



KIDS FIRST

PARENT ASSOCIATION OF CANADA

protecting children's well-being & parental care

Date: May 26, 2021

To: BC MCFD Minister Honourable Mitzi Dean, MCFD personnel involved with the report to MCFD about the _____ family

From: Helen Ward, President, Kids First Parent Association of Canada

This letter is regarding actions taken by BC Ministry of Children and Family Development (MCFD) regarding _____ and _____ ("the children") and their parents, _____ ("the mother") and _____ ("the father").

Any publication by Kids First Parent Association of Canada of this letter will redact the names of the family members which are printed above and not used throughout the rest of this letter.

Kindly accept my apologies for any typos, errors and omissions.

This letter has the following sections:

- p.2 - resolutions sought
- p.2 - questions
- p.2 - summary
- p.3 - background
- p.3 - what happened
- p. 10 - what did not happen
- p. 10 - legal issues

This letter is based on conversations and documents provided by the parents; we do not have the resources to ensure the accuracy of all the information. However, I am addressing their statements of their concerns as these reflect the concerns routinely and repeatedly experienced by families involved with BC Ministry of Children and Family Development (MCFD) that we know of and which have been well-documented in many reports documenting innumerable tragedies, as well as court cases and media accounts. The experience they describe is reflective of the long, continuing, and horrific history of Canadian governments' actions against the parent-child relationship.

Kids First Parent Association of Canada's (Kids First) charitable purposes are supporting children's optimal well-being and parental child care.

Kids First was an intervenor in the high profile "bus dad" case (Crook) against the BC MCFD heard by the BC Court of Appeal in June 2020 to support the Charter rights of parents and to limit the actions of MCFD in child protection matters under the Child, Family and Community Services Act (CFCSA).

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Kids First has assisted a number of families whose Charter and human rights have been violated by MCFD to end MCFD intervention in their family.

RESOLUTIONS SOUGHT

The parents ask that the children be returned to them immediately, that MCFD file(s) on the children be closed immediately, and that MCFD have no further involvement with their family. They request that this be confirmed as soon as possible in writing. They further request that MCFD compensate them financially for damages to the dignity, mental & physical well-being, autonomy, parental rights, Charter rights and freedoms, and human rights of their two children and themselves.

QUESTIONS

Kindly provide answers.

- 1 - Have the children been found to be "in need of protection"?
- 2 - Are the actions (described below) part of an "assessment" or of an "investigation" under the CFCSA by MCFD or something else?
- 3 - What is the precise meaning of "timely" in the phrase "in a timely manner" in the CFCSA in the context of children age 5 months and 14 months separated from their parents?
- 4 - What are the allegations made in the alleged report to MCFD? Provide a copy of the report.
- 5 - What laws are the RCMP and MCFD personnel acting under in their involvement with this family?
- 6 - What are the names, positions, and contact information of the MCFD personnel involved?
- 7 - Is there a file number? If so, what is it?
- 8 - Have the interrogations of the parents been recorded?
- 9 - Why is MCFD holding the children?
- 10 - What are the conflicts of interest of those who are potential witnesses against the family and who are financially benefiting from these actions and the prolonging of the interference with the family through the many interventions funded by the public in this family's life: the medical staff, MCFD staff, court staff, family therapy staff, supervision staff, etc?
- 11 - What is MCFD's and the BC government's policy regarding the violation of the Charter and human rights of the children and parents they are involved with?

SUMMARY

Personnel in BC MCFD have treated this family - the parents and the very young children as well as members of the extended family - in a manner that is illegal, incorrect, shocking to the conscience, unreasonable, unfair, lacking due deference, discourteous, disrespectful, sloppy, rude, unprofessional, cavalier, insensitive, harmful, permanently damaging, dangerous, contemptuous, high-handed, arrogant, distressing, racist, humiliating, prejudiced, bigoted, stigmatizing, shaming, discriminatory, unkind, unjust,

oppressive, damaging, un-Canadian, inhumane, cruel, unusual, and punitive.

These personnel have or may have violated the parents' and the children's human rights and Charter rights including the rights to (section 7) security of person, liberty; (section 2) freedoms of association and expression and religion; (section 8) search and seizure; (section 15) equality regardless of race, colour, religion, country of origin, sex, age; (section 12) freedom from cruel and unusual punishment; and possibly other Charter rights. MCFD personnel have done so not in a manner in accordance with the (section 7) "principles of fundamental justice" including those principles related to due process, presumption of innocence, overbreadth, arbitrariness, and vagueness. They have done so in a manner that cannot "be demonstrably justified in a free and democratic society" (Charter s.1). They have not acted in accordance with the Child Family and Community Service Act (CFCSA), provincial and federal recommendations regarding breastfeeding, or in accordance with common sense and common decency.

BACKGROUND

The parents inform me that:

- Their country of origin is not Canada. They emigrated from India. The father is a Canadian citizen, the mother is a Permanent Resident and is applying for citizenship.
- The parents speak English with a strong accent.
- The father speaks English very well; the mother's English level is lower.
- The parents' and the children's 'race' is South Asian.
- The parents' and the children's 'colour' is not white, it is brown.
- The parents' and children's religion is Hinduism.
- The family follows a diet regulated by their religious belief which excludes beef and pork.
- They have 2 boys born in Saskatoon.
- The elder was born August 2019 and is now age 21 months.
- The younger was born May 2020 and is now 11 months.
- The children are not able to speak or reason or act autonomously at all. They are utterly dependent and completely helpless and vulnerable. They are babies.
- The younger child was born 7 weeks premature at 33 weeks and was in Neonatal Intensive Care Unit for 21 days. His development and health are affected by his premature birth.
- The younger child very likely has an undiagnosed disability, perhaps osteopenia, a condition that affects premature infants and causes weak/brittle bones and fractures, or another condition related to his premature birth. See <https://medlineplus.gov/ency/article/007231.htm>
- The youngest child's premature birth has caused a number of medical issues which the parents have always promptly attended to - including ear infections and swelling in his arm - by taking him to appropriate medical professionals.
- The mother breastfed the eldest and then the youngest child until MCFD intervened. Her milk dried up as a result of the apprehension and detention of the child.
- The children were in the care of their mother 24/7 with almost no time at all away from her prior to MCFD seizure and detainment.
- The parents love their little children deeply and have plans, hopes and dreams for them.

