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# Legislative Assembly of Ontario

# Debates Bill 133

## February 25, 2009-03-22 FAMILY STATUTE LAWAMENDMENT ACT, 2009 / LOI DE 2009 MODIFIANT DES LOISEN CE QUI CONCERNELE DROIT DE LA FAMILLE

Resuming the debate adjourned on February 23, 2009, on the motion for second reading of Bill 133, An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000 / Projet de loi 133, Loi modifiant diverses lois en ce qui concerne des questions de droit de la famille et abrogeant la Loi de 2000 sur la protection contre la violence familiale.

**The Speaker (Hon. Steve Peters):** Further debate?

**Mr. John O'Toole:** I'm pleased to stand and speak for a few minutes on Bill 133, An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000.

This bill was introduced in November 2008, and you know, of course, that our position is to make sure it goes for public hearings.

The reason I'm kind of interested in this is that I had the privilege of introducing a bill some time ago that dealt more specifically with domestic violence, and I would hope that this bill, in public hearings, would address some of the provisions that were brought to my attention through some tragic events in my riding.

I also want to pay some respect to our member from Whitby-Oshawa for her leadership on the issue.

Bill 133 is really an omnibus bill that amends eight existing statutes. It amends the Family Law Act, the Children's Law Reform Act, the Pension Benefits Act and the Domestic Violence Protection Act.

Family law includes divorce, separation, custody and access, child protection, adoption and the equitable division of family property. I'm sure that most members here, at least in their offices, are dealing with issues on a daily basis, which is a symptom or evidence of a system that is in peril. The court process is perhaps not the best place to resolve some of these personal matters.

The difficulty with an omnibus bill is the number of details we have to get exactly right. When you're dealing with this number of bills in such a fragile environment, you want to make sure you're looking after what I consider to be the victims: in many cases, women and children, but indeed, families broadly, including grandparents. I would say, with the details here, that I would not want the size and complexity of the bill to detract from the immediate family and child protection measures, such as restraining orders and approving evidence in custody hearings. I would encourage full consultation with the legal community and also with individuals, families and all stakeholders.

Ontario's first child protection act was introduced in 1888, more than 120 years ago. The ongoing need to adapt child protection to meet the needs of today must guard against delays, because lives could be at risk. In fact, it's an important time to respect, or at least recognize, the work done by the Office of the Provincial Advocate for Children and Youth.

This text was released to members yesterday by the child advocate, and he said in his report quite a few things that I feel were-in fact, it's in the media today. He talks about 90 Deaths, Ninety Voices Silenced. That's the kind of attention and sensitivity we need to focus on when dealing with this very sensitive issue. I would refer viewers and other members to look at this report from the Office of the Provincial Advocate for Children and Youth.

In fact, there are many sad stories, which lead to my comments this morning, so that I can be on the record as standing up for protecting and criticizing any form of violence at any level by any individual. It just isn't acceptable, nor was it ever; it's just that we are more educated today about strategies to deal with it.

The need for urgency: Ontarians were shocked and saddened to learn early this week that 90 children known to child protection services died in 2007. That's the report I referred to. The child advocate says that a 2008 coroner's report suggests that most of these deaths were preventable. Equally shocking was the death of seven-year-old Katelynn Sampson in August 2008. As members will recall, her guardian was granted full and final custody of the young child earlier in the year, despite having a criminal conviction.

Current bills before the House: Bill 130, the Children's Safety and Protection Rights Act, 2008, was introduced by the member from Nepean-Carleton, expanding Christopher's Law-the sex offender registry-to include child abuse, and expanding the role of the Ombudsman, the Children's Aid Society and school boards or hospitals. It's like anything. My wife has since retired as a teacher, but they're required to notify officials when they suspect abuse. That's the state we should be in: not to be intrusive, but when there's clear evidence, I think they should have a duty, whether it's a doctor or educator or whoever, to report that. Expanding the role of the Provincial Auditor and the advocate for children and youth is really what I'm advocating here, and amendments to allow the advocate to provide advocacy to students in schools and children in hospitals.

Children are the most vulnerable members of our society, and we collectively, without any partisan politics, should be standing up to protect them. Bill 128, the sex offender registry introduced by the member from Cambridge, is another example. The bill I introduced some time ago was Bill 10, An Act, in memory of Lori Dupont, to better protect victims of domestic violence. I introduced this bill December 5, 2007, and it went to second reading on May 5 and was referred to the Standing Committee on Social Policy. It was based on provisions in Bill 117, passed in 2000, although they were never enacted. I want to repeat: That bill was unanimously passed here in the year 2000 and, under this government, was never enacted. Perhaps there are justifiable reasons. I don't know; I have inquired. That's why I reintroduced the Lori Dupont act, to bring the effects of the bill into law.

**0910**

On November 12, 2005, Lori Dupont, a nurse and mother, was killed by a man who had been her partner. This happened despite her efforts to obtain a peace bond to keep him away. In another case, Jennifer Copithorn was tragically killed in August 1998 by an estranged lover, partner, whatever. This one here was tragic because it really brought it home to me and, I'm sure, to our entire community in Bowmanville. This happened right across the road from my constituency office in Bowmanville. It was a very tragic, savage and unnecessary death. Jennifer was a young woman who worked at the bank across from my constituency office and she was stabbed repeatedly to death. Her former boyfriend was charged with first-degree murder.

Over a five-year period, an estimated 1.2 million Canadians are victims of domestic abuse. Domestic violence is not just a crime against the person abused. It deeply affects the children who witness the violence and the destabilization of families. That family extends across from in-laws to other relatives in the family and associates of the young children. It's just a tragic and unnecessary perpetration of anger and I just don't understand it. Domestic violence is a crime against the very foundation of an orderly and nurturing society. We all talk about families as being the basic unit of society. Now is the time to stand up, without partisan rhetoric, to implement the mechanisms for police and others to be able to act to protect people whose lives should not have been lost.

I do want to pay respect to people who helped in the drafting of Bill 10, the Lori Dupont Act. I looked at the history of the bill. Paul Hong is a young lawyer who was interested in this. Paul worked along with my son, Erin, who is also a lawyer. They did it on my behalf and on behalf of young men to show that they are very concerned as well.

I think education, even talking about this issue, is important, to say that we have responsibilities. It's not to paint all men as perpetrators of violence. I think that's false. It's a false argument. In fact, it's not the message. It's violence that we're trying to respond to here. It is not acceptable.

In some age groups or gender groups there are some predictors but I think, quite honestly, we've got to treat it fairly, because what I see under separation and the court order issue of support payments is huge. It is a huge deal, especially in this economy. Say someone was a stockbroker and the stockbroker was making a lot of money back then. A court order could be awarded for maybe $5,000 a month in support or more, and now they're unemployed and going deeper into debt. All the debt is going to drive them crazy.

I'm not justifying it. It could be either partner. It's the way of resolving disputes and keeping in focus that we don't want people to go over the deep edge. I'm speaking in a broad sense. I respect Fern in my office, who does most of the work on the family law business. She's very good.

Bill 133 seeks to protect or prosecute breaches of restraining orders under the Criminal Code. What Bill 10, the Lori Dupont Act, did is it allowed access to a restraining order seven days a week, 24 hours a day. The courts determined that Lori Dupont was actually murdered while she was waiting for a restraining order to be issued. What we're saying is they should be accessible seven days a week, 24 hours a day.

I'm surprised that the court, whether it's the justices of the peace or the judges themselves in Family Court, wouldn't be supportive of the Lori Dupont Act. I would like to hear from them. Although we don't, and should not, have any direct intervention or interference with the courts, this august chamber here is responsible for setting the statutes and the laws. I think we can exercise our voice and we should.

This would allow for tougher enforcement and stricter bail conditions. Restraining order eligibility would be expanded to those living together in a relationship for fewer than three years. However, in Bill 133, I do not see the 24-hour-a-day, seven-days-a-week access to emergency intervention orders that was part of the private member's bill and originated in Bill 117. I'm really trying to say this is a very small amendment that could be implemented in this omnibus bill, Bill 133, and would allow for these restraining orders to be issued 24 hours a day, seven days a week.

I urge members to consider the amendment and provide for emergency intervention orders. That's really all I'm calling for; it is not a huge deal. It's really going to save lives. We're seeing that with the Advocate for Children and Youth, and we've seen it in evidence I've cited here-two cases specifically. If you follow the media, I'm sure you will find them in many, many locations.

In my view, adding round-the-clock access to protection that is legally binding would strengthen the bill. I would urge members to find ways to make this bill stronger where protection of our children and families is concerned. Please consider the ideas that have been put forward in private members' legislation I have briefly mentioned-and I take no single credit; this is an action of the whole House and a sentiment that is shared, I would say, by all members. Not one of us has a monopoly on insight or ideas: not the government and not the opposition or the third party.

I think that if we worked collegially and collectively on issues that affect families and society's civility, we ourselves would be respected in the Legislature. As it is, we tend to get into name-calling and other degenerated activities that maybe aren't very helpful. By working together, we can ensure that the most effective child and family protection legislation is enacted.

We also need a full public consultation. I think the direction I have been hearing from the ministry is that there will be public hearings. That is where the real stories can be told and be permanently on the record to improve the civility of society by all of us. This could apply to children who are learning things from adults who aren't acting properly themselves.

I would ask officially for full public hearings at this point, and in responses I expect the minister would take it upon them to have full hearings on this omnibus bill which affects all the acts I have mentioned-in the time I have, maybe I will mention a few of them. We can prevent family violence by setting the right tone and the right process.

Even further, I'd be happy to seek other ways of mediation outside the very expensive, litigation-bound process we have today. What I find, without being cruel to anyone-as I say, I have members of my family who are lawyers, litigators-is that when you have a combative separation or divorce, a lot of money is spent in legal fees and the children may not have winter clothes. It's tragic. They end up with nothing. It really is sad. If we don't go to public hearings and hear from people who practise family law-many of them are saddened themselves at applications to court, pretrial hearings, all these things that take money. We have an opportunity in Bill 133 to make the lives of children and families better, and I would urge you to do that.

In the interest of using all the time I have been allocated, I'm just going to go over a bit of Bill 133 for members here.

**Hon. James J. Bradley:** You're actually going to speak to the bill?

**Mr. John O'Toole:** Well, I have. I think I've done an extremely thorough job and prepared notes.

Quite frankly, the part I like here is: "The Act is consequentially amended to account for amendments made by the Bill to the Children's Law Reform Act, permitting a court to change a child's surname where a declaration of maternity or paternity is made. Specifically, section 5 of the Change of Name Act is amended to add a requirement that, where the court has made such an order changing a child's surname, an application under the Act to further change the child's surname requires the consent of the person declared by the court to be the mother or father of the child. As with the other consents required to be obtained by the Act in the circumstances, the requirement may be waived by a court on application."

That's one of the kind of nitty-gritty parts when there is a divorce: One of the spouses wants to change the child's surname. Some of the things that are in the bill can be pretty acrimonious.

**0920**

The bill also makes amendments to the French version of the Child and Family Services Act.

"The bill makes consequential amendments to section 57.1 of the Child and Family Services Act to update the provisions permitting the court to, while making a custody order, make a restraining order without requiring a separate application, and deeming the restraining order to be a restraining order made under the Children's Law Reform Act."

So they do mention the restraining order. The only small provision I'm looking for is to have it accessible seven days a week, 24 hours a day. That's how you save lives. When these things break out, you can't just run over to the court at 11 o'clock at night when somebody's acting out and ask for a restraining order. It's just not available. You'd have to make application for it and then file.

"The Children's Law Reform Act is amended by adding section 6.1, which permits a court to change a child's surname"-I mentioned that.

"In addition, three new provisions are added to create new requirements in cases where a person who is not the parent of a child applies for custody of the child." This comes back to another bill which the government has disallowed: grandparents who have taken custody of children from a family dispute where they no longer get that supplemental pay of about $124 a month. That's simply wrong. Grandparents today, with all the chaos in family breakdowns, are often ending up as the caregivers and the support for the child. I think that support should be there.

I'm a grandparent, we have five grandchildren, and I would hope and pray that our five children and their spouses-they're not all married; two of them aren't married, but three are married-stay together for many, many years-happily, I hope-and their children, our grandchildren, are protected and safe. That's where I'm coming from on this bill. I would ask other members to give due consideration, and I look forward to public hearings.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mme France Gélinas:** Il me fait plaisir de donner des commentaires suite au député de Durham face au projet de loi 133, Loi modifiant diverses lois en ce qui concerne des questions de droit de la famille et abrogeant la Loi de 2000 sur la protection contre la violence familiale.

Nous sommes, bien entendu, en accord avec la création d'un projet de loi qui protège les femmes et qui protège les enfants-le parti néo-démocratique est là pour défendre les familles, ce qui inclut les femmes et les enfants-et un projet de loi qui essaie de diminuer les coûts et le stress associés avec les processus de la Cour de la famille.

Il faut se rappeler que ce projet de loi fait suite à la mort de Katelynn Sampson, une petite fillette de sept ans qui a été tuée par ceux que la cour avait désignés pour la protéger. On a par la suite appris que sa gardienne, qui avait été désignée par la cour, avait un dossier judiciaire.

Nous sommes en accord avec le membre de Durham que le projet de loi ne va pas assez loin. Le projet de loi en lui-même est un pas dans la bonne direction, mais il faut regarder aux causes qui ont mené à ce type de problème : dans un premier temps, le sous-financement, qu'on parle de sous-financement des juges, d'accès à la juridique ou même d'accès aux services sociaux qui font que les enfants et les femmes se retrouvent dans une position de vulnérabilité où ils ont besoin d'être protégés par la cour.

On parle également des recommandations qui ont été faites suite au meurtre de Mme Lori Dupont. Pourquoi est-ce que ce genre de recommandation-là, qui pourrait avoir un effet majeur pour protéger les femmes, reste sur les tablettes ? Les recommandations ne sont pas mises de l'avant.

Donc, nous appuyons certains des commentaires qui ont été faits par le membre de Durham et nous voulons voir ce projet de loi aller en comité.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

**Mr. Paul Miller:** I'd like to commend the member from Durham for bringing this forward. This is a very delicate situation in family law. The victims are the children and the parents if it's not a good breakup. But what I don't see in the bill and would like to see more of is counselling for the person-for whatever reason one person leaves and the children and the father may be distressed or the mother may be distressed over the breakup and they may not be acting in a normal situation because of their duress-that there be more counselling for these situations from social services so that they can get them right off the bat, so that the emotional stress does not come to a point where it becomes violent. They can talk to them and settle them down and maybe do some rebuilding that may even put these families back together, for whatever reason.

Especially in this time when there's economic strife in our communities, because of the job losses and that, these things escalate. So the ability for the court to immediately act in a restraining order is good because a lot of things happen within the first week of a breakup which wouldn't normally happen when somebody sits down and thinks about what they're doing or their actions. I think this type of legislation will be beneficial to the protection of mothers, fathers, whatever the situation may be, and the children. I think it's long overdue.

Once again, I'd like to reiterate that I'd like to see more help for the one that's left behind, whether it be the father or the mother, to deal with the emotional breakdown of their life. I think that would be an important part of this.

**The Deputy Speaker (Mr. Bruce Crozier):** Questions and comments?

Member for Durham, you have two minutes to respond.

**Mr. John O'Toole:** I'd also like to thank the member from Nickel Belt, who, along with the member from Hamilton East-Stoney Creek, did mention the tragedy that I believe all the speakers when this was last debated-I'm checking the Hansard record here. I would think there were a number of speakers-I know Mr. Kormos spoke as well as the members from Nickel Belt and Hamilton East. They all sort of referred to the tragedy that we all talk about as being a point where we can identify why we're emotionally connected to this, a young child being murdered. A lot of it comes back to this restraining order, for all people who feel threatened by violence. That's really what we're trying to say.

