



COURT OF APPEAL FILE NO. CA49675  
R.R. v. Vancouver Aboriginal Child & Family Services Society  
Memorandum of Argument for Leave to Intervene

**COURT OF APPEAL**

BETWEEN:

**R.R.**

**APPELLANT**  
(Respondent)

AND:

**VANCOUVER ABORIGINAL CHILD AND FAMILY SERVICES SOCIETY**

**RESPONDENT**  
(Petitioner)

AND:

**BRITISH COLUMBIA HUMAN RIGHTS TRIBUNAL**

**RESPONDENT**  
(Respondent)

AND:

**ATTORNEY GENERAL OF BRITISH COLUMBIA**

**RESPONDENT**  
(Respondent)

**Publication Ban and Anonymity Order:**

**Pursuant to the inherent jurisdiction of the Supreme Court of British Columbia, on June 20, 2023 Justice Winteringham ordered the following.**

- 1. The publication ban of the British Columbia Human Rights Tribunal in reasons indexed at 2019 BCHRT 269 is continued such that no person shall publish, broadcast, or disseminate any information that would tend to identify the individuals who were involved in the events that were the subject of the Tribunal's ruling, including the mother, her children, other family members, and child protection workers ("the Individuals").**
- 2. The identities of the Individuals shall be anonymized in this proceeding, including in all documents and pleadings filed with the court, except for those materials that have been sealed**

**Sealing Order:**

**Pursuant to the inherent jurisdiction of the Supreme Court of British Columbia, on June 20, 2023 Justice Winteringham ordered the following:**

**1. This file is sealed on the terms below,**

**Access to sealed items permitted by:**

**Counsel of Record for the Petitioner and Respondents; Parties of Record (Petitioner and Respondents only); and further Court Order.**

**Items to be sealed include:**

**Affidavit #1 of B. Ho (to be filed); Affidavit #2 of Erin Kandola (to be filed); Affidavit #3 of Erin Kandola (to be filed).**

**Duration of the sealing order until further order of the Court.**

**Pursuant to the inherent jurisdiction of the Supreme Court of British Columbia, on September 12, 2023 Justice Winteringham amended the June 20, 2023 Order as follows:**

**1. The Interveners shall ensure that any authorized person(s) accessing the sealed materials on the Interveners' behalf is aware of the publication ban and anonymization order dated June 20, 2023.**

**2. The Interveners shall not use the materials filed under seal for any purpose except to participate as interveners in this Petition.**

**3. This file is sealed on the terms below.**

**Access to sealed items permitted by:**

**Counsel of Record for the Petitioner and Respondents; Parties of Record (Petitioner and Respondents only); further Court Orders; and Counsel for the Interveners and the Interveners, Union of British Columbia Indian Chiefs, West Coast Legal Education and Action Fund Association, and Human Rights Commissioner for British Columbia.**

**Items to be sealed include:**

**Affidavit #2 of B. Ho (to be filed); and Affidavit #5 of Erin Kandola (to be filed).**

**Duration of the sealing order until further order of the Court.**

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**MEMORANDUM OF ARGUMENT FOR LEAVE TO INTERVENE**  
**West Coast Legal Education and Action Fund Association**