WHAT HAPPENED

The parents inform me that:

In mid-September 2020, the father took the younger child to Chilliwack for an ear infection.

15 days later, on October 3, 2020 the father again took the younger child to the Chilliwack Emergency hospital because of a swollen arm. The mother had noticed it while bathing her baby and had called the

father about it. Dr. Oostenbrink saw the child and had an x-ray taken. He said the baby would be fine in 24-48 hours. Muscle strain was the problem; medication was not required.

The next day, October 4, 2020, the pediatric section at Chilliwack Hospital called the father and asked him to come in for more x rays. Then the father took the baby to Chilliwack hospital. They arrived at 11 am.

Dr. Ang came to see the child after the father waited 2 hrs with the 5 month old in the hospital despite the strict COVID-19 restrictions thus potentially endangering the child and the father and their household. The child had a full body exam.

The father was met by MCFD social workers, _____ and _____. He was not informed about an MCFD report of abuse. He was interrogated for 3-4 hours.

Both father and son were there at the hospital for almost 10 hours.

At about 9:30 pm the father and child were told by Dr Ang to go to BC Children's Hospital. They were taken by ambulance. The drive is long for a baby. They were to see Dr Kang.

At 11 pm they arrived and got a room. There was no concern shown for the father's basic need to sleep and eat. The child's needs for care were also largely ignored in this process.

October 5, 2021 at about 3am: Dr. ____ told the father he had been informed by MCFD to 'keep the father away from the child'. The father was extremely shocked at this point and pleaded to stay with his 5 month old child. He was however taken away from child despite multiple requests to be with his child. Then father waited in waiting room.

October 5 am: Another female MCFD staff, _____, took the father to his infant son's room where the father changed his diaper and fed him. The social worker stayed in the room.

At about 10 am, Dr. Kang and 2-3 social workers met the father. He was told to go to a separate room where 2 or 3 social workers interrogated him about the cause of the child's medical issues. Dr. Kang was also there. The father told them that the child was born premature. Dr. Kang refused to listen. Dr. Kang said they would assess the origin of the swelling. The child was taken away from his father. The father's requests for information were rebuffed.

At about 10:30am, another x ray was conducted on the child.

At about 01:00pm, the doctors conducted another physical examination on the child.

While the doctors were conducting the physical examination, the father was taken to a separate room for questioning by __Anna Maria Flaim. He was asked if he had any knowledge of the reason for fracture and bruising on the younger child's body. He stated that he did not know the reason for the injuries and that he had brought the child to the hospital as soon as they first noticed the injuries. He then attempted to present previous occurrences of scars to Arjun's body and the photos and videos of the same.

At about 1:30 pm Dr. Kang told the father that tomorrow the child would have x-rays, MRI, and an eye test.

The father was told they would conduct genetic testing on the children related to illness and prematurity within 24hours. However, these tests were not done until December 10, 2020. On 26 April 2021 the test

result was sent to the father's lawyer.

At about 1:45 p:m when the father returned to the son's room, his son was not there, he was gone. The father broke down and was crying very badly.

A nurse then took the father to a meeting room. There were 5-6 social workers there. The father asked where his son was. He was told that his son is "in our custody now." He asked for reasons but got no answer during the half hour time there.

MCFD staff offered no information about: lawyer, court time, process, charges. They refused to answer when he asked, "Where is my son?" When he asked if he could see him they said he can't see him anymore. There was no offer of a visit.

The father was provided with no food at the hospital.

The child was given formula by a nurse. The child was deprived of breastmilk and breastfeeding from his mother. The child was feeding on a combination of his mother's milk and formula at the time.

Later, the mother's milk supply dried up as a direct result of the removal of the child and refusal of MCFD to allow visits that would support breastfeeding and MCFD's disregard for the recommendations of the World Health Organization, the Canadian government and the BC government that breastfeeding continue for at least 2 years.

October 5, 2021 continued: After the apprehension/detainment of the younger son, while still detained at the hospital, the father got a call from his wife who was crying so badly he feared for her. She told him the elder son had been removed from their home.

The father was extremely upset and confused at this.

At about 3:00 p:m, the father took a cab back to Chilliwack at a cost of \$130. MCFD made no provision for the father's return home.

October 5, 2021 at the house:

At about 2:30 p:m, while the father was out with the younger son in Vancouver, RCMP officers _____ and MCFD staff Ms Rajdeep Kheva came to the family home. They entered without consent. They provided no warrant/order. They detained the mother and elder child. They drove the mother and elder child to Chilliwack hospital. The child was examined by Dr Ang for evidence of abuse and family violence by _____. The social workers continued interrogating the mother about the origins of injuries on the younger child's body. The mother maintained that she did not know how the child got the injuries and that he was taken to the hospital at first instance after they noticed them.

No evidence of medical concerns that could be related to abuse were found on the elder child. The mother and elder child were allowed to return home. Social worker _____ drove them home.

At about 4:00 p:m October 5, 2020, while the father was at the hospital in Vancouver with the younger son, and while the mother was feeding the elder son, there was a knock at the door. 2 MCFD social workers came to the family home: Rajdeep Kheva and Christina Nuttall.

Ms. Kheva threatened the mother saying if she did not give up the child, she would file more complaints against the mother.

