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<p style="text-align: center;"><b>CHILD PROTECTION LAW IN CANADA</b> <b>2nd EDITION</b> Kirwin, Stringer Release No. 3, April 2026</p>
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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 3 (Commencing the Protection Application), 4 (Motions), 5 (Protection Application – Threshold Finding), 6 (Protection Application – Dispositions) and 8 (Evidence at Trial).

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## Highlights

- FNIM finding — *Children’s Aid Society of Ottawa v. K.L.C.*, 2025 ONSC 6581 (Ont. S.C.J.) — There is a lower threshold to find that a child is Indigenous at the early stages such as the temporary care motion, as indigeneity must be considered at each stage of the application. This case along with *CAS v. R.C* both relate to pre-finding determinations of indigeneity. The specific question on this motion was what standard should be applied to a temporary care and custody motion where there is limited evidence on whether the children are Indigenous. At the temporary care and custody stage, the evidence may be incomplete, consequently there is a lower evidentiary threshold for an FNIM at this stage.
- FNIM finding — *CAS v. R.C*, 2025 ONSC 6503 (Ont. S.C.J.) — A child may be found to be Indigenous through their half-sibling’s parent, even where neither biological parent is Indigenous. The court ruled that the FNIM finding regarding the child’s half-sibling was sufficient for a finding that the child before the court was Indigenous (even though this was through the half-sibling’s father, who had no blood relationship to the child before the court). Consequently, the Federal Act was engaged.
- Conflict OCL/CAS — *Children’s Aid Society of Toronto v. K.Y.*, 2025 ONCJ 623 (Ont. C.J.) — An OCL Clinician cannot also be an employee of the CAS presenting the case. This was a ruling on a *voir dire* related to the admissibility of evidence of the OCL clinician. The independent role of the OCL is critical and the court should have confidence in the independent nature of the OCL and the absence of suggestion or manipulation.

## 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