

January 28 2015

Acting Inspector Hahn  
Hamilton Police Services  
Hamilton Courthouse  
Email: shahn@hamiltonpolice.on.ca

RE: Court Rules Fetus is Child

Dear Inspector Hahn:

When the Police are enforcing the law I believe they must apply the most current Court Orders/Ruling/findings that relate to the Criminal Code. This letter concerns such a matter.

Let me explain:

On April 1 2014 I went to a hearing that was scheduled to be held under the Child and Family Services Act (CFSA) section III, "Child Protection". I went as an acquaintance was there to represent a couple where the woman was pregnant. Section III is used when there is a child that may be deemed in need of protection. Section III of the Act also effectively excludes anyone other than the parties and their representative being present. I was not a party nor a representative and I sat in the gallery of the hearing room.

The Honourable Justice Chappel, upon seeing me in the gallery, asserted that I had to leave due to the proceeding being a child protection proceeding under section III. I politely objected and asserted it was not a child protection proceeding as there was no child that was the subject of protection.

The Honourable Justice Chappel, in what I understand to be quite an extraordinary and very uncommon move, invited me to the front of the court to speak for the record on the matter of there not being a child. You see the nature of the Child Protection Proceeding was for the CAS to protect the fetus that the woman was carrying.

My summation to the Judge was based upon the Criminal code specifically section 223

### **When child becomes human being**

- **223. (1)** A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother, whether or not

- (a) it has breathed;
- (b) it has an independent circulation; or
- (c) the navel string is severed.

I argued that Canadian law did not recognize a fetus as a human being and that as such it did not have rights as a human and was not a child. I argued that as the object in question was not a child it was impossible for there to be a child protection hearing to protect it. I argued I was therefore allowed to stay as it was impossible it was a child protection proceeding due to the object that was to be protected was a fetus not a child.

The Honourable Justice Chappel considered this argument and recessed and came back with her decision.

The Judge after being made aware of the Criminal code regarding what constitutes a child nonetheless effectively ruled that the fetus is a child and subsequently ruled, based on her finding a fetus is a child, ruled it was a child protection proceeding under section III of the CFSA. The Judge also ruled that despite it being a section III proceeding I was allowed to stay as an observer in the hearing.

As I understand it the Police are obligated to prevent children being killed. As the Court has now ruled a fetus is a child and the Police are duty bound to protect the killing of children I trust you will take under consideration whether or not the Police should, at a minimum, alert the Hospitals that carry out abortions that the Court has ruled a fetus is a child.

As I understand it, the Police have discretion about laying charges when people kill what the Court has defined as children. Should a doctor at a hospital kill what the Honourable Justice Chappel has determined is a person (i.e a fetus) I think it will be very interesting how the Police exercise their discretion.

As I trust the Police are aware rulings/court orders are in effect until overturned and as I understand it this ruling/court order has not been overturned hence is valid.

As a caveat I must advise you that I am going from memory regarding this. Subsequent to the ruling I strived to obtain from the Court Registrar either a copy of the hand written ruling and/or the transcript. The Ministry of the Attorney General has not provided me with either despite my requesting as such and offering to pay. The Ministry has gone so far as to not even provide an anonymized version of the ruling despite as I understand their staff being more than capable of producing an anonymized version and therefore protecting the identity of all those involved.

This ruling will also have huge ramifications for Family Court for it means that pregnant females will have excellent grounds to seek child support from the moment conception occurs. The

Honourable Justice Chappel has effectively ruled that once conception occurs that represents a child. Bearing such factors in mind I think it is imperative that this ruling be brought out in the open so the public can start to follow the most current law of the land which the Honourable Justice Chapel has just created. I trust the Police want to assist in helping children get child support not use their power to stifle this.

Those going into family court should not be obstructed from access to this ruling hence obstructed from access to Justice. To reiterate this ruling will assist many pregnant females in obtaining child support for the duration of their pregnancy should they seek as such.

Even if the Judge's ruling is controversial and may not mesh with fundamental beliefs many Canadians have, the law nonetheless should not be hidden from the public. As Justice Chappels finding is now law it must not be hidden.

I trust the Police recognize Judicial rulings and will respect the fact the Court has deemed fetuses are children and act accordingly.

Please let me know if the Police will be alerting those who engage in killing those whom the court has deemed are children. In the alternative please inform me if the Police will use their discretion to keep this court decision hidden from those who kill those the court has deemed are children.

In my opinion the Police should use their authority to protect children not use their silence to let those whom the court has deemed are children be killed.

Please send your reply to my email address of [dfroom@yahoo.com](mailto:dfroom@yahoo.com).

Yours truly,

David Froom

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