The social workers called the police. 2 RCMP officers in uniforms came.

The social workers entered the home without consent when the mother opened the door. They did not provide a warrant/order. The mother is a new Canadian. She had no idea what to do or what was happening. Social worker Kheva spoke in Punjabi with her. A roommate was also in the home and witnessed the event.

They took the elder boy. The son held on to his mother and they pushed her and Ms. Kheva pulled him out of her arms. The boy was crying. The mother was crying. The RCMP officers were also emotional.

There was no audio or video recording of this traumatic incident or any other of the interactions with the RCMP or MCFD.

The next day, October 6, 2021, Ms Kheva called. The parents were permitted to meet with their elder son for half an hour for the father's birthday in the MCFD office in Chilliwack.

Ms. Kheva told them tomorrow the younger child would be released from BC Children's Hospital.

The father asked about the injuries and care of his infant son. Kheva said no medications or treatment was needed, he will be fine automatically. Both parents were shocked when the father asked about the medical reports and she said, "I don't have them yet."

October 8: The elder child had a pre-existing appointment with his pediatrician, Dr. Osama Ebesh for a possible urinary tract infection. The father called this doctor but was told that Ms Kheva had canceled the appointment and that MCFD had got Dr. Ang to replace Dr. Ebesh.

On October 11, 2021 Ms. Kheva told the parents they could see their older son only. They could not see the younger son because of his injuries. Father again asked regarding medical reports again she said, "I haven't received it yet."

She did not say whether the boys were together or not. The father asked where they were and was told in a foster home in Chilliwack.

On October 15, 2021 at about 8 am the RCMP in Chilliwack came to house. They knocked on the door. There were 3-4 cars and 5-6 officers in uniform with guns. The neighbours would have been able to see the dramatic arrest. They showed a warrant - a paper - the father read it. The police detained both parents for questioning. The parents did not resist arrest. The police handcuffed both parents. They were charged with extremely serious charges:

1. Aggravated Assault
2. Criminal Negligence
3. Failure to provide necessities of life

The parents were taken in separate police cars to Chilliwack RCMP.

They were questioned for approximately eight hours in regards to the above charges in different rooms. The father said he has the right to speak to his lawyer. After 1 hour, he was allowed to call a lawyer. He and his wife did not give replies to the questions. They said they will answer in front of their lawyer.

The parents were each lied to during their interrogations when RCMP told them that the other parent said he/she abused the children. This is a possibly illegal entrapment tactic that divides and harms parents, marriages, families and children.

RCMP drove them home in the same car. RCMP asked for their passports, which they gave them. The officer appeared to be surprised when he saw that the father was a Canadian citizen.

On December 14, 2020, the parents' lawyer got call from the Crown Prosecutor's office saying that the charges were not approved.

On December 15, 2020 the parents scheduled criminal court appearance was canceled because the charges had been dismissed for lack of evidence.

The parents' passports were returned after the father called requesting the return of their confiscated identification documents.

Since then the police have not been involved with the family.

On December 16 or 17, 2020, because the criminal charges were dropped, the parents' lawyer called the MCFD lawyer, Ms Hedman, to ask for the return of the children. The MCFD refused to return the children and said they are still investigating.

CONTACT BETWEEN THE PARENTS AND THEIR CHILDREN

MCFD forbade all contact between the father and the breastfeeding mother and the breastfeeding 5 month old and the 14 month old from October 6, 2020 to January 6, 2021, 3 months, claiming this complete suspension of family relations was due to the criminal charges.

On 5 December 2020 MCFD staff Ms Garewal informed the parents orally that the MCFD had removed the children because the parents had 'failed to provide the necessities of life' to the younger child.

From January 6, 2021 to 27 January 2021, following the dismissal of the criminal charges against them, the parents were permitted to have a so-called "virtual visits" with their children twice a week for 1 hr each time under 3rd party 'supervised visitation' at the MCFD office supervised by MCFD staff, Ms Garewal and Ms Gill.

From January 29, 2021 to _____, MCFD deigned to allow the parents in-person visits of 1 hour twice a week under 3rd party 'supervised visitation' provided at the Anna Davis Society building by Society staff.

From _____ and currently, MCFD has deigned to allow an additional hour every 2 weeks on one of the visit days and permitted the parents to take the children to a park during the visit time under 3rd party 'supervised visitation' provided at the Anna Davis Society building by Society staff.

CARE OF THE CHILDREN; PARENTS' CONTACT WITH MCFD

As of October 5, 2020 and currently, the children are in foster care under the MCFD. The current social worker is named Kurt Thiessen. He is the fourth one.

On 18 February, 2021, MCFD informed the parents that the children would go to different foster parents twice a month for two days to provide respite for the regular foster parents. The respite foster parents have never met the parents or the children.

The parents have had numerous meetings with Mr Thiessen. He regularly has questioned them about the origin of the injuries. Each time they have informed him that they love their children very much and would never harm them ever. They have explained to him multiple times that the younger child was born

prematurely and has suffered multiple medical problems that are consistent with this.

They have been requesting via Mr Thiessen that a doctor conduct a medical examination on the younger child to rule out possibilities for all the medical conditions such as Osteopenia and metabolic bone disease. Mr Thiessen has completely refused to conduct these medical exams stating he hasn't yet had the opportunity to do them despite having the children in MCFD custody since last October, that is, for over 7 months.

The younger child's symptoms match those of Osteopenia, down to exact same bones that are expected to fracture when a child suffers this disability. However, we fear that no such medical test will ever be conducted under MCFD watch.

The only disease that the child have been tested for is Brittle Bone Disease.

From the time of the Family Case Conference on 15 February, 2021, the parents were required by MCFD to attend Family Therapy Sessions with Joyce Joy of the organization _____. No goal was ever set by MCFD as to the number of sessions that must be completed before both children are returned. Ms. Joy, the family therapist, stated that after 24 sessions, the children will most likely be returned. This never happened.

