

HANSARD

NOVA SCOTIA HOUSE OF ASSEMBLY

STANDING COMMITTEE

ON

COMMUNITY SERVICES

Thursday, March 31, 2005

Committee Room 1

Grandparents Rights For Nova Scotia Association

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COMMUNITY SERVICES COMMITTEE

Ms. Marilyn More (Chairman)

Mr. Mark Parent

Mr. William Langille

Mr. Gary Hines

Mr. Jerry Pye

Mr. Gordon Gosse

Mr. Russell MacKinnon

Mr. Stephen McNeil

Mr. Leo Glavine

[Mr. Gary Hines was replaced by Mr. Cecil O'Donnell.]

[Mr. Stephen McNeil was replaced by Mr. Wayne Gaudet.]

In Attendance:

Ms. Mora Stevens

Legislative Committee Coordinator

Mrs. Darlene Henry

Legislative Committee Clerk

WITNESSES

Grandparents Rights For Nova Scotia Association

Mrs. Pauline Glenn

Chairman

Mrs. Thelma Gillispie

Secretary/Treasurer

Mr. Gordon Stoodley

Acting Vice-Chairman

Mr. Howard Glenn

Member

Mr. Brian Gillispie

Member



HALIFAX, THURSDAY, MARCH 31, 2005

STANDING COMMITTEE ON COMMUNITY SERVICES

9:00 A.M.

CHAIRMAN
Ms. Marilyn More

MADAM CHAIRMAN: Could I have your attention please. I now call the Standing Committee on Community Services to order. This morning we have giving us a presentation, the Grandparents Rights For Nova Scotia Association. We're very pleased to have them here. I think we'll start with introduction of the committee members and then we'll lead right into introductions from the association.

[The committee members introduced themselves.]

MADAM CHAIRMAN: Pauline, would you like to introduce yourself and your members, please.

MRS. PAULINE GLENN: I'm Pauline Glenn from Malagash and my husband is right behind me. Thelma Gillispie is our Secretary/Treasurer, and our Vice-Chairman is Gordon Stoodley; in back, Brian Gillispie and Howard Glenn.

MADAM CHAIRMAN: Welcome all. We chatted a little earlier, Pauline, and you're going to give the presentation this morning, so if you would like to begin.

MRS. GLENN: First, did everyone receive a copy of the presentation that we're going to give today?

MADAM CHAIRMAN: No.

MRS. GLENN: We sent a copy in earlier so you could read it over. (Interruptions) Well, that's all right, I'm going to read it anyway. Would it be possible to have the minutes of this meeting sent to our association?

MADAM CHAIRMAN: Definitely, everything is recorded in Hansard and it's available on the Internet but we can send you a paper copy as well.

MRS. GLENN: It would be nice, we'd appreciate it. We'd like to thank your standing committee for allowing us to be here today. We appreciate it. While we're giving our presentation, we would like each of you on the committee to reflect back on your relationship with your grandparents and how it would have emotionally affected you and your grandparents if you had been denied access to each other due to no fault of yours or your grandparents. If you just keep that in mind.

We're asking this committee to work with us, speak for us, to have legislation passed in Nova Scotia giving grandchildren and grandparents access to each other, as the Provinces of British Columbia, Quebec, Alberta, New Brunswick and the Yukon have done without any changes to the Divorce Act.

First and foremost, our association believes in what is in the best interest of the child. We wish to make this perfectly clear. We do believe that it is in the best interest of the child to continue his or her relationship with their grandparents after divorce, separation or death, unless there is concrete evidence not to do so. Our association is asking for visitation, access to grandchildren after divorce, separation or death has taken place, to send cards, telephone them, go to see their sports, send gifts, take them out to lunch or to their grandparents' for lunch. We are not asking to adopt or have custody, although there are some grandparents who wish to do so. Grandparents with whom a child has a close, or could have a close, relationship can make an important contribution to the child's growth and development. Where it is in the best interest of the child, it's important to preserve these relationships.

There is nothing more alarming to children than family separation, the anguish that they experience, the dilemma that prevents them from succeeding in school or having a useful peer relationship. When there is conflict in the home and children are being apprehended by strangers, usually at night, and put in homes of strangers, it is terrifying to the children. Is this in the best interest of the child? On the contrary, it is cruel and abusive.

It is time that grandparents are given the opportunity to bring some stability into the lives of these terrified children. When apprehending children, grandparents and extended family should have first priority to love and comfort them. I would like to address that in something else here. Grandchildren and grandparents are being denied the freedom of expression and association that is in the Charter of Rights by those in power and parents. While social turbulence is unnerving to many adults, especially those of the older generation, we think

it is important to say that it is completely disastrous for the welfare and orderly progress of children through their formative years.

Unfortunately, judges often still do not recognize grandparents as being important in children's lives. We wish to address false allegations. False allegations must not be tolerated and must be dealt with effectively. False statements under oath or affidavit are considered perjury, an indictable offence under the Code. This is not always addressed. New legislation would include in it an evaluation of where new legislative provisions would help increase public and professional awareness in the education of judges, lawyers and others.

At a time when child neglect and abuse are of increasing concern to Canadians, the contribution that grandparents are making to the welfare of our children goes almost unrecognized. There is hardly any research available on the impact that grandparents are having and will have on Canada's next generation. Government support for the care they offer is actually on the decline. Grandparents could reduce the number of hungry children. November 24, 1999, a report stated that 48,000 Nova Scotia children were living in poverty; June 18, 2004, still thousands of Nova Scotia children are going hungry. Many children would be fed better, better dressed in winter, less children living on the streets if grandparents and extended families had access. This, in turn, would save government millions of dollars in health care and social services.

Our association believes the Charter of Rights and Freedoms is being ignored by the Province of Nova Scotia. The purpose of the Charter of Rights and Freedoms is to protect minorities, to protect them against the oppression of the majority. Grandparents and grandchildren are the minority.

Finally, there are 130,000 people over the age of 65 in Nova Scotia and growing. It is safe to say that 97 per cent to 98 per cent are grandparents. It was stated in the federal election that 72 per cent who voted were seniors, so we assume this is the same here in Nova Scotia. This will explain itself.

