

November 12, 2025

To: Hon. Niki Sharma
Deputy Premier, Attorney General
Ministry of Attorney General
PO Box 9044 Stn Prov Govt
Victoria, BC V8W 9E2
Via Email: AG.Minister@gov.bc.ca

Hon. Jodie Wickens
Ministry of Children and Family Development
PO Box 9057 Stn Prov. Govt.
Victoria, BC, V8W 9E2
Via Email: MCF.Minister@gov.bc.ca

CC: Katherine LeReverend
Legal Services Branch
PO Box 9280 Stn Prov Govt
Victoria BC, V8W-9J7
Via Email: Katherine.LeReverend@gov.bc.ca

Dear Attorney General Sharma and Minister Wickens:

Re: Follow up Letter on disclosure practices in CFCSA proceedings

The undersigned lawyers and legal organizations represent and/or advocate for parents and caregivers in child and family services (CFS) proceedings in BC Provincial Court. We write to you to request a meeting to discuss our concerns and recommendations with respect to improving and standardizing disclosure practices in those proceedings. We would also like to share with you the results of a second survey of parent's counsel about their experiences with disclosure practices in different regions of BC. This survey indicates that receiving timely and complete disclosure continues to be an ongoing concern across the province.

This letter is further to our letter of December 2, 2024 (attached), in which we brought to your attention several concerns raised by parent's counsel with respect to inconsistent and inadequate disclosure practices. That letter outlined the results of a previous survey of parent's counsel which West Coast LEAF conducted in 2022-2023. Over 25 parent's counsel participated in that survey and shared experiences from regions of practice including Vancouver Island, Vancouver and the Lower Mainland, the Sunshine Coast, Northern BC, the Okanagan, and the West and East Kootenays. Their concerns included that:

- Policies with respect to disclosure are not available to parent's counsel across BC.
- Disclosure practices and policies are not standardized across BC.
- Parent's counsel do not always receive timely disclosure in advance of collaborative meetings, mediations, case conferences, or contested hearings.
- Parent's counsel do not always receive complete disclosure, even in cases where requests for specific records have been made to Director's counsel.

- Parent's counsel do not always receive ongoing disclosure.
- Not all parent's counsel receive a list of documents which would enable them to assess the comprehensiveness of disclosure.
- Practices related to the redaction of disclosure or explanations for redactions are inconsistent across BC.

On March 10, 2025, we received a response to our letter from Minister Wickens. Minister Wickens advised that Director's counsel have "meaningfully engaged and considered the British Columbia Law Institute's recommendations" on the subject of disclosure and that Director's counsel continue to "monitor developments in jurisprudence and best practices."¹ Minister Wickens also advised that your government continuously considers improvements to how CFS proceedings are conducted through potential changes to training, policy, and legislation.²

In June-August 2025, West Coast LEAF conducted a second survey of parent's counsel across BC to monitor developments with respect to disclosure concerns. Nineteen parent's counsel participated in this survey from regions of practice including Kelowna, Penticton, Vernon, Northwest BC (including Smithers, Terrace, and Hazelton), Vancouver and the Lower Mainland, Vancouver Island, and Powell River.

The findings from this recent survey demonstrate that parent's counsel continue to report inconsistent and inadequate disclosure practices and to observe the harmful impacts of these practices on procedural fairness and access to justice. Below, we outline key findings from our updated survey:

- The majority of survey respondents have observed inconsistencies between Director's counsel or offices' disclosure practices.
- **Timeliness concerns:**
 - Respondents do not always receive timely disclosure in advance of collaborative meetings, mediations, case conferences or contested hearings.
 - With respect to collaborative meetings, mediations, and case conferences, many respondents shared they do not receive disclosure or receive it after the meeting, mediation or case conference has concluded.
 - Many respondents reported they did not receive timely disclosure when a request for disclosure was made to Directors' counsel.
 - Respondents reported receiving substantial amounts of disclosure with insufficient time to review it, including the day before or morning of a proceeding.
- **Completeness concerns:**
 - Some respondents never or rarely receive disclosure of third party or s. 96 public records or find that these records are inconsistently provided.
 - Respondents expressed concern that they may not be receiving complete disclosure and had difficulty confirming if complete disclosure had been provided.
 - Respondents expressed concern that when documents are omitted from disclosure, parent's counsel often never become aware of it.

¹ Letter from Minister Jodie Wickens, Ministry of Children and Family Development, to West Coast LEAF, et al, dated March 10, 2025.

