



CASE UPDATE

R.R. V. VANCOUVER ABORIGINAL CHILD AND FAMILY SERVICES SOCIETY, 2025 BCCA 151

In May 2025, the BC Court of Appeal released a landmark decision on discrimination in the child and family services (CFS) context. Key take-aways from the decision include:

1. **Discrimination has no place** in the CFS system: “By inserting itself into the intimate relationship between parent and child, the state takes on the responsibility of doing so without discrimination. Racial or other stereotypes have no place in decisions to intervene. Relying on stereotypes in such decisions, far from being in the best interests of the child, **is in the best interests of no one.**”¹
2. The Court specifically **rejected** the lower court’s conclusion that “good faith” risk assessments cannot be discriminatory, even if they engage stereotypical reasoning. The Court reiterated that “stereotypes should never weigh in risk assessments under the *CFCSA* precisely because stereotypes **lack credibility.**”²
3. There is **no operational conflict** between the *Human Rights Code* and the *CFCSA*, which play “distinct, complementary and harmonious roles” in CFS proceedings. While the *CFCSA*’s purpose is to “protect children,” the *Code* aims to ensure non-discriminatory services. Given that the CFS system disproportionately affects people with protected characteristics under the *Code*—and in particular Indigenous people—the system “needs both.”³
4. The Human Rights Tribunal and Provincial Court have **overlapping jurisdiction** in the CFS context. As explained by the Court, “A shared set of facts...may give rise to two legal issues: was (or, in certain circumstances, is) the person’s child in need of protection? And was the person’s right to be free of discrimination protected in the process? The Provincial Court is empowered to decide the former, the Tribunal the latter.”⁴ The Tribunal’s jurisdiction includes the power to consider the Director’s **discretionary decisions about custody or access.**⁵
5. The Court **rejected** the argument that the *Code*’s operation in CFS proceedings could undermine child safety by hamstringing CFS workers. It observed that while decisions by CFS workers can save a child’s life, “they can also **wreak havoc** in that child’s life, in their parent’s life, in their communities and, for some, in their nations.”⁶
6. While only the Tribunal can order **remedies** for discrimination, the Provincial Court has its own obligation to decide legal issues in *CFCSA* proceedings **in accordance with the Code.** For example, the Provincial Court must ensure during a protection hearing that the Director’s safety concerns about a child were not based on “misguided stereotypes.”⁷

1 Para. 25.

2 Paras. 166-167.

3 Paras. 21-24.

4 Para. 69.

5 Paras. 70-74.

6 Paras. 173-175

7 Paras. 76-77.