**Appendix B**

**LEGAL BASIS**

1. Section 102(1) of the *CFCSA* states that where a person contravenes an access order under s. 55 or s. 56 of the *CFCSA*, they commit an offence.
2. A person who commits an offence under s. 102(1) of the *CFCSA* is liable to a fine of up to $10,000 and/or to imprisonment of up to 6 months.
3. The statutory authority to order a penalty against the Director is a means of enforcing or maintaining judicial oversight over an access order, and thus ensuring the best interests of the child who is at the heart of the order.
4. The Provincial Court’s statutory authority to order a penalty can be analogized to its implied authority to make costs awards. Both are a means of enforcing or maintaining judicial oversight over an access order, and thus ensuring the best interests of the child who is at the heart of the order.
5. *British Columbia (Child, Family and Community Service) and. L.M.R. and S.F.*, 2021 BCPC 353, at paras. 40-42 (“*L.M.R.*”).
6. In *L.M.R.*, Judge Mengering observed at para. 41:

The removal of a child from their parents, family, and home is one of the most intrusive things the state can do. In this case, Judge McDermick found that it was not contrary to the best interests of the S.F./L.M.R.’s children to maintain contact with their parents, and accordingly, he made a s. 55 Access Order in favour of the father. Judicial oversight of that order is essential to the court's role in making orders for the protection of children taking into account the children's best interests (*J.R.A.*, para 86). To say that the court does not benefit from an implied authority to [grant costs awards] ignores the interest this society has in protecting children and fostering their relationship with their parents and extended family, even while in the care of the state.

*British Columbia (Child, Family and Community Service) and. L.M.R. and S.F.*, 2021 BCPC 353, at paras. 40-42.