



Statement

July 20, 2010

The Representative for Children and Youth welcomes many of the changes reflected in the White Paper on Family Relations Act Reform released on July 19, 2010. Changes that support hearing the views of children and youth in decisions that will affect their lives and better protection for children who are victims of domestic violence are necessary to create a rigorous system in B.C.

The Representative is encouraged by proposals that child's best interests become the only consideration in decision-making about guardianship of children, and the idea of parenting coordination. Defining domestic violence in law is also an important positive step.

The Representative will develop a detailed response to the White Paper, and make those comments public prior to the end of the consultation. In developing that response, as well as commenting on proposed legislation, the Representative will be paying particular attention to:

- Safety of children and their mothers when family violence is an issue. As stated in her investigation report *Honouring Christian Lee*, "Christian was not safe because his mother was not safe."
- Provisions that support clear and effective protection orders when there is a risk of violence
- The extent to which family law provisions support family violence policies and collaboration among service providers and organizations involved in responding to family violence
- Provision of safe, supervised visits with parents when aggression has made shared parenting impossible and harmful to children, through arrangements that do not jeopardize no contact orders with mothers in such circumstances
- Provisions that address high conflict circumstances in which legal representation of children becomes critical
- Processes and procedures that support timely resolution of disputes and contribute to children's feelings of security

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- Provision for appropriate oversight when parents are assigning guardianship to relatives or others so that full information about child welfare and criminal concerns relating to proposed guardians is available to decision makers
- The extent to which rules, processes and procedures are understandable to recent immigrants and others who may have language challenges limited understanding of mainstream culture

In addition, the Representative intends to monitor and comment on accessibility to support services that may be required to help people navigate the system, and to ensure safety and well-being of children.

All children are vulnerable when their family circumstances change, and especially those who are uprooted and moved to the care of others and those who have lived in violent homes. Changes and new investments in our family justice system that make it more child-centred, more accessible and less adversarial are crucial. It is imperative that new policies and legislation be tested against the real-life circumstances of the most vulnerable.