First, we agree with the intent of the bill. We want public hearings across the province, especially in areas-probably remote areas. Can you think of someone living in a remote area who has no protection except that the courts can intervene? Maybe police can't be there quick enough. There needs to be some certainty around the strengthening of these intervention orders seven days a week, 24 hours a day.

When we're looking at this situation, I want to say on the record that Christine Elliott, the member from Whitby-Oshawa, is a lawyer. I believe she's practised in this area of law. She's very committed. I read her comments in the Hansard. I want to commend her for her advocacy for vulnerable people generally.

I look forward to this legislation going to committee, as has been suggested.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

Mr. Bentley has moved second reading of Bill 133. Is it the pleasure of the House that the motion carry? Carried.

*Second reading agreed to.*

**The Deputy Speaker (Mr. Bruce Crozier):** Shall the bill be ordered for third reading?

**Interjection:** No.

**The Deputy Speaker (Mr. Bruce Crozier):** I didn't hear anybody say "no" from their seat.

**Interjection:** No.

**The Deputy Speaker (Mr. Bruce Crozier):** To which committee shall it be referred?

**Hon. Monique M. Smith:** I would ask that the bill be referred to the Standing Committee on Social Policy.

**The Deputy Speaker (Mr. Bruce Crozier):** Agreed?

**Mr. John O'Toole:** I would suggest that the bill might be better sent to the justice committee, as it is a justice bill.

**The Deputy Speaker (Mr. Bruce Crozier):** The minister has the right to designate the committee. So the bill shall be referred to the Standing Committee on Social Policy?

**Hon. Monique M. Smith:** Yes, Mr. Speaker.

**The Deputy Speaker (Mr. Bruce Crozier):** So referred.

# Legislative Assembly of Ontario

# Debates Bill 133

# February 23, 2009

**FAMILY STATUTE LAW
AMENDMENT ACT, 2009 /
LOI DE 2009 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE DROIT DE LA FAMILLE**

Resuming the debate adjourned on February 19, 2009, on the motion for second reading of Bill 133, An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000 / Projet de loi 133, Loi modifiant diverses lois en ce qui concerne des questions de droit de la famille et abrogeant la Loi de 2000 sur la protection contre la violence familiale.

**The Speaker (Hon. Steve Peters):** Further debate?

**Mr. Peter Kormos:** *[inaudible]* I have this opportunity as critic for the NDP *[inaudible]* very, very important bit of legislation. I truly believe that this warrants a broad and thorough consideration, not just here in this legislative chamber but in the committee process.

I also want to thank the Attorney General for abiding by the tradition and protocol of either he or his parliamentary assistant being here when one of his bills is going through the process. Some newer members don't understand that that is a very important tradition, and have, from time to time-

**The Speaker (Hon. Steve Peters):** I'd just ask the honourable member: Your earpiece around the mike is causing some challenges. I know that you especially, as an honourable member, do not want to cause a health and safety issue for any of our interpreters.

**Mr. Peter Kormos:** *[inaudible]* providing feedback that was totally inappropriate and unwarranted.

As I say, I was complimenting the Attorney General for abiding by that protocol, and I know that his colleagues take note of that and will ensure, I'm sure, that either the minister or his or her parliamentary assistant sit through this very important process.

There are basically three parts of this bill that I want to speak to. One is the legislative amendments that deal with the valuation of a pension, of a defined benefit pension, because these are going to be controversial. I'm worried that that particular set of amendments may end up flying under the radar. There's been a cry in the legal community for a simplification of what can become a very expensive actuarial process and a contested one to boot, but I'm not sure that the legislation, especially in the context of 2009, where defined benefit pension plans are diminishing in their number-and they're also diminishing in terms of funding.

I want to speak to the repeal of the Domestic Violence Protection Act of 2000. That was supported by all three parties in this House after some considerable committee hearing. Of course, I want to speak to the amendments to the Children's Law Reform Act. While I acknowledge that the Attorney General noted the name of that little girl, that tragic victim Katelynn Sampson, as did Ms. Elliott when she spoke on behalf of the Conservatives, I note also that she was referred to very sotto voce, perhaps but in passing.

When I speak to the amendments to the Children's Law Reform Act, I know that Ms. DiNovo, my colleague from Parkdale-High Park, has a strong interest in this, not just as a justice advocate, because this girl was her constituent. She knew the community, she knew the three people, so she has a strong interest not just as a justice advocate but as the MPP for this little girl.

It's especially noteworthy that here we are-why, this morning, question period was dominated, at least from the New Democrats' point of view, by questions about the inability of the province of Ontario to protect children in its care: 90 kids dead, children, babies, young teens, and the vast majority of those deaths preventable, according to our province's child and youth advocate. Irwin Elman, our child and youth advocate for the province of Ontario, who has been frustrated at every step of the way trying to investigate concerns around the safety and welfare and health of children in the custody of the state-blocked at every opportunity; given no opportunity-has also, as we all know, called for an inquiry into the death; oh, let's not dignify it by calling it a death. It was a brutal murder of Katelynn Sampson. The 20-year veteran homicide detective sergeant who found Katelynn's body said she suffered severe and complicated injuries that he characterized as among the worst that he had seen in those two decades as a Toronto police officer. Katelynn Sampson died a brutal, painful and oh-so-undignified death.

I want to address the matter of pensions first, and I want to appreciate or acknowledge the assistance of an actuary down in Welland, Jamie Jocsak, who has written to me about Bill 133, whom I have had the opportunity to speak with and who has provided some very strong guidance for me in response to this bill. I know that my colleague Ms. Elliott addressed this portion of the bill. As I say, I think it's very important that this part of the bill dealing with pension valuations doesn't end up under the radar or swept aside, which is why we need full public hearings. I have no doubt we're going to want to hear from members from the family law bar, family lawyers, matrimonial lawyers. We're also going to want to hear from the actuaries who have been doing this work and from people who have experienced some of the problems. We acknowledge, everybody here acknowledges, that pension valuation, in a perfect world, would be as simple as the determination of child support using the federal and provincial child support scales. But it's not that straightforward.

**1400**

Let me give you an example. You know, down where I come from-you were down there this weekend, Speaker, monitoring the Conservative policy convention and trying to scoop press wherever you could. That's your job. Don't think the Tories don't do it to the Liberals or the NDP. I've done it myself a few times. You did get some press, and I congratulate you for that. But down in Niagara where we've lost industry after industry after industry and sadly, where we see successive governments not recognize this as the proverbial canary in the coal mine, we've seen industries collapse; the "Oh, too big to fail" type of industries like Atlas Steel with defined benefit pension plans and seriously underfunded pension pools.

So here's the scenario as it has been related to me by more than a few Atlas Steel workers who have suffered matrimonial breakdowns, divorces-who have had their pension valuation determined as if, indeed, it was a too-big-to-fail type of company and the pension plan were fully funded-who pay out their spouses, and, as Ms. Elliott noted on Thursday, the two big items in most matrimonial breakdowns are the family home and the pension plan. These workers paid out 50% of the value of their pension plans, so what you've got to do is-you know what you've got to do-you've got to borrow the money, finance something. Most people don't have that kind of cash sitting around. But then they're only getting 30% or 40% with a defined benefit because the pension plan was underfunded.

So right off the bat, calling upon a plan administrator to provide a valuation creates some problems. I put to you that most plan administrators aren't going to want to acknowledge that the plan is failing or collapsing. Most plan administrators are going to want to embellish their own credibility as plan administrators. The fact is that in these very, very troubled economic times, the actual value of a pension can vary day by day as the stock markets take their toll on pension plans' investments.

I want to make reference to some of the comments relayed to me by Jamie Jocsak. I think they're very valuable, I think they're important, and I've encouraged him to participate in public hearings. He has assured me that he will be dealing with his colleagues and the national body of actuaries to address this bill. I encourage them to make sure that they find themselves on the list of people entitled to make presentations.

One of the points he makes, which I find very interesting, is his surprise to read that Bill 133 proposes that the pension plan administrator determine the value of the defined benefit pension on marriage breakdown in accordance with a set of regulations. As Mr. Jocsak says, "this approach was considered and dismissed by the Law Commission of Ontario in its recommendations released in September 2008." Indeed, he refers us to page 14 of that report. I thank him for that research; it made my life a little easier.

He points out that the "issues regarding the valuation of pensions on divorce are very technical and unlikely to draw a large amount of public attention" but that "the valuation methodology has a very significant impact on the value assigned to the pension at separation." Of course it does; that's the whole point. "Differences in methodologies can change the value of a defined benefit pension by 100% or more. When one considers the fact that the value of the pension for a person close to retirement can be worth several hundred thousand dollars and as such is often the couple's most valuable asset, the financial impact of the proposed bill for divorcing couples could be substantial."

Those are the kinds of admonitions that I take very seriously because they are not partisan or over the top. They are rational, thoughtful considerations.

He goes on to talk about the financial impact of the proposed legislation, which could vary depending upon the age of the person who's a member of the pension plan and the years left before their date of retirement.

He notes that the bill "does provide a welcome increase in flexibility for divorcing couples by allowing an immediate lump sum transfer from a registered pension plan to the non-member spouse when the pension is not in payment. This increased flexibility, however, could be implemented regardless of whether the pension valuation methodology is changed." Of course it could. "In fact, there currently exists such a scheme in Canada. The federal Pension Benefits Division Act allows members of certain federal government pension plans to immediately transfer up to 50% of the value of their defined benefit pension on a termination basis to the non-member spouse." This, of course, relieves them of the obligation of having to generate cash right then and there in what is a very difficult and a very expensive process for most divorcing couples.

Let me tell you, divorces are not cheap. They take huge tolls and, at the end of the day, the lawyers have the money. That's in a scenario we're talking about where we want to, of course, provide flexibility if parties are in agreement, so that isn't not a need to put cash on the barrelhead right then and there.

But I am very concerned about the methodology and the fact that the government will say, I believe, that this will be addressed in regulation. I'm concerned about the tendency of a pension administrator to want to err on the side of, oh, self-interest and not acknowledge that that pension is perhaps in trouble or even in serious trouble, where you have the capacity-look, if General Motors goes down, we've got the largest unfunded liability in terms of pensions. Even if the government were to accept the NDP's proposal to increase the pension benefit guarantee fund to $2,500 a month, you're going to see a serious shortfall in pensions. I am hard-pressed to even imagine the billions of dollars or the capacity of the province to fulfill the moral responsibility that it would have. It would be catastrophic.

When I talked to Mr. Jocsak earlier today, I suggested to him that the proposal might have been fine and good 40 years ago when defined benefit pension plans were probably peaking in terms of number and in fact were very stable, and where you could do this sort of evaluation with a lot more confidence than you can now where the real value changes. It's fluid. It's extremely unstable. I'm sure that Jamie Jocsak and others of his profession will be before the committee to comment on that. I would invite and encourage the government and government members to listen carefully.

I'm going to be taking a closer look at the law reform commission and its recommendations, and I know that Ms. Elliott and I are going to have some interesting conversations not just with each other but with government members and with people appearing before that committee when it sits.

You know that I'm not a big fan of MPPs junketing around anywhere, but it seems to me that when you have some of the very special problems, not just with the pension issue-and I'm going to talk about this more as we get into the repeal of the Domestic Violence Protection Act and then also the amendments to the Children's Law Reform Act. We've got a whole chunk of this province that's very isolated. I've been up to places like Peawanuck and Attawapiskat with my colleague Gilles Bisson. One other part around domestic violence: A whole lot of these towns don't have jails. They've got de facto jails, but there are no locks on the doors. If a spouse gets arrested for beating the daylights out of his wife, there's no place for him to be put or to go. You're talking about one-cop towns. We have some very special issues around domestic violence in those isolated, remote communities-no women's shelters, no advocacy for women.

**1410**

So let's talk about the repeal of the domestic violence protection legislation of 2000-and I remember it well. As I indicated earlier, it underwent some pretty thorough committee consideration. I have no quarrel with Bill 133 and the power of a Family Court to issue a restraining order; no quarrel with that whatsoever. But understand that the matter has to be before the court for that to happen, that there have to be the applications done, and process, and you have to wait for your first court date. And I'm going to talk about the Jarvis Street Family Court-you bet your boots I am-because we can't not talk about it. But, like others here, I've been in a whole whack of these Family Courts across the province. They're sausage factories. People are lined up. The dockets that judges deal with in these courts are these huge, huge sheets of three or four pages tacked up on the bulletin boards. We're going to talk about that, too, I hope, in the course of the next 40 minutes.

The wonderful thing about the legislation of 2000 is that it provided for an ex parte application for a restraining order, a much more limited order than could be made with an on-notice application, but the other party had an opportunity to go there. It was a 24/7 proposal. Others can stand up and correct me if I'm wrong, but one of the problems at the time in terms of enacting it, proclaiming it-we passed it-was the number of JPs available, because it was going to use justices of the peace. We had an incredible opportunity to develop a very specialized JP role, hopefully highly sensitized to the issues of domestic violence. What would happen is that, under urgent circumstances, if a person-but let's face it; not too many men get beaten black and blue by their spouses, by their wives. Well, they don't. Somebody's going to call me and say, "Well, I was," and I'm sure you were. But the reality of domestic violence is that that doesn't tend to-we're talking about women. The legislation of 2000 that's being repealed would have permitted that woman to, either on her own in a taxicab or taken by the police or taken by an advocacy group, at 2 in the morning get a restraining order.

Let's face it: Restraining orders in and of themselves have dubious value. It's symbolic. It's like legislation that one private member, for whom I have a great deal of respect-he wants to make it illegal to carry an illegal gun in your car, so you can suspend the licence of the driver. The guy's got an illegal gun in his car. You think he gives a tinker's dam that he's going to get his licence suspended? He's out there ready to shoot somebody and all of a sudden he's going to say, "Oh, boy, I'd better not put this gun in this car, because if I get stopped they'll suspend my licence"? I don't want his licence suspended; I want his butt busted and I want him thrown in jail. For Pete's sake, how silly. This overreliance on restraining orders-we don't have to go very far or look very deep to find women killed by spouses against whom there's a restraining order. I appreciate what they do do. If a woman is being harassed or threatened by her husband, under the law as it stands now, were it proclaimed, she could go before a JP and get a restraining order so that if her husband shows up around the house, the police can at least arrest him. But let's be clear: Restraining orders in and of themselves don't stop women from being murdered; not by a long shot.

I find it troubling that the government is repealing the 2000 legislation rather than sitting down and trying to find ways of making it meaningful and effective to the extent that it can be-because it's there. It has been debated. It was supported by all three parties here at Queen's Park. There was unanimity in its value. It earned critical and rigorous scrutiny. Women's groups supported it. Advocates for abused women supported it. I'm not sure that they understand what's happening with this legislation now, because, again, giving the Family Court the power to make a Criminal Code-enforceable restraining order-fine and good; we support that. Of course we're going to vote for that part of the bill. But why are you repealing legislation that could have ratcheted up the level of protection for a woman at risk by giving her immediate access to a JP-hopefully, a JP who is trained in domestic violence matters? Because do you know what that also means? It means she's more likely to get referred to a shelter, for instance. It means that she's more likely to get referred to a family law clinic, if a family law clinic exists in her community. It means that she's more likely to have the cops show up in a timely way than the woman who doesn't have access to these things. I don't think it's unfair on my part at all to make that observation.

As I say, restraining orders don't protect women's lives-but sometimes they help. So New Democrats are going to be pretty vigilant about questioning the repeal of that legislation, especially when it was never put into practice. We haven't even had a chance to test it.