That's our presentation. Now, I think what we're asking for is here, but it's not being enforced.

Now, this is a document that was researched by one of our members and it says in the social services Act - we'll call it that - Section 42(2), "The court shall not make an order removing the child from the care of a parent or guardian unless the court is satisfied that less intrusive alternatives, including services to promote the integrity of the family pursuant to Section 13 . . ."

Now, integrity in the dictionary means whole, complete, considering all things. This is before a child is to be removed by social services, "(a) have been attempted and have failed;" to have the child placed in any place except the foster home, "(b) have been refused by the

parent or guardian, or (c) would be inadequate to protect the child." We feel that it's just like jaywalking, there's a law but it's not enforced all the time. This here tells us that social workers are not to remove the child until they have asked or checked with the grandparents, extended family, if they would take the child. The last resort is a foster home.

[9:15 a.m.]

Those being neglected are war veterans. I received this on the Internet, two world war veterans will be banding together to denounce being denied access to their children in Canada by the family law justice system. One of the men said that this is not the democracy we fought for. One gentleman is 90 years old and he hasn't seen his granddaughter in 14 years and another veteran hasn't for five years. We have so much we couldn't give it to you unless you had the whole day. There is a gentlemen there, he was 72 years old, he was married for 49 years and had three children. He had seven engineering degrees, he read the encyclopedia for something to do and when he was denied access to his grandchildren, this ripped his heart out. In the meantime, he died without seeing his grandchildren.

Let us go on to this, this annoys us very much. Grandparents do not have rights, but the move-in lover moves in with the custodial parent. They do not have to be assessed and they have access to somebody's grandchild. The step-parent doesn't have to be assessed and they can move in with somebody's grandchild.

I have brought a scrapbook here showing several in Nova Scotia who have killed children, abused them and nothing's done about it, but we're not allowed access. We can't take our children out to lunch. We can't phone them because the custodial parent can say we're harassing them and charge us. This is not right, there's something terribly wrong.

As for rights, there are gay rights - you all know about those, it has been very recent - animal rights, convict rights, pedophile rights. Paul Bernardo, who killed two girls has rights. We have no rights to love our grandchildren. That is not right. Changes must be made.

Children today have no stability, they don't know they're loved, and a lot of them aren't loved. Parents today are trying to make a living, keep the house together and a lot of them don't have time for their children, their children run wild. We are there, we're the stability, we're the future of our Nova Scotia people because they are going to become people. If we don't show them there is love in our society and guide them, what will Nova Scotia be? You can't walk down the streets today without being mugged in daylight, we see that in the paper.

Grandparents have to be involved in the children's lives, but we can't seem to get anybody to realize this. Yes, you will say that all grandparents shouldn't have them, that's right, they shouldn't, but it's like a barrel of apples - if you put two bad apples in that doesn't make the whole barrel bad. We have all walks of life this is happening to and it's not right that

somebody can move in and have access and rights to our grandchildren and we cannot have rights. There is something wrong.

What would have happened in your lives if you were taken from your grandparents when you were small? You would be emotionally disturbed the rest of your life, you'd wonder where you came from. Could somebody tell me what is in the best interest of the child? We're told this but we haven't had it defined. Can somebody tell us what is in the best interest of the child?

MADAM CHAIRMAN: Is that a rhetorical question or are you asking us?

MRS. GLENN: Yes, just ask if somebody could answer. We hear it all the time, in the best interest of the child. What is, in your view, in the best interest of the child?

MADAM CHAIRMAN: Perhaps when we go around and are asking questions, if members want to they can answer that question for you. I just want to clarify, I think you have raised three issues and I just want to be sure, are these what you're considering as grandparents' rights: you talked about access to grandchildren; you've talked about safety of children, in terms of who the custodial parent is living with; you also talked about the option for grandparents to be considered for custody if the child is going to be removed from the family by Community Services. So those are three of the rights that you're looking at?

MRS. GLENN: Yes.

MADAM CHAIRMAN: Have I missed any, are there others? (Interruptions) We'll have a chance for some of this to come out in the discussion. I'd like to open it up for questions, if that's okay, and the three of you can add more things as the discussion goes on.

Mark Parent first.

MR. MARK PARENT: Thank you very much for your presentation. My perspective is that the full influence and relationship with the grandparents is good for the children, the extended family is good and it's a solid basis that we need to support. I'm sure you'll hear that answer from others around this table as well. The question I have is, last night I was reading some of the letters that were in our briefing booklet, I assume they were supplied by you.

The problem with access becomes a problem when the couple who are divorcing, have divorced, or are separating, when they're not getting along together and they're using the children against each other to a certain extent. Is there sort of a common profile in your studies of when grandparents are denied access? Are there certain commonalities that come out of the relationships? It doesn't happen in all relationships, I know of some divorced couples where the grandparents are intimately part of the children's lives.

MRS. THELMA GILLISPIE: The experiences I have had with meeting grandparents who are denied access, at times it is the death of one parent and then the remaining parent will go on to a new life and so the grandparents are just put aside, out of the family unit, and that happens quite often. I have found that in all of this custody and divorce, the big issue is control. The person who gets custody feels like they have control of the situation and if there are people they don't want in the children's lives, they feel they can get rid of them.

MR. PARENT: Why would someone not want grandparents involved, I would see it as an extra resource that you would want to use?

MRS. GILLISPIE: That's right, but people are angry and if they have that control where they can do that, perhaps they just want to get on with their life and make a new life.

MRS. GLENN: There's such bitterness with divorce as a rule. There is so much bitterness that children are used as the weapons; your parents are not going to see the children because I'm going to get custody or I have custody and they're not going to see their grandchildren, it's because she or he is so angry at their partner or ex-partner that they take it out like that.

MR. PARENT: This is, basically, mainly a federal matter, from the literature we have in front of us, but there is a provincial responsibility as well. Certain provinces have changed their legislation, it seems, and there is something that we can do provincially, but the letters that I'm reading here are to Prime Minister Chrétien, et cetera. What sort of a response are you getting from the MPs in Nova Scotia? Are you getting support from them or not?

