day of ______
__________________________ A.D. 19_____.

A Commissioner of Oaths in and
for the Province of Saskatchewan.

Canada:
Province of Saskatchewan.

To wit: __________________________________
I, ____________________________________ of __________________________________
in the Province of Saskatchewan, make oath and say:

1. That I am one of the proposed sureties on behalf of __________________________
in the foregoing bond named.

2. That I reside at ___________________________ in the Province of Saskatchewan,
and am possessed of property in the said Province of the value of ________ dollars,
all my debts being first paid, and over and above any other amounts for which I am
now bail, or for which I am liable as surety or indorsor or otherwise, and over and
above all exemptions from seizures and sale under execution allowed by law.

Sworn before me at __________________
in the Province of Saskatchewan, this
__________________________ day of ______
__________________________ A.D. 19_____.

A Commissioner of Oaths in and
for the Province of Saskatchewan.