I'll make a deal with you right now: Enact it, get it going, and we'll commit to a one-day passage of a bill repealing it, if it could be demonstrated in two and a half years' time that it's not working. There-on the record. Why wouldn't you?

It's a very, very dramatic step backwards in the ever-present need for the state to protect women and kids, the moral responsibility of the state to protect its victims: women and kids.

Shall we, then, talk about Katelynn Sampson, a seven-year-old girl who was savagely, brutally, attacked, one can only assume, over a period of time? It's a safe assumption at this point, in view of the types of injuries that were reported by the police homicide detectives who arrived. The two custodial parents are charged-oh, I understand, they're charged. But the charges, as I understand, as well, have been yanked up to first-degree murder from second-degree. The people who were charged with her murder weren't her parents. They hadn't abducted her. They didn't steal little Katelynn off the streets. The state, to the authority of the court, signed off on seven-year-old Katelynn Sampson and, with all the authority and all the seals and all the flourishes of signatures, sent her to her brutal death, her slaughter. She might as well have been sent to an abattoir.

I listened carefully to the Attorney General on Thursday. I commend him for making reference to Katelynn Sampson. You couldn't not make reference to her. It's the elephant in the room.

**1420**

I heard the Attorney General, and I of course pulled the Hansard, make reference to the fact that the judge had limited tools. With respect, sir, I beg to differ. Look, I've earned some ill will from parts out there in the community for having been critical of this process-not a whole lot. Most of the e-mails and most of the calls are ones that are commending the NDP for keeping on this.

You know I'm not a judge-basher. You know that full well. I don't support propositions like electing judges or propositions like auditing their annual sentences. I voted against these types of propositions that have come from time to time from private members. I also have a great deal of respect for the fact that the appeal process is how you address a judge's error, but there was nobody to appeal this judge's decision.

Katelynn had no voice. Oh, she should have. There were people there down at 311 Jarvis. Go down there or to any other provincial courthouse in this province, family or criminal. You've got people engaged in, again, acrimonious domestic disputes, and women have to sit across the hallway from the guy who beat them up a week ago, waiting to get into court and then being told, "Well, it's 5 o'clock. We're going to have to adjourn your case to a week or two weeks from now." And, yes, it's usually women. Look, call me if you want to, but please, it's usually women, because they tend to be the poorer partner in domestic breakdowns, who have to go to the legal aid office to get a certificate to get legal representation. There are very few family lawyers, especially experienced ones-and we want experienced lawyers working for these people-who will take on a legal aid family law case. One, the hourly rate is just atrocious. Oh, no, I'm not supporting this government's commitment to $800-an-hour Bay Street lawyers, but I do expect competent lawyers to be financially rewarded for their work and to be compensated for the expenses they incur: their staff, their paralegals, their research and constant upgrading.

We've got these sausage-factory courthouses, hard-working court staff. Look, I've known a lot of judges in my lifetime, and I know a whole lot more by reputation, let's say. We've got probably the best bench anywhere in the world at our provincial level and at our federal level. I have no hesitation in saying that. I think Ms. Elliott, who's a lawyer, would agree with me.

Oh, I've known the occasional judge who was a drunk and a derelict. Back when I first started practising law, the courthouse in Welland was upstairs at the city hall, and the judge, who had been a crown attorney prior to his appointment-this will help clear the name of other judges who weren't crown attorneys before their appointment and who didn't practise up there-would pass out at 10:30 in the morning in his chambers. So in the court, we'd be sitting there-I was just a young lawyer; I didn't want to be presumptuous-waiting and waiting, and finally the court clerk would talk to him and he'd come to and come out. But he was one of those judges, I recall, where, first of all-when he convicted youthful offenders, I heard him say more than once, "And if I didn't have a reasonable doubt, I'd be sending you to jail instead of simply fining you." You know what that means, don't you? If a judge didn't have a reasonable doubt, he would've-"Good thing I have a reasonable doubt, because this way I'm just imposing a fine." Also the practice was-you're too young; jeez, you weren't even thought of yet-of judges to say, "And where the evidence of the accused is at odds with the evidence of the police officer, I accept the evidence of the police officer"-real classy stuff, right? This is old days. Things have changed dramatically.

One of the things that judges have to do-they're told by the Court of Appeal-is that they have to give reasons for believing or not believing a witness. Am I fair in that one, Ms. Elliott? The Court of Appeal has been very clear. The Court of Appeal says that you simply can't say, "I find you guilty." You've got to explain why. The Court of Appeal has implied as much about "I find you not guilty." You've got to explain why.

I've read the court file of Katelynn Sampson. Nobody got an explanation-nobody. The judge never even saw the child. The judge never had the child brought before her, and this was an experienced judge. As I say, people think that my concern about this judge is somehow some sort of personal attack. Well, I beg to differ. But I got an e-mail just the other day from the legal counsel for the Catholic Children's Aid Society of Toronto, chastising me for criticizing this judge in a very angry way.

She has Catholic Children's Aid Society letterhead all over the e-mail, in colour, and she goes on to say, "I'm not speaking for the Catholic Children's Aid Society; this is personal." Not the smartest thing I've ever seen somebody do. Why didn't you send me a personal e-mail? Good God. Quite frankly, I discredit the criticism just a titch.

I would say to her, Ms. Counsel for the Catholic Children's Aid Society of Toronto, why wouldn't the judge utilize the powers given him or her in the Children's Law Reform Act? Why wouldn't the judge comply with the mandatory requirements of the existing Children's Law Reform Act?

Section 24: In hearing an application for custody, "The court shall consider"-it doesn't say "may"; it's not discretionary-"shall consider all the child's needs and circumstances, including,

"(a) the love, affection and emotional ties between the child and,

"(i) each person ... claiming custody of ... the child,

"(ii) other members of the child's family who reside with the child, and

"(iii) persons involved in the child's care and upbringing...."

"Shall," not "may" or "if you're inclined" or "if you've got the time, and if you don't have the time, don't bother."

Well, as long as I've got the transcripts of that court process, nobody ever asked that child what her relationship was with the proposed custodial parent and her spouse/boyfriend. "The court"-section 24 of the existing legislation-"shall consider ... the child's views and preferences, if they can reasonably be ascertained." Read the transcript.

I say to Catholic Children's Aid Society legal counsel, you tell me why a judge failed to comply with the requirement of section 24: The judge "shall consider all the child's needs and circumstances, including....

"(c) the length of time the child has lived in a stable home environment;

"(d) the ability and willingness of each person applying for custody of the child to provide the child with guidance and education, the necessaries of life and any special needs of the child...."

Nobody even asked the applicant for custody whether the child would have its own bed, never mind its own bedroom. Nobody asked what the financial capacity of the family was to care for that child, to feed that child. "The court shall consider all the child's needs and circumstances"-"shall", not "may"-"including....

"(f) the permanence and stability of the family unit with which it is proposed that the child will live;" and

"(g) the ability of each person applying for custody ... to act as a parent." Read the transcript.

**1430**

Madam-you, Catholic Children's Aid Society lawyer, who uses the Catholic Children's Aid Society letterhead to send me an e-mail and then says: "But I'm not speaking for the Catholic Children's Aid Society"-you tell me why the court didn't make any of those inquiries of anybody. It treated the placement of that child as though somebody was going down to the motor vehicle office, as if I was selling Ms. DiNovo my old 1991 Buick and we were signing off ownership. This is the law as it stands.

I go to section 30 of the existing legislation, the Children's Law Reform Act: "The court before which an application is brought in respect of custody"-yes, like the application by Irving for the custody of Katelynn-"... by order, may appoint a person who has technical or professional skill to assess and report to the court on the needs of the child and the ability and willingness of the parties ... to satisfy the needs of the child."

It was entirely within that court's jurisdiction to direct that the Children's Aid Society do an assessment of the proposed custodial family. So you, Ms. Catholic Children's Aid legal counsel, tell me why the court didn't do that. For the life of me, I cannot understand why there hasn't been more concern about the failure of that court to apply and use the jurisdiction that it had, to use the laws that exist to protect that child. At the very least there is, in Canada, along with a whole lot of other similar types of legal jurisdiction, the parens patriae jurisdiction of the court, an inherent jurisdiction, to protect the vulnerable, including children.

Look, I'm going to concede that I referred this matter to the Ontario Judicial Council, and the Ontario Judicial Council declined to consider the judge's conduct as misconduct. That's fine. I'm not saying she was drunk at the time; I'm not saying she was not rational; I'm just saying that that kid, Katelynn, had very few other people around to protect her interests.

Any one of you, if you talked to Katelynn's mother-let's say that on a bus from here to Hamilton you happened to be sitting beside her, and she told you that she had a drug problem-because the court did know she had a drug problem-and that she was giving up custody of her child because she didn't feel capable of caring for that child-because the court knew that. You'd have said, "Well, who's helping you with your drug problem? Are you involved in rehab? This is still your child." You, sitting beside this woman on the bus as an absolute stranger, would be interested enough to say: "Have you thought about calling A, B, or C? Do the people down at the Addiction Research Foundation over on Russell Street have maybe something that could help? Have you talked to your pastor? Have you talked to a lawyer? Oh, by the way, who are these people that you are giving your child to? Describe these 15-year friends."

The court was told that. The child's only seven. The proposed custodial parent, the applicant, misidentifies the child's natural father. Hmm, real good friends. You see, Ms. Sampson is a committed self-confessed drug addict. What is going on? How come no bells were ringing? How come no red flags were shooting up? Jeez, drug addicts tend to associate, well, with other drug addicts. It's the nature of the beast.

So we've got legislation now that's going to provide for a criminal record check. The problem with that, though, again, is sort of like restraining orders. A criminal record says something, but the absence of a criminal record doesn't say anything, does it? The fact that you don't have a criminal record doesn't give you a clean bill of health when you're taking care of a seven-year-old little girl who the court knew was having serious trouble in school, with serious behavioural problems. How come that didn't ring any bells?

Then you have a court worker with the aboriginal legal services attending with the-don't forget, the court has never seen the child. The court only sees mother on one occasion; she doesn't show up the next two occasions. Then you've got a court worker from aboriginal legal services assisting Irving in her legal effort to acquire guardianship of Katelynn, attending two court hearings and addressing the court. Her supervisor at aboriginal legal services says it's not her job to determine whether Irving was a good caretaker-bullfeathers. I reject that and I resent that. You've got a kid who's being handed around like chattel. Some adult had to pay attention and step in.

My concern, and I have no idea whether it's true, is that this rather casual, perfunctory model is not the exclusive style of but one judge in Family Court in Toronto. Because part of the rationale of some of the people who have criticized me for expressing concern is that, well, these were two adults making a decision. No, it's two adults, and one child who had nobody speaking for her. Children are not chattel and children deserve the protection-of all the places where a child should have been safe, it should be in a Family Court room where you've got judges who deal with horrible horror stories like this and who've seen the worst; also the best, but are burdened by dealing with the worst. Here's Katelynn-no voice; she's not even there. No evidence under oath; the conversations are so brief and simplistic: "Oh, she's your good friend. Been a long-time friend? Okay, good; here"-slam, bam, thank you, ma'am. Well, no thank you.

Katelynn wasn't hit by a car that was speeding. She didn't contract some of those horrible youthful diseases that, from time to time, cause death. One can only infer, from what the investigating homicide officer said, that she was brutally, brutally slaughtered after a court had signed off on her placement to that family. Attorney General, this is my concern. It's not just about the legislation. It's about what's going on in our courtrooms. It's about our failure to take our duties, our responsibilities as adults to children, seriously.

Speaker, you're an educated man. You know full well the responsibility that the law has put on people in positions of authority to report the prospect of child abuse, don't you? We have serious consequences for adults who don't report. Ms. Broten's got a bill before the Legislature that will require people who discover child porn on a computer, and I presume she's suggesting that it goes for computer repair shops-it will make it illegal for them not to report it to the police. We're going to support that bill. At the very least, it's symbolic of our recognition of our responsibility to children: not just to our children and not just to the children down the street, but to all of our children.

**1440**

The legislation proposes that there be affidavit evidence. My concern is that the problem may not be so much the law as it is the processes-what's happening or not happening in our overburdened Family Courts and our failure to elevate children's interests and prioritize them and to say, "Those interests will prevail over all others." I admit, heck, what do I know? I'm not one of these downtown-Toronto lawyers. I'm not some $250,000-a-year judge. Heck, I just do my best on a daily basis; you know that. But having two parents, two adults, in your courtroom talking about a child who's being given up by her mother because she's a drug addict, and who's having problems in school: Isn't that prima facie a child in need of protection? In and of itself, a child whose parent can't care for her or him is a child in need of protection. It's not rocket science; it's common sense, and it just means a little bit of caring, and it means maybe saving just one life.

But nobody-the court worker didn't see anything wrong with this. "Well, it's not my job." The judge apparently didn't see anything wrong with this-"It's not my job"-notwithstanding the law. The Ontario Judicial Council says, "Well, the judge didn't misbehave." Who am I to argue with them? All I know is what I know and, by God, there should be a provincial shame and rage about Katelynn Sampson.

The argument, "Well, if we have too rigorous a process for giving up custody, more people will engage in informal custody arrangements"-they already did. Katelynn was already in that home on an informal basis. Here is the chance for the state to intervene. This was a golden opportunity, but nobody thought it was their responsibility. Good God. Once again, if you suspected your neighbour of beating his dog, you'd call the humane society; I know you would. If you suspected your upstairs tenant of not leaving water out for the cat, you'd call the humane society; I know you would. A seven-year-old girl, the daughter of a drug addict, being handed over in a courtroom, being handed over, and the court engaging in a process that's the law of Ontario that gave the court powers and even required the court to do that list of things that I told you-it gave the court the authority to order an assessment of the proposed home. I know how simple it would have been, but because in the interests of expediency-the court has forms. You're familiar with these; you're a lawyer. So that the judge doesn't get fatigue and doesn't get carpal tunnel from writing too much, there are boxes for the judge to check off, like "Request assistance of children's lawyer from the Ministry of the Attorney General." It would have been entirely appropriate in this instance.

It was already written out. All she had to do-nope, not even an X, just a tick mark, the opportunity to order an assessment once again right there, the opportunity to advise children's aid that here was a little girl who had been being raised-if you can call it that-by a drug addict who admitted to not being able to care for her daughter. I have to give Bernice Sampson credit for that. She's a drug addict. Drug addicts don't think rationally.

This legislation will require affidavit evidence. Is it going to be prepared by the same sort of court workers who assisted Donna Irving in her application for custody of Miss Sampson? Is a person who's apparently as careless about other people's lives as Ms. Irving going to care whether she lies in an affidavit?

I tell you, if we're going to do something meaningful, and if the courts won't use the powers given to them, then we will make them use those powers. Every single case of custody should involve an assessment-every one. Don't start talking to me about, "Some people would appear not to need one." You know what? Child abuse is not restricted to any income bracket or to any age bracket or to any cultural group or to any part of the city, and we shouldn't be thinking about it in those terms. To a trained person who knows what it means to write up an assessment, they may in short order be able to reach conclusions that constitute a professional bit of advice to the court. Others may require more.

The legislation would require a court clerk to inquire of children's aid societies whether or not somebody had involvement with the children's aid society. Again, this is cosmetic stuff-looks good, feels good. People have violent capacities and an inability to care for others who have never been near a children's aid worker.

I, for one, am so distressed by the inconsistency of the conduct of children's aid societies from community to community that I really believe that that Victorian model of child care should be abandoned and that the protection of children should be a direct service of the state, with direct political accountability to the minister in charge, because we know what happens in this chamber when we come forward with concerns about a children's aid society: "They're private corporations." "The ministry has no control over them." "Don't talk to me"-the old Pontius Pilate again, huh? There's been more than a little bit of blood that's had to be washed off hands when it comes to children and women in this province.