² *Ibid.*

- **Redaction concerns:**
 - Many respondents reported that disclosure is redacted without a clear or sufficient explanation of the basis for the redaction.
 - Some respondents reported that disclosure is at times heavily redacted with only a general explanation provided, not a specific explanation.
- **List of documents and disclosure package concerns:**
 - Many respondents never or rarely receive a list of documents. This undermines their ability to assess the comprehensiveness of disclosure.
 - Even where a list of documents is provided, it is difficult to match the list to the disclosure package if it is disorganized.
 - Some respondents reported that disclosure is often not provided in chronological order, which makes it difficult to coherently review it.

It is critical that procedural fairness and access to justice in CFS proceedings be addressed as a priority, particularly in light of the many findings and reports concerning the overrepresentation of Indigenous children in BC's CFS system.³ In both surveys, parent's counsel have shared how delayed or incomplete disclosure impacts procedural rights and access to justice in the CFS system. Notably, parent's counsel are hindered in their ability to provide effective legal advice and the parties are hindered in their ability to make informed decisions. Parent's counsel shared they do not have enough time to meaningfully review disclosure, request missing disclosure, or discuss disclosure with their client. Parent's counsel also shared that the failure to provide timely and complete disclosure results in parties making decisions throughout the course of a file without access to disclosure.

We once again bring these ongoing concerns to your attention with the objective of collaboratively meeting to discuss existing disclosure practices, what can be done to improve and standardize them, and how our recommendations, as well as those of the British Columbia Law Institute Committee and CBABC, can be implemented.⁴ There is strong interest among survey respondents for strategies that standardize disclosure practices across BC, for example, through the creation of practice directions or guidelines which ensure accountability and consistency.

We are hopeful that parent's counsel and Director's counsel share a common interest in improving and standardizing disclosure practices. While parent's counsel can turn to the courts to address disclosure issues, this is not often a practical or efficient remedy to disclosure issues.

³ "Indigenous resilience, connectedness and reunification from root causes to root solutions: A Report on Indigenous Child Welfare in British Columbia: Final Report of Special Advisor Grand Chief Ed John," 2016, <https://fns.bc.ca/wp-content/uploads/2017/01/Final-Report-of-Grand-Chief-Ed-John-re-Indig-ChildWelfare-in-BC-November-2016.pdf>; West Coast LEAF, "Pathways in a Forest: Indigenous Guidance on Prevention-Based Child Welfare", 2019, <https://westcoastleaf.org/wp-content/uploads/2023/06/WestCoast-LEAF-Pathways-in-a-Forest-web-Sept-17-2019-002-Online-Version-2021-compressed4.pdf>

⁴ British Columbia Law Institute, "Report on Modernizing the Child, Family and Community Service Act," April 2021, pp. 53-60. https://www.bcli.org/wp-content/uploads/2021/05/2021-04-21_BCLI-Report-on-Modernizing-CFCSA-FINAL.pdf; Canadian Bar Association, BC Branch, "Modernizing the Child, Family and Community Service Act: Submitted to the British Columbia Law Institute in response to its Consultation Paper," January 18, 2021, pp.19-20. https://www.cbabc.org/CBAMediaLibrary/cba_bc/pdf/Advocacy/Submissions/CBABC_FLWG_BCLI_Submission_CFCSA_2021-01-18.pdf

The significant nature of the issues in CFS proceedings, the urgency of matters, and the limited time available to parent's counsel on files supported through legal aid, impact parent's counsel's ability to seek adjournments due to delayed disclosure or to bring applications to seek an order for disclosure.

We would appreciate the opportunity to connect with your offices and Director's counsel to discuss strategies to achieve this goal at the earliest opportunity. Please advise Humera Jabir, Staff Lawyer at West Coast LEAF (hjabir@westcoastleaf.org) of your availability for a meeting. Thank you for your prompt attention to this matter.

Sincerely, the undersigned organizations and individuals:

Organizational signatories

West Coast LEAF

West Coast LEAF's office is located in Vancouver on traditional, ancestral, and unceded Coast Salish homelands, including the territories of the xwməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətaʔt/Selilwitulh (Tsleil-Waututh) Nations

Canadian Bar Association, BC Branch (CBABC)

Pivot Legal Society

Rise Women's Legal Centre

Individual signatories

Frances Rosner, Senior Counsel, Child Protection
BC First Nations Justice Council

Robin Havelaar, Lawyer
Tees Kiddle Spencer

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Danielle VanderEnde, Managing Lawyer
Surrey Parents Legal Centre