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## Part 1: Argument

### A. Overview

1. West Coast Legal Education and Action Fund Association (“West Coast LEAF”) seeks leave to intervene in this appeal and cross-appeal from *Vancouver Aboriginal Child and Family Services Society v. R.R.*, 2024 BCSC 97 (“Reasons for Judgment”) pursuant to Rule 61 of the *Court of Appeal Rules*, B.C. Reg. 120/2022.
2. The decision under appeal set aside a decision of the Human Rights Tribunal (“Tribunal”) in which the Tribunal found the Vancouver Aboriginal Child and Family Services Society (“VACFSS”) discriminated against an Indigenous mother, RR, contrary to s. 8 of the *Human Rights Code*, R.S.B.C. 1996, c. 210 [Code].<sup>1</sup>
3. West Coast LEAF intervened in the Tribunal’s proceeding and the judicial review before the chambers judge.
4. West Coast LEAF is a non-profit organization with a long history of advocating for gender equality through litigation, law reform activities, and public legal education. It has done extensive work across its program areas to support families engaged in the child protection system and advocate for child protection reform, with a focus on addressing the overrepresentation of Indigenous families.<sup>2</sup>
5. As the chambers judge acknowledged, this is an important case.<sup>3</sup> It concerns the scope of the Tribunal’s jurisdiction and the proper approach to human rights adjudication in the child protection context – an area of government service provision in which Indigenous people have historically suffered gross violations of their human rights and continue to be overrepresented at staggering rates.
6. These issues engage the legitimate interests and expertise of West Coast LEAF. Many of the grounds cited in the appeal and cross-appeal are directly connected to matters which were the focus of West Coast LEAF’s intervention before the Tribunal

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<sup>1</sup> *R.R. v. Vancouver Aboriginal Child and Family Services Society*, 2022 BCHRT 116 (“Tribunal Decision”)

<sup>2</sup> Affidavit #1 of Rajwant Mangat made on September 19, 2023 (“Mangat Affidavit #1”), at paras. 8 and 16

<sup>3</sup> Reasons for Judgment, para. 6

and the chambers judge. If granted leave to intervene, West Coast LEAF proposes to make the following submissions:

7. First, VACFSS's argument on cross-appeal that the Tribunal lacks jurisdiction entirely (or, alternatively, must always decline jurisdiction) in relation to complaints under the *Code* involving custody and access would limit human rights oversight and remedies in an area where Indigenous people are known to be subject to systemic discrimination.
8. Second, the Tribunal properly considered the discriminatory impacts on Indigenous people of risk assessment practices and "command and control" tactics employed by child protection actors. Doing so did not challenge the validity of any provision of the *Child, Family and Community Services Act*, R.S.B.C. 1996, c. 46 [CFCSA].
9. Third, the Court's analysis of the legal and factual relevance of consent orders under the *CFCSA*, including the applicability of s. 60 where consent is given without adherence to the formal requirements in that provision, must be informed by the context in which these consent orders are made. More specifically, the Court's approach to these interpretive questions must be informed by the judicially recognized power imbalance between the Director and the parent in this context.
10. Finally, the alleged conflict between the safety of RR's children and RR's rights under the *Code* is a red herring. There is no practical or legal conflict between social workers' obligations to protect children's safety under the *CFCSA* and their obligations not to *unjustifiably* discriminate against parents under the *Code*.

## **B. The Appeal**

11. The decision under appeal is a judicial review from a decision of the Tribunal respecting a complaint brought by RR, an Afro-Indigenous woman and an intergenerational survivor of residential school. At the relevant time, she was a single-mother to children with complex needs. In August 2016, VACFSS apprehended RR's four children. VACFSS retained custody over the children and strictly regulated RR's

access to them for nearly three years until they were eventually returned to her through a negotiated resolution.<sup>4</sup>

12. RR filed her discrimination complaint on August 25, 2017. She alleged VACFSS discriminated against her on the basis of race, ancestry, colour, and mental disability contrary to s. 8 of the *Code*.<sup>5</sup>
13. On January 24, 2020, the Tribunal granted West Coast LEAF leave to intervene, noting that West Coast LEAF “has a unique and helpful perspective to bring to the Tribunal” with respect to the social and historical context of the complaint.<sup>6</sup> The Tribunal stated further that “West Coast LEAF approaches the context underlying this complaint from a different perspective from [either VACFSS or RR]” and has “demonstrable expertise in equality and the context of this complaint”.<sup>7</sup>
14. In its final decision dated November 22, 2022, the Tribunal concluded that VACFSS discriminated against RR contrary to s. 8 of the *Code*.<sup>8</sup> The Tribunal held that “VACFSS’s decisions to retain custody and restrict R.R.’s access to her children were informed by stereotypes about her as an Indigenous mother with mental health issues, including trauma, and her conflict with the child welfare system”<sup>9</sup> The Tribunal also found that “[b]ecause of R.R.’s Indigeneity and trauma, she had a heightened need to be empowered and included in decisions respecting her children and to have complete, ongoing, and accurate information about their wellbeing”. VACFSS did not meet these needs. They instead treated RR “with escalating assertions of power and control, reducing and suspending her access to the children, limiting her communication with their caregivers, and ultimately prolonging their time in care”.<sup>10</sup>

