

# Access to Justice: Recognizing the Rights of Children under the UN Convention

CO-CHAIRS: **The Honourable Justice Freya Kristjanson**  
*Superior Court of Justice*

**Caterina Tempesta**, Senior Counsel,  
*Office of the Children's Lawyer*

**November 2, 2021**

**9:00 a.m. to 5:00 p.m.**

**Total CPD Hours = 5 h + 5 m Substantive + 20 m Professionalism <sup>P</sup>  
1 h + 35 m EDI Professionalism <sup>E</sup>**

**Law Society of Ontario**  
Toronto, ON

**SKU CLE21-01101**

## Agenda

**9:00 a.m. – 9:05 a.m.**

**Welcome and Opening Remarks**

The Honourable Freya Kristjanson, *Superior Court of Justice*

Caterina Tempesta, Senior Counsel, *Office of the Children's Lawyer*

9:05 a.m. – 9:25 a.m.

**Overview of the UNCRC and its Relevance to Family Law**

Caterina Tempesta, Senior Counsel, *Office of the Children’s Lawyer*

9:25 a.m. – 9:45 a.m.

**UN Committee on the Rights of the Child – Holding States Accountable**

Ann Skelton, Member, UN Committee on the Rights of the Child, *Office of the High Commissioner for Human Rights*

**PART 1**

9:45 a.m. – 11:00 a.m.

**FAMILY LAW - MEANINGFUL PARTICIPATION IN THE FACE OF CHALLENGING ISSUES**

9:45 a.m. – 10:25 a.m.

**“Parental Alienation” and Family Violence (10m <sup>P</sup>) (20 m <sup>E</sup>)**

The Honourable Donna Martinson, (retired) *Supreme Court of British Columbia*

Peter Jaffe, Ph.D., Professor, Faculty of Education, *Western University; Academic Director of the Centre for Research and Education on Violence Against Women & Children; Director Emeritus of the London Family Court Clinic*

Professor Simon Lapierre, Faculty of Social Sciences, *University of Ottawa*

10:25 a.m. – 10:35 a.m.

**The Child’s Perspective – The Right to Be Heard in High Conflict Cases**

Maya L., Young Person

10:35 a.m. – 11:00 a.m.

**The Relocation of Children Across International Borders – Hague and Non-Hague Cases (5m <sup>P</sup>)**

Sheena Scott, *Office of the Children’s Lawyer*

Michael Stangarone, *MacDonald & Partners LLP*

11:00 a.m. – 11:05 a.m.

Question and Answer Session

11:05 a.m. – 11:20 a.m.

Coffee Break

Part 2

11:20 a.m. – 12:35 p.m.

**CHILD PROTECTION - RECOGNIZING CHILDREN AS INDIVIDUALS WITH RIGHTS TO BE RESPECTED AND VOICES TO BE HEARD UNDER THE *CYFSA, 2017***

11:20 a.m. – 11:35 a.m.

Trends in the Case Law

The Honourable Stanley Sherr, *Ontario Court of Justice*

11:35 a.m. – 12:05 p.m.

Access and Extended Society Care /Openness (10 m 📺)

Elizabeth McCarty, *Office of the Children's Lawyer*

Wendy Hayes (video), Young Person

12:05 p.m. – 12:30 p.m.

**Cross-Over Youth / Youth Criminal Justice  
YCA Records in Child Protection Proceedings (10 m 📺)**

Samantha Wisnicki, *Office of the Children's Lawyer*

Brock Jones, Assistant Crown Attorney, Crown Law Office-Criminal, *Ministry of the Attorney General*

12:30 p.m. – 12:35 p.m.

Question and Answer Session

12:35 p.m. – 1:35 p.m.

Lunch

Part 3A

1:35 p.m. – 3:10 p.m.

**CROSS-CUTTING THEMES AND EVOLVING ISSUES**

1:35 p.m. – 1:55 p.m.

**Writing Judgments for and Communicating Judgments to Children**

Kathryn Hollingsworth, Professor of Law, *Newcastle Law School*, UK

**1:55 p.m. – 2:40 p.m.**

**The Rights of Indigenous Children in Child Protection and Family Law – *An Act respecting First Nations, Inuit and Métis children, youth and families* and Inherent Jurisdiction (30m<sup>Ⓜ</sup>)**

Sarah Clarke, *Clarke Child & Family Law*

Sinéad Dearman, *Olthuis Kleer Townshend LLP*

Katherine Hensel, *Hensel Barristers* (practising in association with *Fogler Rubinoff LLP*)

**2:40 p.m. – 2:55 p.m.**

**The Rights of LGBTQ2S+ Children and Youth in Family Law (15 m<sup>Ⓜ</sup>)**

Claire Houston, Assistant Professor, *Western Law*

**2:55 p.m. – 3:10 p.m.**

**The Rights of Children when Immigration/Refugee and Family Law Matters Intersect (5m<sup>Ⓜ</sup>)**

Maureen Silcoff, *Silcoff, Shacter, Barristers & Solicitors*

**3:10 p.m. – 3:15 p.m.**

**Question and Answer Session**

**3:15 p.m. – 3:30 p.m.**

**Coffee Break**

**Part 3B**



**3:30 p.m. – 5:00 p.m.**

**CROSS-CUTTING THEMES AND EVOLVING ISSUES**

**3:30 p.m. – 3:45 p.m.**

**Child-Inclusive Mediation**

Seema Jain, *Jain Family Law and Mediation*

<b>3:45 p.m. – 3:55 p.m.</b>	<b>Not All Methods of Hearing from the Child are Created Equally</b>  Sahara D., Young Person
<b>3:55 p.m. – 4:20 p.m.</b>	<b>Lawyers’ Panel: Incorporating Children’s Rights in Family and Child Protection Cases (5m  ) (5m  )</b>
<b>Moderator:</b>	Mary Birdsell, Executive Director, <i>Justice for Children and Youth</i>
<b>Panelists:</b>	Lisa LaBorde, Barrister & Solicitor  Tammy Law, Barrister & Solicitor  Shawn Richard, <i>Lenkinski, Carr &amp; Richard LLP</i>  Ian Ross, <i>Office of the Children’s Lawyer</i>
<b>4:20 p.m. – 4:50 p.m.</b>	<b>Judges’ Panel: Recognizing Children’s Rights in Family Law</b>
<b>Moderator:</b>	The Honourable Freya Kristjanson, <i>Superior Court of Justice</i>
<b>Panelists:</b>	The Honourable Mary Lou Benotto, <i>Court of Appeal for Ontario</i>  The Honourable Donna Martinson, (retired) <i>Supreme Court of British Columbia</i>  The Honourable Stanley Sherr, Ontario Court of Justice
<b>4:50 p.m. – 5:00 p.m.</b>	<b>Question and Answer Session/Closing Remarks</b>
<b>5:00 p.m.</b>	<b>Program Ends</b>