

Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

CHILD PROTECTION LAW IN CANADA 2nd EDITION

**Kirwin, Stringer
Release No. 9, November 2024**

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 (Motions), 6 (Protection Application – Dispositions), 7 (Variation and Status Review Applications) and 11 (Appeals).

THOMSON REUTERS®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Highlights

- *AK v. JJ and JJ*, 2024 ABKB 467 (Alta. K.B.) — This case is a detour from most of the “priority of placement” cases under the Federal Act, to date. The appeal court confirms here that priority of placement is always subject to the best interests of the child. In this case, a father sought to have his child returned as he had addressed his issues and there were no further protection concerns. Despite that, the appeal court found that there was no categorical imperative that Indigenous children be placed with their parent if there are no protection concerns. The trial judge was found to have performed a proper analysis in concluding that the child should remain with her Indigenous aunt and uncle and the children with whom she had lived and flourished for her entire life. The child had a very limited relationship with her father (nine visits in 5 years and no overnights). Placement with parents was found to be an important consideration but is subject to all the factors set out in s. 10 of the Federal Act, which must be considered in determining what is in the best interests of the child. Stability is a primary component of the best interests test and the trial judge properly considered this in dispensing with the father’s consent to the Guardianship Application.
- *Halton Children’s Aid Society, Re*, 2024 CarswellOnt 11083 (Ont. Information & Privacy Comm.) — In this case, Halton CAS was the subject of a ransomware attack resulting in the encryption of their servers, including servers containing the personal information of service recipients. The attack did not result in the hacker having access to any service recipient’s personal information. The Society took the position that this event did not result in “theft, loss or other unauthorized use/disclosure of personal information” within the meaning of s. 308(2) and therefore the duty to notify service recipients was not triggered. Despite the hackers having no access to any personal information of any service recipients, the adjudicator found that since the encryption made service recipients’ personal information unavailable and inaccessible to authorized users for a period of time, the attack resulted in both unauthorized use and a loss of personal information within the meaning of s. 308(2). Consequently, the Society had a duty to notify affected individuals at the “first reasonable opportunity” following the incident. The notification could be met in this case by posting a general notice on the Society’s website or other form of indirect public notice within 30 days of the date of this decision.

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

- Footnote text only appears in ProView-generated PDFs of entire sections and pages