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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 Chapter 2 (Jurisdiction), Chapter 4 (Motions), Chapter 5 (Protection Application—The Threshold Finding), Chapter 6 (Protection Application—Dispositions), Chapter 8 (Evidence at Trial), Chapter 9 (Summary Proceedings and Agreements) and Chapter 10 (Access).

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Highlights

- **Motions — Parental Alienation —** It is insufficient on a motion to request an order for reunification counselling to simply state that the children won't visit so therefore they must be alienated. Expert evidence is required to identify the cause of the family breakdown and that the counselling would actually benefit the children: *Michael v. Gadallah*, 2025 ONSC 334.
- **Motions — Interim Access —** Under s. 94(8) of the Act, the court has broad discretion to impose terms and conditions on access orders, including financial ones, including the payment of transportation costs for a parent to attend access visits: *Family and Children's Services of Guelph and Wellington County v. T.S.*, 2026 ONCJ 148.
- **Protection Application — Dispositions — Temporary Committal Order —** The court cautioned against imposing standard or overly broad conditions without evidence. The main concern was the parents' ability to meet the child's significant medical needs. While there was limited evidence of substance use, the court found it insufficient to justify strict conditions like addiction assessments or abstinence requirements: *M.H.H.B., Re*, 2026 SKKB 66.
- **Protection Application — Dispositions — Permanent Guardianship —** All custody-related applications under the FLA must be heard before making a final decision about a child's permanent placement with the Minister: *New Brunswick (Minister of Social Development) v. L.K.*, 2026 NBKB 34.

ProView Developments

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- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
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- Images are generally greyscale and size is now adjustable
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