Citation: ☼ British Columbia (Children and Family Development) v. D.J.D. 2024 BCPC 224

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File No: 16116
Registry: [omitted for publication]

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

IN THE MATTER OF
THE *CHILD FAMILY AND COMMUNITY SERVICE ACT*, R.S.B.C. 1996 c. 46 AND THE CHILD:

M.J.D., born [omitted for publication]

BETWEEN:
DIRECTOR OF MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
APPLICANT

AND:
D.J.D.
PARENT

AND:
K.B.
GUARDIAN

REASONS FOR JUDGMENT AT PRESENTATION HEARING
OF THE
HONOURABLE JUDGE C. SICOTTE

Counsel for the Director:	A. Perello
Counsel for the Parent D.J.D.:	J. Shkooratoff
Counsel for the Guardian K.B.:	J. Connolly
Place of Hearing:	[omitted for publication]
Date of Hearing:	November 14, 2024
Date of Judgment:	November 29, 2024

[1] This decision is centred on the best interests of the child M.J.D., born [omitted for publication] (hereinafter "the child"). The child's mother is L.C.D., born [omitted for publication] (hereinafter "the mother"). The child's father is D.J.D., born [omitted for publication] (hereinafter "the father"). I adopt referencing the family members by their respective roles in this family for ease of anonymizing my judgment; I mean no disrespect to anyone.

[2] This matter comes before me by way of a contested presentation hearing under s. 33.1 of the *Child Family and Community Services Act* (the "*Act*") with the Director seeking an interim order under s. 35(2)(a) that "the child be in the custody of the director" until a protection hearing can be held.

[3] The evidence in this matter comes from the Form A and presentation report filed by the Director on November 7, 2024, and from evidence presented in the accompanying *Family Law Act* ("*FLA"*) matter, [omitted for publication] court file 16115, in which the maternal aunt K.B. applied to be appointed as a guardian of the child.

[4] For the reasons that follow, I conclude that the child should be immediately placed in the interim custody of K.B. under the supervision of the Director.

BACKGROUND

[5] I find the following facts to have been proven based on the evidence I have heard and read. The mother and father married in March 2015. By 2023, the father had completely lost his vision in both eyes. The parents separated on May 5, 2024. The mother filed a priority parenting application on May 10, 2024 in [omitted for publication] court file 15964, alleging that a volatile argument with the father left her fearful and feeling unsafe. She also alleged that after separation, the father restricted her time with the child, preventing her from spending time alone with him. On May 30, 2024, I made an order in that case giving both parents roughly equal parenting time and equal parental responsibilities. I also made some orders addressing the parents' conduct, ordering, among other things, that the parties not say or do anything hostile if the child can see or hear them.

[6] In April and May 2024, the Ministry of Children and Family Development ("MCFD" or the "Ministry") received reports raising concerns about the father's mental health and, being visually impaired, about his ability to care for the [omitted for publication] year-old child. The Ministry investigated the matter and concluded that as the father had much support from his mother W.D., and his sister T.D., the concerns were unsubstantiated. They closed their file.

[7] On November 4, 2024, the mother brought the child to the father's residence to begin his parenting time. Outside the residence and in the presence of the child, the father stabbed the mother to death. The paternal grandfather D.D. was present in the home at the time. The father was taken into custody and charged with murder. The Ministry was called.

[8] Under the authority in s. 30(1) of the *Act*, the Director removed the child alleging that "the child has been, or is likely to be, physically harmed by the child's parent" and "the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care". The Ministry placed the child in a foster home, taking the position that no other less disruptive measures were adequate to protect the child.

[9] On November 6, 2024, the mother's sister K.B. applied to be appointed as a guardian of the child. On November 7, 2024, that application and the Director's application for interim custody of the child came before me. Counsel for the father was present, but the father, in custody at Okanagan Correctional Centre, was not. Both matters were adjourned for one week to allow for a spring order to bring the father before the court and to allow all parties further time to prepare.

[10] On November 14, 2024, with the consent of the Director, the *FLA* guardianship application proceeded first. The father opposed that application by K.B., indicating through counsel that an application for guardianship by someone in his own family would soon be filed. Counsel for the Director did not oppose K.B.'s application for guardianship. I gave oral Reasons for Judgment on November 14, 2024, on [omitted for publication] court file 16115, granting K.B.'s application to be appointed as an interim guardian of the child.

