



FAMILY LAW

I. COURT STRUCTURE

COURT STRUCTURE

Court (Judicial)
or Tribunal (Administrative)

Representation of parties and
children

Counselling and Conciliation

*preventive and
therapeutic family
counselling services*

*the multi-problem
family*

drug addiction

WORK ON HAND

- published Working Paper and submissions
- list of Alberta Legislation Affected by The Working Paper Recommendations
 - Robert Curtis
- Federal Constitutional Problems in Relation to the Proposed Family Court for Alberta
 - W. R. Lederman
 - (and CONFIDENTIAL comments on it by Leslie Katz)
- Family Courts: Canada and New Zealand
 - B. D. Inglis
- CONFIDENTIAL research memorandum on Administrative Tribunals as an Alternative to a Unified Family Court
 - J. D. Payne
- xeroxed copies of other material in binder

II. SUBSTANTIVE LAW

ECONOMIC RIGHTS OF THE FAMILY

PROPERTY RIGHTS (both real and personal property)

II.(1).(1).1

Interspousal

<i>The Dower Act</i>	(N.B. the matrimonial home, contents, occupation or possession)	<i>presumptions of advancement and resulting trust</i> <i>joint bank accounts</i> <i>wedding gifts</i> <i>housekeeping allowance</i> <i>income from home rental</i>
<i>The Married Women's Act</i>	During a viable marriage On breakdown	<i>gifts and conveyances</i> <i>effect of matrimonial offences</i> <i>effect of custody</i>
<i>The Intestate Succession Act</i>	At death	<i>"restraining" orders</i>
<i>The Domestic Relations Act ss. 22 and 24 (settlements)</i>		<i>rights of third parties (including creditors)</i> <i>the forced share</i> <i>tax implications</i> <i>(Ontario has included a revised summary procedure for the administration of small estates)</i>

Interfamilial

(children and the aged)

WORK ON HAND

- research paper
 - Jean McBean Worton,
Gerritt Clements,
Stephen Hillier
- draft working paper
 - M. A. Prabhu
- draft working paper
 - Director
- *Public Opinion Survey *PENDING
 - Downey Research
Associates Ltd.
- Married Women's Property and Maintenance
Rights--The Present Law
 - M. A. Prabhu
- *Occupation of the Matrimonial Home *PENDING
 - John Barclay
- The Forced Share
 - Brian Burrows
- *Tax Implications of Deferred Partici- *PENDING
pation and of Deemed Co-Ownership of
The Matrimonial Home
 - Walter Mis
- Family Property Law
(prepared for the B.C. Law Reform
Commission)
 - Dean A. J. McClean
- xeroxed copies of other material and
summaries of articles in binder
- Matrimonial Property Held by Joint
Tenancy
 - Richard Gilborn

ECONOMIC RIGHTS OF THE FAMILY

SUPPORT OBLIGATIONS

II.1.(ii).1

Interspousal

<i>The Maintenance Orders Act</i>	During a viable marriage agency arising from cohabitation	corollary financial relief in divorce proceedings and in other matrimonial proceedings
<i>The Alimony Orders Enforcement Act</i>	On breakdown deserted wife's agency of necessity	deserted wives' and children's maintenance permanent alimony
<i>The Family Relief</i>	At death	relevance of fault relevance of need
<i>The Domestic Relations Act (Part 3: Alimony and Maintenance; Part 4: Protection Orders)</i>	Interfamilial (children and the aged)	occupation of the matrimonial home and effect of property rights enforcement effect on rights of third parties tax implications

WORK ON HAND

- research paper on The Domestic Relations Act
 - J. D. Payne
- draft working paper on The Domestic Relations Act
 - M. A. Prabhu
- letter Nov. 7, 1972 on The Maintenance Orders Act
 - Anne H. Russell
- Brief to the Vanier Institute of the Family on Maintenance Obligations in Ontario
- xeroxed copies of other material in binder on the Domestic Relations Act
- Married Women's Property and Maintenance Rights--
The Present Law
 - M. A. Prabhu
- The Rationale of the Duty of Support
 - Ms. Claire Young
- Alimony and Maintenance Law
(prepared for the B.C. Law Reform Commission)
 - Dr. Donald J. MacDougall
- Cases decided under the British Columbia Testator's Family Maintenance Act involving Adult Children Petitioners
 - Brian Burrows

MATRIMONIAL PROCEEDINGS

<i>The Domestic Relations Act (Part 1)</i>	Restitution of Conjugal Rights	<i>consideration of corollary relief e.g. support, custody</i>
<i>(Part 2)</i>	Judicial Separation	<i>rights of children</i>
<i>(Part 5)</i>	Consortium--	
	-inter-spousal rights)	
	-evidential privileges)	abolish
	-tortious invasion of)	or
	matrimonial consortium)	substitute
	-damages for adultery,)	action for
	enticement, harbouring,)	economic
	negligent invasion of)	loss?
	matrimonial consortium)	
<i>(Part 6)</i>	Jactitation of Marriage	
	Breach of Promise of Marriage	
	Nullity	
<i>The Divorce Act (Can.)</i>	Divorce	
	Declarations of Status in Family Matters	

WORK ON HAND

- research paper on The Domestic Relations Act
 - J. D. Payne
- draft working paper on The Domestic Relations Act
 - M. A. Prabhu
- memo dealing with isolated questions
 - Robert Curtis

(effect of resumption of cohabitation upon a decree of judicial separation; views of other law reform commissions on the retention or abolition of judicial separation; summary of reasons for and against actions for tortious invasion of marital consortium and recommendations of Ontario and England)
- xeroxed copies of other material in binder on The Domestic Relations Act
- *Declarations of Status in Family Matters *PENDING
 - T. Matkin

CHILDREN

II.(3).1

The Domestic Relations Act

Guardianship (see topics marked +)

rights of children, including right to representation where child is affected by the proceedings, right to be a party to the proceedings and right to commence proceedings

The Child Welfare Act

+Wardship
neglected and dependent children

capacities of children

Legitimacy and legitimation
rights and disabilities of the
illegitimate

status of children

protection of children

Affiliation proceedings

parental conduct

The Child Welfare Act

+Adoption

rights and duties of parents including persons in local parentis (parental control)

Maintenance (see Interfamilial
Support Obligations)

effect of matrimonial proceedings on children

+Custody and Access

use of temporary wardship to effect blood transfusions

+Upbringing

Torts by and against children
(SEE TORTS)

rights and obligations of foster parents

child abuse

dispensing with consent of natural parent

CHILDREN
cont'd.