On 3 May, 2021, after the parents stated that they are extremely depressed and are going to speak to the CBC program, Go Public, in regards to this, Joyce was immediately instructed by Mr. Thiessen to increase the number of family therapist sessions by another 20 sessions.

Ms Joy says there are no mental health issues and the parents don't need more sessions. She asked Mr Thiessen, "What is goal of 20 more sessions?"

The parents have been informed in writing that the long term plan is to return children back to the family. However upon asking for a time frame of how long it might take, they were informed that MCFD cannot provide a time frame.

COURT EVENTS

On Oct 9, 2020 the parents' lawyers attended a Presentation Hearing in Chilliwack Court by zoom. It was adjourned for 45 days. The parents have no knowledge of CFCSA or other legislation related to their situation.

On December 5, 2020 the hearing was adjourned to December 23, 2020 or so.

At the long-delayed December 2020 Presentation Hearing the parents "consented" to a Family Case Conference to be held in February. The parents have no knowledge at all of their legal options and these processes or MCFD tactics, and next to no knowledge of their and their children's Charter and human rights.

They apparently "consented" but consent without information and under threat and duress (that is the MCFD's power over their children's and therefore their own lives) is not informed or meaningful or valid consent.

The hearing was attended by the mother's lawyer _____ and MCFD staff, Mr Thiessen. MCFD asked for 3 months temporary custody. The parents were not told and did not understand what the law says, what the process involved or what their rights and their children's rights are. Rather than having their children

returned with apologies and monetary compensation for the severe violation of the rights of all the family members, they were manipulated into "consenting" to attend a "Family Case Conference." Thus MCFD further dragged on the cruel and extremely damaging separation of the parents from their infant children.

From October 11, 2020 - January 29, 2021 the parents did not see their children at all.

On October 11, 2020 the mother's mother from India came because of the situation. The parents offered to her have provide temporary custody and/or supervision. This was not accepted.

The mother's mother was allowed to have so-called "virtual visits" by zoom with the children at MCFD offices twice per week. The parents suggested that the mother's mother could provide supervised visitation but that was not accepted.

On 2 February, 2021, the parents sent MCFD pictures of the elder child's legs. After that Mr Thiessen informed the parents that the children have medical problems including at least: eczema and very poor/delayed gross motor development.

On February ----2021 the parents attended a 'Family Case Conference' at which MCFD asked for 3 months more "temporary" custody. They were asked by Mr Thiessen to sign a 'Family Plan'. They did not sign.

No evidence was asked for or provided regarding the reason for the apprehension.

At the February Family Case Conference, MCFD was again successful in using unknowable, informal, non-judicial, evidence-free, time-wasting, supposedly but not actually consensual processes to delay the reunion of the family, dragging on the utterly intolerable and inhuman treatment of the family. Rather than reunion with the children, the parents were manipulated into agreeing to "Mediation" on June 4, 2021. That is 8 months after MCFD removed their very young, pre-verbal children from their loving parents.

March 23 2021: Mr. Thiessen at MCFD office asked the parents to sign a Family Plan for 3 months more temporary custody. Mr. Thiessen said he and supervisor/MCFD don't want to have a trial. He described the trial as a "50-50" situation: the parents and the MCFD are equal. This is a patently false description: MCFD had far more power as it had far more money for lawyers than parents, and because it has physical custody of the children who are too young to run away or to communicate independently with their parents or anyone else.

On ___7 April, 2021, the father told Mr Thiessen he would sign a Family Plan agreement with temporary custody if it had a firm date for the return of his children in writing on an official letter. This was not accepted.

The parents are doing the non-consensual, required, unlimited, humiliating, interminable "family therapy".

On 28 April, 2021, Mr. Thiessen informed the parents by email that the children's physical and mental development is suffering in MCFD care: the elder's gross motor skills had been assessed by Dr Ang and Dr Page and found to be in the lowest 5th percentile.

The children's diet has been in accordance with their religion which prohibits eating pork and beef.

The parents purchase diapers, food and clothing and bring it to the foster parents.

A hearing as well as a "mediation" have been set for June 4, 2021. That is 8 months since MCFD became involved with the family.

When the October 13, 2021 trial date was set, Mr Thiessen asked for more meetings with the parents. The purpose of the meetings is unknown. Attending the meetings takes time and violates the parents Charter right to liberty and freedom of association.

On April___ 2021, Social Worker Kristy told the parents not to take videos of their children, only photographs. This is a violation of the parents Charter rights to freedom of expression and liberty.

On 7 October, 2020, Ms Kheva informed the parents that she had changed the children's pediatric doctor from Dr Osama Ebesh to Dr. Ang without notifying the parents of this plan.

From October to ___March___: the parents were not provided with information about their children's medical treatment by the MCFD. However, following the father's informing Mr Thiessen that he would contact media, Mr. Thiessen began providing medical updates.

WHAT DID NOT HAPPEN

The medical, RCMP, MCFD, and medical personnel did not provide the parents with their full contact information, eg. business cards.

The parents were not provided with a 'file number' by the RCMP or MCFD.

The parents were not promptly informed of the allegations or concerns in the alleged report presumably being "assessed" as per the CFCSA.

There was no acknowledgement of or apology for the extreme distress, the traumatizing, stigmatizing and humiliating nature of, the un-waged time taken up, and the invasion of privacy of the parents and the children by the medical, RCMP and MCFD personnel's actions.

There was no information or information in writing provided to the parents about the law under which the MCFD apprehensions, interrogations, searches and seizures were supposedly permitted or the legal reasons for the MCFD or the RCMP actions.

There was no effort made to ask about or assess any need for accommodation of any vulnerable personal characteristics of the parents or the children, including any accommodation of the younger child's apparent severe disability.