PRESENTATION HEARING

[11] Immediately following that ruling, the *Child, Family and Community Service Act* ("*CFCSA*" or the "*Act*") presentation hearing was heard. The father supported the Director's application for interim custody of the child, while K.B. opposed the Director's application and sought to have the child placed immediately in the care of K.B.

[12] Neither guardian sought to cross-examine any social workers and no *viva voce* evidence was called. The matter was argued on the basis of the documents filed and the affidavits contained in the accompanying *FLA* matter.

[13] I note that the definition of "parent" in the *Act* includes "a person to whom guardianship . . . has been granted . . ." The *Act* also states "'custody' includes care and guardianship of a child".

[14] Section 30(1) of the *Act* reads as follows:

> **Removal of a child**
>
> **30** (1) A director may, without a court order, remove a child if the director has reasonable grounds to believe that the child needs protection and that
>
> (a) the child's health or safety is in immediate danger, or
>
> (b) no other less disruptive measure that is available is adequate to protect the child.

[15] Section 13 of the *Act* reads in part:

> **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;
>
> . . .
>
> (e) if the child is emotionally harmed by
>
> (i) the parent's conduct, or
>
> . . .

> (h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
>
> . . .

[16] The Honourable Judge MacCarthy in *British Columbia (Director of Child, Family and Community Service) v. H.D.C.*, 2020 BCPC 214 ("*H.D.C.*"), at paras. 7-21, describes the nature of a presentation hearing as follows:

> [7] I must instruct myself that s. 33.3 of the *Act* provides that:
>
> > A presentation hearing is a summary hearing and must be concluded as soon as possible.
>
> [8] I must be very mindful that the procedure for a presentation hearing is different from that of protection hearing (see *British Columbia (Director of Child, Family and Community Service) v. M.C.*, [2017] B.C.J. No. 2259, 2017 BCPC 327, at para. 34). In support of that principle, the Honourable Judge W.F.M. Jackson at para. 34 further notes as follows:
>
> > Paragraph 15 of *B.S.R. v. The Director*, 2016 BCSC 1369 states, "At the presentation stage, the issue is not whether the child needs to have protection and no such finding is required (citing *BR v. KK*, 2015 BCSC 1658).
>
> [9] Our Court of Appeal in *B.(B.) v. British Columbia (Director of Child, Family and Community Service)*, 2005 BCCA 46, [2005] B.C.J. No. 124, provides further guidance regarding a presentation hearing (see specifically at pars. 12 to18), which guidance may be summarized in the following manner.
>
> [10] The issue at a presentation hearing is not whether the child is in need of protection. The presentation hearing is designed to ensure that a child is not arbitrarily taken into care. It is to be begin "no later than seven days after the day a child is removed" (see s. 34(1) of the *Act*).
>
> [11] At the presentation hearing, the Director is required to provide a written report that includes the circumstances causing the removal of the child, an interim plan of care for the child, and information about any less disruptive measures the Director considered before removing the child.
>
> [12] The essential issue that the court must deal with is: what is the best way to care for the child subject of the removal until there can be a full and complete examination at the protection hearing stage?
>
> [13] The *Act* prescribes a two-stage procedure for the presentation hearing. The first stage deals with whether the removal was justified under the *Act*; that is, were there reasonable grounds to believe that the child

needed protection, was there immediate danger to the child's health or safety, and were there less disruptive measures available? If the court concludes that the removal was not justified (and hence arbitrary), then the child must be returned to the parents.

[14] If removal was justified, then at the second stage the court considers the best way to care for the child pending the protection hearing (see *R. v. M.S.*, [1998] B.C.J. No. 2204 (QL) (B.C. Prov. Ct.)). The court must be satisfied that there continues to be objectively reasonable grounds to believe the child is at risk of harm (see *British Columbia (Director of Child, Family and Community Services) v. L.(G.M.)*, 2014 BCPC 284).

[15] I must further instruct myself that the presentation hearing provides a hearing for both the parents and the Director. Viva voce evidence may be presented and there is a right of cross-examination, although the presentation of the evidence must be brief. Earlier decisions under the *Act* which had effectively denied a hearing to the parents have not been followed by later Supreme Court decisions.