II.(3).2

*Inter-provincial and
international
adoptions*

*child-kidnapping--
reciprocal enforce-
ment of custody orders*

education, name, religion

*The Juvenile Delinquents
Act (Can.)*

Juvenile delinquency
administration of federal
legislation, family court
procedures, rights of accused.

alienated youth

+ these might all be treated
as aspects of Guardianship

WORK ON HAND

- list of Alberta Statutes Containing Reference to Children

- Robert Curtis

- Guardianship

- Anne H. Russell

- Age at which Parental Control Expires

- Anne H. Russell

- *The Illegitimate Child in Alberta *PENDING

- Anne H. Russell

- Maintenance of Children

- Richard Gilborn

- *Public Opinion Survey on Illegitimacy *PENDING

- Downey Research Associates Ltd.

- Illegitimate Child: Father's Right of Custody or Access

- Gerritt Clements

MARRIAGE

*The Solemnization of Marriage
Act*

Solemnization
Capacity

TORT

The Married Women's Act

Interspousal tort immunity

Effect of marital relationship
on claims by or against third
parties

Parental rights and obligations)	
(e.g. vicarious liability))	<i>including</i>
respecting torts committed upon)	<i>the</i>
or by children of the family)	<i>unborn</i>
)	<i>child</i>
Child's rights and obligations)	
(e.g. capacity to sue parents))	

Tortious invasion of matrimonial
or familial consortium (see
MATRIMONIAL PROCEEDINGS,
consortium)

CONTRACT

Interspousal and interfamilial
contracts

*effect of change
in legal regime
of matrimonial
property*

Rights of third parties

Special contracts e.g. insurance,
partnership, cohabitation

Infant's capacity to contract

CRIME

Interspousal

*related civil
actions*

Interfamilial (e.g. child abuse)
including abuse of the unborn)
child and pre-natal parental)
neglect--drug addiction,) see
alcoholism, use of drugs harm-) CHILDREN
ful to chromosomes))
)
Juvenile delinquency)

PROBLEMS OF THE AGED

RIGHTS OF WOMEN

Discriminatory labour practices

Day Care for the children of
working mothers

III. PROCEDURE

PROCEDURE

Joinder of Divorce Proceedings
with Other Causes of Action

Evidence--

- competence
- compellability
- incrimination
- questions regarding
adultery
- marital communciations

*interspousal and
interfamilial
relationships*

Children

*attention to
interests of
children, procedure
for their represen-
tation, use of an
amicus curiae,
compellability,
intercession by
court*

WORK ON HAND

- Report No. 7: Joinder of Divorce Proceedings
with Other Causes of Action
- *research on the Rule in Hollington v. Hewthorn *PENDING
 - D. McDonald
 - T. Matkin

PERVADING TOPICS

SEPARATION AGREEMENTS

Span . ECONOMIC RIGHTS OF THE FAMILY
CHILDREN (e.g. right to representation)
-custody
-upbringing
MATRIMONIAL PROCEEDINGS

WORK ON HAND

- Separation Agreements

- M. A. Prabhu

Incidents of
COMMON LAW AND PUTATIVE MARRIAGES

Span ECONOMIC RIGHTS OF THE FAMILY
 (e.g. rights of common law spouse
 vis a vis legal spouse--property,
 maintenance)

CHILDREN (e.g. legitimacy, maintenance
 guardianship--custody and
 upbringing)

MATRIMONIAL PROCEEDINGS

MARRIAGE

TORTS

WORK ON HAND

- Common Law Marriages: Is the Common Law Marriage Completely Void?

- H. S. Campbell

CONFLICT OF LAWS

Span	ECONOMIC RIGHTS OF THE FAMILY	<i>domicile</i>
	CHILDREN	<i>polygamous marriage</i>
	MATRIMONIAL PROCEEDINGS	<i>jurisdiction, choice of law and recognition of foreign decrees</i>
	MARRIAGE	<i>reciprocal enforcement of maintenance and custody orders</i>
	TORT	<i>legitimacy and legitimation</i>
	CONTRACT	<i>adoption guardianship maintenance and custody</i>
		<i>status</i>

CONSTITUTIONAL PROBLEMS

Span

COURT STRUCTURE

ECONOMIC RIGHTS OF THE FAMILY

MATRIMONIAL PROCEEDINGS (e.g. declarations
of status, corollary relief)

MARRIAGE (capacity)

CHILDREN

COMPATIBILITY OF FEDERAL
and
PROVINCIAL CONCEPTS

Comparison of The Divorce Act and provincial
legislation.

Span MATRIMONIAL PROCEEDINGS e.g. fault concept

ECONOMIC RIGHTS OF THE FAMILY

CHILDREN (e.g. maintenance and guardianship--
custody and upbringing)

F.1

EFFECT OF MARITAL SITUATION

Modifications due to separation,
dissolution by divorce or death,
nullity

Effects of conciliation or recon-
ciliation