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<sup>4</sup> Tribunal Decision, at paras. 3-4

<sup>5</sup> Tribunal Decision, at paras. 4, 135

<sup>6</sup> *RR v. Vancouver Aboriginal Child and Family Services Society (No. 4)*, 2020 BCHRT 22 (“Tribunal Intervention Decision”), at para. 21

<sup>7</sup> Tribunal Intervention Decision, at paras. 21-22

<sup>8</sup> Reasons for Judgment, at para. 4

<sup>9</sup> Tribunal Decision, at para. 8

<sup>10</sup> Tribunal Decision, at para. 8

15. The Tribunal found that none of the adverse impacts on RR could be justified as reasonably necessary to protect RR's children.<sup>11</sup> It ordered VACFSS to pay RR \$150,000 as compensation for injury to her dignity, feelings, and self-respect.
16. VACFSS filed a petition for judicial review of the Tribunal's decision on January 23, 2023. The chambers judge issued a decision in the judicial review on January 22, 2024. In addition to ruling on matters of procedural fairness (upon which West Coast LEAF does not propose to make submissions), he drew *inter alia* the following conclusions.
17. First, the chambers judge rejected VACFSS's argument that the Tribunal lacked jurisdiction to adjudicate RR's complaint because it involved child protection matters within the exclusive jurisdiction of the Provincial Court under the *CFCSA*. He held the Tribunal "was the only adjudicative body possessing jurisdiction to consider RR's claim to be compensated for discrimination suffered by her at the hands of the Society".<sup>12</sup>
18. While the chambers judge agreed with RR that the Tribunal had jurisdiction to hear her complaint, he went on to find that the Tribunal erred in certain aspects of its analysis.
19. The chambers judge found the Tribunal erred in its treatment of the legal effect of the January 18, 2017 consent order granting interim custody of RR's children to the Director. In particular, the chambers judge found that since RR's consent to the order was given verbally (rather than in writing), she was not entitled to the protection in s. 60(5) of the *CFCSA*, which would otherwise provide that her consent to the order was not an admission of any grounds for removal alleged by the Director.<sup>13</sup>
20. The chambers judge also found that the Tribunal erred in considering evidence respecting the discriminatory impacts on Indigenous peoples of certain risk assessment practices and "command and control" tactics used by child protection

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<sup>11</sup> Tribunal Decision, at para. 8

<sup>12</sup> Reasons for Judgment, at para. 97

<sup>13</sup> Reasons for Judgment, at para. 122

agencies.<sup>14</sup> The chambers judge found that the discriminatory effects of these practices could not be scrutinized without challenging the *CFCSA* itself and thus “distracted the Member from the question at hand”.<sup>15</sup>

21. The chambers judge set aside the Tribunal’s decision on the basis of procedural unfairness and legal errors, and remitted the matter to the Tribunal.

### **C. Test for Intervention**

22. The Court has discretion to grant intervener status in two circumstances: (1) the applicant has a direct interest in the outcome of the proceeding; or (2) the applicant has a public interest in a public law issue before the Court and brings a different and useful perspective to that issue that will be of assistance to the Court.<sup>16</sup>

23. West Coast LEAF seeks intervener status on the basis that the appeal and cross-appeal raise public law issues that engage its long-standing interest and expertise promoting the rights and interests of parents and caregivers engaged in the child protection system, and contributing to the development of human rights law consistent with principles of substantive equality.

