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CHILD PROTECTION LAW IN CANADA 2nd EDITION

**Kirwin, Stringer
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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 4 (Jurisdiction), 6 (Protection Application – Dispositions), 7 (Variation and Status Review Applications) and 8 (Evidence at Trial), as well as updates to Appendix N (Yukon).

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Highlights

- In this case a Kin Caregiver had care of a baby under a temporary supervision order when the baby was hospitalized. The right to consent to medical treatment remained with the mother, who was often unreachable and unresponsive. When the Society sought to vary the order to allow the Kin to consent to the baby's treatment, the mother opposed. The court ultimately allowed the mother to retain the right to consent but varied the order so that if the hospital could not reach the mother after one attempt, the Kin Caregiver could consent to the treatment. Section 20 of the *Health Care Consent Act* lists in ranked order the persons who can consent to treatment on behalf of an incapable child. Despite a Kin provider ranking above an access parent on this list and despite the child being in the lawful court-appointed care of the Kin, the judge maintained that the Kin caregiver did not have the right to consent to treatment until so granted and consequently the access parent ranked above the Kin caregiver. This even though a Kin caregiver qualifies as a "parent" under the *Child, Youth and Family Service Act: Huron-Perth Children's Aid Society v. M.L.*, 2025 ONCJ 228, 2025 CarswellOnt 6354 (Ont. C.J.).

ProView Developments

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

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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