MRS. GLENN: Let me go back a bit. We're approaching 8,000 signatures on our petition of Nova Scotians. Of that, we have 16 of the Conservative Party who have signed our petition. But when we write to politicians, oh, we get a nice letter back, maybe two or three months down the road, but there's nothing concrete in it. Before we open it, we know what it's going to say, because we've written to so many.

MR. PARENT: Right, so you're getting a lot of verbal support but no real changes in the divorce legislation.

MRS. GLENN: That's right. We want it in writing.

MR. PARENT: So are you aiming to change the legislation basically at the federal or at the provincial level or both?

MRS. GLENN: Provincial. We've been told that we can't have a change in the provincial government's because the federal Divorce Act has to be changed, but that's not altogether true, because these other provinces have made changes.

MADAM CHAIRMAN: Russell.

MR. RUSSELL MACKINNON: Madam Chairman, I would like to thank our witnesses for appearing. My first question is with regard to the basic premise of family law and whatever is being considered is certainly, I would believe, to be considered in the best interest of the child. So my question is, how do you see grandparents' rights playing into the best interest of the child?

MR. GORDON STOODLEY: I'm the junior member of this group, but from what I've seen it is just unbelievable. There is one lady who comes to our meeting, she's a grandparent and her heart is just broken in two. She has got grandchildren and she can't see them. She knows they're in the province, somewhere, she can't see them, unjustifiably. She did nothing to deserve this. Her daughter, we've mentioned it here in the documents, is in what we call a live-in lover relationship. Then her daughter's being intimidated by this man, the children are being abused and she can't do anything about it. So I've seen this. Rephrase the question again, you asked me how it affects - I'm sorry.

MR. MACKINNON: How do you see the grandparents' rights playing a role in the best interests of the child?

MR. STOODLEY: The way I see it, a certain percentage of reduction - you have children out there today and it is increasing, the swarming and everything else that's going on, all of these kids, I would say, there's been a ton of study done on it, it's probably a family-related thing. These children are angry and there is no doubt that the loss - their grandparents have been taken from them, they had no choice in this matter. It surely has a mitigating effect on their behaviour. That's how we see grandparents, as being a calming effect on children. They're being denied that in their upbringing. We have a situation here in Nova Scotia where present laws are disrupting family life, as we traditionally know it. That's why we need legislation, because, with grandparents, then they will have somebody else to turn to.

The violence and the crime will surely lessen; I don't know what percentage, at least 25 per cent. There are all kinds of studies and we all know this, but it seems like you have - we had a problem as well but when I joined this association, it's all here, what's going on in the province, but you never see it in the press very much. You see it every day in cases. You know, these live-in lovers and stuff like that, they've shaken children to death, it's not their own child and stuff like that, and here the grandparents have got to sit and watch this going on.

So we have had violence, we have children who have been injured and even killed and grandparents are shunned because they've probably made some remark or something or the live-in lover has got no relationship with these people, he hardly knows them, he doesn't want them to see the kids, they're cut off. So these children who do survive it, what's happening to them when they grow up to be teens and on the street? It has an effect on them, no doubt.

MR. MACKINNON: With respect to grandparents' rights, has this issue ever been before the Supreme Court of Nova Scotia or the Supreme Court of Canada or in any other jurisdiction?

MRS. GLENN: We're dealing strictly with our province. We could have gone under the Canadian Grandparents Rights but we felt we should work within our own province, look after our own people first. No, what you see here - we've done a lot of public speaking and we have support from Cumberland County Council, the Colchester retired teachers association, we have the RCMP, Peter Kelly, we have all these letters here if you wish to look at them.

MR. STOODLEY: Can I add one factor while I'm still thinking about it, somebody brought it up. You have a tendency to think here that it's all related to the Divorce Act or it comes from divorce, every case. This is not so, because you have people out there who are married, not divorced, probably their first marriage, but you have an abusive relationship where the man is abusing the spouse, in most cases, and they're so arrogant and abusive that they get angry and they cut off the grandparents, for some reason or other, they use it as a power struggle. We went through a case like this, personally ourselves. They're not married, today you have people out there who are having children who are not even married, so how does the Divorce Act come into here. Then probably one of the spouses, they break up and somebody else comes into the relationship and there are children involved and then it gets even worse, because they use it as a power issue.

Our daughter and her husband were just normally married and they used it on us because they were angry with us, and we were cut off from our grandchildren - still cut off - because they were angry with something that we said, or something like that. It's not only divorce, that's what I'm saying.

MRS. GLENN: That's why we need a law.

MR. MACKINNON: Speaking of that, has your association approached the provincial Minister of Justice with regard to legislation? If so, what has the response been?

MRS. GLENN: We had how many meetings with Justice Minister Baker?

MRS. GILLISPIE: Two or three.

MRS. GLENN: Premier Hamm. After that, Justice Minister Muir, back to Justice Minister Baker, they all know our names, they all know us personally. Yes, we have tried all proper avenues up to now, we've been doing it the proper way, no hysterics - although my voice does raise - but we've done it properly. We're getting to the point now, we're going to have to raise our voices to the people of Nova Scotia and tell them what's going on and who's not supporting us, who have the power to put through to protect - we're saying grandparents - it's the children. It's our grandchildren we're more interested in.

[9:30 a.m.]

We can take it, okay? We can cry, we can get depressed, we can go on pills, but it's the grandchildren coming up. We want them to have a good life, we want them to be loved, we want them to know they're loved. This is why you're getting bullying, they're seeing bullying going on in the home and sometimes it's not. There are wonderful families out there, I'm not saying that, there are wonderful children out there, but why take these wonderful children and let them get down to the spot that they have no resources, they have no place to go, but to bully the next kid because they didn't have the right clothes on. We have to get over that, we have to teach our grandchildren.

My grandson says to us - Howard is his step-grandfather - he's 20 now and he'll say, Nanny, you know I was in and out of trouble but you were always there, you and Howie - he calls him Howie - you were the only ones who loved me when I was in trouble. He had that much - he's 20 today, he's a fine boy and everything - but he's gone through what these kids are going through and I can see it. If we didn't give that young fellow the love and hugs as he was growing up - even Howard hugging him - he'd be out on the streets today because his family life wasn't that good. It was my daughter and his dad and there were problems and he didn't have anyone to go to to tell his troubles to, to cry, he was 14 and he cried with me, this is what we're seeing. So many are looking over the heads of these kids. There are good kids if they only have some stability in their lives, that's the main thing.