24. When an applicant seeks intervener status on the public interest ground, the Court considers the following well-known factors:<sup>17</sup>

- a) Does the proposed intervener have a broad representative base?
- b) Does the case legitimately engage the proposed intervener’s interests in the public law issue raised on appeal?
- c) Does the proposed intervener have a unique and different perspective that will assist the Court in the resolution of the issues?
- d) Does the proposed intervener seek to expand the scope of the appeal by raising issues not raised by the parties?

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<sup>14</sup> Reasons for Judgment, at paras. 135-138

<sup>15</sup> Reasons for Judgment, at paras. 138 and 157

<sup>16</sup> *Beaudoin v. British Columbia, (Attorney General)*, 2022 BCCA 66 (“*Beaudoin*”), at para. 10

<sup>17</sup> *Beaudoin*, at para. 11



## **D. The Factors Weigh in Favour of Granting the Application**

### **i. West Coast LEAF has a broad representative base and a legitimate interest in the issues raised in this appeal**

25. West Coast LEAF is a non-profit society incorporated in British Columbia and registered federally as a charity. West Coast LEAF's mandate is to use the law to create an equal and just society for all women and people who experience gender-based discrimination in British Columbia. It is a member-based organization that carries out its work with the support of 381 members and 15 employees.<sup>18</sup>
26. West Coast LEAF takes an intersectional feminist approach to its work. In other words, it engages with the equality interests of women and gender-diverse people along multiple and intersecting axes of marginalization, including Indigeneity, race, immigration status, gender identity, sexual orientation, disability, age, and socioeconomic status. It consults and collaborates with other equality-seeking groups to ensure that its work reflects the diversity of human experience.<sup>19</sup>
27. West Coast LEAF is an experienced intervener before all levels of court, administrative tribunals and inquiries. It has offered a gendered, intersectional perspective to numerous cases of public importance, including cases which address the constitutionality of laws or government actions, discrimination, and/or questions of statutory interpretation. Through its interventions, West Coast LEAF has made meaningful contributions to the development of equality rights jurisprudence and the meaning of substantive equality in Canada.<sup>20</sup>
28. West Coast LEAF has engaged in extensive work across its program areas to support families engaged in the child protection system and advocate for child protection reform, with a particular focus on addressing the overrepresentation of Indigenous families.<sup>21</sup>

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<sup>18</sup> Mangat Affidavit #1, at para. 5

<sup>19</sup> Mangat Affidavit #1, at para. 7

<sup>20</sup> Mangat Affidavit #1, at paras. 10 and 12-15

<sup>21</sup> Mangat Affidavit #1, at para. 16

29. As noted above, West Coast LEAF intervened in both the Tribunal and BCSC proceeding in this case.

30. The forgoing demonstrates West Coast LEAF's legitimate interest in the issues raised in this case, specifically, the scope of the Tribunal's jurisdiction to decide human rights complaints arising in the child protection context, and the proper approach to the adjudication of complaints like RR's in light of intersecting processes of systemic discrimination against Indigenous women in the child protection system.

**ii. West Coast LEAF offers a different and useful perspective to the Court**

31. If granted leave to intervene, West Coast LEAF will focus its submissions on the following issues raised by the parties:

a. Whether the Tribunal has jurisdiction (or alternatively, must always decline jurisdiction) in respect of complaints under the *Code* relating to custody and access decision-making by child protection actors;

b. Whether the Tribunal erred by considering the discriminatory impacts on Indigenous parents of certain risk assessment practices and "command and control" tactics employed by child protection actors;

c. Whether the Tribunal erred in its treatment of the consent order providing interim custody of RR's children to the Director; and

d. Whether there is a practical or legal conflict between social workers' obligations to protect children's safety and wellbeing under the *CFCSA* and their obligations not to *unjustifiably* discriminate against parents under the *Code*.

32. West Coast LEAF proposes to make the following submissions on these issues.

33. First, the Tribunal may validly exercise jurisdiction in respect of human rights complaints related to custody and access decision-making by child protection actors.

