

The Parents' Maintenance Act

Repealed

by Chapter 19 of *The Statutes of Saskatchewan, 2018*
(effective May 9, 2018).

Formerly

Chapter P-1 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979) as amended by the *Statutes
of Saskatchewan, 1979-80, c.M-32.01 and 92; 1980-81, c.83;*
and *2004, c.65.*

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

- 1 Short title
- 2 Liability of child
- 3 Summons and order of magistrate for maintenance
- 4 Summons of non-payment of allowance
- 5 Service of summons
- 6 Penalty for non-attendance or non-payment
- 7 Power to vary order or rehear application
- 8 Costs and appeals
- 9 Proceedings in Queen's Bench

CHAPTER P-1

An Act to provide for the Maintenance of Parents by their Children

Short title

1 This Act may be cited as *The Parents' Maintenance Act*.

Liability of child

2(1) A son or daughter shall be liable for the support of his or her dependent parent to the extent hereinafter mentioned.

(2) A parent shall be deemed to be dependent if he or she is unable to maintain himself or herself.

R.S.S. 1978, c.P-1, s.2.

Summons and order of magistrate for maintenance

3(1) A dependent parent, any person on his or her behalf, the Minister of Community Resources and Employment or, where the dependent parent resides in a municipality, such officer of the municipality as shall be appointed by the council for the purpose, may summon a son or daughter of the parent before a provincial magistrate or two justices of the peace, who, upon proof of service of the summons, and whether or not the son or daughter appears, and upon sufficient evidence being adduced that the parent is dependent and that the son or daughter has sufficient means to provide for the parent, may, having regard to the circumstances of the case, order that the son or daughter shall pay for the support of the parent a weekly sum of money, not exceeding \$20, with or without costs.

(2) An order may be made under this Act whether or not the dependent parent is being cared for in a sanatorium, home, mental hospital or charitable institution.

R.S.S. 1978, c.P-1, s.3; 1979-80, c.M-32.01, s.38;
2004, c.65, s.21.

Summons of non-payment of allowance

4(1) In case of non-payment, of a sum so ordered, together with costs, for thirty days after the order has been made, or for such less time as the order may provide, and when and so often as the payment so ordered is in arrears, the parent or person acting on his or her behalf, the Minister of Community Resources and Employment or, where the dependent parent resides in a municipality, such officer of the municipality as shall be appointed by the council for the purpose, may procure from the magistrate or justices who made the order a summons against the person in default returnable on the fourteenth day after service.

(2) In case of the absence or death of the magistrate, the summons may be procured from any person acting for or succeeding him; in case of the absence or death of either of such justices the summons may be procured from the other justice who made the order and one other justice; and in case of the absence or death of both of the justices who made the order, the summons may be procured from any other two justices.

R.S.S. 1978, c.P-1, s.4; 1979-80, c.M-32.01, s.38;
1980-81, c.83, s.35; 2004, c.65, s.21.

c. P-1**PARENTS' MAINTENANCE****Service of summons**

5 A summons may be served on the person named therein either personally or in such other manner as the magistrate or justices may in writing direct, and shall require the person so served to attend at the time and place mentioned therein to show cause why the order should not be enforced as hereinafter provided.

R.S.S. 1978, c.P-1, s.5.

Penalty for non-attendance or non-payment

6 If the person so summoned does not attend as required by the summons, or shows a just and sufficient reason for non-attendance, or does not satisfy the magistrate or justices that he or she is unable to pay the sum ordered to be paid, the magistrate or justices may enforce the order by the like proceedings, including imprisonment, as are applicable in the case of a fine or penalty imposed by a justice of the peace in proceedings under the provisions of the *Criminal Code* relating to summary convictions.

R.S.S. 1978, c.P-1, s.6.

Power to vary order or rehear application

7(1) Upon proof that the circumstances of any of the parties have changed since the making of an order, the order may be varied, or at the instance of either party on notice to the other an application may at any time be reheard, and the order may be confirmed, rescinded, or varied:

- (a) by the magistrate or justices by whom the order was made; or
- (b) by any other magistrate or justices sitting in his or their stead at his or their request; or
- (c) any acting magistrate, magistrate or two justices mentioned in subsection 4(2).

(2) The application may be made by the parent, or person acting on his or her behalf, the Minister of Community Resources and Employment or, where the dependent parent resides in a municipality, an officer of the municipality appointed by the council for the purpose, or by the son or daughter.

R.S.S. 1978, c.P-1, s.7; 1979-80, c.M-32.01, s.38;
2004, c.65, s.21.

Costs and appeals

8 The costs of proceedings under the foregoing provisions of this Act shall be the same as in proceedings under the provisions of the *Criminal Code* relating to summary convictions, and the provisions of the *Criminal Code* as to appeals from summary convictions and the proceedings therein and incidental thereto shall apply to an order made under the foregoing provisions of this Act, except that, where the son or daughter is the appellant, he or she shall pay all costs.

R.S.S. 1978, c.P-1, s.8.

Proceedings in Queen's Bench

- 9(1) Notwithstanding anything in this Act, a son or daughter of a dependent parent may be summoned before a provincial magistrate or two justices of the peace or before Her Majesty's court of Queen's Bench for Saskatchewan at the judicial centre nearest to which the dependent parent resides.
- (2) Where a son or daughter is summoned before Her Majesty's Court of Queen's Bench for Saskatchewan the foregoing provisions shall apply with the necessary modifications.
- (3) An order made by Her Majesty's Court of Queen's Bench for Saskatchewan against a son or daughter resident in Saskatchewan may be enforced in the same manner as any other order of Her Majesty's Court of Queen's Bench for Saskatchewan.
- (4) An appeal lies from an order of Her Majesty's Court of Queen's Bench for Saskatchewan made under this section to the Court of Appeal within thirty days after the pronouncement of the order, and where the son or daughter is the appellant he or she shall pay all costs.

R.S.S. 1978, c.P-1, s.9; 1979-80, c.92, s.68.