[16] The Director need only establish a *prima facie* case at the presentation hearing stage as to the appropriate interim custody order. Any conflict in the evidence on this issue is resolved in favour of the Director unless the facts that the Director seeks to establish are manifestly wrong, untrue, or unlikely to have occurred (see *B.B. v. British Columbia (Director of Child, Family and Community Services)*, supra).

[17] The court's function at this stage is not to make findings of credibility. Conflicting facts are left to a full determination at the protection hearing (see *British Columbia (Director of Child, Family and Community Services) v. F.(R.)*; see Re: J.(A), 1997 Civ. L.D. 296 (B.C. Prov. Court); *British Columbia (*Director of Child, Family and Community Services v. Schneider appealed on other grounds; [1996] B.C.J. No. 2387 (QL) (S.C.), leave to appeal refused; 1996 CanLII 2251 (BCCA); and see *B.B. v. British Columbia (Director of Child, Family and Community Services)*).

[18] I must further instruct myself that in assessing the evidence and whether it suggests a risk of harm to the child, the test is much lower than a balance of probabilities (see *T.(K.M.) v. T.(J.D.),* [1999] B.C.J. No. 822 (QL) (B.C. Prov. Ct.)).

[19] *British Columbia (Director of Child, Family and Community Services Act) v. H.(M.)*, 2008 BCSC 701, held that a judge presiding at a presentation hearing may order interim custody to the Director if satisfied:

> One:
>
> At the time of removal, there were objectively reasonable grounds to believe that the child was then in need of protection, and that either the child's health or safety was in immediate danger, or no other less disruptive measure that was available was adequate to protect the child;

> Two:
>
> At the time of the presentation hearing, there continued to be objectively reasonable grounds for believing that the two essential elements required by s. 30(1) continue to exist; and
>
> Three:
>
> In the opinion of the judge, the degree or extent of the risk that a child will be harmed if returned to the parent is of sufficient magnitude to require that the child be kept in the interim custody of the Director, pending a protection hearing.

[20] I must further direct myself that the court must be sure to review whether there are no less disruptive measures when considering whether to make an interim custody order (see *British Columbia (Director of Child, Family and Community Services) v. S.(L.D.)*, 2018 BCPC 6 (CanLII), 2018, B.C.P.C. 6). That case stands for the proposition that a court may find that the Director has not been "active and diligent" in attempting to find alternatives to removal.

[21] In addition, I must further instruct myself that orders that may be made at the presentation hearing's conclusion may be as follows:

1) an interim custody order in favour of the Director (see s. 35(2)(a)); or
2) an interim order that the child be returned to or remain with the parent apparently entitled to custody under the supervision of the Director (see s. 35(2)(b)); or
3) an order that the child be returned to or remain with the parent apparently entitled to custody (see s. 35(2)(c)); or
4) an interim order that the child be placed in the custody of a person other than a parent with the consent of the other person under the Director's supervision (see s. 35(2)(d)).

AT REMOVAL

[17] At the time the child was taken into care, were there objectively reasonable grounds to believe the child was in need of protection and that the child's health or safety was in immediate danger, or no other less disruptive measure was available to protect the child?

[18] On page 2 of the Form A filed in this matter, social worker Angel Anthony described the circumstances that caused the Director to remove the child. I summarize part of what is written there as follows:

> A confidential reporter with first-hand knowledge advised that in the morning of November 4, 2024, the mother was taking the child to the father for the start of the father's parenting time. The father waited on the steps outside the house while D.D. was inside. When the mother and child entered the front yard, the father struck the mother with a knife. The child was standing on the lawn beside his parents during the assault. When D.D. realized what was happening, he grabbed the child and brought him inside. The mother passed away and the father was taken into custody by the police and was charged with second-degree murder.
>
> The father is the only living guardian for the child. At this time it was determined there were no less disruptive measures and removed the child from the father's care. On November 4, 2024 at 5:00 p.m. the child came into the Director's care.

[19] More detailed circumstances around the initial removal are before the court through the affidavits filed in the *FLA* proceeding. Very shortly after the death of the mother, the child went from the physical care of the father, to the care of W.D., then T.D., and finally back to W.D.