The parents were not provided with contact information from MCFD.

The parents were not provided with a file number by MCFD.

The interrogations of the parents and the child were not recorded as far as the parents could see.

Neither MCFD did not suggested to the parents that they get a support person or someone to witness the interrogations.

MCFD has not informed the parents regarding the possible outcomes of the situation, or any charges that could be laid, or what laws they were acting under, or legal support services.

MCFD did not mention to or show the parents a warrant/order for their actions.

LEGAL CONCERNS

- 1 - The MCFD's laws and policies and practices must conform to the Charter of Rights and Freedoms.
- 2 - The rights of parents to care for their children are protected by the Charter as fundamental to our society according to the Supreme Court of Canada:

“The right to nurture a child, to care for its development, and to make decisions for it in fundamental matters such as medical care, are part of the liberty interest of a parent. The common law has long recognized that parents are in the best position to take care of their children and make all the decisions necessary to ensure their well-being. This recognition was based on the presumption that parents act in the best interest of their child. Although the philosophy underlying state intervention has changed over time, most contemporary statutes dealing with child protection matters, and in particular the Ontario Act, while focusing on the best interest of the child, favour minimal intervention. In recent years, courts have expressed some reluctance to interfere with parental rights, and state intervention has been tolerated only when necessity was demonstrated, thereby confirming that the parental interest in bringing up, nurturing and caring for a child, including medical care and moral upbringing, is an individual interest of fundamental importance to our society.”

1995 B. (R.) v. Children's Aid Society of Metropolitan Toronto

<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1220/index.do>

3 - MCFD services must provided in accordance with BC Human Rights laws.

4 - “Family status” as a protected ground. Family status includes parent-child relationships. See <http://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/73292/index.do?r=AAAAAQANZmFtaWx5IHN0YXRlcwE>

and <http://www.courts.gov.bc.ca/jdb-txt/sc/05/14/2005bcsc1421err1.htm>

4 - The MCFD has provided services and acted in a manner that grossly violates the protected Charter rights of the children and the parents and other family associates. It has done so in a manner that is not consistent with life in a free and democratic society (Charter s.2) or with the principles of fundamental justice (s. 7).

5 - MCFD personnel have a well-established, well-known, and horrific track record of physical, sexual, emotional, financial, and medical abuse; as well as harm, neglect, death, and risk of abuse and neglect of children in MCFD care.

6 - However, despite MCFD’s well known horrific track record, and the even longer tragic record in BC and Canada of state intervention in and destruction of parent-child relationships, the CFCSA has a demonstrably false implicit presumption that MCFD/state involvement with a family is benign and/or will improve a child’s life.

7 - CFCSA principles include (a) **“children are entitled to be protected from abuse, neglect and harm or threat of harm”**. The implicit presumption that MCFD involvement with a family is benign and will improve a child’s life and not cause short term, long term, or intergenerational “abuse, neglect and harm or threat of harm” is not supported by evidence.

8 - The implicit presumption that MCFD involvement with a family is benign and will improve a child’s life is indicative of systemic discrimination against parents on the grounds of family status, as well is in many cases on the grounds of: sex, marital status, age, race, ancestry, disability, gender expression, religion, gender expression, etc. in violation of the Charter s.15 equality rights and BC Human Rights law.

9 - Parents and the general public are often aware of the horrific track record of MCFD and are therefore justly extremely distressed by MCFD and related contact and involvement.

10 - However, these parents are not familiar with this history as they are new to Canada and BC.

11 - The parents may have signed so-called “consent” agreements with MCFD. However, such agreements were not signed freely and with full information as legal “consent” requires, but under duress and the obvious threat of extended apprehension of the children and/or of permanent removal or the children and/or reduction in the already extremely limited contact with the children and/or continued MCFD intervention in and harassment of the family.

12 - The massive power imbalance between parents and MCFD is used by MCFD to unfairly threaten, coerce, and manipulate the parents and the children. The CFCSA has an implicit, false assumption of egalitarian, consensual, informed and benign/helpful, co-operative relationships with parents and children.

14 - MCFD has the children. The children are powerless: too young to articulate or even form their views and/or to access their parent independently. This situation greatly increases the power imbalance between the children and MCFD and the parents and MCFD.

15 - The mother was threatened by MCFD social worker Kheva with continued action by MCFD if she did not comply with MCFD demands.

16 - MCFD personnel are bound by the CFCSA which lists as principles (b) “**a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents**”.

17 - This principle clearly implies that parents be treated with great deference and respect and with sensitivity to the impact of MCFD and police interactions with family members. The law provides for greater deference to parents - family - than to MCFD personnel.

SYSTEMIC FAMILY STATUS DISCRIMINATION: REPORTS TO MCFD ABOUT CHILD ABUSE LIMITED TO REPORTS ABOUT PARENTS; PARENTS TREATED WITHOUT THE PROTECTIONS AFFORDED ACCUSED CRIMINALS

18 - Of all those involved with children, including MCFD personnel, the government through the CFCSA singles out parents for reporting to, and surveillance and violations of rights by MCFD. The CFCSA states:

Part 3 — Child Protection

Division 1 — Responding to Reports

When protection is needed

13 (1) A child needs protection in the following circumstances:

(a) if the child has been, or is likely to be, physically harmed by the child's parent;

19 - The phrase “**by the child's parents**” is repeated throughout this section.

20 - Moreover, reporting any suspicions about parents - but no one else - to the MCFD is a legal requirement:

Duty to report need for protection

14 (1) A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.