In foster homes - I call them floaters - they're floating from one foster home to another. The child is not going to - the rare one - come up with their children and love their children if they're not shown an example by us. Nova Scotia has to step up and show the rest of the provinces we care for our kids and we're going to make a change. We can't sit back. People say, Nova Scotia never makes a change in anything, and it's true, we see it on the outside. We have to show the rest of Canada that we love our children, we're going to be different. We're going to give grandparents rights. Give us a chance to show that we can do it with our grandchildren.

I don't know why. What is there between the power and us? There's something there, there's a block there and we have to get that block down and show the rest of Canada that our kids are loved and they're going to make something of themselves.

MR. STOODLEY: I honestly think the real reason that there is no legislation for grandparents' rights in this province is up until now there hasn't been enough groundswell from the general public to get this issue out in front. We're doing it now. Here is a chance to pass legislation that is a win-win situation for everybody. Sometimes committees will come in here with controversial legislation and you'll say what if, what if, who's going to sue us here, whatever. You know yourself, this is a family issue and if legislation was passed tomorrow, who's going to complain? Who is it going to affect adversely and cause pain or whatever? This

is family grassroots legislation and I honestly think that is the reason. Like I said, here is a chance for Nova Scotia, you won't see the results tomorrow, but 20 years down the road you will probably see less violence, swarming, whatever the kids get wrong with them, it's mostly anger, it should be reduced by a certain percentage point.

There are a lot of cases where an abusive husband uses children for control, there are so many out there and you know about it yourself. This woman was just heartbroken and this man was watching his wife literally wither away, and there are people who have died before their time. There's one case where they have a new grandchild and they don't even have a picture of their grandchild. The child is two or three years old and they're cut off completely. They found out the name through a roundabout way of the child. There is no communication whatsoever. They have a daughter living with a guy on drugs and they can't do anything about it. Do we want this kind of life? This is terrible and you don't realize it. I didn't realize it until I saw some of the files.

MRS. GLENN: We have letters here we won't show you because we haven't had permission and I won't show anybody - except in our group and it is kept in our group - who these people are.

MADAM CHAIRMAN: Pauline, if you don't mind, I'm going to return to the questions and then we'll also give you time at the end of the meeting. We understand why you're so passionate about this issue and it's not a problem but I just want to make sure the members have a chance to ask their questions and then we'll come back and you can certainly make some closing remarks, as well. I have Jerry and then Cecil.

MR. JERRY PYE: I can tell you that it certainly is an issue that grabs you by the heart. I want you to know that many of us who sit on this Community Services Committee, it's fair to say, are grandparents and there would be very few of us who are not. Maybe I'm wrong, maybe I'm just dating myself, Madam Chairman, but I can tell you, I certainly am a grandparent. I think I have the empathy and feel what you are presenting to us today.

I remember when grandparents were central to the family when, in fact, every Sunday after church you would go to the grandparents' home and you would alternate back and forth each time to spend that day there, and the important values the grandparents had passed on to their sons and daughters and down to their grandchildren. All that is very good and very important and grows a family, there's no question about it. It's like a community growing a family, the family unit itself grows the family.

I just want to make a brief comment. I believe you had asked earlier what is in the best interest of the child. The courts use that phrase consistently to determine the outcome through the court process, what will happen to the child. I can only tell you as a layman that I believe, and it would be my assessment, that the courts look at the environment, the needs, the

protection of the child, where the child is going to be placed. That determines what is in the best interest of the child. I would think it would be no different for you or me to use that same approach.

Unfortunately, sometimes grandparents don't get access to their children, but the courts have been known to and have given grandparents access to their children, it's not something that's uncommon. The access that I think you're talking about is outside the court environment and that access whereby people may be cohabitating, they may have a partnership, there may be a dispute in the family, and where the grandparent is denied access to the child. Am I correct that that's the kind of environment you're looking at?

MRS. GLENN: It goes deeper than that and I will add to what you have to say.

MR. PYE: My concern is that you said you did not link up to the national body with respect to the National Grandparents Association across the country. I think if there's a National Grandparents Association across the country, the problems don't only exist in Nova Scotia but they exist in other provinces, and they're not simply addressed in a manner in which grandparents across the country would like to see them. So you have this national body hopefully checking with the federal government as well and I would advise you to link up with them because they could probably offer you a wealth of information.

I do know that since 1998, when I was elected to the provincial Legislature, you were a grandparents' rights organization then. As a matter of fact, I first met Thelma in 1998 and that's seven years, so I think you have the stability and foundation strong enough in Nova Scotia to tap off into the national body.

The other concern is with respect to the legislation. At the federal level it is the Divorce Act that needs amendments. I do know you met about three years ago with then Liberal Senator Cools, who is now a Tory Senator - they shift even in the Senate. She was serving on a committee that was touring the country with respect to a report called, For the Sake of the Children, I think it was . . .

MRS. GLENN: It cost us \$1.5 million and it's gathering dust in Ottawa.

MR. PYE: And in that, I believe, there may have been a recommendation - it may have been recommendation No. 65 or whatever, I don't know what the recommendation was - that where possible, grandparents have access to their children, it was just a slight phrase at that level. I'm wondering if you can tell us briefly about that, where that report is and why it's collecting dust, and why you haven't tapped your federal MPs with respect to bringing that legislation forward?

You have a minority government in Ottawa and it might be the appropriate time to bring that piece of legislation forward to discuss.

MRS. GLENN: Who we got in touch with was MP Robert Thibault, MP Geoff Regan, Peter MacKay, Prime Minister Paul Martin, Stephen Harper - we haven't written to Jack Layton yet - and Bill Casey. Bill Casey took 4,200 of our petitions and presented them in the House of Commons, we got that far, but then they go like dust. Yes, they did make a tour, we have copies of For the Sake of the Children and that's exactly what Canadians want. They made 52 trips across Canada, compiling all this information on what the public would like. They broke it all down and made a document that thick.