When determining the scope of the Tribunal's role in relation to discrimination arising within the child protection system, the Court must consider the historical and social context within which that system is situated. This context includes a history of mass human rights violations against Indigenous parents and children during the '60s

Scoop' and extreme overrepresentation of Indigenous families in the system today.<sup>22</sup> West Coast LEAF will argue that limiting human rights oversight and remedies in an area of government service provision in which Indigenous families are particularly vulnerable to discrimination flies in the face of the purposes of the *Code*<sup>23</sup> and international legal principles in the *United Nations Declaration on the Rights of Indigenous Peoples*.

34. Further, the extreme position of vulnerability from which parents participate in child protection proceedings brought by the Director (discussed further below) undermines VACFSS's argument that those proceedings are a realistic forum in which human rights violations against parents can be adjudicated and remedied.
35. Second, the Tribunal was correct to consider the discriminatory impacts on Indigenous parents of certain risk assessment practices and "command and control" tactics used by child protection agencies. The chambers judge erroneously concluded that the Tribunal should not have criticized these practices because doing so required a challenge to the *CFCSA* itself.<sup>24</sup> This conclusion conflates *tools* or *practices* employed by child protection actors with *statutory requirements* in the *CFCSA* itself.
36. The *CFCSA* requires child protection agencies to assess the risk of various harms to children. It does not, however, require the use of particular risk assessment tools or preclude child protection actors from adapting their risk assessment practices to the unique circumstances of Indigenous families. Indeed, at the relevant time, the *CFCSA* required child protection workers to provide services that are "sensitive to the needs and the cultural, racial and religious heritage of those receiving the services".<sup>25</sup> Similarly, while there is undoubtedly an extreme power imbalance between child protection actors and parents facing separation from their children,<sup>26</sup> the *CFCSA* does

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<sup>22</sup> Tribunal Decision, at paras. 1 and 34-37

<sup>23</sup> *Code*, s. 3

<sup>24</sup> Reasons for Judgment, at paras. 138 and 157

<sup>25</sup> *CFCSA*, s. 3(c); see also ss. 3(b.1) and 3(c.1)

<sup>26</sup> *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, [1999] 3 SCR 46 [Justice L'Heureux-Dube, concurring], at para. 114, cited with approval by the majority in *Winnipeg Child and Family Services v. K.L.W.*, 2000 SCC 48, at para. 72; *Kawartha-Haliburton Children's Aid Society v. MW*, 2019 ONCA 316, at paras. 68-69

not require the use of “command and control” tactics in social workers’ dealings with Indigenous parents like RR.

37. Consistent with the purposes of the *Code*<sup>27</sup> and the jurisprudence respecting the role of systemic evidence in adjudicating individual complaints of discrimination,<sup>28</sup> it was incumbent on the Tribunal to consider how these facially neutral practices can result in unjustified discrimination against Indigenous families. In doing so, the Tribunal did not improperly challenge the validity of any provision of the *CFCSA*.
38. Third, the court’s analysis of the legal and factual relevance of consent orders under the *CFCSA* must be informed by the context in which they are made, specifically, the extreme power imbalance between the Director and the parent.<sup>29</sup> To be clear, West Coast LEAF does *not* argue that this power imbalance undermines the validity of a *CFCSA* consent order as a binding order of the court (and no such finding was made by the Tribunal). The context in which these orders are made is, however, relevant for at least two reasons. First, in light of the extreme power imbalance between the Director and the parent, the court must not expand the legal effect of *CFCSA* consent orders beyond what is necessary to achieve their statutory purpose. Second, this context makes clear that the protections for parents set forth by the Legislature in s. 60 of the *CFCSA* ought to be interpreted generously and in favour of the parent. Discrepancies respecting the form in which consent is given cannot determine whether the parent is taken to admit the Director’s allegations or not.
39. Finally, if granted leave to intervene, West Coast LEAF will address the proposition that in child protection, “[t]he child’s right is pitted against the parent’s right”, rendering the application of human rights protections to parents “awkward” in this context.<sup>30</sup> West Coast LEAF will submit that this alleged conflict of rights is a red herring. While parents’ interests *writ large* are not coextensive with the interests of their children,