[20] W.D., in her affidavit, described arriving at the [omitted for publication] home to find the child inside the house with the father while D.D. was outside with the dead or dying mother. The police arrived and ordered W.D. out of the house and she took the child with her out onto the sidewalk. T.D. arrived and took the child and left the [omitted for publication] house, but soon thereafter called W.D. who went and took control of the child again.

[21] K.B., in her affidavit, described speaking with social workers later that same day who told her that the child was with the paternal family. K.B. seriously questioned this and was later advised by a social worker that the child would be placed in foster care.

[22] In *H.D.C.*, at para. 18, Judge MacCarthy stated that:

> [18] . . . in assessing the evidence and whether it suggests a risk of harm to the child, the test is much lower than a balance of probabilities . . .

[23] At the time of the initial removal, the Director made a decision under extremely serious circumstances where many of the surrounding and potentially significant details were, in all likelihood, as yet unknown. Was the father to remain in custody, or to be released back to the care of D.D. and W.D.? What prior knowledge, if any, did members of the paternal family have regarding the level of animosity felt by the father towards the mother? What was going to be said to the child about what had taken place? Who would convey that information? What was the nature of the relationship between the child and K.B.?

[24] In light of the summary nature of a presentation hearing and the low standard of proof required, I conclude that the child was not arbitrarily taken into care. There were objectively reasonable grounds to believe the child was in need of protection. His father was in no position to care for him and had made no provision for his care other than perhaps, while under arrest, granting T.D. permission to take the child to her home in [omitted for publication]. Further, it is impossible this early to quantify the emotional harm suffered by the child from witnessing at close quarters the bloody killing of his mother at the hands of his father. I note, however, that while I conclude this is a significant concern, the Director did not rely on it as one of the grounds for removal. The Director did rely on the likelihood of the child being physically harmed by the father. I conclude this is somewhat more remote but not impossible should the father be released on bail or the criminal charges be dropped.

[25] The Director, having concluded that there were reasonable grounds to believe the child was in need of protection, has not asserted in the presentation report that the child's health or safety was in immediate danger; rather, the Director asserts that no measures less disruptive than removal were available that would adequately protect the child.

[26] Again, in light of the number of serious questions facing the Director regarding both sides of the family at the time of removal, I conclude that the Director has met the onus of providing sufficient evidence that at that time, no less disruptive measures were available that were adequate to protect the child.

AT THE TIME OF THE PRESENTATION HEARING

[27] In *British Columbia (Director of Child, Family and Community Services Act) v. H.(M.)*, 2008 BCSC 701 ("*H.M.*") quoted at para. 19 in *H.D.C.* above, the court set out the next question for a trial judge to address at a presentation hearing as being whether, "at the time of the presentation hearing, there continued to be objectively reasonable grounds for believing that the two essential elements required by s. 30(1) of the *Act* continue to exist". In other words, have my conclusions regarding the objectively reasonable grounds at the time of removal changed between removal and the conclusion of the presentation hearing?

[28] My conclusions regarding the reasonableness of the original removal are to a large extent based upon the Director's lack of information in the immediate aftermath of the most serious of incidents of intimate partner violence. By the end of the presentation hearing, while there are still many unanswered questions, more information is available to the Director and to the court. Is a different conclusion warranted? Is there still an objectively reasonable basis to believe the child is in need of protection?

[29] Director's counsel, in written submissions, references *H.D.C.* above, stating:

> This situation requires the Court to consider the longer term well-being of the child within all the complexities that exist in this matter—as the process to make a permanent decision can proceed (as set out in para 12 of the above case—what is the best way to care for the child until there can be a full and complete examination.)

[30] Counsel for the Director submits that while the short-term least disruptive position from the child's perspective would be to reside with the paternal grandparents who almost always assisted the father with his parenting time, such a placement may be putting the child at physical and emotional risk. Director's counsel submits further that while K.B. is a newly-appointed guardian available and willing to take the child, the child is not yet close to K.B. who lives hours away from the child's usual friends and activities. Counsel submits that not only is this not the least disruptive from the child's point of view, but also that the child may be at risk of emotional harm if residing with K.B.

