We first wish to draw the attention of the court that there has been serious non-compliance with various sections of the *Child, Family and Community Service Act,* which need to be rectified immediately. We draw the court's attention to the following sections:

Section 2(b)

A family is the preferred enviroment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents.

Section 2(d)

The child's views should be taken into account when decisions relating to a child are made.

Section 2(e)

Kinship ties and a child's attachment to the extended family should be preserved if possible.

Section 2(g)

Decisions relating to children should be made and implemented in a timely manner.

Section 3(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 services.

Section 37(1)

At the conclusion of a presentation hearing under **Section 35(2)** or **36(2)** the court must set the earliest possible date for a hearing to determine if the child meeds protection.

Section 37(2)

The date set under subsection (1) for commencing the hearing must not be more than 45 days after the conclusion of the presentation hearing and the hearing must be concluded as soon as possible.

Section 38(1)

At least ten days before the date set for a hearing, notice of the time, date and place of the hearing must be served **(b)** on each parent

Section 38(2)

The notice must specify the orders the director intends to request and include a copy of any plan of care the director intends to present to the court...

In our case our children were removed on October 22, 2007. It is now 19 months since our children were removed. So far there has been no protection hearing and we have received no written notice as required stating what order if any the Director intends to seek. The only order made so far is an iterim order under **Section 35(2)(a)** made at the delayed presentation hearing of December 14th, 2007.

We draw your attention to **Section 43(a)** under temporary custody orders, where it states if a temporary order is made, the term of the order must nor exceed three months if the child or the youngest cild who is the subject of the hearing is under five years of age when the order is made. All of our chidren fall under this caregory. We also draw your attention to **Section 45,** which restricts the total time in care under a temporary order to 12 months for children under five.

Section 45(1)

The total period during which a child is in the temporary custody of a director or a person other than the child's parent must not exceed from the date of the initial order until the child is returned to the parent ot a continuing custody order is made

(a) 12 months, if the child or the youngest child who was the subject of the initial order was under five years of age on the date of that order.

Because our children have been held under an interim order for nineteen months the need for reviews by the court have been evaded and they have been denied the protections under **Section 43** and **45.** This also leads us to again point out that under **Section 4(1)(b)** the child's physical and emotional needs and level of development, **Section 4(1)(c)** the importance of continuity in the child's care, **Section 4(d)** the quality of the relationship the child has with a parent or other person and the effect of maintaining that relationship, **Section 4(1)(e)** the child's cultural, racial, linguistic and ***religious heritage***, **Section 4(1)(f)** the child's views and **Section 4(g)** The effect on the child if there is delay in making a decision, that the best interests of the children have been harmed, because there have been undue delays and too many changes of caregiver.

Many of the legnthy delays have been caused by the Ministry because the Ministry has blocked disclosure of the case they intend to present. One important document obtained

under disclosure reveals why. It is because they have no evidence to present. A letter dated *July 14, 2008* from a ***Mr. John Fitzsimmons*** of the Ministry to the Minsitry counsel, ***Mr. Finn Jensen*** asknowledges a communication from counsel giving the opinion that there is no evidence to present to show that our boys need protection and no new evidence has arisen. The only reason given for removing our boys from the home of their grandparents was the false allegation that they had lost control based on our involvment in a media interview, but there was no attempt to show how this constituted a need for protection. This certainly would not rebut their own counsel's advice to return our children for lack of evidence. There was a discussion about the medical evidence on our daughter and it was acknowledged that there was no clarity of evidence, because several medical experts disagree with each other. None of this evidence has been disclosed. On the other hand we do have medical diagnosis from nine medical specialists which rebut the Minsitry's alleged diagnosis. We have filed a copy of the letter from ***John Fitzsimmons*** for the record.

We draw the attention of the court to the intention of the Act and to the principles set out in **Sections 2, 3, 4** and also to the principles described in **Section 71.** The placement priority under **Section 71(2)** was originally followed when our two boys were placed with their maternal Grandparents in *October 2007*. We were living with our two boys in the Grandparents home in a supervised setting until our boys were abruptly and forcibly removed on *June 12. 2008*. This move was not simply moving our children from one foster home to another. This was moving our children from a defined high priority resource to an unstable one. They were placed at a home in Aggasiz, but removed from there in *December 2009,* apparantely because the care was not satisfactory. They were placed at a home in Yarrow, but again moved from there to a home in Surrey from *February 2009* to date. Our boys have been in three different homes in the last ten months. This disruption of continuity of care, breach of **Section 71** and of the principles under **Sections 2,3** and **4,** which took place with the removal from the Grandparents care were so unjustifiable as to constitute a gross abuse of authority. The director completely failed to give any evidence to show why the guidelines of relative care, continuity of care and stability of care should be flouted. These action also make a strong case that the Director and his staff are very poor caregivers. The Ministry offered no evidence to support such disruptive behavior as demonstrated in the John Fitzsimmon letter.

It is clearly the intention of the Act to expediate matters regarding young children as quickly as possible in order to minimize harm to them and that stable life plans can be made for them. Those stable life plans under the above Sections are always preferbly with their own parents unless there is compelling evidence to the contrary. Bearing in mind **Section 45,** we insist that the time for further temporary orders is long past and

we strongly object to further adjournments. The letter from ***John Fitzsimmons*** clearly shows that they have no evidence at all to warrant keeping our sons in care and the evidence about our daughter is much in dispute and far from convincing. We therefore ask the court to rescind the interim order immediately and to return all our children to us.