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<sup>27</sup> *Code*, s. 3

<sup>28</sup> *Moore v. British Columbia (Education)*, 2012 SCC 61, at paras. 64-65; see also *Ewert v. Canada*, 2018 SCC 30, respecting the potential for risk assessment tools to discriminate against Indigenous people

<sup>29</sup> Tribunal Decision, at paras. 351 and 363

<sup>30</sup> Reasons for Judgment, at para. 134

there is no conflict between the particular rights at stake in this case. That is, there is no practical or legal conflict between social workers' obligations to protect children's safety under the *CFCSA* and their obligations not to *unjustifiably* discriminate against parents under the *Code*. Indeed, subsequent to the events underlying this case, the Legislature amended the *CFCSA* to expressly require child protection actors to deliver services in a manner that prevents discrimination under the *Code* and promotes substantive equality.<sup>31</sup>

40. In proposing these submissions, West Coast LEAF does not seek to expand the scope of the appeal and cross-appeal. West Coast LEAF seeks only to add their unique perspective and expertise on the issues already before the Court.

### **Part 2: Order Sought**

41. West Coast LEAF seeks an order that:

- a. West Coast LEAF be granted leave to intervene in this appeal and the style of cause be amended accordingly;
- b. West Coast LEAF be granted leave to file a factum of up to 10 pages in length;
- c. West Coast LEAF be granted permission to apply to the panel hearing the appeal for leave to present oral argument;
- d. West Coast LEAF be entitled to receive any documents filed by the parties in this proceeding; and
- e. No costs be awarded for or against West Coast LEAF in respect of this application or of the appeal itself.

All of which is respectfully submitted.

Dated at the City of Victoria, Province of British Columbia, this 23 day of September, 2024.




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**Robin J. Gage and Emma Ronsley**  
Solicitors for the Applicant

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<sup>31</sup> *CFCSA*, s. 3(b.1)

### Appendices: List of Authorities

<b>Authorities</b>	<b>Page # in argument</b>	<b>Para # in argument</b>
<b>CASES</b>		
<i>Beaudoin v. British Columbia, (Attorney General)</i> , 2022 BCCA 66	5	22, 24
<i>Ewert v. Canada</i> , 2018 SCC 30	9	37
<i>Kawartha-Haliburton Children’s Aid Society v. MW</i> , 2019 ONCA 316	8	36
<i>Moore v. British Columbia (Education)</i> , 2012 SCC 61	9	37
<i>New Brunswick (Minister of Health and Community Services) v. G. (J.)</i> , [1999] 3 SCR 46	8	36
<i>RR v. Vancouver Aboriginal Child and Family Services Society (No. 4)</i> , 2020 BCHRT 22	3	13
<i>R.R. v. Vancouver Aboriginal Child and Family Services Society</i> , 2022 BCHRT 116	1, 2, 4, 8, 9	2, 11, 12, 14, 15, 33, 38
<i>Vancouver Aboriginal Child and Family Services Society v. R.R.</i> , 2024 BCSC 97	1, 3, 4, 8, 9	1, 14, 17, 19, 20, 35, 39
<i>Winnipeg Child and Family Services v. K.L.W.</i> , 2000 SCC 48	8	36
<b>STATUTORY PROVISIONS</b>		
<i>Child, Family and Community Services Act</i> , R.S.B.C. 1996, c. 46	2, 4, 5, 7, 8, 9, 10	8, 9, 10, 17, 19, 20, 31, 35, 36, 37, 38, 39
<i>Court of Appeal Rules</i> , B.C. Reg. 120/2022	1	1
<i>Human Rights Code</i> , R.S.B.C. 1996, c. 210	1, 2, 3, 7, 8, 9, 10	2, 7, 10, 12, 14, 31, 33, 37, 39
<i>United Nations Declaration on the Rights of Indigenous Peoples</i>	8	33

