Publisher's Note

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CHILD PROTECTION LAW IN CANADA 2nd EDITION

Kirwin, Stringer Release No. 8, September 2025

This resource organizes and updates child protection case law and unreported cases for Canadian common law provinces and territories.

This release features updates to Chapters 2 (Jurisdiction), 3 (Commencing the Protection Application), 4 (Jurisdiction), 7 (Variation and Status Review Applications), 8 (Evidence at Trial), 9 (Summary Proceedings and Agreements), 10 (Access) and 11 (Appeals).

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Highlights

- If successful on leave to appeal interlocutory order, costs are assessed at time of appeal and follow the result: *Gillespie v. Gillespie*, 2025 CarswellOnt 7500, 2025 ONSC 2582 (Ont. Div. Ct.).
- Those sections under the CLA and CYFSA that purport to prevent filing of custody/access applications by non-parents under the CLA in relation to a child under a continuing custody order are unconstitutional: *D.P. v. Newfoundland and Labrador (Children, Seniors and Social Development)*, 2025 NLSC 89, 2025 CarswellNfld 184 (N.L. S.C.).
- There is a maximum period of 12 months for a supervision order with no option but care after that period or return to parent without supervision: *B.C.* (Children and Family Development) v. F.R.A.M., 2025 BCPC 90, 2025 CarswellBC 1661 (B.C. Prov. Ct.).
- A court may use its discretion to determine the best interests of a child and grant a person party status, regardless of whether that person meets the requirements under the relevant legislation: *B.C.* (Children and Family Development) v. S.M.B. And E.M.Q., 2025 BCPC 83, 2025 CarswellBC 1684 (B.C. Prov. Ct.).
- The Federal Act augments the provincial legislation at every stage of the protection proceeding including on a temporary motion, and where there is a conflict the Federal Act prevails: *DBCFS v. L.S et al*, 2025 ONSC 2335, 2025 CarswellOnt 5457 (Ont. S.C.J.).

ProView Developments

Your ProView edition of this product now has a new, modified layout:

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