[9:45 a.m.]

I wrote to Justice Minister Anne McLellan, Irwin Cotler, the same letters back saying, thank you for your letter, we're not going to address the Divorce Act for two more years. Now, that was Anne McLellan, how long has she been out of the Justice portfolio and it's going to be two years. Will it be five years? We're going to adjust it in two years, she's out of there five years, this is what we're getting and we're getting annoyed. We don't want this to happen in Nova Scotia. We are Nova Scotians and we want our MLAs to look after us.

MR. PYE: Also, in Quebec there was 84 per cent popular support for an enshrined grandparents rights within legislation and I believe there's Code 611 is in the Province of Quebec - and that's the most recent amendment, I believe - as a result of the pressure placed on the Government of Quebec of the day to bring that legislation in. I don't have a copy of that legislation.

MRS. GLENN: I have it right here.

MR. PYE: It might be appropriate for you to pass on some information to us with respect to copies of legislation that you think is the kind of legislation that you would like to see enshrined in Nova Scotia. In Nova Scotia I think the only Act that might be able to address that is called the Children and Family Services Act, I believe, in the Province of Nova Scotia.

I don't know, but I'm willing to make a motion later to have information sent to the Minister of Community Services and the Minister of Justice with respect to some of your concerns, but I'll wait until we hear everyone and then see if we can craft a motion forward to ask them to look at it and to come back to us with some recommendations.

MRS. GLENN: We'd appreciate that.

MR. PYE: So we can look at that later but we will certainly wait for the rest.

MADAM CHAIRMAN: Cecil.

MR. CECIL O'DONNELL: Thank you for the presentation this morning. I am a grandparent too and in my case, probably 20 years ago I was divorced, I had custody of two

girls at the time and things went well; we've both married since then and I've moved on with my life. In our case with our grandchildren, instead of having two sets of grandparents, now they have four sets of grandparents, so it has worked out well. What I would like to know is, how many grandparents in Nova Scotia, or approximately, are being denied access to their grandchildren? Do you have any ballpark figure?

MRS. GLENN: I can sort of turn that around a little bit and tell you how many grandparents we have, how many children in Nova Scotia are living with grandparents, the grandmother and the grandfather, 2,435. Let me do this a little better: living with both grandparents in Nova Scotia, the grandmother and the grandfather, 1,250; living with one grandparent, 1,185. That makes the total I started out with, 2,435 living with grandparents, one way or another in Nova Scotia.

MADAM CHAIRMAN: Just to clarify, these are grandparents who have legal custody of their grandchildren?

MRS. GLENN: I can't tell you if it's legal.

MADAM CHAIRMAN: But they have day-to-day care and custody of the children?

MRS. GLENN: Yes.

MR. MACKINNON: Madam Chairman, on a point of order, is she planning on tabling that document?

MADAM CHAIRMAN: Could we get a copy of those figures?

MRS. GLENN: Sure. (Interruption) I have no figures. I called Mr. MacKinnon before he retired from the Justice . . .

MADAM CHAIRMAN: Fred MacKinnon from Community Services?

MRS. GLENN: Yes, I believe it was him. I asked him how many cases of grandparents were denied in the courts? He said they didn't keep a record of that.

MADAM CHAIRMAN: But I think Cecil was also asking do you have any sense of how many grandparents are denied visitation and access to grandchildren in this province?

MRS. GLENN: With nothing in writing, just by touring Nova Scotia and speaking to organizations and groups, we say thousands, without hesitation.

MR. STOODLEY: You probably have hundreds of files.

MRS. GLENN: Yes, those letters plus the signatures, the people who signed, the majority of them have no access. We have it going on 8,000 signatures. We can't give it to you in writing, we can just verbally.

MADAM CHAIRMAN: Wayne.

MR. WAYNE GAUDET: Madam Chairman, I want to start out by thanking the presenters this morning for their excellent presentation. I have a question, you made reference that some provinces do have legislation in place to provide grandparents with access to their grandchildren. My question is, have you or someone from your association been in contact with some of these provinces? Is the legislation working or isn't it working? I'm just curious how it's working in the provinces that do have legislation in place to allow grandparents access to their grandchildren.

MRS. GILLISPIE: It always strikes me as being beneficial if you live in Quebec. Quebec has always taken very good care of their children. The other provinces, the grandparents' rights groups are very strong. British Columbia, my husband and I belonged to that when we were first getting our group started and they were very helpful to us. They're very active in Alberta and we're in touch with these people in the groups. You become friends and a lot of the people visit back and forth, if they're in that city they go see the grandparents' rights people.

I found right from the very first and this would have been, I would think, nine or 10 years ago that we joined the New Brunswick group and I was quite interested in this when I visited British Columbia, there were a couple of people on TV, Daphne Jennings, who was an MP from British Columbia and Nancy Woolridge, the lady who is head of Grandparents Rights in B.C., they were having a terrible time trying to get something passed federally. Apparently, one of the lawyers who was an MP said that this wouldn't go anywhere because the court system did not want to bother with grandparents. There was enough confusion in the courts and it wouldn't go anywhere, nothing would come of it. So that's the way it's been.

We sat in on court scenarios where the judge would say, we're not having anything to do with grandparents' rights, we're not getting into that and it was a grandparent who was there asking for access, a phone call, anything she could get and she was turned down. This was just in the past year. The only person, from my information, who has ever said that yes, it's beneficial for a grandparent to have access to her little grandson - the mother did not want this to happen, this grandparent was the father's parent - was Robert Ferguson, who is an older man, and the judges I've heard say these things about grandparents are the younger judges over at Devonshire.

MR. GAUDET: I guess what I was looking for is, some of these provinces have legislation in place to allow grandparents to have access to their grandchildren and I'm just

wondering if some of the members of your association have been in contact with some of these provinces, speaking with some of the grandparents, is it working in those provinces? Do grandparents have access or have easier access to their grandchildren?

MRS. GLENN: Well, I've been talking to Nancy Woolridge, President of the Canadian Grandparents' Rights, and she will accompany grandparents to court, she is allowed by the court to accompany the grandparents and yes, it is successful in B.C., I can tell you that, because she is very enthused about B.C. Florence Knight of Alberta doesn't go to court with the grandparents but grandparents will get in touch with her because she has a branch of the Canadian Grandparents' Rights and yes, it's successful in Alberta. Now, as for the other provinces, I have no connection with them, so I don't know.