## Appendices: Enactments

### *Child, Family and Community Services Act,* R.S.B.C. 1996, c. 46

#### Service delivery principles

3 The following principles apply to the provision of services under this Act:

(a) families and children should be informed of the services available to them and encouraged to participate in decisions that affect them;

(b) in the planning and delivery of services to Indigenous children and families, there should be consultation and cooperation with Indigenous peoples and Indigenous governing bodies;

(b.1) services should be planned and provided in ways that prevent discrimination prohibited by the Human Rights Code and that promote substantive equality, respect for rights and culture and, in the case of Indigenous children, cultural continuity;

(c) services should be planned and provided in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services;

(c.1) the impact of residential schools on Indigenous children, families and communities should be considered in the planning and delivery of services to Indigenous children and families;

#### Consent orders

60 (1) With the written consent of the following, the court may, at any time after a presentation hearing, make any custody or supervision order that is provided for in this Part, other than a transfer of custody under section 54.1, but including an order transferring custody of a child under section 54.01 (5) and a continuing custody order:

(a) the director;

(b) the child, if 12 years of age or over;

(c) each parent of the child;

(d) if the child is to be placed for a specified period in the custody of a person other than a director, that person;

(d.1) any person who has been made a party under section 39 (4);

(e) if the child is an Indigenous child, the person who is or would have been entitled under section 38 (1) (c), (c.1), (c.2) or (d) to notice of any protection hearing concerning the child.

(1.1) Despite subsection (1), if a child is in the care of a person other than the child's parent under an agreement made under section 8, the court may, with the written consent

of the persons referred to in subsection (1) of this section, make an order under section 54.01 (5) transferring custody of the child to the person other than the child's parent.

(2) Despite any other provision of this Act, the court may make an order under this section without a hearing, the completion of a hearing or the giving of evidence, but it must be satisfied that each person whose consent is required, other than those mentioned in subsection (1) (a) and (e)

(a) has been advised to consult with independent legal counsel before signing the consent,

(b) understands the nature and consequences of the consent, and

(c) has given voluntary consent to the order sought.

(3) The court may dispense with any consent required under subsections (1) and (6), if the court considers it in the child's best interests to do so.

(4) An order may be made under this section without the court finding that the child needs protection.

(5) A consent by a parent to an order under this section is not an admission by the parent of any grounds alleged by a director for removing the child.

(6) In addition to its powers under subsection (1) and subject to subsection (7), the court may, with the written consent of the parties, make any other order mentioned in this Act, including a transfer of custody under section 54.1.

(7) An order under subsection (6) to transfer custody under section 54.1 must not be made unless

(a) the continuing custody order was made by consent,

(b) the time limit under section 81 (2) in relation to the continuing custody order has expired and no extension under section 81 (8) has been granted, or

(c) all appeals related to the continuing custody order have been heard and the continuing custody order has been upheld.



***Human Rights Code,***  
**R.S.B.C. 1996, c. 210**

Purposes

3 The purposes of this Code are as follows:

- (a) to foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia;
- (b) to promote a climate of understanding and mutual respect where all are equal in dignity and rights;
- (c) to prevent discrimination prohibited by this Code;
- (d) to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this Code;
- (e) to provide a means of redress for those persons who are discriminated against contrary to this Code.
- (f) and (g) [Repealed 2002-62-2.]

Discrimination in accommodation, service and facility

- 8 (1) A person must not, without a bona fide and reasonable justification,
- (a) deny to a person or class of persons any accommodation, service or facility customarily available to the public, or
  - (b) discriminate against a person or class of persons regarding any accommodation, service or facility customarily available to the public

because of the race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or class of persons.

(2) A person does not contravene this section by discriminating

- (a) on the basis of sex, if the discrimination relates to the maintenance of public decency or to the determination of premiums or benefits under contracts of life or health insurance, or
- (b) on the basis of physical or mental disability or age, if the discrimination relates to the determination of premiums or benefits under contracts of life or health insurance.