[31] I note that on the Form A, the Director has suggested that both the maternal and paternal extended families have visits with the child in a structured setting, supervised at the discretion of the Director. I understand from submissions this is already happening to some extent. Director's counsel in both oral and written submissions references the problem of the very strong feelings – animosity even – between the maternal and paternal families that make placement with one side of the family a significant risk of resulting in alienation of the other side of the family. The Director asserts that "This young child needs neutral caregiving in the interim."

[32] I am significantly concerned about the potential length of any interim period. It is highly unlikely that the two sides of the family will reconcile in the short term, if ever. Family members from at least the paternal side of the family are likely witnesses in the criminal investigation and trial which could take years to complete. W.D. refers to the killing of the mother by the father as "the tragic incident" and ". . . a horrible incident occurred which resulted in [the mother] succumbing to her injuries . . ." No affidavit from D.D. was filed, though he was the only other adult person present when the mother was killed. The reality of the criminal proceedings will likely loom large over the paternal family for an extended period of time.

[33] On November 27, 2024, the paternal aunt T.D. filed an application in [omitted for publication] *FLA* file 16128 to be added as a guardian to the child. Counsel for the father then submitted further written submissions arguing that this should be taken into account as a factor impacting any decision at the presentation hearing. I disagree. At best, this new application will lead to further adjournments for K.B., and perhaps the Director to respond and file material. Whether T.D. will ultimately be successful with her application is also not a certainty. The decision at the presentation hearing stage could be delayed perpetually based on new developments, new applications being made, or other individuals applying to be added as parties. The parties before me were given until November 22, 2024 to present further material or arguments. While I have been informed of and briefly considered this new material submitted on November 27, ultimately, I do not conclude that it changes my overall assessment of matters at this stage.

[34] I agree with counsel for the Director that placement with any member of the paternal family risks at least future emotional and psychological harm to the child. Also, should the father be released from custody, what would that look like in terms of his residence with his family or parenting time with the child? The long-term concerns are more than objectively reasonable. They are serious and perhaps even likely.

[35] My deliberations on this matter are also guided by the principles emphasized in s. 2 of the *Act*, which reads in part:

> **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;
>
> . . .
>
> (c) if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided;
>
> . . .
>
> (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] Section 37(2) of the *Act* directs that a protection hearing must commence within 45 days of the completion of the presentation hearing, and the hearing must be concluded as soon as possible. The reality of the time to completion of protection hearings, however, in this jurisdiction and in most others is far longer than s. 37 would seem to indicate. The protection hearing in this case is likely to be hotly-contested and, as such, could easily take at least six months to complete, or even in excess of a year.

[37] The Honourable Judge Flewelling in *British Columbia (Director of Child, Family and Community Service) v. D.R.*, 2021 BCPC 152, at para. 42, considered this same delay factor at a contested presentation hearing. She wrote:

> [42] I am mindful that the focus at this stage, is to determine what measures are required to ensure B.L's. health, safety and well-being pending a protection hearing. It is very common in many jurisdiction [sic] to commence a protection hearing to comply with the *Act* but then adjourn the hearing for several months. The most common reason for the delay is to allow parents to work with social workers and participate in counselling or other support services with a view to returning the child. Another reason is that a delay provides time for the parties to organize the case they are required to meet, including locating and preparing witnesses for a contested hearing or trial. The reality is that once an order is made at a presentation hearing, it can be months, and even years, before a protection hearing is concluded.

[38] With this child being so young, s. 45 of the *Act* sets the maximum period of interim custody with the Director at one year, barring court-ordered extensions.

[39] K.B. is now a "parent" to this child. Is there evidence before me of an objectively reasonable basis to believe the child will be emotionally harmed in the care of K.B.? The Director mentions that the child does not have a particularly close relationship with K.B. While this is something to be considered, it must be contrasted with the Director placing the child in foster care with someone who had absolutely no relationship with the child only a few days ago.

[40] While the law is clear that at a presentation hearing the court must decide conflicting facts in favour of the Director, as Justice Halfyard mentions in *British Columbia (Director of Child, Family & Community Service) v. M.H.*, 2008 BCSC 701, at paras. 29 and 30, the court is not bound to draw from circumstantial facts only those inferences that favour the position taken by the Director.

[41] The Director argues that placement with K.B. would involve the child relocating hours from [omitted for publication] where the child has current professional and family connections. Relocating the child away from [omitted for publication] may also serve to relocate the child far from anything that may trigger recalling the horrible incident he so

recently observed. Other municipalities have professionals who can assist the child, and K.B. is especially well qualified to connect with those professionals.