MR. GAUDET: One final question, in these two provinces that have been successful, Alberta and B.C., coming back to legislation, do they have federal plus provincial legislation in place in order to have . . .

MRS. GLENN: No, it's provincial. I can picture the letter just as plain as can be. An MLA who is very, very interested in this issue took up the flag, or whatever, to go with it and I have a letter at home of this particular MLA who did get it through for British Columbia and she made a presentation to a group like yourself why she was behind this legislation and she wanted this bill to go through. I don't understand all that technical stuff but, anyway, she did, it was an MLA who pushed it.

MR. STOODLEY: Just a follow-up here. You understand there is B.C., Quebec, Alberta, the Yukon and New Brunswick. New Brunswick's legislation they have (Interruption) Well, there are varying degrees of wording on this but they are all provincially protected. I wondered about the Yukon myself, why the Yukon brought it in, it could have something to do with their high Native population and Natives, as you know, put a lot of emphasis on grandparents and stuff. Anyway, they have it in the Yukon.

MRS. GILLISPIE: I think the NDP brought it in there.

MADAM CHAIRMAN: Bill.

MR. WILLIAM LANGILLE: Again, I'm a grandparent also and Mr. Stoodley, I'm going to direct a question to you. Now, in your conversation this morning I take it that you are not allowed to see your grandchildren. Is this correct?

MRS. GLENN: I am now, ours is resolved.

MR. STOODLEY: We had a period of that and it's still kind of unresolved. They've moved out West now, so we can't.

MR. LANGILLE: Was it your daughter?

MR. STOODLEY: Yes.

MR. LANGILLE: Are they still married, your daughter?

MR. STOODLEY: Yes, she was married before, this is her second marriage and she had two children by a previous marriage and then she had another girl with this marriage. The boy remembered - he was four years old when this happened - when he came to our house and he wanted to know about his father. His mother wants to keep this under the cover and during the discussion he wanted to know where his father was, his real father and stuff like that. My wife tried to keep away from it but he was reminiscing because he remembered he was in this house and she discussed it a little and then he went back and told his mother. That really was the straw that broke the camel's back.

She takes an attitude like she wants to protect these children from this, she wants to cement her second marriage and it's trivial compared to what I've seen here. But this was what got us going on the grandparents thing. She completely cut us off because we mentioned that to him and he went back and told his mother. She's very angry with us, it's been going on for over a year now. I'm just giving you an example. She has even called the police and stuff, we couldn't see the children, and that was when she was living in this province. That's the kind of stuff they will do. It goes on, I'm sure, with other families. Probably you don't hear about it as much because it doesn't reach the courts and that.

MR. LANGILLE: I'm sure that we all know of families where the grandparents don't see their grandchildren.

MRS. GLENN: You see today, babies are having babies.

MR. LANGILLE: They did so in my age too. More so, I think.

MRS. GLENN: So the population is exploding with children because, as I say, babies are having babies. The baby boomers today are grandparents younger than what we were as grandparents. They're going to have the same problem but they haven't run into it yet. So if they would only realize, well, this could happen to me and join us so we could spread more.

MR. LANGILLE: I don't want to get off track here but I think statistics will show that people are waiting longer to get married now, they're having a career and so on, than what it was during the 1950s and 1960s. Anyway, in this case, you want the grandparents to have the right to visitation to ensure that they can have interaction with their grandchildren. But a mother or father, which would be a daughter or son of the grandparents, would it be infringing on their rights for them not to want to give the rights for their mother or father, the grandparents, which would be you, to see their grandchildren for whatever reason they deem?

[10:00 a.m.]

MRS. GILLISPIE: Could I answer that?

MR. LANGILLE: Sure.

MRS. GILLISPIE: I'm sorry, because you were directing that at Pauline.

MR. LANGILLE: No, no, that's fine. I'm just throwing out the question.

MRS. GILLISPIE: I would like you to just refresh my memory there on what you were talking about.

MR. LANGILLE: If legislation was brought in in the other provinces . . .

MRS. GILLISPIE: Right on, right on, dear.

MR. LANGILLE: By bringing in this legislation, are we taking the rights of the parents away?

MRS. GILLISPIE: That's right. I think that's why there has been nothing done in Nova Scotia about the situation. The different political Parties, each one has been very helpful but there is nothing actually done, is the bottom line. It is stepping on parents' toes. They do that and it's not going to look good for them, these parents are voters, for one thing. I think this is why a lot of lawyers, anyone in the law, will see that right off, that you're doing something there that's not going to be favoured by these parents. Why can't we have supervised visits? Why couldn't we have telephone calls that are monitored? Anything. Just that you know that child is well, that they're doing well in school, just anything.

There are grandparents who are cut off. I have a dear friend in Ottawa, a retired teacher, her husband was a career Army man, she had to come to Nova Scotia to ask for access to her grandchildren. Her son-in-law was an RCMP officer living here in Nova Scotia. She was cut off from her grandchildren all of their growing up lives, from the time they were five or six until they were teenagers and came on their own and wanted to meet her. Thankfully, just before her husband died, so one of the boys got to meet the grandfather. She wasn't allowed to send a Christmas card. She sent those two boys a Christmas card and she got a letter back saying, anything further and you'll hear from my solicitor. So I think a lot of this hesitation has to do with the parents, you don't want to step on the parents' toes and there are a lot of votes there with parents. That's why the lawyers hesitate too.

MRS. GLENN: Just to be political. This is turning political now. It's a controversial thing.

MR. LANGILLE: We're not talking about divorced parents, we're talking about a mother and father and a grandparent who have become dysfunctional with their child, their daughter or son? In most cases, I would think . . .

MRS. GLENN: But then again the children are being used as weapons. Why should the mother and father, if they're getting along and they have the grandchildren, why would they deny the grandparents a letter or a phone call to their children?

MR. STOODLEY: These children don't understand divorce.

MR. LANGILLE: You have a Canadian chapter, which you say you don't belong to. So you've decided to go alone on the provincial.