MCFD vigorously reminds all people of the legal obligation to anonymously report any suspected parental child abuse, neglect, or risk of harm or neglect. This government service communications

campaign includes a 24/7/365 1-800 number that is the first item on the first page of its website, publications, posters, website, and is included in its considerable financial and policy influence over government agents and government contracted staff. Those whose work is paid by the government - including education and health services personnel - are especially reminded of their legal obligation to report any suspected harm, abuse, or risk of harm or abuse under threat of professional sanction.

21 - The government makes it very easy to make such a report:

- Anonymity is guaranteed.
- Any information is acceptable and no evidence is required.
- There are no lengthy forms, on-line or print documents to submit, fees, lengthy interviews, evidence, identification, etc. required as is the case with reporting suspected abuse by teachers, medical staff, judges, daycare staff, etc.
- The report-provider has the option to and is not required to provide contact information to provide follow up information.
- Although making false and/or vindictive reports is illegal, such reports do not result in punitive measures. And anonymity guarantees this.

22 - Hearsay laws are waived in legal proceedings involving a parent facing a report: the MCFD personnel's notes are taken as if they were first hand witness statements. They are not required to do audio or video recordings their interrogations of and interactions with of children, parents, or others.

23 - Yet neither MCFD nor any other government agency demands or encourages reporting of similar suspected child abuse, neglect, or risk of harm or neglect that may take place under MCFD or the Ministry of Education or Ministry of Health or child care settings and other child-serving settings about anyone involved with children (counsellors, psychiatrists, doctors, ski instructors, soccer coaches, life guards, faith groups, police, etc.)

24 - Complaints about non-parents that are government agents are very difficult to make. Complaints about non-parents that are not government agents require criminal proceedings and all the protections of the alleged perpetrator that that involves.

25 - Parents are not given the protections that those accused under criminal law are given, even for the same accusations.

26 - Parents have been unjustly singled out of all those involved with children by the government and MCFD for extreme scrutiny, interference, surveillance, and government intervention.

27 - This grossly disproportionate pressure and effort to make reports regarding parents rather than of government employees and contractors involved with children and others involved with children amounts to a government mandated "witch hunt" against parents. It amounts to **discrimination on the grounds of family status**: parents are targeted for state and public scrutiny, intervention, replacement, and policing simply because they are parents.

28 - This is in dramatic contrast to the system for reporting, surveillance, intervention in the lives, and prosecution of those involved with children who are not the parents of the children they are involved with.

29 - The children are targeted because they are children of parents. If they were wards of MCFD they would not be so targeted as MCFD does not have an equivalent reporting, surveillance system for its own personnel despite the horrific track record of MCFD personnel.

30 - This highly developed and focused violation of Charter rights and intervention by the state in the lives of parents and their children amounts to a violation of the **principles of fundamental justice** -

presumption of innocence, requirement for due process, and prohibition on arbitrariness - and perpetuates negative stereotypes about parents and the parent-child relationship historically promoted by government agencies in Canada and elsewhere.

ASSESSING and/or INVESTIGATION REPORTS OF CHILD ABUSE AND NEGLECT

31 - Assessing a report of child abuse or neglect or risk of such is a complex and highly sensitive process that involves violations of the child's and the parents' Charter rights and human rights.

32 - The courts have recognized that harm is done by child protection actions even when the harm is unavoidably necessary. **“Unnecessary disruptions of [the parent – child] bond by the state have the potential to cause significant trauma to both the parent and the child.”** (Supreme Court of Canada K LW).

33 - MCFD actions must be compliant with the CFCSA, and, like all actions by government agents, it must be done in a way that is compliant with the Charter, and human rights laws, and any other laws that apply. The violations of the Charter rights must be done in a way that is consistent with a s.1 “free and democratic society” and the s.7 “principles of fundamental justice.”

34 - Anonymous, hearsay reports about child abuse, neglect, or risk of harm or neglect must be handled with great caution, especially given the potential for harmful, extremely harmful, life long, intergenerational, and fatal outcomes of MCFD interventions.

MCFD NOT FOLLOWING THE CFCSA

35 - The Director has not acted according to the principles provided in the CFCSA:

Guiding principles

2 This Act must be interpreted and administered so that the safety and well-being of children are the paramount considerations and in accordance with the following principles:

- (a) children are entitled to be protected from abuse, neglect and harm or threat of harm;**
- (b) a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents;**
- (d) the child's views should be taken into account when decisions relating to a child are made;**
- (e) kinship ties and a child's attachment to the extended family should be preserved if possible;**
- (g) decisions relating to children should be made and implemented in a timely manner.**

36 - The Director/MCFD has not acted according to the CFCSA “best interests of the child”:

Best interests of child

4 (1) Where there is a reference in this Act to the best interests of a child, all relevant factors must be considered in determining the child's best interests, including for example:

- (a) the child's safety;**
- (b) the child's physical and emotional needs and level of development;**

(c) the importance of continuity in the child's care;

(d) the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship;

(e) the child's cultural, racial, linguistic and religious heritage;

(f) the child's views;

(g) the effect on the child if there is delay in making a decision.

37 - The Director is required under the CFCSA to use “less disruptive” methods but did not, even when the grandmother was available to provide foster care, and continues to maximize the disruption of the children’s lives and to disregard their best interests:

(4) Before making the agreement, the director must

(a) consider whether a less disruptive way of assisting the parent to look after the child, such as by providing available services in the child's own home, is appropriate in the circumstances, and

(b) consider whether the agreement is in the child's best interests.

38 - Under the CFCSA, the Director has powers to intervene and order/require parenting behaviour if and when a child has been determined to be “IN NEED OF PROTECTION.”

39 - The children have not been found to be “in need of protection”. MCFD has not made a “Decision”. MCFD has dragged out the assessment/investigation process interminably and unreasonably and unnecessarily in violation of the parents and children’s Charter right and human rights and the CFCSA. Therefore MCFD has no authority to continue its gross intervention in the life of this family.