We believe that every custody application should require an assessment. We believe that every child in a custody application-every child-should be present in court, or at least directly represented by counsel who knows that that child even exists and the condition that he or she is in and can give evidence to that effect. Why wouldn't the court have asked for Katelynn Sampson to be brought to court? Judges do it all the time: take the little girl into chambers, try to get-look, I respect judges who use their intuition. That intuitive knowledge is one of the most valuable tools that an experienced and good judge has. Good judges can sniff things out and spot things as if they were wizards. I've seen judges do it. It's a skill; it's a quality.

**1450**

This bill has to go to committee. I believe this government has a chance to beef this up. I believe the key is assessments. Every time there is an application for custody, I believe the key is in stronger and more effective representation of children, who have a right to counsel in these types of circumstances. I believe the key is us understanding that children are not chattels, the property of their parents, to be handed around and traded off as they wish, just because they're adults and they can make those decisions. I believe that we have to reinforce the parens patriae understanding of our courts. I also believe, as the children and youth advocate recommended at the time of this incredible betrayal of this little girl, that we have to have a whole inquiry as to what happened to Katelynn Sampson. We have to understand why it happened, how it happened. How in God's name could it happen in Toronto? How could this happen? We've got to understand what the standard is for judges who are hearing these sorts of matters.

We also have to have Ombudsman oversight of family and children's services, children's aids. We also have to give the children and youth advocate in this province the resources, the tools, the legislative powers that it needs to conduct investigations, and then some impact as a result of those investigations.

We've sent Katelynn Sampson to her grave. Maybe, after having lost a little child, we can save a few more. Just maybe we can be bold enough and creative enough to accept our responsibilities as adults, and as members of a community-a community, a neighbourhood, a city, a town, a province-to accept our responsibilities to our children. Maybe we can start witnessing generations of Ontarians growing up as children not being abused, not being tortured, not being sexualized, not being turned into frail wrecks of human beings. Do you know what? Adult drug addicts come from somewhere, and as often as not, they come from those kinds of backgrounds. Women who are forced to prostitute themselves on the street come from somewhere, and usually it's that kind of background.

We should be using this legislative opportunity to confer, to declare, our respect for the sanctity of quality life for all Ontarians. I believe we have that chance. I'm not sure we will achieve it.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Hon. Christopher Bentley:** Just to comment on a few of the points raised by my colleague from Welland. First of all, with respect to pensions, of course, they are often the most valuable asset, if they exist, in a family relationship. What the legislation does is no more and no less than this: The family should benefit from the value of the pensions, not those who would argue the case in court or who do the assessments. That's all this is about: leaving more of the value of pensions to those who were a family and are now going to become apart. That's what that's about: simplifying the process. I'm sure my friend would agree that we should simplify court process and not make it more complicated.

With respect to the Domestic Violence Protection Act, of the experts who spoke on our proposed amendments, Peter Jaffe is well known as somebody who stands for the protection of all people, in particular in his work for the Centre for Research and Education on Violence Against Women and Children. He said, "I think this announcement is a breakthrough." Pam Cross, a well-known and well-respected advocate for women subjects of abuse, said, "We're thrilled with this package of family law reforms." Why? The Domestic Violence Protection Act and Bill 10 were simply not workable in the eyes of not only women's advocates, police, the courts. What we have proposed are legislative amendments that will provide broader protection-they don't require a finding of domestic violence but only a reasonably based fear of it-and, secondly, stronger protection. With respect to the Katelynn Sampson tragedy, I'm sure my friend would not object to there being more information before the court and not less.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Mrs. Christine Elliott:** I'm pleased to add a few brief comments to what in my view were excellent remarks made by Mr. Kormos, the member from Welland. Let me say at the outset that I completely agree with the points he was making. It's not that the provisions of Bill 133 in and of themselves are objectionable; in most situations we agree with the ideas behind them and we commend the Attorney General for bringing them forward. But it's the way they're put into practice and the fact that there are so many missed opportunities here to make real, meaningful change.

With respect to the issue of domestic violence, we have a situation where the Domestic Violence Protection Act would have allowed for emergency intervention orders 24 hours a day, seven days a week. That's not what we're seeing with this legislation. From speaking to family law practitioners-and I understand many women's groups are also saying that there's nothing wrong with the changes proposed by Bill 133, but they're not going nearly far enough. We need to go much further to really protect victims of domestic violence, and it is, let's face it, primarily women. It's important enough that we really should have a stand-alone statute to deal with that, because we need to be much more proactive in preventing situations where women need to have those kinds of restraining orders in the first place. So often after the fact, when somebody has been killed, we keep saying that we need to do something more and more. So we would like to see this opportunity used to take the kinds of preventive measures that we really need to take.

I agree with Mr. Kormos on the situation with little Katelynn Sampson. There is a huge opportunity missed here. We need to make sure that children are given the protection they deserve, that their needs and wishes are elevated to the same level as adults' needs and wishes, and there's so much more that we need to do. That's why we're advocating for extensive committee hearings, and especially to travel to areas where we can meet with the people who really want to tell us their stories.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Ms. Cheri DiNovo:** We're all well aware of the eloquence of my friend from Welland, and he pointed out very clearly, and so did Mrs. Elliott, that this is a centimetre when we need a kilometre.

Katelynn Sampson was a member of my community, and perhaps the most vulnerable member in a very vulnerable community, because it is a vulnerable community. I know Bernice Sampson. For months and months she tried to get help with her addiction issue, but guess what? This is structural victimization. There was no help. There was no help for her mother and there was no help for her daughter. There was no help for Holly Jones. There was no help for her family when she was murdered. And now they're asking us, because they are activists and they're involved, to bring forward a primary prevention program for our schools, yet this government is loath to do that. A million dollars is all it would cost across the entire province of Ontario.

Parkdale Public School: I know the principal there, I know the teachers; they're wonderful people. It is not in any way their fault, and they've been smeared in the press because of Katelynn Sampson's death. They phoned her home, and guess what they were told? They were told that she was up on the reserve, and they didn't have the funds, they didn't have the staff to send somebody out to check whether or not that was true. There was a time in our school system when they would have had somebody. But, because of the underfunding of our school system, they didn't have the staff. They didn't have the person. Where were social services? Where were they? They don't have the funding. They don't have the staff. That's why this happened.

Once a year it happens in Parkdale-High Park. Rose McGroarty, Holly Jones, Katelynn Sampson: Our only question in Parkdale is, who will be next? What child will be next? How many deaths will it take before this government wakes up and gives us the kind of legislation, the kind of action we need and the kind of funding we need so we can prevent this horror and this conversation from ever having to take place?

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments.

**Mr. Bob Delaney:** I am pleased to add my comments to those of my colleague from Welland. From one who is not a lawyer, I have to thank him for his very edifying hour exploring the scenarios and the conundrums of family law and some of the challenges that this bill, this proposed piece of legislation, is there to meet.

**1500**

He talked at length about a matter of concern for couples who are splitting: the past and the present-the risk to spouses, and the risk especially to children. He talked about the past and the present in custody battles. He talked a great deal about the future in the division of pension assets. He talked about the powers of the court and he talked about some of the things that the courts could do, some of the things the courts do now and some of the things that they could do better, many of which, if I understood him correctly, he agreed were addressed in the bill.

I do disagree with the member from Welland about the status of children's aid societies. He said that children's aid societies should be abolished. I tend to agree with Paul Zarnke, who runs the Peel Children's Aid Society. The CASs, the children's aid societies, do need an arm's-length relationship with the government to best serve those who need their services most, but in an area where I think the member from Welland and I are more on the same page than we are on different pages, I think that would be a minor point.

But when you boil it down, when you distill the value of the member's anecdotes and his passion, when you break down his arguments pro and con, I think we come down to the same point and the point that the Attorney General made: It would be better if there were more information before judges and not less, and that's what this bill does.

**The Acting Speaker (Mr. Yasir Naqvi):** Reply? Member from Welland.

**Mr. Peter Kormos:** Thank you, Speaker. I appreciate the generosity of people who responded to my brief comments.

Look, this is about, in no small part, protecting children. I think we are all on the same page when it comes to that. This is about ensuring that the child's best interests certainly prevail.

We've already got an Office of the Children's Lawyer working in the Ministry of the Attorney General, and they have a mandate to represent children and their interests. We've already got a court structure that purports to be a Family Court and to be able to address family matters. We've got children's aid societies coming out of our ears. We've got court support staff.

What we don't have yet is an acceptance of the integrity of the individuality of children. We don't have that yet. I fear that. We still consider children to be chattels, the property of their parents, and we don't, even now, accept the responsibility, the profound responsibility, for all of us to protect children from injury and harm. And you don't have to do it because you're a nice guy. Maybe you just do it because that's how you let young kids grow into healthy adults, and at the end of the day we're all better for it.

That's why we want this bill to go to committee. I would hope the government will keep an open mind, because there will be, in my view, a strong effort by both opposition parties to finish this bill, to complete it, to put some embellishments on it that make it even better, far better than what it is now.

**The Acting Speaker (Mr. Yasir Naqvi):** Further debate? The member for Mississauga-Streetsville.

**Mr. Bob Delaney:** Thank you very much, Speaker. I do stand with a certain measure of humility after listening to some acknowledged experts in this field: my colleague the Attorney General, who practised law with such distinction for so many years in London before he was elected, my colleague from Whitby-Oshawa, and my colleague from Welland-lawyers all. And, Speaker, this is your trade as well. So I am going to do my best as a non-lawyer to talk about something that is so important to those in Ontario who are themselves not lawyers.

When a family breaks up, when a home breaks up, it is indeed a tragedy, when people give up on the commitment that brought them together. What Bill 133 proposes to do is to update and modernize those tools and techniques that enable us to sort out the assets, sort out what's in the best interests of the children and to enable everyone to be able to get on with their lives and go forward in time, in peace and in security.

The main objectives of the proposed family law reform are to enhance the effectiveness and responsiveness of the family justice system in three primary ways: to better protect mostly, as most speakers have said, women and their children from domestic violence, and that comes down to the use of restraining orders; to help ensure that judgments take into account the best interests of children in custody; and finally, to support fairness for families when marriages break down, particularly as regards pension reform and child support.

I'd like to cover in the time available to me some of these topics and to discuss them from my vantage point of being an MPP who will deal in my constituency office with some of these matters, discussing them with some of my constituents for whom this is a real turning point in their lives. This is a point when a marriage that may have just begun a short time ago or a marriage that may have been the bedrock of their life has, for whatever reason, suddenly and permanently gone.

There's an awful lot of very thick and complex legalese that boils down to the essence of this bill, Bill 133, which is a surprisingly readable 20 pages. What Bill 133 comes down to is being able to do the right things at the right time for the right reasons.

Now, let's talk briefly about restraining orders. Bill 133 would strengthen the restraining order regulatory regime to improve, primarily, the security of women and their children who would face either the reality or the threat of domestic violence. What it says is that when a judge makes a restraining order, the restraining order needs to have teeth. Many of us as MPPs will have constituents come in and talk to us about matters relating to the Family Responsibility Office, and what it comes down to would be a court order, a restraining order, a judgment that doesn't have the means to enforce it and really doesn't penalize a partner who looks at a judgment, a court order or a restraining order and just ignores it. So Bill 133 sets out the teeth to enable that restraining order to happen.

What it says is that when a judge makes a restraining order, it has to be obeyed. So the proposed legislation sends a very clear and unambiguous message that restraining orders have to be obeyed, and it should act as a very effective deterrent. The restraining order provisions in Bill 133 would expand eligibility to protect those who have lived together as a couple for a fairly short time as opposed to what I understand is the current one, which is a relatively long time; in other words, less than three years. It would strengthen the enforcement by providing for breaches not merely to be pursued through civil litigation, in which one party sues the other, but by a violation of the Criminal Code, which would add an entire new level of deterrent if one party or the other chooses to flout a restraining order.

It's one thing to say, "Okay, I'm going to ignore the restraining order, so sue me." Suing somebody through civil litigation is a very time-consuming and very expensive process. It's one that just grinds you down, whether you're the plaintiff or whether you're the defendant. On the other hand, if it's a violation of the Criminal Code, then somebody has to look very carefully into the mirror and say, "If I blow my top, if I do something inappropriate, I could go to jail." That's a deterrent, and that's an important one that doesn't exist now. I think that's a real, key enhancement that Bill 133 proposes to make.

**1510**

I'd like to talk a little bit about custody hearings. I think we can agree that there's a consensus, not merely in this legislative chamber but throughout the province of Ontario, that one of our priorities is to protect the most vulnerable members of our society. That's one of the bedrocks of Bill 133. How does it do that?

What Bill 133 says is that if there's a violent history that's relevant to the ability to care for a child, then it's important, as the Attorney General said in his response to the member from Welland, and as I concluded in my own, that better information be before a judge when making decisions about custody. That's kind of important.

Now, violence just isn't physical; violence cuts both ways. Words cause pain; words can be hurtful. Verbal abuse is violence. It's important for both female and male members to bear in mind that violence isn't simply one member or the other throwing something or doing physical harm. Violence is violence, regardless of how you're inflicting it.

The proposals in Bill 133 would better protect children by requiring, among other things, a sworn statement with information about what actually is in the child's best interests by either party who applies for custody of the children. It doesn't go by default that custody will reside with one side or the other. It allows a judge to be able to make a better-informed decision about custody on the basis of fuller information. I think, based upon the number of people who have come to talk to me, that that's an important step forward. I think that's one reason, if for no other, to support Bill 133.

The proposals in Bill 133, if a non-parent seeks custody, would require a police records check-what is today viewed as an exercise in due diligence that's fairly common-and it would also disclose the existence of prior children's aid society records-again, in the interests of putting all the relevant information before a judge prior to the judge making a decision that has ramifications over the longer term for the long-term best interests of the child, and similarly, for the ability of both partners in the former relationship to be able to get on with their lives and pursue them.

This would also mean that judges would have access to information about other family law cases that would involve the non-parent, if a non-parent is applying for custody. For example, if, for whatever reason, a non-parent is applying for custody of the children-in many cases, I guess the non-parent would very likely be a grandparent-and it comes to pass that neither parent is either able or willing to accept custody, this allows a judge to be able to make a better decision about the ability of aunts and uncles or grandmothers and grandfathers to support and care for a child, based upon the best and fullest possible information and full disclosure of all the information relevant to making a decision about the custody of a child.

For so many people, one of the most important assets to be divided, as I said earlier-one of the things that's about the future-is child support and pension assets. Very often, the most valuable asset to be divided in a marriage at the time the relationship collapses is the pension assets of whichever party has been doing the best financially and has the greatest amassed pool of wealth, for want of a better expression. If you had been together for an appreciable amount of time, and that's going to get cut down the middle or cut however the pre-nuptial agreement says it will or however the judge decides that it should, then that too should be a decision made with the fullest possible disclosure and in the best interests of both parties and any children.

The proposed legislation in Bill 133 would make the law fairer for families that are going through this particular anguish, and this is probably where they spend the most number of billable hours on behalf of their lawyers. When you add together the hourly rates, it's probably costing them upwards of $500 an hour to be able to sit down and sort through and say who gets what. I'm sure both parties in the breakdown of a relationship would prefer that when all of the dust settles, at least they get, however it's divided, to keep the assets, rather than their respective counsel doing so, regardless of the merits of the counsel, because ultimately they've got to be able to use the assets that they have accumulated to provide for themselves and to provide for their children as time goes on. What this proposal seeks to do is to enable more of that money to flow to the long-term benefits of the children and the two partners in the relationship and less of that to have to be spent on doing civil litigation.

