



Province of Alberta

ADULT ADOPTION ACT

Revised Statutes of Alberta 2000
Chapter A-4

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Adult Adoption Act* that are filed as Alberta Regulations under the Regulations Act.

Alta. Reg.	<i>Amendments</i>
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Adult Adoption Act	
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Adult Adoption	246/98	63/2003, 134/2010, 164/2010, 227/2011 198/2013
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ADULT ADOPTION ACT

Chapter A-4

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

Definition

1 In this Act, “Court” means the Court of Queen’s Bench.

1994 cA-2.3 s1

Application

2 This Act applies to the adoption of persons who are 18 years of
age or older.

1994 cA-2.3 s2

Application for adoption order

3(1) An adult person may apply to the Court in the prescribed
form for an adoption order under this Act.

- (2) An application for an adoption order under this section must include
- (a) an affidavit of the applicant outlining the applicant's relationship to the person who the applicant is applying to adopt and the reasons for adopting that person,
 - (b) an affidavit of the person to be adopted indicating the person's consent to the adoption and outlining the person's reasons for wishing to be adopted,
 - (c) a certified copy or extract of the record of birth of the person who is to be adopted made under the law respecting the registration of births in the province, territory, state or country in which the person was born, and
 - (d) a certified copy of any change of name certificate made under the law respecting change of name in the province, territory, state or country in which the change of name was obtained.

RSA 2000 cA-4 s3;2009 c53 s10

Grant of adoption order

- 4** The Court may grant an adoption order under this Act if it is not contrary to the public interest to do so.

1994 cA-2.3 s4

Residency requirement

- 5** An adoption order shall not be granted under this Act unless the applicant is resident in Alberta and the person to be adopted is a Canadian citizen or is lawfully admitted to Canada for permanent residence.

RSA 2000 cA-4 s5;2009 c53 s10

Who may apply

- 6** An applicant for an adoption order under this Act may only be made by one individual or jointly by two individuals who are spouses of one another.

RSA 2000 cA-4 s6;2009 c53 s10

Participation of person to be adopted

- 7** Where an application for an adoption order is made under this Act, the Court shall consider the views and wishes of the person who is to be adopted and shall, on request, hear that person.

RSA 2000 cA-4 s7;2009 c53 s10

Private hearing

8 An application for an adoption order under this Act may, in the discretion of the Court, be heard in private.

RSA 2000 cA-4 s8;2009 c53 s10

Effect of an adoption order

9(1) For all purposes, when an adoption order is made, the applicant is the parent of the adopted person as if the adopted person had been born to the applicant.

(2) Subject to subsection (3), for all purposes when an adoption order is made the adopted person ceases to be the child of the person's previous parents and those previous parents cease to be the person's parents.

(3) If the applicant adopts a person who is the child of the applicant's spouse, the person does not cease to be the child of the spouse and that spouse does not cease to be the parent of that person.

(4) In any testamentary or other document, whether made before or after the coming into force of this Act, unless the contrary is expressed, a reference to a person or a group or class of persons described in terms of their relationship by blood or marriage to another person is deemed to refer to or to include, as the case may be, a person who comes within the description as a result of the person's own adoption or the adoption of another person.

(5) For all purposes, when an adoption order is made, the relationship between the adopted person and any other person is the same as it would have been if the adopted person had been born to the adopting person.

(6) Subsections (2), (4) and (5) do not apply

- (a) for the purposes of the laws relating to incest, and
- (b) with respect to the prohibited degrees of marriage, to remove a person from a relationship in consanguinity that, but for this Act, would have existed between them.

(7) A marriage between 2 persons is prohibited if, as a result of an adoption order, the relationship between them is such that their marriage would be prohibited by the law respecting those relationships that bars the lawful solemnization of marriage.

(8) Nothing in this section affects an interest in property that has vested in a person before the making of an adoption order under this Act.

RSA 2000 cA-4 s9;2009 c53 s10

Issuance of certified copy

10 Not more than 35 days after an adoption order is made, the clerk of the Court shall

- (a) if the adopted person was born in Alberta, send one certified copy of the order to the Registrar of Vital Statistics, or
- (b) if the adopted person was born outside Alberta, send 2 certified copies of the order to the Registrar of Vital Statistics.

RSA 2000 cA-4 s10;2007 cV-4.1 s79

Appeal

11 An appeal from a decision of the Court under this Act may be made to the Court of Appeal not more than 30 days after the date on which the decision is made.

1994 cA-2.3 s11

Setting aside of adoption order

12(1) No application to set aside an adoption order shall be made after the expiration of one year from the date of the adoption order except on the ground that the order was procured by fraud.

(2) Notice of the nature, time and place of the hearing of an application under subsection (1) shall be served by the applicant on

- (a) the adopting person, if that person is not the applicant,
- (b) the adopted person, if that person is not the applicant, and
- (c) any other person who in the opinion of the Court should be served.

(3) If the adoption order is set aside, the applicant for the order setting it aside shall serve a copy of the order setting it aside on all those required to be served under subsection (2).

(4) When an adoption is set aside,

- (a) the adopted person ceases to be the child of the adopting person,

- (b) the adopting person ceases to be the parent of the adopted person, and
- (c) the relationships to one another of the adopted person and all persons are re-established as they were immediately before the adoption order was made.

1994 cA-2.3 s12

Regulations**13** The Lieutenant Governor in Council may make regulations

- (a) prescribing the forms to be used for applications and orders under this Act;
- (b) prescribing the fees that may be charged for an application under this Act;
- (c) prescribing the rules to be followed in a proceeding before the Court under this Act.

RSA 2000 cA-4 s13;2009 c53 s10



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