



Children's Aid has no duty to families, only child: Supreme Court of Canada

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By John Jalsevac

OTTAWA, Ontario, August 1, 2007 (LifeSiteNews.com) - A recent ruling by the Supreme Court of Canada has some pro-family groups concerned, after the Court argued that child welfare services have no duty to the families of children, but only exclusively to the child.

The Court made the ruling in response to a lawsuit filed by the parents of a girl who was removed from her home over a decade ago. Known only as R.D., the girl was taken from her home in January of 1995, at the age of 14. She was removed from her home on the basis of a short story that she had written for school in which she alleged that her parents had physically and sexually abused her.

After an investigation however, no criminal charges were laid against R.D.'s parents, who are also unnamed in the case. Nevertheless, R.D. was considered by social workers to be in need of protection, and was accordingly placed in foster care. After making several suicide attempts and being placed in a home for mentally disturbed teens, R.D. was eventually made, with her consent, a permanent ward of the crown in 1996.

R.D.'s parents, 3 siblings and grandmother, however, subsequently filed a lawsuit, alleging that social services had acted negligently by behaving as if the parents were guilty of abusing their daughter, when in fact the police had found no evidence of such abuse. The \$40,000,000 lawsuit, accused social workers of preventing R.D.'s family from having a relationship with their daughter, who is now 28 years old.

The Supreme Court, however, rejected that lawsuit last week, arguing that child welfare services does not have a duty to the family, but only to the child. "To recognize such a legal duty to the family of a child in their care would pose a real risk that a secure treatment centre and its employees would have to compromise their overriding duty to the child," the ruling says. "Child protection work is difficult, painful and complex," the ruling concludes. "Those who do it, do so knowing that protecting the child's interests often means doing so at the expense of the rest of the family. Yet their statutory mandate is to treat the child's interests as paramount. They must be free to execute this mandate to the fullest extent possible. The result they seek is to restore the child, not the family."

"There's no point in trying to get justice," said the father of R.D. to CanWest news services, after the Court made its ruling. "[Children's aid workers] took the law into their own hands, knowing that the small man, who does not have the might and power to fight them, can be crushed. And the system crushed us."

"There are hundreds of parents in this country," he said, "who are being drowned by the system in this way."

Dave Quist, the executive director of the Institute of Marriage and Family Canada told LifeSiteNews.com that the Supreme Court ruling concerns the Institute. "We're a little bit disappointed that the court ruled as it did. There's a concern that parental rights have been overturned by the state."

Quist said that while it is true that in certain cases a child should be removed from their home and family for their own welfare, and while the Institute did not know all the details of the case at hand, the Supreme Court erred in its ruling by giving no credit to the role of family in a child's life.

"I fully support the premise that children are raised best by their family," said Quist. "And so to my mind the best welfare for the child is to be in the home. That was never shown in this case. That was never shown by the OPP. Charges were never laid, and yet this woman was never reunited with her family since that time."