To ensure that the obligations for children are being met following a family breakdown, Bill 133 proposes to require, and this is important, annual financial disclosure where child support orders exist. This is going to make it, for example, much easier to obtain fair child support payments, to reduce Family Court battles, and to hopefully help free up some Family Court time so that in the longer term we can use our courts more efficiently and we can get more cases through with less of them clogging up Family Court as they begin wrangling. What Bill 133 proposes to do is to make some of these rules clearer so that both parties can say, "Okay, here are what the rules are," and it's pretty easy to arrive at a decision that says, "This is how the assets should be divided. This is what happens if your ability to earn money changes and you are the one paying the child support."

The legislation would also clarify how and when pensions are divided when marriages break down.

These changes would reduce some of the strain of Family Court proceedings, and I think the most important thing is that they would save court time, which is important in terms of being able to get your case before the courts in a timely manner.

They would also reduce the cost of hiring experts. You know, if one party or the other is either concealing or suspected of concealing assets, sometimes you have to hire a forensic accountant to go through all of their financial history, which involves bringing a motion before the courts, which involves getting a judgment that says you've got to open up, and then somebody has got to pore through all of it. At least with the requirement of an annual financial disclosure, what it should do is to make the playing field level and to say to both parties, "Here is all the relevant information. Let's make an objective, a fair, an impartial, a reasonable judgment based on the fact that we've got all of the information on the table."

It may also come to pass, and I'm sure it does very often, that one partner with perhaps a substantial support obligation may run into circumstances that see his or her income substantially reduced for a time or through circumstances beyond their ability to control. It would be reasonable to ask, then, is it the intent of the support agreement that you impoverish a party by simply saying there is no flexibility here? What Bill 133 does is that it provides a measure of reasonableness to allow for changing circumstances.

The legislation was introduced in November 2008, and this is one of the planks that the Attorney General considers as a very important one to clarify the fair division of assets when marriages break down.

**1520**

In our community in western Mississauga, we live in a very privileged place. Our streets are clean and safe. For nine consecutive years, Mississauga has been the safest city in the safest country on earth. As two police chiefs have told me on various occasions, "You're a very lucky elected member. You represent the safest part of the safest city in the safest country on the face of the earth." All that said, inside those neat rows of relatively modern homes with well-tended yards and nice new cars in the driveway, there are a lot of families that are profoundly and deeply unhappy, and many families that break up. So when that happens, even amidst plenty, we need to settle on custody of the children, and in this case there are often considerable assets to divide. These days, many families in new homes are looking at a declining market for the homes and they may actually, in a very expensive home, have relatively little equity. When it comes to dividing the equity in the home, they may be looking at a situation in which, for all of the mortgage on the property, there may not be a lot of equity in the home.

So Bill 133 is going to provide some measure in which, as long as the information is fully disclosed, a judge, and presumably the two parties, can come to an agreement on what should be done with a valuable asset, like a home, that may be heavily mortgaged, may have been bought just a short time before, and should the judgment force the sale of a home in a bad market, should one party or the other keep the home for a period and then have it divided? These are all things that in our area of the world people have to consider. No one, I'm sure, enters into a relationship with the avowed intention that it's not going to work out, but sometimes it doesn't work out. When it doesn't work out, what we need are very clear sets of rules and guidelines that make it possible for assets to be divided fairly and equitably.

Now, this is reform that's long overdue. There had been no significant reform to family law in Ontario in more than 20 years. I'm not going to pass judgment on that. There has just been no significant reform enacted to family law in Ontario in 20 years. So it's about time to revisit it.

One of the things about this is that it has had an awful lot of wide support. In the last few seconds remaining to me, let me just quote some of the support that this legislation has garnered. Said Tom Dart, the chair of the family law section of the Ontario Bar Association: "This is indeed a day that the family law bar has been waiting for. Minister Bentley is taking significant legislative steps towards a number of OBA goals and for which we have been advocating for many years."

There are many, many people who have added their quotes. I think all of the feedback on this, in one way or the other, has been positive. It's been, for me, a pleasure to stand up to join in the debate to bring the concerns of our community forward. I thank you for the time.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Mr. Norman W. Sterling:** I want to thank the member for his contribution to the debate.

This issue and the issues contained in this Family Law Reform Act are complicated, they are technical, and the understanding of them depends upon a person's understanding of what happens when these changes are implemented. Therefore, our party and the third party of Legislature would really appreciate the government allowing as many of the people who are involved in this kind of law-the lawyers, particularly the family law branch of the legal profession as well as children's aid societies and people who are involved in the care of children-to have the opportunity to have their say on the technical aspects of this bill before a committee of this Legislature.

I understand we are going to have some hearings. However, the law is administered or applied in different ways in different parts of this province, depending upon the various resources that different communities have. Therefore, we continue to ask the government side for the opportunity to have committee hearings in various different communities across Ontario. To date, we have heard the government say that this is not needed. We disagree with them entirely. This bill is very important to, hopefully, a smaller segment of our society. However, it can have unbelievable effects on the lives of the people that the bill does affect. I would ask the government to reconsider where the committee would travel with regard to their hearings on this bill. Thank you very much.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Ms. Cheri DiNovo:** Again it's a privilege to be able to speak about not only this bill but about this topic and to respond to the member from Mississauga-Streetsville. I listened with interest to what he had to say.

The problem, again, and it has been reiterated here many times, is that not only does this bill not go far enough but also that this bill deserves examination. It needs to be looked at. It needs to be looked at in committee. This is an incredible chance. It would be a chance missed not to have child advocates come forward, not to have lawyers who are involved in the field come forward, not to make this bill as strong as you possibly can as it moves forward, not to correct, perhaps, some of the aspects of this bill that aren't as strong as they could be. That's the chance we'll be missing here if it does not go to committee. So that's demand number one.

Certainly the other demand that arises out of this discussion, because the death of Katelynn Sampson was in part the aegis, the seed of this bill, is to look at the way in which her life and her death were handled. You've heard the member from Welland call for an inquiry or an inquest into that death. Certainly I think that comes out of her life as well. This is an incredible opportunity to look at the ways in which we could prevent-so it's the prevention that I'd like to discuss if I have some time-this from ever happening again.

So again, this bill does give us an opportunity, not perhaps as the government sees it, to examine all of the different facets of the case of Katelynn Sampson, all of the different facets of family law and perhaps even the domestic violence itself that of course is the bane of the existence of 50% of our women in this province. So that's what this bill gives us the chance to do. We need committee time. Thank you.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Mr. Shafiq Qaadri:** It's a privilege to speak on Bill 133, the Family Statute Law Amendment Act. I first of all would like to commend our Attorney General, the Honourable Christopher Bentley, for taking on what is of course a very controversial, difficult and challenging portfolio specifically with reference to this particular bill. I would also just like to commend him for coming to my riding very recently to hold hearings and a public outreach gathering of stakeholders with regard to crime: prevention of crime and the causes of crime.

So I would first of all like to say that from my perspective the Attorney General, it seems, is engaging in what I call applied humanity or possibly mobilized humanity. All of us in our various constituency offices unfortunately, and through the press, come across cases where, for example, restraining orders have been breached; where individuals are suffering because child support obligations are not met. Of course this is likely, unfortunately, to become even more acute over time as the economic downturn hits home in our various ridings with the different fallout that it might have. So for example, one of the interesting and I think very appropriate measures that Minister Bentley is going to move forward with is the idea of pension reform and child support. My colleague from Mississauga-Streetsville spoke to that aspect with regard to, for example, it being fairer for families and making it easier to obtain fair child support payments, and hopefully helping families to also navigate what is, after all, a fairly complex legal labyrinth that's out there, meaning the court system. All in all, I think this is a very impressive and important step with regard to the Family Statute Law Amendment Act.

**1530**

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Mr. Mike Colle:** Like many issues dealing with family law reform, we have to keep in mind that we're dealing with children, we're dealing with families and we're dealing with women who are very, very vulnerable. We're dealing with very difficult situations, and certainly, if you talk to police officers, they'll say that one of the most difficult things they do is deal with domestic disputes and deal with custody situations with children.

I know that the Attorney General, in his usual prudent, very astute manner, will proceed to make the necessary adjustments to the Family Statute Law Amendment Act. Just to remind us all of how this is really, tragically, a universal problem, I don't know if you noticed that last week on the international news there was a tragic situation in Buffalo, New York, where a very prominent woman broadcaster was murdered by the husband, or allegedly murdered by the husband, in incredibly horrific circumstances, beyond-I won't even mention in this Legislature how she was murdered. But there had been a number of interventions by the police, a lot of warnings, and yet this unfortunate, innocent mother of two, who was very prominent in Buffalo and upper New York state, lost her life. So it's a plague that not only engulfs situations here in Ontario but, sadly to say, goes beyond the borders of this country.

**The Acting Speaker (Mr. Yasir Naqvi):** The member from Mississauga-Streetsville.

**Mr. Bob Delaney:** I'd like to thank the members for Carleton-Mississippi Mills, Parkdale-High Park, Etobicoke North and my colleague from Eglinton-Lawrence for their comments and their addition to this particular debate.

I think one of the best summations of what Bill 133 is trying to do was given to me in a handwritten note by my legislative assistant, Jessica MacInnis. Let me just quote it because it comes across very nicely. She says, "Children do best when they are not only safe but comfortable in a place that they can call home. No one should be afraid to be in their home." That's one of the things that this particular piece of legislation sets out to do.

Some of the members had called for committee time. I quite agree. I'm sure that following second reading debate, which is the stage at which this bill is, it will be referred to a standing committee. As the government has discovered over the five and a half years that we've had the privilege and responsibility of governing Ontario, bills only get better, particularly when their measures touch everybody, when we send them out and we get good, thorough, vigorous participation from people from all over Ontario with a stake in their success. Whether that be the Greenbelt Act, whether that be our measures relating to health care or whether that be our measures relating to energy, the committee process has made good bills better, and it will take this bill-which is a good bill and which is a bill that's going to make a system more fair, more transparent and more easy to administer-it will take Bill 133 and make it a better bill.

**The Acting Speaker (Mr. Yasir Naqvi):** Further debate?

**Hon. Monique M. Smith:** I'm delighted to have the opportunity to rise in the House today, expecting full well that my colleagues on the other side were going to speak a little bit longer.

I am happy to have the opportunity to speak to this piece of legislation. We have a number of supportive comments being made today in this House by a variety of speakers. I want to add to that list as we look at what the Advocates' Society had to say about this piece of legislation: "We welcome this much needed and long-awaited reform. It will simplify the law and enhance fairness for the many Ontarians whose only contact with the justice system is in the area of family law."

Again, the YWCA here in Toronto had a great deal to say about the legislation: "The YWCA Toronto provides emergency shelter to 547 women and their children each year, many of whom are fleeing violence. This package of reforms will ensure that more of these women are able to keep themselves and their children safe as they move forward to lives free from violence." That's from Heather McGregor, the YWCA Toronto CEO.

Ghislaine Sirois, the executive director of the AOcVF, had this to say: "Action ontarienne contre la violence faite aux femmes appreciated being consulted about the proposed reform. If, as a result of this reform, women are better able to explain their situations and thus be better heard by the courts, their safety will have been improved."

From Barbara MacQuarrie, the community director at the Centre for Research and Education on Violence against Women and Children: "The Ministry of the Attorney General has recognized the particular vulnerability of women and children and provided Family Court judges with a valuable array of tools to help protect their safety. Advocates for women and children, certain that the new legislation will help to save lives, welcome the steps this government has taken to bring about these reforms to family law in Ontario."

The senior vice-president of member services for the Ontario Teachers' Pension Plan, Rosemarie McClean, had this to say: "Giving couples the power to settle pension assets at the time that their marriage breaks down is a big win for our members. The proposed approach is fair and simple for all parties involved, including pension plan administrators, whose efforts can remain focused on other value added services to members."

The Law Society treasurer had this to say: "The Law Society of Upper Canada shares the government's concern with access to justice and public protection for Ontarians. These reforms will provide benefit to both women and children, particularly through times of increased vulnerability resulting from family distress."

Finally, the executive director of the Islamic Social Services Association, Shahina Siddiqui, said that the government focus on helping families to have the right to prosecute breaches of restraining orders will help keep women and children safe. "We welcome this announcement and support the government's commitment to ensuring the rights and safety of women and children in Ontario."

I believe it's our duty as legislators to assist in keeping women and children safe across this province. We have so many wonderful people working in our communities, and I want to just say a big hello and thank you to the people at the transition house in North Bay and my native transition house in the First Nations community of Nipissing, who are doing such a great job protecting our women and children and providing them with hope and a new beginning in their lives when they've found themselves in situations of a great deal of distress and turmoil. Finding a way to change their lives is incredibly difficult, and at that point in time they need a great deal of support and assistance. We certainly have a number of people in our community who are able to do that and who are doing it so lovingly and respectfully. I want to, in particular, say hello to Janine Lafreniere and her staff at the transition house, who are doing some great work in North Bay.

The main objectives of the proposed family law reform package are to enhance the effectiveness and responsiveness of the family justice system as outlined by my colleague the Attorney General earlier. He talked about our ability to better protect women and their children from domestic violence, to help ensure the best interests of the children in custody decisions, and supporting fairness for families when marriages break down.

Family law legislation has had no significant reform in the last two decades, and it's time to reform our family laws to ensure that they support Ontario's families through times of breakdown and distress.

**1540**

We are determined, as a government, to see that disputes are resolved fairly by a system of justice that is fast and more affordable. The proposals that have been brought forward in the package today have broad consensus from police, violence against women stakeholders and the family law bar. I appreciate the opportunity to speak to this legislation today, and I look forward to hearing from my colleagues as we move forward.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Mr. Garfield Dunlop:** I'm pleased to make a couple of comments on Bill 133, An Act to amend various Acts in relation to certain family law matters and to repeal the Domestic Violence Protection Act, 2000. I can really only say, from what I have heard of the debate to this point-I guess there is a conflict on whether the government wants to have this bill travelled across our province. Apparently, someone said it has been a while since it has been amended, so in my opinion it would be better if there was some travelling. In some cases, you don't always get a lot of input, but if you set those dates up and there is interest in those communities, I believe it is the proper thing to do, and then people won't come back later on and say, "You didn't have a chance to travel."

If there are committee hearings at Queen's Park, that's one thing, but when it is a bill that affects families across the province of Ontario, it's probably best that we, as parliamentarians-there are not an awful lot of things happening; we don't have a lot of bills to debate and a lot of bills to travel. I think this is one that would satisfy the needs of the people of the province if we can get out there and hear what their concerns are. If there are, as the member from Mississauga mentioned earlier, then there is some very valuable-usually bills come through committee hearings improved, with amendments made to them, and I think the same would occur here. So I would encourage the government to reconsider travelling across the province. Take a few days and make it appropriate, and if that's the case, we might have a better bill than ever.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Mr. Peter Kormos:** It was a delight to witness the Minister of Tourism and government House leader rise to the occasion, and to witness the deference to her by her colleagues. You notice that not one of them wanted to take her spot. They were eager to hear from their House leader and Minister of Tourism, and remained seated, notwithstanding the cri du jour of Parliament: Who is going to speak next? They wanted to hear from their House leader, and they have.

I was delighted to hear from her. Her command of the issue is profound, and I look forward to the prospect of her being one of the committee members when we have committee hearings on this bill. She obviously has an interest in the matter; she obviously has background that would prove invaluable to the committee process.

If she could do something about the poor quality of the Northland Express, I would be truly indebted to her. If we're going to promote tourism in this province, surely the government's own rail line can be clean, staffed by people who are less than surly and run on time most of the time, if not all the time. Thank you kindly, and thank you, Ms. Smith.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

**Mr. Mike Colle:** The comments by my colleague the member from Nipissing outlined the various stakeholders who have been contacted in terms of this legislation and how it affects them. It will be very much appreciated, as they keep adding to their input in the process as this bill goes through the House and as it goes through committee, because there are a lot of complexities here. This deals, again, with issues that are very real to people in very difficult-you know, restraining orders. We've all seen some very tragic situations when restraining orders were not upheld properly. Also, custody hearings can tear families apart. Generally speaking, the real victims of these custody hearings are the children, who really have no one to turn to when mom and dad are in dispute.