MRS. GLENN: We want to look after our own first.

MR. LANGILLE: I'm just running this by you, would it not make sense if the federal government could enact a law and when they do enact a law then the provinces would have to follow suit, if that's law?

MRS. GLENN: We don't think that it has to go federal. We think we can do it in our own province.

MR. STOODLEY: It would be nice.

MR. LANGILLE: No, I'm thinking that once it becomes law then the provinces are obliged to enact, that would be uniform across Canada, if the federal government did that.

MRS. GLENN: I just don't understand why that would be the incentive.

MR. LANGILLE: I'm not saying that it's the incentive but . . .

MRS. GLENN: I would think that the province itself would want to go on and do something for the people of Nova Scotia. I don't think we have to go federal.

MR. LANGILLE: It's too bad everybody can't get along but I guess that's part of life.

MRS. GLENN: I must add to what you're talking about. We have letters that show grandparents have spent their life savings going to court. Why did the lawyer not say, I can't help you because there's no grandparents' rights? But the lawyer would go to court for them and after it's over, the grandparents don't receive any access or visitation but the lawyer's bill is \$40,000, \$35,000 and they say, oops, I'm sorry I can't do anything for you. It's a money-maker.

When grandparents call us and say, what do I do, the first thing I say is I'm not a lawyer, I cannot give you legal advice but I'll tell you what has happened with grandparents, some \$40,000 and they never got their grandchildren. Because you are from our area I won't say any names, but in our area there's a family, she gave up nursing to stay at home, her husband's working, they passed all the assessments to become a foster home, thinking we'll get - he calls them our babies - their grandchildren and that they wouldn't be denied because they passed all foster assessments. Their babies - and he sat right in our kitchen and cried his heart out - are in a foster home that's overcrowded. One is a year old and the other is three and he's worrying, are they going to be fed properly, the other children are older, they're overfed. Okay, why not make them a foster home for their grandchildren where they passed everything? It would save us taxpayers a lot of money. Instead of inventing more foster homes, give foster parenting to grandparents.

MR. LANGILLE: I realize the dilemma and I don't know how I would react if I could not see my grandchildren.

MRS. GLENN: Never say it will never happen to me.

MR. LANGILLE: No, I'm not. I just said I don't know how I would react. I'd be devastated, I know that.

MRS. GLENN: There's a hole in your heart forever.

MR. LANGILLE: Thank you, that's all I have.

MR. STOODLEY: We had one case where they had spent \$70,000 on lawyers and got nowhere. You hear so much.

MADAM CHAIRMAN: In this first round of questioning I have Gordie and then I'm going to ask Mark to take the Chair and I have a couple of comments to make. Gordie.

MR. GORDON GOSSE: This is an interesting presentation. Has your organization examined all of the legislation that has been put forth in Alberta, Quebec, the Yukon and British Columbia? Have you looked at it and examined it and would there be any changes to that legislation if that was to be enacted here in the Province of Nova Scotia? Every province has different legislation and different amendments in it. I'm just wondering have you looked thoroughly at all of that legislation?

MRS. GILLISPIE: They're all asking for pretty much the same thing.

MRS. GLENN: We'd like to go further.

MR. GOSSE: When I read the material that was handed out to us before today's meeting, there was an interesting fact in there and I think it had to do with it was customary for mothers to receive custody of children in a divorce case - this is what I read in the material that was handed out. (Interruption) I was handed this material that you gave me, I can read it to you from the page. It says here, ". . . it is customary for mothers to be awarded custody, particularly of minor children." That was Matthews & Sprey, 1984, and this was in the presentation that you gave us.

I kept reading along and it said that paternal grandparents are likely to be at risk for denied access in a divorce situation when the mother is the custodial parent, is that true?

MRS. GILLISPIE: I really can't say. My daughter was in a courtroom with Judge Paul Niedermeyer (deceased) and she didn't get her children. Today she's still a stay-at-home mother with three more children and I could take any one of you to her home and you would think you were in a very loving, secure environment, but yet her two little children were taken when they were two and four.

MR. GOSSE: What is the percentage of mothers receiving custody of their children? Would you have statistics on what the percentage of that is?

MRS. GLENN: Well, we could say 90 per cent, 95 per cent, but I can't give it to you in writing.

MR. GOSSE: But it does say that though, when the mother is given custody it seems that that is most of the problems for grandparents getting access, again, using the children as tools in a divorce . . .

MRS. GLENN: We can't even go watch their sports. If we go watch their sports the custodial parent can charge us with harassment if she wants.

MR. GOSSE: So there have actually been charges laid and restraining orders put against grandparents for going to rinks?

MRS. GILLISPIE: No, threatened to do it and they could do it.

MR. STOODLEY: There was a case where somebody put a harassment charge because they went to an arena to watch their grandchildren.

MR. GOSSE: So today your organization is here looking for access legislation for grandparents in the Province of Nova Scotia.

MRS. GLENN: Or if you want to change that around we would be flexible to say rights of the children to have access to their grandparents, if you wish to put it that way.

MR. GOSSE: The way the law reads today, the grandparents can only petition the courts for rights of access as the interested third parties?

MRS. GLENN: Yes.

MR. GOSSE: That's the way it is right here in the Province of Nova Scotia.

MRS. GLENN: And we're not a third party, we're their grandparents. We disagree with that wording.

MR. GOSSE: Thank you.

[10:12 a.m. Mr. Mark Parent took the Chair.]

MR. CHAIRMAN: Marilyn.

MS. MARILYN MORE: I'm really pleased you're here today and I'd like to make a few comments because I've met with you a number of times over the past year and a half. I have to say that I respond to your concerns on two levels, one emotionally because I actually had the good fortune to have two wonderful sets of grandparents in my life that I was very close to for all of their lives, and I'm also a new grandmother so I feel this quite personally. But I also react on an intellectual level as a legislator because I hear the fact that because the children's rights to have access to the grandparents is not enshrined in legislation, you don't have access to the courts to decide things and you don't have the government services to step in and help resolve the situation.