40 - MCFD has been “assessing” and/or “investigating” the report since October 4, 2020, for nearly 8 months at this time, and has not found that the children are in need of protection: CFCSA principles: (g) **“decisions relating to children should be made and implemented in a timely manner.”** The children have now spent nearly half of or over a quarter of their lives detained by the government of BC.

41 - The CFCSA requires that MCFD act in a manner that is **“less disruptive”**. It has not. There are other options available including care of the children by their grandmother and/or other family connections. MCFD could post staff in the home rather than removing children from their home. Instead MCFD chooses to separate parents and children despite the CFCSA requirement.

42 - The MCFD claims the children were initially removed and prohibited from being with or seeing their parents at all because of the criminal charges against the parents. This a rationale lacks credibility because the principles of fundamental justice referred to in the Charter of rights and Freedoms include the **“presumption of innocence”**; moreover, **“cruel and unusual punishment” is prohibited under the Charter s.12**. It is “cruel” as well as “unusual” to separate little children from their parents. Moreover, convicted female criminals in BC prisons are allowed to live with their young children in prison due to the fundamental right to “security of person” which includes the attachment needs of children and parents. (Inglis at paras. 10, 647 <https://www.canlii.org/en/bc/bcsc/doc/2013/2013bcsc2309/2013bcsc2309.html>)

43 - Moreover, the separation of the children and extremely limited “visits” have continued long after the criminal charges were dropped.

44 - The length of the separation threatens and severely impacts the attachment of the children to their parents. The actions of the government threaten the short and life-long mental and physical well-being and development of the children, that is their **s. 7 Charter right to life and security of person**. Per the Supreme Court of Canada in K.L.W at para. 72: **“Unnecessary disruptions of [the parent – child] bond by the state have the potential to cause significant trauma to both the parent and the child.”** Even ‘best case’ removals are costly: **“removal may be necessary in some cases, [but] it carries a profound effect on the child and family . . . that cannot be undone.”**

<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1812/index.do>

45 - The children’s attachment to their parents has been grossly interfered with by MCFD. MCFD could have dealt with the report regrading the younger child’s medical concerns without removing both children, and without removing them for so long.

46 - Meeting children’s fundamental attachment needs is essential to their short and long term and life-long and intergenerational mental, emotional, physical well-being. Children are not objects that can be removed and moved and cared for by any willing adult. Their development requires that they be attached to those who care for them. See: the work of Dr Gabor Mate and Dr Gordon Neufeld, etc. The long-term outcome for these children and their children has been put at grave risk by MCFD.

47 - Quotes regarding parent-child attachment by international experts:

Nobel laureate economist Dr. James Heckman, top international expert on cost-benefit analysis of child development programs, in a 2021 interview states emphatically, *“We do want to harvest the powerful force of love and attachment to the child. That is such a powerful force....I wish the family would get back into more of the center of our lives.”*

“Nobody wants to talk about the family, and the family’s the whole story. And it’s the whole story about a lot of social and economic issues.”

“I’m willing to bet that if we really evaluated what the benefits were of a mother working with the child, we’d find rates of return of more like 30 or 40%. But nobody has ever studied it.”

“No public preschool program can provide the environments and the parental love and care of a functioning family and the lifetime benefits that ensue.”

Dr. John Bowlby, founder of attachment theory: *“If we value our children, we must cherish their parents.” “If a community values its children, it must cherish its mothers.”*

Dr. [Urie Bronfenbrenner](#), Head Start co-founder: *“In order to develop normally, a child requires progressively more complex joint activity with one or more adults who have an irrational emotional relationship with the child. Somebody’s got to be crazy about that kid. That’s number one. First, last and always.”*

Dr. Stanley Greenspan, founder of the [Interdisciplinary Council on Developmental and Learning Disorders](#), on children’s *“irreducible needs”*: *“If our society were truly to appreciate the significance of children’s emotional ties throughout the first years of life, it would no longer tolerate children growing up or parents having to struggle in situations which could not possibly nourish healthy growth.”*

Dr. T Barry Brazelton, pediatrician, developer of the Neonatal Behavioral Assessment Scale: *“Every time you give a parent a sense of success or of empowerment, you’re offering it to the baby indirectly. Because*

every time a parent looks at that baby and says 'Oh, you're so wonderful,' that baby just bursts with feeling good about themselves."

48 - Parents' attachment to their children is similarly essential to the stability of the individual, the family, the community, and the nation. This is the lesson that the destruction caused by the Residential School system teaches. MCFD has attempted to destroy this attachment, intentionally and/or in effect. The long-term outcome for these parents has been put at grave risk by MCFD.

49 - In the MCFD Director's lawyers' "brief" for the February 17, 2021 Family Case Conference, the Director takes issue with how the parents conduct themselves in the "virtual" and in-person visits. The Director states that the foster parent was at times "uncomfortable".

50 - Given that the Director has created a completely inhumane situation, one in which the parents and the children and other family members are not just "uncomfortable" but are profoundly traumatized and grievously harmed, punished in a **"cruel and unusual" manner, in violation of s. 12 of the Charter**, for unproven allegations of abuse for which the Director has failed to provide evidence, the Director's criticisms are petty and without any merit, further insult and injure the dignity of the parents, the children, and their other family members and friends, in violation of the **BC Human Rights Act which includes "family status"** as a protected ground.

51 - MCFD has no authority to require/order parents to make any particular arrangements for any child's care unless the child is found to be "in need of protection."

52 - MCFD is not a parenting advisory body that is authorized to tell parents how to raise their children unless a child is found to be "in need of protection".

53 - Parents assessed/investigated by MCFD and/or the police are entitled to great deference as "family" that children are to be raised and cared for by. The parents were not provided with the business cards of the MCFD and police personnel interrogating them, nor were they provided with any information about the process, the possible outcomes, resources to help them, legal issues, etc.