Also, it deals with pension reform and child support. There has been more emphasis placed on this in recent years because, obviously, when you're going after the assets of one of the partners in a dispute, a pension can amount to a great deal of money, especially when all there is left is perhaps-the home is usually divided, then the pension assets, and they can be quite contentious in dealing with the amount of pension available.

This debate will hopefully help us all better understand the complexities and, again, the real human issues that we deal with when we look at family law reform. We hope that we'll get better ideas of how to deal with these perplexing problems that face all of us.

**The Acting Speaker (Mr. Yasir Naqvi):** Questions and comments?

A reply from the House leader?

**Hon. Monique M. Smith:** I appreciate the comments from my colleague the member from Eglinton-Lawrence and, of course, from my colleague the member from Welland, also the House leader for the third party, who I have the opportunity to spend a great deal of time with these days as we try and get through these tumultuous times in the House.

*Interjection.*

**Hon. Monique M. Smith:** It's just working so well, isn't it? I mean, you could just see that-all the respect that he showed to me in his comments today was gratefully received.

I was just pleased to have the opportunity. These are very important issues. These are very important issues to women across the province and to all people across the province. I mean, the security and safety of children is a priority for, I think, everyone in this province, and should be.

I think the security of women and children will be improved by this new legislation through the strengthened restraining order regime with expanded eligibility for those who have lived together in a relationship for fewer than three years. Under the new legislation, restraining order breaches would be prosecuted under the Criminal Code, and this would increase protection for victims by allowing for tougher enforcement by police and stricter bail conditions.

I've had the opportunity to meet with a variety of stakeholders in my riding, including law enforcement agencies, who work so very closely with those victims of violence, and those who work in the transition house system. I know from all of them that they are looking forward to seeing increased protection for our victims and tougher enforcement so that we can ensure the safety of women and children who are victims of violence in our communities.

I do also want to acknowledge the member for Simcoe North, who also spoke to my comments. I appreciated his comments as well, and I look forward to hearing the continuing debate in the House today.

**The Acting Speaker (Mr. Yasir Naqvi):** Further debate?

**Ms. Laurel C. Broten:** I'm very pleased to have the opportunity to rise today and speak to Bill 133, being brought forward as the Family Statute Law Amendment Act.

The issues being debated in the House today are ones that affect families, women and children in communities around the province. In the first session that I had the opportunity to sit in this House, I had the privilege to travel around the province and talk about the reforms that we should bring forward or could bring forward to better protect women and children in cases of domestic abuse and violence. The amendments being brought forward and proposed through Bill 133, in the context of the revisions to the way we approach restraining orders, are amendments that arose directly in the context of those consultations.

The security of women and children would be improved under the new legislation through a strengthened restraining order regime with expanded eligibility for those who live together in a relationship for fewer than three years. The mechanisms for women who cohabited with a partner or a spouse to obtain a restraining order-as a young lawyer, not even yet called to the bar, working in a legal clinic and as a summer student in a family law office, it was unfortunate how many restraining orders I sought on behalf of women in London, Ontario, at the time.

**1550**

The issues that are being resolved and amended in the context of this legislation and the prosecution of breaches are something that, as a lawyer-you would work with your clients to obtain that protection for them and their children in some very difficult and trying circumstances. The enforcement of a breach is something that family law lawyers and those working to better protect women and children have been talking about for some time. That's why I am very pleased that, in the context of the amendments being brought forward, some of the experts around the province who may have been mentioned in this House-but I will do so again because their work, day in and day out, across the province is really the shoulder that we are standing on here today as we debate this legislation.

Pamela Cross, a legal consultant and advocate against violence against women advocate who is well-known in the community, says, "Those of us who work with abused women and their children are thrilled with this package of family law reforms. This legislation would help hundreds of women and children by making justice faster, more accessible and more affordable. Making restraining orders more available to more women who live in an environment of violence is an important step forward in both preventing and responding to violence against women." For me, a statement from someone I've known for many years, such as Pamela Cross, giving such significant support to Bill 133, is really to be commended. I congratulate the Attorney General on bringing this forward.

Nicole Tellier, who is now the director of the Advocates' Society, someone with whom again I had the privilege to practise in law many years ago, said: "We welcome this much-needed and long-awaited reform. It will simplify the law and enhance fairness for the many Ontarians whose only contact with the justice system is in the area of family law." I think Nicole makes that statement and brings it forward as someone who has practised in the area for many, many years. For so many families it is true that their only interaction with the system, and a system that hasn't always worked perfectly, is in the context of very, very trying personal circumstances. If we, as legislators, can do one or a few small things to make the system work better for those families as they go through the dissolution of marriages and of relationships, seek to leave violent circumstances, in the case of women and children seeking to flee domestic violence, these are critical steps forward, and ones that will make a big difference in the lives of those who turn to that system. Many of us are lucky and we don't need to seek relief from the justice system to protect our children or to make sure that we can walk forward in our lives, but many women turn to that system. The system needs to work, because when it doesn't, tragic circumstances result. Being able to enforce breaches of hard-fought-for and received restraining orders is of absolute critical importance. I believe that it will better protect the lives of many women and children.

My sentiments are shared by individuals such as Heather McGregor, who's the CEO of the YWCA of Toronto. She says, "YWCA Toronto provides emergency shelter to 547 women and their children each year, many of whom are fleeing violence. This package of reforms will ensure that more of these women are able to keep themselves and their children safe as they move forward to lives free from violence."

Barbara MacQuarrie, who is the community director for the Centre for Research and Education on Violence Against Women and Children in London, also supports the legislation, saying, "Advocates for women and children, certain that the new legislation will help save lives, welcome the steps this government has taken to bring about these reforms to family law in Ontario."

I want to acknowledge the groups in my own community, my home community of Etobicoke-Lakeshore, who work hard every single day to better protect the lives of women and children. They are the wonderful staff and volunteers at Women's Habitat who do that work; at the Gatehouse, who work to better protect children and help bring forward evidence with respect to the abuses that children may have suffered; and MicroSkills, who help women find their footing and develop the skills that they need for economic independence to continue along their journey of independence.

It's a long time coming that these reforms take place, and I think that we'll never fulfill all of the work that is ahead of us with respect to ending domestic violence, but we need to take steps to prevent the continuation of violence in families to break the intergenerational cycle, as a government. We started that journey at the very beginning of our mandate, soon after our privilege to serve as government in 2003, and I'm pleased to stand in the House today to see more steps being taken.

The very first volunteer role that I ever undertook as a very young teenager was to work in the yard of a domestic violence shelter, and to have an appreciation, a very slight appreciation, of the very difficult lives that were being lived behind those windows and doors.

I think today we in this House are standing up and saying that we believe we can do better, that we will do better, to better protect women and children, that we will improve evidence in custody hearings to make sure that the custody of children is determined in the best interests of the children in those decisions, and that the judges have access to the information that they need about child protection or family law cases to make the best determination and to truly make the decision that is in the best interests of the child.

We will ensure that our restraining orders can be enforced and that fairness for families will be better ensured when marriages, unfortunately, do break down.

With that, I am very pleased to have the chance to stand in support of Bill 133, to congratulate the Attorney General on bringing forward this package of amendments and to look forward to the conclusion of this debate when, in this House, we will support Bill 133 and make sure that women and children in Ontario are better protected tomorrow.

**The Acting Speaker (Mr. Bob Delaney):** Questions and comments?

**Mr. Norm Miller:** I'm pleased to add some comments to Bill 133, the Family Statute Law Amendment Act, and to the speech from the member from Etobicoke-Lakeshore. As was pointed out earlier in comments by the member from Carleton-Mississippi Mills, this bill is dealing with technical and complicated issues, particularly as it relates to the calculation and entitlement for pensions, with amendments to the Family Law Act. Certainly, that's why, on this side, we've been asking for committee hearings of four to five days travelling around the province. I understand the government's not interested in doing that, and we're disappointed by that, because I think that we especially need some expert advice on the technical aspects of this bill.

I believe that there are also some shortcomings to the bill which we'd like to see addressed. I know that the member from Durham, who is going to have an opportunity to speak to this bill on Wednesday, has a private member's bill called the Lori Dupont bill.

From what I understand with this current bill, Bill 133-unfortunately, its section 46, as restated, does not appear to deal with the need for emergency intervention orders, which the Lori Dupont Act would have done and which are clearly needed. The new section 46 essentially just restates the old section 46, which allows for a restraining order upon application. The Lori Dupont Act would allow for emergency applications to be made without notice where there is an immediate threat of harm. Obviously, we think that would be an improvement. We look forward to hearing from the member from Durham, who will speak on Wednesday, and we hope that the government will agree to our critic's request for travel of this bill.

**The Acting Speaker (Mr. Bob Delaney):** The member for Parkdale-High Park.

**1600**

**Ms. Cheri DiNovo:** It's a pleasure, again, to say something about this issue and this bill, and I look forward to adding some comments in more length in a few minutes.

Suffice to say, the member from Etobicoke-Lakeshore pointed to some of those groups in her riding that are doing what they can to combat violence against women. The group in my riding that springs to mind immediately is Redwood shelter. Unfortunately, the Redwood shelter, which is known throughout Canada and throughout Ontario, always has a lack of funds, always has a lack of bed beds, and always feels as if they're not doing what they should be doing were they adequately funded and had they adequate beds for the women in our community and across Toronto. I also think of victim services, another amazing organization, government-funded, that, again, is chronically underfunded and wishes they could do more when they arrive at the scene of a crime, usually with a police person in tow, for the victims. They simply don't have the money to have the staff they need, and so they're largely staffed-both of these organizations-by volunteers. That is how seriously this government takes a response to domestic violence. If we really took it seriously, we would fund it adequately. That's something that I hope for, for those groups in my riding, for the groups across Ontario who spend a good portion of their time writing funding proposals rather than doing what we hope they would do, which is look after women and children. So I look forward to saying a bit more about that and, of course, more about Katelynn in a few minutes.

**The Acting Speaker (Mr. Bob Delaney):** The member for Etobicoke North.

**Mr. Shafiq Qaadri:** Once again, of course, it's a duty and privilege to rise to support Bill 133, the Family Statute Law Amendment Act. I have a couple of points to mention.

First of all, I'd like to use this opportunity, Speaker, with your permission, to actually commend our Attorney General, the Honourable Christopher Bentley, for coming to my riding fairly recently to engage in a stakeholder meeting. I think everyone who attended that meeting really found it an exercise in applied compassion, and I think this particular bill speaks very strongly to exactly those formats as well.

I was actually privileged just this weekend, courtesy of Dr. Kirsty Duncan, our newly elected federal Liberal member of Parliament for Etobicoke North, to speak on issues regarding domestic violence, the abuse of women, of elders, and I think this was also a very important aspect that was brought to light. For example, I learned at that particular function how excellent organizations within my own riding, like the Ernestine's Women's Shelter and Women's Habitat, are providing services with regard to people who have to leave abusive situations. I think this particular bill, complex as it is, is strengthening, for example, things like restraining orders; is hopefully helping to streamline, if such a thing be possible, the custody hearings; and of course is talking to the very real issue of financial support and division of assets, which of course will become even more acute as the economic downturn unfortunately takes further hold on our society and on our constituents. So it's a very important bill, a lot of moving parts, but something that we need to speedily pass in this Legislature so that we can actually have the benefits on the ground.

**The Acting Speaker (Mr. Bob Delaney):** Further questions and comments?

**Mr. Mike Colle:** It's a privilege to comment on the member from Etobicoke-Lakeshore's dissertation on this important Bill 133. I was just driving through her riding on Saturday, on wonderful Lakeshore Boulevard, where you drive through what is sometimes the forgotten part of Toronto, the old towns of Mimico, New Toronto, where there are a lot of very hard-working people.

*Interjections.*

**Mr. Mike Colle:** I know some members are laughing at the people of Etobicoke, but there are people in Etobicoke who have lived there for two or three generations. They live by the wholesale fruit market there, where people come from all over Ontario to sell their goods. These men and women wake up at four in the morning in Etobicoke and they work at the wholesale market every day. They work for many years at Goodyear Tires. They work at all the shops along Lakeshore. They're not people who ask for much, but they ask for government support when times are tough. In this case here, the Attorney General is trying to ensure that there are updated, fair rules when it comes to family disputes.

I'm sure the member's citizens and constituents in Etobicoke-Lakeshore appreciate her seriousness about this issue, because there are situations that arise, and they come to all of our offices on a too-regular basis, whether it's dealing with the Family Responsibility Office-but these are people who are going through some very traumatic times. So whatever we can do in this House to ease that burden and to put in some new legislation that makes it fairer and takes into account the trials and tribulations of these families I think would be much appreciated by the people of Etobicoke-Lakeshore and right across this province.

**The Acting Speaker (Mr. Bob Delaney):** The member for Etobicoke-Lakeshore has two minutes to reply.

**Ms. Laurel C. Broten:** I'd like to thank the members from Parkdale-High Park, Parry Sound-Muskoka, Etobicoke North and Eglinton-Lawrence for the comments they've made in joining in the debate on Bill 133.

I want to pick up on the comments made by my friend and colleague from Eglinton-Lawrence, who always tries in this chamber to bring us back to the reality of people's lives. Rather than talk about, "These are technical and complicated issues," the member from Eglinton-Lawrence talks about real people and how the amendments being brought forward in Bill 133 will improve the lives of real people, real women and children, by making sure, in this one instance-and I want to focus on the restraining order-that when a mother, after many, many years of abuse or incidences of abuse, finally picks up the phone or walks out the door and says, "I am going to do something about this; I'm going to see a lawyer; I'm going to go to the clinic; I'm going to get a restraining order"-when she takes that step and goes to court and gets that restraining order, as difficult and as trying as that is, that restraining order will be enforced. There is nothing worse as an advocate than to work with a client, to seek to protect them, to ensure that that restraining order is available to them, and be concerned that it might not have the teeth it needs to be obeyed.

That is the crux of the significant revisions being brought forward in this bill, so that a restraining order will act as an effective deterrent and women who step up and say, "I need the help of this court system to protect myself and my children," will know that that system is there to protect them when they turn to it.

**The Acting Speaker (Mr. Bob Delaney):** Further debate?

**Ms. Cheri DiNovo:** It's a privilege to stand-and I certainly stand in honour of Katelynn Sampson, who was part of the inspiration of this piece of legislation-in actual homage to not only herself but to her mother and to all of those people who were intimately involved in the life of that family in Parkdale-High Park. There were many, and they did what they could and many of them did their best.

It's interesting that when we look at the ethical imperative of a response to something like domestic violence or child abuse, there are two things we can do, you know. We can send a cheque in the mail to a shelter, we can pass a piece of legislation that tinkers around the edges and makes us feel better but that is virtually unenforceable, or we can actually, finally-and I think women and children across this province wish that that time was this time, now-look at what causes domestic violence, what causes child abuse, look at some sort of prevention for both and certainly, when they occur, look at systematic structural changes to a system that clearly doesn't work.

What we have here instead is a nice little bill. As I said, it's a centimetre when we need a kilometre. If it was taken seriously as a moment in which to confront these two horrors-domestic violence and child abuse-it should be given its due. It should be taken to committee and it should have a chance to be aired before the victims, before women who've been abused, before children who've been abused, before the people who work with them, before the lawyers who appear in Family Court. It should be tested before it's put on the road. That's really all that the opposition is asking for here. It's not a lot to ask, considering the profundity of these two evils.