[42] K.B. is vice principal of a secondary school and currently employed as acting principal of an elementary school. She has a Bachelor of Education degree, a Special Education degree, and a Master's degree in Education Leadership. She lives with her partner in a large home with a room ready for the child. She has direct professional experience working with children who have experienced trauma, and she routinely deals with child and youth mental-health support workers. She also works with counsellors who assist youth exposed to domestic violence.

[43] K.B. is also aware of and committed to maintaining the connections that are important to the child. She states at para. 67 of her affidavit:

> I know this is not going to be easy and I am fully prepared and committed to [the child] and his well-being.

[44] At para. 75 she states:

> I understand that [the child] needs to continue to foster all of his relationships including with [the paternal family]. I will look to the professionals including the MCFD social workers for guidance and support on this.

[45] The Director also argues that placement with K.B. as a temporary solution may result in yet another displacement of the child should a different order be made following a protection hearing. The possibility of another placement change following a protection hearing, or following other *FLA* guardianship applications by the paternal family, is something that will need to be addressed when the time comes. A months' or years' long regime of limited supervised visits with K.B. in the interim, however, greatly hinders the process of this child forming a close bond with his currently only available parent, particularly given the distance K.B. must travel to attend those visits in [omitted for publication]. Also, meaning no disrespect to the Director or the foster placement, this child has only resided in that home for a few days and there is no suggestion from the Director that permanent placement in foster care is the long-term goal. The principles in

ss. b, c, e and g of s. 2 of the *Act*, set out above, all weigh in favour of placing the child with family, both in the short and long term. This child has suddenly lost both his mother and, in many ways, his father. He needs a new life, a new norm, a new stability, sooner rather than later. Residing in a new town is equally likely to assist in that process, as opposed to hinder it.

[46] Finally, the Director at least implies that K.B.'s bitterness towards the paternal family may lead to emotional harm to the child.

[47] The animus between the maternal and paternal families cannot be ignored. It was evident in the full gallery of the courtroom and in the affidavit material filed in the *FLA* application. The paternal family put into evidence many allegations and text messages displaying a certain level of conflict between the mother and K.B. All of that evidence, however, predates the mother's separation from the father. K.B. explained in her affidavit that she was not supportive of the mother's relationship with the father from as early as 2014 due to what she thought was controlling, aggressive, and manipulative behaviour by the father. K.B. described offering to help the mother leave the father in 2017. K.B. provided evidence that following the mother and father's separation, she had a good and supportive relationship with the mother and significantly more contact with the child.

[48] K.B. does not say that she bears no animus towards the paternal family. That would be unrealistic and patently false. Her sister was very recently brutally slain by the father while apparently supervised to some extent by the paternal family. However, K.B. is also a very well educated and trained professional, used to playing a neutral role in the school setting where these courts frequently hear about family conflict being played out. With a supervisory role being played by the Director, I am hopeful that the child's exposure to the friction between the families can be minimized.

[49] I conclude that while the Director's initial removal of the child was justified, the Director has failed to meet even the relatively low burden of providing evidence of an objectively reasonable ground for believing the child would be in need of protection in the care of K.B. It is not objectively reasonable to conclude the child's health or safety

would be in danger in K.B.'s care. I conclude that in contrast to giving interim custody to the Director, immediate placement with K.B. is a less disruptive measure even on an interim basis and certainly more so over the medium and long term. In light of the volatile circumstances bringing this child into care initially, I conclude that a supervision order under s. 35(2)(b) is warranted.

[50] Therefore, pursuant to s. 35(2)(b) I make the following orders:

[51] The child be placed in the custody of K.B. under the Director's supervision with the following terms and conditions:

1. K.B. will facilitate the paternal family having visits with the child in a structured setting supervised as arranged by and at the discretion of the Director;
2. K.B. will allow the Director direct and private access to the child, whether scheduled in advance or not, as often as the Director deems necessary to ensure the safety and well-being of the child;
3. K.B. will consult with the Director about, and keep the Director advised of, all therapy and counselling involving the child.

_____

The Honourable Judge C. Sicotte
Provincial Court of British Columbia