54 - The parents are being illegally harassed and harmed by MCFD personnel who have provided no warrant/order authorizing the breaking up, interrogations, searches, etc. of their family.

55 - The parents have not been afforded any opportunity to contest or question or moderate or formally complain about the actions of the MCFD and police.

56 - To avoid violation of children's right to security of person and the liberty and security of person rights of the parents, and the right of parents and children to be free from "cruel and unusual punishment" and unlawful seizure and unlawful detention, "timely" as in "timely manner" in the CFCSA must be defined in the proper context of children and very young children and family relationships to mean "very prompt" that is "a few days" or in the case of such young children, "a few hours, less than one day."

BC AND CANADIAN HUMAN RIGHTS LAW

57 - The mother and father and children are non-white/south Asian. Both parents are immigrants. Non-white parents and their children are more often targeted by MCFD. This indicates **discrimination based on race, colour, country of origin, ancestry.**

58 - Human rights laws prohibit discrimination in services including government services, including child protection and police services.

59 - Human rights laws prohibit discrimination on grounds that could be applicable in this case: for the children: family status, disability, age, race, ancestry, religion. For the parents: family status, race, ancestry, religion, country of origin, gender expression.

POLICE

60 - MCFD sent 2 RCMP officers to the family home where the mother was with the elder child in order to detain/apprehend the child. This 'scare tactic' action was unnecessary, excessive, harmful, threatening, distressing, traumatizing, etc. and in violation of the child's and the mother's and the father's Charter rights to security of person, liberty, protection from search and seizure and detainment.

61 - MCFD sent a group of uniformed and armed police officers in several police cars to a suburban family home, who publicly handcuffed the parents neither of who has a criminal record. This shows a gross lack of sensitivity, proportionality, and awareness of the Charter rights of the children and the parents and others in the neighbourhood. It lacks any effort to weigh the risks of such an action with the Charter rights of those involved to moderate the police action. It lacks common sense and is a grossly excessive action that is not compliant with the Charter rights of the child and the parents and others. It is excessively dramatic and a waste of scarce public resources. Such actions violate the principles of fundamental justice in their overbreadth and arbitrariness; and further erode the trust in and reputation of the RCMP and MCFD in the eyes of the public.

ADVERSE IMPACTS, HARMS

62 - The action of the person who made the report and the actions of the police and the actions of MCFD personnel have caused a very serious violation of the Charter rights of the parents and of the child. Unfortunately such violations are routine in so-called child protection matters.

63 - The parents' Charter right to **security of person** has been violated. The incident has caused harm including the following adverse impacts: loss of dignity, loss of time, loss of enjoyment of life, trauma, depression, fear, anxiety, grief, stress, loss of sleep, waking up at night, headaches, loss of interest in daily activities, loss of energy, worries about how the foster parents and others treat the children, feeling overwhelmed, loss of autonomy, powerlessness, feeling afraid, upset stomach, worsened gut auto-immune condition, nausea, weight loss, obsession with this issue, reduced ability to concentrate, raised heart rate, loss of trust in government agents and others.

64 - The parents' Charter right to **liberty** and **freedom of association** has been violated as they have had to associate with MCFD and VPD personnel they do not freely choose to associate with.

65 - The parents' and the children's right to freedom from unwarranted **search and seizure** has been violated.

66 - The child's rights to **security of person**, **liberty**, and **freedom from search and seizure** have also been harmed and endangered.

67 - The parents' and the children's right to freedom of expression and association and religion has been violated. They have had their expression and association with each other almost eliminated. They have been forced to associate with MCFD personnel and contractors and RCMP personnel and court/legal personnel whom they do not wish to association with.

68 - The parents were told not to take videos or photos of their children which violates their **Charter s.2 right to freedom of expression**. The parents were threatened by MCFD personnel that if they did take video or photos MCFD would terminate the "visit" and could further limit future visits. Eliminating,

limiting, and further limiting the parents and children's association with each other is a violation of all of their rights to **liberty and freedom of association**. Because the children are too young to associate with their parents independently and/or by phone or letter or email or digital means, this violation of their association rights is especially grievous.

69 - The youngest child will have his first birthday May 27, 2021. In his and his parents' religion, this is a large celebration involving community and family members. The celebration is severely restricted by MCFD in violation of the child's and his parents **Charter s.2 right to freedom of religion**.

70 - The MCFD is not providing its "child protection" services in a manner that accommodates its captive clients' religious practices in accordance with the **BC Human Rights laws regarding the protected ground of religion**.

71 - International human rights agreements protect the family, the parent-child relationship, and the mother-child relationship from excess intervention by state agents such as MCFD:

International legal instruments declare the family to be the "fundamental group unit of society" (see *Universal Declaration of Human Rights*, at Art. 16(3). See also *International Covenant on Economic, Social and Cultural Rights* Art 10(1); *International Covenant on Civil and Political Rights* at Art. 23(1).) and require states to "respect the responsibilities, rights, and duties of parents ... to provide ... direction and guidance" to their children. (see *Convention on the Rights of the Child* at Art. 5.) "The *Charter* should generally be presumed to provide protection at least as great as that afforded by similar provisions in international human rights documents which Canada has ratified." (see 13 *R. v. Hape*, 2007 SCC 26. *Inglis v. British Columbia*, 2013 BCSC 2309.) Recent scholarship, learning from Canada's historical failings, suggests these and other international instruments establish a right of "family integrity" which sees the family as "fundamentally autonomous from" and "entitled to protection from the state". (See *F.(N.) v. S.(H.L.)* (1998), 60 B.C.L.R. (3d) 283 (S.C.) paras. 42-43, aff'd 1999 BCCA 398.)

72 - The MCFD/Director has abused the power it has. **Abuse of power** is an aspect of all of the interactions between MCFD and the family.