**1610**

When I think of Katelynn appearing before that judge that day-in fact, not appearing; adults appearing on her behalf-I think of the miscarriage of justice that clearly happened that day. The member from Welland has outlined that in painstaking detail. When I think of that day, in a sense it was already too late for her. This was a little girl who had already had problems in school. This was a little girl being raised by a woman who was a self-confessed drug addict, whose addiction was out of control and who could find no treatment. This was a situation already that had been going on for seven years. The question is, why? Why, in seven years of this child's life? What structures are in place that allow this to happen? It's not only at the end of her life and the horror of what could have happened and should have happened and didn't happen at that particular court on that particular day, but it's all the seven years before. What should we have been doing as legislators? What should we have been doing as members of her community to help that little girl who was obviously in distress for many, many years-and her mother, by the way, because one of the myths around children and child abuse and even child poverty is that somehow you can separate children away from their families and their communities, somehow you can treat child poverty without treating the poverty of the mother. This is one of the great myths. Somehow you can look after a woman who has been beaten and not look after her children. You cannot separate that family unit. They operate as a family. They're traumatized as a family. They are poor as a family. So was Katelynn's family.

Katelynn's family was a family in distress. Bernice was in distress; Katelynn was in distress. Some really wonderful people in Parkdale worked very hard with them. Parkdale Activity-Recreation Centre is a phenomenal drop-in, one of the best I've ever seen anywhere. They knew Bernice; I knew Bernice because occasionally, when I have time, I serve breakfast at a breakfast program that's operated out of a church. As a minister, I knew Bernice when she used to come to our drop-in at the church and our dinner program. So I knew her, and in fact I never even knew she had a child. She didn't appear with her little girl. I was shocked to discover that she had a child, because the drop-in is really mostly a place for adults.

So when we collectively mourned the loss of Katelynn Sampson, everyone had that question. You can't help it. You're human, and hopefully ethical. The question is, what could we have done differently in Parkdale, in my riding, to prevent what happened?

I have a few answers. We came up with them. They're pretty straightforward ones. First and foremost is that we could have had child care. We could have had child care for Bernice Sampson, the kind of child care that would be, if not free, virtually free, that she could have dropped that little girl off when she needed to. So that would have been, in a sense, a first line of defence. But even before she was child-care age, there was a wonderful program that I read about-not only in Hawaii but I think it began there-where a woman at risk with a pregnancy at risk, like Bernice, is assigned a social worker who works with that woman from the point of conception right through the birth, right on until the child is in school, and continues to monitor that family. That takes money. That takes funding. That could have saved a life. Daycare takes money. It takes funding. But clearly our neighbours in Quebec have child care, at only $7 a day, for those who need it. Bernice would have used it if she had it.

Bernice would also have used, if she had access to it, as would many people in my community who have addiction and mental health issues-and often the two go together. She would have certainly and gladly tried rehabilitation, would have gladly gone to a detox centre, would have gladly gone from there to a rehabilitation program specifically designed for those with addiction issues. She would have needed to be there for at least three months for it to have any impact at all. That does not, for all intents and purposes, exist for those who have addiction issues in my riding. The wait-list for something like that-and usually not that long-is at least six months. Anyone who has dealt with drug addicts knows that when you need it, you need it then; you need it now. You can't wait six months. Six months is too late. In six months, you're dead or your child is dead. That was the case here with Bernice Sampson.

So, affordable child care would have helped.

Certainly, a social worker who had the time and the funding to intervene on a consistent basis-not with a caseload of hundreds of people, where maybe you get around to it now and then if there's some trauma reported to you-somebody who had the time to actually monitor that family, would have helped.

Treatment programs for those with addiction issues would have helped.

All of those structural realities would have helped this family, would have potentially saved this little life. Those are structural responses that we in this chamber have the power to enact. We have the power to do it, and quite frankly, no matter what you hear from across the floor, we have the money to do it too. We are one of the wealthiest jurisdictions in the world. The question is, who do we value? Where do we value? Do we value the lives enough to really put the funding behind the programs?

The city of Toronto has a wonderful drug strategy, one that we're trying to implement in Parkdale-High Park. It's a four-pronged approach. We have caregivers who sit around a table, we've had educational events, we've done a number of practical projects related to implementing the drug policy that the city of Toronto has brought in. Does the province of Ontario have one? No, we don't have one. In fact, the reason we're working with the city of Toronto drug policy and drug strategy, its four-pronged approach, is that we're hoping we can show that it works in a neighbourhood and we're hoping that it can be uploaded to the province of Ontario so that the province and the Ministry of Health sees that this works, because ultimately, this saves money.

What else would have helped this family? Certainly, housing would have helped this family, because Bernice and her daughter moved frequently. This is the life of a mother who is addicted, who lives partly on the streets, partly in housing. Her daughter moved with her to some pretty unsavoury places, I have to say, and it was a pretty unsavoury place in which she died. Nobody knew, nobody saw, nobody was there to monitor. So a housing program-and this, of course, is what women who are fleeing domestic violence need too. They need transitional housing, not a shelter. There are very few shelters for women anyway. But what these women want is someplace permanent, someplace that they can go where their children can be raised with some kind of stability, where they're not living from place to place to place, packing their bags and moving all of the time. That would have helped. That's structural. That takes money. Other jurisdictions do this. Other jurisdictions have these responses.

When I was at an eastern legislators' conference not too long ago, I was in a room where American legislators, state reps, were saying-finally, one might say-"Well, you know, this zero tolerance doesn't work. Locking everyone up for drug abuse issues-dealing, using-doesn't work." And not only does it not work, Republicans and Democrats agreed, but it's expensive. It's way more expensive to lock up Bernice Sampson-which, by the way, is where she is right now, I think; the last I heard she was locked up in a facility down the hall from those who had abused her daughter. How fair is that?

**1620**

They discovered in the eastern states that it costs less to treat the addiction issue as a health problem than it does to lock up people with addiction issues. It costs $40,000 to $50,000 a year, they figured, to keep somebody in prison, and it doesn't help because they go out and they come back in again: the revolving door that so many of our police force and social workers recognize so quickly. So that would help. That's rational.

It also costs less to put somebody in permanent housing than it does to run a patchwork system of shelters and to keep people homeless, like Bernice. That's very clear. It's been shown both in New York state and in BC in Vancouver. They've done studies that have shown it costs between $40,000 and $55,000 a year to keep somebody homeless. That sounds counterintuitive, but it's not, because they stay in shelters. They not only stay in shelters; they are arrested by police. That's expensive. They go in and out of prisons. That's expensive. They go into emergency wards. That's expensive. All of that adds up to being more expensive than simply providing them some relatively inexpensive housing.

I remember when Mr. Gerretsen was housing minister, and being one of those who was taking him to task as a housing critic, I confronted him with that fact. I said, "You know better than anybody that it costs more to keep somebody homeless. It can cost up to $150 a night in real dollars to put somebody in a shelter," and he admitted it. He said into Hansard: "Yes, we get it. We get that it's probably cheaper to put somebody up in a motel than it is to keep our current state of affairs." What sort of insanity is that? Well, I'll tell you: It's the insanity that ends in a child's death. That's the insanity, the structural insanity, that keeps the poor poor, the homeless addicted, and ends with the most vulnerable among us dying. That's the structural insanity.

I put forward a motion called Holly's law. This, again, is in honour of another victim, a little girl who was also brutally murdered. Her mother, an incredible activist in our riding, is working with others to try to implement primary prevention programs in all of the elementary schools. These are a whole generation more sophisticated than your old "Don't talk to strangers" stuff that some of our children received. Now they are training teachers to sit with children to allow children to express themselves, so that if there's something untoward happening at home they have an audience and somebody who is trained to listen and to get them to talk. It's a very inexpensive program and it has been proven a very effective one.

There are many versions of this program out there. For example, Parkdale Public School uses it now, and it has been costed out. It would cost only $1 million to implement that program in all elementary schools across the province-because that's the other thing that could have happened. There could have been more involvement when the child goes to school, and that means social work involvement; that means guidance counsellor involvement; that means school psychologist involvement; that means somebody going with a child who's having problems to check out the home scene and see what it looks like. But again, there's not enough funding.

This is not only ethically wrong; it's also economically wrong. It's short-sighted, absolutely short-sighted, because if we have an inquiry, and we should, into Katelynn Sampson's death, you know that the fallout from that death is far more expensive, ultimately, than it would be to take the baby steps needed to prevent it at every turning point. It's like in this little girl's death there was a series of dominoes, and these dominoes of negligent adults, negligent structures and negligent laws have been falling and have crushed her one after the other after the other. So that's what we should be doing.

Quite frankly this bill, small though it might be, would allow us at least a chance to talk this through in this Legislature. That's what committee work can do so effectively. We could hear from deputants who would tell you this and other things about their experience in the field and hopefully, maybe, finally we could look at the root problem, the root cause of domestic violence, the root cause of child abuse, rather than always tinkering after the fact around the edges at far more cost than it would cost to start to get into prevention.

The same, of course, is true of domestic violence. Women get beaten up and women stay in homes where they get beaten up because they can't afford to leave. Women still make 71 cents for every dollar that men make. The minimum wage earners are mainly women, and the minimum wage is below the poverty line. If women were paid enough to live independent lives, they would much more often take that tack if they could.

This is what we finally need to begin to address. When will it be addressed? That's the cry from the community that looks after the Bernice Sampsons, the Katelynns, the Holly Joneses and their families. This is the cry that comes to this chamber. It's never heard, and it's never, ever acted on. We always are happy with playing around the edges of the issue, making a centimetre move when we need to structurally revamp the way we look at women's and children's issues.

I don't know about you, but-every year the same thing happens. Quite frankly, I feel for our police force. It's not every day that you have a commanding officer of a division weeping in your office, like I have had, over the case of Katelynn, over other cases that they've seen, all in my riding, unfortunately. They need the tools. The social workers need the tools. The daycare workers need the tools. The teachers and the principals need the tools. The housing activists need the tools. They know what they need to do. They have the answers. The research is in. It's been done. We know it would be cheaper in the long run to do what they ask us to do than to bring forth pieces of legislation that tackle only the periphery of the problem, like this one does. We know, but we don't act.

I don't know what it would take; I really don't. But I imagine, I suspect, that if these were wealthy white men and a scourge were upon them where one in every two of them were abused or harassed and where one in every six of them were poor and hungry or where every so often one of them died in horrific situations-I expect that we would act. I expect, if those wealthy white men were lawyers, we might act. But they're not; they're women and they're children.

On behalf of another generation of victims to come, the cry is here and now, and the cry is, "No more small steps." Please, finally, take a big one. Please, finally address the roots of the problems. Please, finally make the structural changes.

This bill is before us. Let's start here. We could start with committee work, we could hear from all of the deputants, and we could move forward in a major way rather than in a minor way. That really, finally, is the only fitting tribute to that little girl, Katelynn Sampson.

**The Acting Chair (Mr. Bob Delaney):** Questions and comments?

**Ms. Laurel C. Broten:** I want to pick up on something that the member for Parkdale-High Park was talking about in the need to address the root of problems. I want to spend just a moment, if I can, talking about an organization in my community called the Gatehouse, which really does seek to address the root of the problem when it comes to better protecting children in their area of expertise and adult survivors of child abuse.

The Gatehouse has worked for many years to better help protect children in the instances where they are disclosing violent circumstances, and has been looked upon as a leader across North America and sought out for the techniques and the technologies that they use in really making sure that the child has a safe place to disclose abuse, and that adult survivors of child abuse have a safe place to turn to when they are on what will no doubt be a very trying life journey following that abuse.

**1630**

I'm very pleased to be part of a government and a member of a Legislature that has taken a number of steps over the last number of years to seek to attempt and start to address the roots of these various issues. The domestic violence action plan that was brought forward by the Premier in the last mandate really sought for the first instance to break the cycle of violence by helping children better understand their own self-worth, and by making sure that boys who observed violence in abusive relationships did not perpetuate that abuse, and that girls who witnessed it did not allow themselves to be victimized.

Similarly, in the last session, this House supported my private member's bill with respect to reporting child pornography, which is also one of the root causes of that abuse. I think we can move forward from those steps and know that we are taking steps forward to addressing the roots of this issue.

**The Acting Speaker (Mr. Bob Delaney):** Further questions and comments?

**Ms. Sylvia Jones:** How appropriate today that we're discussing Bill 133 when, of course, the children's advocate issued his report and we learned that 90 children died in the last year, all of them under some form of government care. I have to look at that report and read about some of his findings and his concerns, and wonder if we're going far enough with Bill 133.

Many members have spoken about how these statutes haven't been amended in 20 years. I look at some of the work our member from Durham, John O'Toole, has been attempting to do with his private member's bill, and of course the member from Parkdale-High Park with Holly's law. There are a number of experts and people we need to hear from directly to know whether Bill 133 is going to sufficiently protect the next Katelynn Sampson.

I would hope those public hearings are complete and fulsome, and do include the family lawyers, the shelters and, most importantly, the victims who have been through the system and need to share their thoughts on how we can improve it and how we can make it better, so that the next children's advocate's report doesn't have 90 children dying. We aim, through steps like Bill 133, to decrease that number in the years to come.

**The Acting Speaker (Mr. Bob Delaney):** Questions and comments?

**Mr. Peter Kormos:** Cheri DiNovo, the member for Parkdale-High Park, has hit the nail right on the head. We can't look at these matters in that narrow, myopic way; we have to examine all the causes and effects and be prepared to take bold steps. She talks about moving a centimetre when we should be taking metre-long strides. We've got the opportunity.

You know darned well, as I do, that this stuff doesn't get revisited every year or two years; it happens once a decade, once every 20 years. It's going to be a long time before any Parliament in this province re-addresses the very process that's required of people seeking custody of a child. Let's do it right.

The government talks about how more information to the court is better than less information. Let's make sure the court gets all the possible information, and let's talk about ensuring that people in communities across this province have access to resources: the fundamental need for family law clinics, so that children can be represented and their interests can be protected, and so that women can be protected and their interests advanced; an honest, candid look at the huge backlogs in our provincial court system especially. We have private courts for people who can afford chambers-dispute resolution-but those people are most likely to effectively resolve their issues themselves. They're the ones who least need an intervention, an intermediary or a third party. Let's make our provincial court, family division, truly accessible, meaningful and relevant. Let's staff them properly. Let's make sure that people seeking redress in those courts have access to legal representation that's competent and qualified.

**The Acting Speaker (Mr. Bob Delaney):** Further questions and comments.

**Mr. Jeff Leal:** I certainly recognize and respect the member from Parkdale-High Park in her former role as a United Church minister, and probably spending a large proportion of her time, during her ministerial activities, dealing with situations of domestic violence.

I must say, though, I'm not an expert on what happens in Toronto, but I just want to congratulate the two school boards in my riding: the Kawartha Pine Ridge board, and the board with which my wife is a vice-principal, the Peterborough Victoria Northumberland and Clarington separate school board, where they've spent and put forward a lot of resources over the last number years into the anti-bullying strategy.

If you address bullies at a very young age, that tends to change behaviours as they mature and grow older. We do know, and we have very clear evidence that shows, that if you don't get at some of those root causes at a very early age, those bullies tend to grow up and they find themselves in a marital situation where they abuse their partner, their wife and ultimately their children. So I think that's a very important area that we need to look at.

The member from Welland is right: When you look at the history of this province in terms of family law, it's about every decade or two that a substantive reform comes forward in this area, building on Ontario's rich history in terms of family law. I did indicate that a member of my family, H. Allan Leal, was the first chair of the Law Reform Commission in the province of Ontario in the early 1960s. When you look at some of his writings back then, in 1962-63, they were certainly the start of the first building blocks of family law in the province of Ontario. That was carried forward by his successors, Attorneys General and indeed opposition members who took great interest in developing family law in the province of Ontario.

