



Fathers Are Capable Too: Parenting Association

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The father emperor penguin forgoes all food for up to 4 months sheltering the egg and nurturing the chick.

NEWS RELEASE for July 31, 2006

RE: Another Bad SCC Decision

On July 31, 2006 the Supreme Court of Canada released yet another decision on Child Support, *D.B.S. v. S.R.G.*; *L.J.W. v. T.A.R.*; *Henry v. Henry*; *Hiemstra v. Hiemstra*, 2006 SCC 37. This decision again accents the intense political exploitation of the children of divorce by the Court.

The Court has once again told Canadians that marriage is transient but that divorce is forever. Not only will divorce be forever, but it will occur in a way to reward continued animosity, increased litigation, denial of parenting, all the while lining the pockets of the legal community at the expense of our children. A huge group of second-class children will be denied a reasonable life because they were not born of the first marriage.

This decision moved beyond the SCC's traditional policy of "from each according to their means, to each according to their needs" to something else. The majority decision "eschewed a purely needs-based analysis...[which]...implies that the total amount of child support owed will generally fluctuate based on the payor parent's income." No longer is "need" the child's needs or any one else's need. No longer is recipient parent's income a required source for meeting a child's "needs. There is still no necessity that child support actually be used for the child. The Court has decided that "child support" is simply a wealth transfer of massive proportions that has nothing to do with the children's needs (and some of these "children" are adults), and nothing to do with the children's *primary* need for both of their parents.

Of course, fluctuations are only permitted if income increases since it is impossible for a bankrupt, separated parent to fund the fight for a decrease in support amounts that would occur by necessity if they were not separated. Payors will never get sick, downsized, or depressed.

Justice Abella abandoned this "needs analysis" in stating that "the children's right to support varies with the changes in income." The children's need is specifically removed from consideration in the minority decision and it is instead a judge-made "right" — but only for the children of divorce and separation. Certainly the existing right of the children to meaningful relationships with both parents granted under the Divorce Act ("*maximum contact rule*") and the UN *Convention on the Rights of the Child* have no place in this judge-manufactured "right."

This massive wealth transfer that has serious consequences. There will be a massive group of parents that the courts will *not permit* to "move on with their lives." The Ontario government, in extending the jail time for those behind in support who have no income or assets left to seize, indicated that they were looking to jail over 1,200 men (apparently no women) in Ontario each and every year. Estimates based on Australian and US sources indicate that more than 50% of the 2,115 adult (ages 25-70) male suicides are related to divorce/separation and the court system. Even more tragic than this, the suicide rates of children

and young adults are strongly linked to parental divorce and access denial issues. How many more Canadians will this decision kill?

In a societal response to the accumulated decisions of the courts, the birth information released today by Statistics Canada shows that Canadians continue to not have children. Is there any doubt that these decisions are helping to eradicate our society and our children's future? The social engineering of this Court and the National Judicial Institute has been an absolute failure. This decision clearly shows the acceleration down the slippery slope.

It should be noted that despite the clear, provable and unequivocal evidence of the absolute anti-male, gender bias of Justices Abella and Charon in family law matters [see our news release of June 21, 2005 and the scientific report at <http://www.fact.on.ca/releases/sccappts.pdf>], they were permitted to sit on this decision. There is little more that could have been done to show what a sham the law has become in the courts of Canada. One has a difficult time imaging a greater long term threat to our children and our children's children than this trashing of the foundations of Canadian justice.

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