**The Acting Speaker (Mr. Bob Delaney):** Further questions and comments?

The member for Parkdale-High Park, you have two minutes to reply.

**Ms. Cheri DiNovo:** Thank you all for your input. I believe that what is going on in the province as far as domestic violence and child abuse is concerned is absolutely terrible, and it's not getting better. In fact, as the recession deepens and our social services get more strained and our courts become more crowded, it's going to get a lot worse. That's where we start from. That's why Bill 133 is not enough. That's why we need committee hearings, to make sure that we get it right and to make sure that finally we do something about the structural problems.

I liked the comments from the member from Dufferin-Caledon. We had a graphic example of that this morning: 90 children dead; 500 in five years. This is unacceptable. This is awful. We don't need a little bill to deal with that. We need dramatic action to deal with that.

The member from Etobicoke-Lakeshore talked about the Gatehouse. I'm familiar with the Gatehouse. Like Redwood, it's chronically underfunded. If she thinks it's doing such a good job-and I think Redwood is, we can all name something in our ridings that's doing the same service-let's give them multi-year stable funding so that they don't have to waste their precious time filling in funding proposals. Let's fund the services adequately. That's, in short, the message. Let's put the money where our mouths are in this chamber, finally, when it comes to talking about domestic violence and child abuse. It's not a lot of money-in the overall scheme of things, a saving-probably, but let's take dramatic action now.

**The Acting Speaker (Mr. Bob Delaney):** Further debate?

**Mr. Khalil Ramal:** I'm pleased to stand up and speak in support of Bill 133, family law reform.

Before I start, I want to congratulate the minister, the Attorney General, for bringing such an important step toward reforming the Family Law Act in the province of Ontario. Many people spoke before me and mentioned the importance of this reform and the importance of protecting family and especially children. There's no doubt about it; whatever we do on a daily basis, we're not going to solve the whole problem. But I believe Bill 133 is an important step towards reforming family law in Ontario, since this issue has not been touched for many years.

**1640**

I believe strongly that it's a very complex issue-not just about law; not just about certain issues. It's a mix of a lot of issues that get together and create the problem. But in order to start somewhere, we have to make some kind of rule or regulation and change the law in order to give us the ability and give the court the chance and the tools to be able to exercise the law. They see it's important to protect the family in this province, starting with restraining orders.

I was listening to many members beside me speaking about what's important for us: to protect the people before or after? I believe strongly that it's our obligation and duty to create a prevention mechanism to give to the court, to give them the ability to create a protection mechanism for the people who are in danger. It's not just for people who are married; it's for the people who have been living together for more than three years, because this relationship is almost like a marriage. As people live together, they establish a network. They might have a family, they might have kids, so they might be affected by that relationship.

So I think the restraining order is a very important step. If someone is living with someone for more than three years and sees some kind of strange activities and they believe and feel their life is in danger, I believe the court will act in this regard to protect them and put a restraining order on that partner who is exercising against the law. I think that's a very important step, and whoever violates this step will be prosecuted under criminal law. It puts some kind of punishment against the people who think of violating the restraining order.

We hear a lot of stories on a daily basis, all of us from different constituencies-from the north to the west to the south to the east of Toronto-a lot of different stories, strange stories about domestic abuse. Domestic abuse happens for many different reasons, and my friend and colleague from the NDP party, the member from Parkdale-High Park, mentioned many different times that poverty plays an important role in this element that sometimes causes those strained relationships between partners. So I think it's an important element, but I don't think we are able, in this bill, to address it altogether.

This bill introduced by the Attorney General would reform the law in this province to give the tools to the courts, to the lawmakers, to make steps toward creating protections.

As a result of this domestic abuse-we have a family, we have children. So what happens to those children? Sometimes both partners are equally unable to raise a child. What would happen to those children? Do they go to the street? Who's going to protect them? If this bill passes, it gives people who are non-parents the chance to apply to gain custody, according to the rules and laws of province of Ontario, if they are fit in all the meanings of the word; which means, if they are able financially, psychologically, and they are also respecting the law and able to raise the kids, because raising children is a very important step; it's not just putting food on the table. They also need a lot of psychological treatment, nurturing, because you are bringing up people who are going to be adults and able people in the future. Childhood is an important step, according to all the psychologists, all the people who work at the education level. Whatever we feed our children in the beginning, whatever we give them in instructions or whatever we raise them on, they're going to be in the future. So psychology and behaviour, I think, depends on the first steps of our lives.

I was reading a lot of psychology books, and many different experiments have been done on many different societies and communities, and they determined that childhood is an important step for our future. Therefore, choosing the right custody is important. This bill, if passed, will create that mechanism, the right fit to raise those children.

Sometimes when we talk about custody we're talking about the importance of the people who are able to carry on the mission of raising kids. To support them is very important, to give them the financial support they need in order to take that responsibility, on behalf of their natural parents. So we have to make the rules and make some kind of way to allow those people to get the support.

Also, part of this bill, as has been mentioned before-a very important step is sometimes the pension. How can we split the pension between the family and the kids, the husband and wife, or partners, to eliminate any problem from arising in the future? Also, the assets, if those assets exist-how we can divide those equally and give a person a chance to live with respect and dignity.

I know that in many different communities we have a lot of shelters for women to go to and get financial support from community organizations, from city or government or whatever; they exist in every different jurisdiction. I get the chance from time to time to visit those places. I see how much effort they put in, first, to protect them, to create some kind of safe haven for those people and their children and their escaping any violence, to live in those shelters. I think it's our obligation and duty to create that system and to support that system in order to create a transitional time for the family which is under abuse, psychologically and physically and mentally-to create those transitional homes for them.

My friend from Etobicoke-Lakeshore spoke about her community and was talking about the great organizations that look after women who are escaping from family abuse. I think it's our obligation also to support them and give their children the support they need, give the families the support they need and the legal support they need.

Some people are privileged; they have the ability to go to those places safely, without being killed or kidnapped or abused more in their partner relationship, but some people cannot; we understand that. Some people cannot make that decision because they're afraid; they're afraid of the future. They have no other alternative, as the member from Parkdale-High Park mentioned many different times. Some people don't have that determination, that will, that ability mentally and physically to move on and choose the alternative. I think that's why we have so many different family clinics across the province of Ontario. I especially want to mention the successful ones in London, Ontario, which are playing a pivotal role in our community to create or to give the family, which is under a lot of pressure, the counselling and the support they need to move on to the second stage. They give them the psychological support, the mental support in order to give them that little push, a little help to move them from a dangerous situation to a better place to live.

I also want to speak about a very important element. I heard the member from Parkdale-High Park mention certain communities' views and that we forget about many different multicultural communities and that people from different backgrounds come to Canada, to Ontario. They have no idea, no understanding of the law that exists in this province, especially the females who are not able to speak the language, not able to navigate the system to go from place to place. They don't know their rights. So those people, those females, those women, are under a lot of abuse and a lot of stress. That's why I got the chance, I guess a month or a month and a half ago, to meet with the Attorney General in London, Ontario, and a very good organization from London. We came to his office and explained the circumstances, with the support, I think, from the family clinic of London, led by Barb MacQuarrie, who is a leading expert in this field-to help domestically abused women in the London region, to see what kinds of possibilities we have to create the same chance for those people who come from different backgrounds, who cannot speak the language, who do not understand the law or who don't understand their rights in the province of Ontario, to create organizations that give them the support they need, give them a way to escape from their abusive husband or partner.

**1650**

As we mentioned, not just females are being abused; sometimes it's males. But the majority of abusers, sadly, are from the male side. We, as males, sometimes use our strength, our physical ability, to abuse our partners for many different reasons-and also because, in general, most of the working partners are male, so we use our economic strength to put more pressure on our female partners. Therefore, I think this bill, if it passes, will create some tools and mechanisms for the courts, for the lawmakers-to give them the chance to create a support mechanism.

I want to congratulate the Attorney General for bringing forward such an important bill to help our families and our children in this province to live with respect and dignity and also at the same time be protected and treated fairly according to the laws and regulations of this province.

Thank you very much for allowing me to speak. I hope we hear from many people about my speech.

**The Acting Chair (Mr. Bob Delaney):** Questions and comments?

**Mrs. Christine Elliott:** I appreciate the opportunity to just make a few comments with respect to the remarks that were made by the member from London-Fanshawe.

I would say at the outset, I certainly agree with you that Bill 133 does make changes to very significant areas in family law: with respect to the splitting up of pensions as net family property on marriage breakdown or breakup of a relationship; with respect to protection of children; custody and support issues; the recalculation on an annual basis of financial statements; and then, not least of all, of course, is the issue of domestic violence.

I would say that the point that we're making is not that the changes that are being made are bad. They are good. They're a step in the right direction, but they're not enough. It's very seldom that we have the opportunity to debate issues, especially relating to family law, on a comprehensive basis. So our hope would be that we would be able to make some of those other changes that you spoke of to make it a safer system for victims of domestic violence.

You mentioned that there may be women who may be new to Canada, new to Ontario, who may be facing significant language difficulties, who are coming into some of the legal clinics and having problems understanding what their rights are and finding avenues for support and assistance when they need it. That's something that perhaps could have been dealt with, in addition to the restraining orders and the other changes that are being contemplated by Bill 133.

The other issue is with respect to the actual restraining orders themselves. I have certainly been told by several family law practitioners that there is a concern with respect to the enforcement of those orders. Certainly, the changes contemplated by Bill 133 are helpful, but it has also been suggested that maybe there should be greater coordination between the courts and the police services to make sure that these are enforced uniformly, and perhaps even have a common form of restraining order that they could use.

These are some of the things that we're hoping we can deal with in committee.

**The Acting Chair (Mr. Bob Delaney):** Further questions and comments?

**Mr. Mike Colle:** I appreciate the comments of the member from London-Fanshawe. He certainly has walked in the shoes of the newcomers who come to London and come to Ontario and have very daunting challenges.

You can imagine what it's like for young mothers, especially, and mothers trying to raise a family, when they come to this country with no language capability, trying to access services. Try to do it on the phone: All you get is this voicemail runaround and you don't know where to turn. So the phone doesn't work. You try to go online; everybody now says, "Well, go online." Well, it's like saying, "Go for a walk in the park." Going online sometimes, you can imagine, for some people with a language barrier, and the complexity of services-sometimes the services are there, and I think this is one of the roles we play as MPPs.

I visited Yorkdale Secondary School. There are a lot of newcomer women there, the majority of them from Turkey and Palestine. If I can just mention, this young woman from Palestine really impressed me. She said: "You know, this country isn't perfect, but you know what happened to me? I was in Riyadh, Saudi Arabia, last month. I was in a cab asking directions of the driver and I was talking and smiling with the driver because the driver was helpful. Well, I got arrested in Riyadh. I was jailed for three days because I was smiling in the back of the cab in Riyadh." So she said: "This is the kind of oppression that sometimes happens and that women find very, very difficult to deal with." So at least, hopefully, we don't have that here.

**The Acting Speaker (Mr. Bob Delaney):** Further questions and comments?

**Ms. Laurel C. Broten:** I'm really pleased to have a chance to join in the debate and congratulate my colleague from London-Fanshawe, who speaks regularly in this House with a great deal of passion, with a great deal of understanding of his home community and the challenges that individuals right across our province face.

The amendments that are being debated today with respect to family law reform to some may seem technical; to others, they may seem really just the tip of an iceberg. The reality is, with respect to family law there are many challenges, but these are very important places to start with respect to restraining orders and evidence in child custody cases. They are ones that the experts-as I named and commented with respect to earlier-who work in this field each and every day say will make a meaningful difference in the lives of women and children.

For those of us in this Legislature who don't practise in that world every day, don't have an appreciation of the significant challenges that women and children face, I think we need to take and heed the good advice that is being offered to us. That is what our Attorney General has done in bringing forward this package of reforms: heeding and taking the advice of those experts who have gained expertise through many years in the trenches fighting these battles on behalf of women and children. That is who I know my colleague from London-Fanshawe listens to, has listened to, advocates on behalf of. His community in London has shown incredible leadership when it comes to better protecting women and children, and they've sent a wonderful representative here on their behalf.

**The Acting Speaker (Mr. Bob Delaney):** Questions and comments?

**Mr. Pat Hoy:** I'm pleased to join in and comment on the presentation by the member from London-Fanshawe. He spoke about families, which this bill naturally addresses in a great way, and the breakdown of families, that sad situation when that might happen.

I have come to learn of a situation. I don't know the names of the people, and you'll know why in a moment, but there was a family breakdown; there were situations that were extreme. I really can't imagine this happening and explaining it to a young child, but the mother in this particular case moved away from the area, far enough away from an abusive spouse, and they had to change their names to protect their family. So not only do we have a situation where you're talking to a young and impressionable child, "We've left Daddy," trying to explain what might be very difficult circumstances as to why-maybe you won't explain that until they are much older-but, "We're going to another city in order to protect ourselves," and further than that, "We're going to change our names. Your last name is not going to be the same anymore. We're going to change it. We're just going to change it." But it's all done for protection purposes. The stories are many and varied. Bill 133 is to help protect those people who find themselves in these very difficult circumstances.

There is much in society that can be appalling, but I don't think there's anything more appalling than the abuse of children in any form, whether it's verbal, physical or otherwise. So I'm pleased that the minister has brought this very important legislation forward at this time, and I would urge the House to support it, and we can move forward with it.

**The Acting Speaker (Mr. Bob Delaney):** Member for London-Fanshawe, you have two minutes to reply.

**Mr. Khalil Ramal:** I want to thank all those who spoke, especially from Whitby-Oshawa, Eglinton-Lawrence, Etobicoke-Lakeshore and Chatham-Kent-Essex.

I want to echo my friend from Etobicoke-Lakeshore. Yes, it's a technical amendment and changes. It's important to open the door for our social reform to take place in order to continue the job.

The member from Whitby-Oshawa mentioned that it's not just technicalities that are the problem; some social issues also have to be addressed. There's no doubt about it, but it's very important. We have to take the technical step in the right direction in order to give the courts and lawmakers in this province the ability to protect the vulnerable people among us.

Also, some kinds of technicalities sometimes make a huge difference, especially when a family or a marriage breaks up. What happens? They fight about the assets, about the pension, about money, about custody. All this should be mentioned, should be detailed, should be updated in order, first, to lower court costs, and also to make fewer problems between the two partners. The transition would be easier if everything is clear to them and the law comes to assist them.

I also think it's very important for all of us to make sure that the relationship between two partners, whether married or not married, can be well designed and well known before the marriage, and especially after the marriage, because it causes a lot of harm, not just for them but also for the children they have, which is important for all of us from many different points of view, because they are the future of the province and the future of the nation. Therefore, it is our duty and obligation to protect them and make sure they are protected according to the law we have.

**The Acting Speaker (Mr. Bob Delaney):** Further debate?

**Hon. Madeleine Meilleur:** I move adjournment of the debate.

**The Acting Speaker (Mr. Bob Delaney):** The Minister of Community and Social Services has moved adjournment of the debate. Is it the pleasure of the House that the motion carry? Carried.

*Second reading debate adjourned.*

**Mr. Peter Kormos:** What's the next order for debate?

**Hon. Madeleine Meilleur:** I move adjournment of the House.

**Mr. Peter Kormos:** It's only 5 o'clock.

**The Acting Speaker (Mr. Bob Delaney):** Member for Welland.

The Minister of Community and Social Services has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. This House stands adjourned until Tuesday, February 24, at 9 of the clock. Good evening.

*The House adjourned at 1704.*