I remember a number of years ago there was a significant study done, I believe, in the United States, a resiliency study. Researchers were interested because sometimes children who grew up in very difficult family situations did extremely well, they turned into very happy, productive adults who were able to form great relationships with other people and raise marvellous families. The researchers were interested to know what some of the common factors were among these children and why some children thrived, even under very difficult situations, and others were crushed and went on to have very difficult lives themselves.

The one factor they found in common was that the children who thrived had a significant adult in their lives, someone who gave them attention and support for a considerable length of time. In some cases it was a teacher, in many cases it was a grandparent, or another member of their extended family, or it could have been a youth worker in the community. It just seems an obvious thing to ensure that there are as many adults in a child's life to give them unconditional love and support as possible.

It strikes me that a lot of the situations you're talking about though won't be covered by legislation because perhaps both parents are still in the child's life and this is a decision of the

parent not to include the grandparents. I'm thinking that whatever changes we look at should guarantee mediation services to try to resolve it at the family level amongst the three generations, but it should also allow the grandparents to apply to the court if the access cannot be mediated or the lack of access be resolved through the mediation services. Are you aware if in any other province they try to intervene before it actually goes to court?

MRS. GLENN: I have read - and I don't know which province it was - that they do that. They also found a problem of grandchildren living out of province and that became very difficult for grandparents.

[10:15 a.m.]

MS. MORE: Yes, certainly mediation works best if everybody is in the room together.

MRS. GLENN: You must remember there are a lot of grandparents that when you say "court" or "mediator" they say, I couldn't do that, I'd be afraid to do that. The word scares them and they have the biggest hearts for their grandchildren. Some are not financially well off to pay all these legal fees.

MS. MORE: No, I'm thinking about something that might be user-friendly like a social worker or someone who's trained in mediation to actually sit down at the table with the parent/parents or grandparents.

MRS. GLENN: Would the parent do that? They are having problems having the parent come and sit.

MS. MORE: Well, it might be a first step and those that can't be resolved at that level, perhaps there will be other categories of support to try to resolve the situation. That's basically all I wanted to say. I'm sure all of us around this committee table share your concerns, it's just a matter of finding a workable solution that would protect the interests of everyone: the children, the parents and the grandparents.

MRS. GLENN: Everybody can have a soft spot around the table, but it is to do it. We can talk until the end of time but it is to have the incentive for each one to do something, because it's happening in all of your constituencies across Nova Scotia, this is happening big. If we're not successful here, we'll say, then we will go loud and we will tour and give speeches and we'll tell who wouldn't support and what was said and, yes, everybody we wrote to is very sympathetic but nothing is done. We want action.

Could I, Marilyn, tell you what we feel is in the best interests of the child?

MS. MORE: Sure, if that's all right with the chairman.

MR. CHAIRMAN: Yes, please go ahead.

MRS. GLENN: I will give you a copy, is that okay? Since we all know that children have a right to food, clothing, education and health care, the rights of the child go further. I have the right and need for each one, but I'll just say the right:

- The right to be treated as important human beings with unique feelings - this is what's in the best interests of the child - ideas and desires and not a source of argument between parents.
- The right to know that their parents' decision to separate or divorce is not their responsibility and that they will live with one parent and will visit the other.
- The right to continuing care and guidance from both parents.
- The right to a continuing relationship with both parents and the freedom to receive love from and express love for both.
- The right to express love and affection for each parent without having to stifle that love because of fear of disapproval of the other parent.
- The right to honest answers to questions about the changing family relationships.
- The right to know and appreciate what is good in each parent without one parent degrading the other.
- The right to have a relaxed, secure relationship with both parents without being placed in a position to manipulate one parent against the other.
- The right to have the custodial parent not undermine visitation by suggesting tempting alternatives or threatening to withhold visitation as a punishment for the children's wrongdoing, or for the other spouse's lack of provision of maintenance.
- The right to be able to experience regular and consistent visitation and the right to know the reason for a cancelled visit.
- The right to be able to have access to both sets of grandparents without being reprimanded by either parent.
- The right to know their medical history - I'm big on that because I'm diabetic and I insist my grandchildren know that there is diabetes in the family.
- The right to their inheritance and culture - children are being denied their inheritance because of this issue and they are entitled to their inheritance and culture.
- The right to know they have grandparents who love and cherish them.
- The right to know their past and where they come from.
- The right to be loved and to love.
- The right to have a voice in whatever affects their lives.
- The right to their roots.

Now, that's what we feel is in the best interests of the child.

MR. CHAIRMAN: Thank you. We will turn the floor over to Jerry Pye, the honourable member for Dartmouth North. This is the second round of questions and I'll turn the Chair back over, or is yours a motion?

MR. PYE: Yes.

MR. CHAIRMAN: So do you want to hold it until the end and we'll move forward with further questions. Russell, if you would like to proceed with your questions.

MR. MACKINNON: I would like to focus on this issue of foster parents and children in foster homes. We have heard as a committee numerous representations both from the Department of Community Services and from the Foster Parents Association of Nova Scotia, about the increased demand for the provision of foster homes, the lack of resources, the fact that there are less foster homes for children and yet it would appear that the Department of Community Services is reticent about involving grandparents in the process.

[10:21a.m. Ms. Marilyn More resumed the Chair.]

MRS. GLENN: We have it in writing here. If they go by their laws and rules, they are to approach the grandparents and extended families before foster homes.

MR. MACKINNON: That may be so but my question is, what is your response as an association, in terms of the department's commitment to involve grandparents in the process? What's your general feeling? Is the department making a genuine effort to involve grandparents?

MRS. GILLISPIE: No, I don't believe they are really. There are all sorts of reasons they give the grandparents, they're too old and things like that, they wouldn't be able to do a good job. A lot of people, before they'll hand over a child to them, they want an assessment done, these people have to go for an assessment. I've never had an assessment and I feel very fortunate. I know that psychologists can fix an assessment to go any way they like and they can say anything they like, they can give you tests - I think it's the Maxim test, they can give you No. 2 but not give you No. 1 and without No. 1, No. 2 is useless. No. 1 sort of pigeonholes you or something, this is being done.

Most of the assessments in Nova Scotia are being done at the request of the Family Court and who is doing the assessments? The psychologists who are employed by the Family Court. A lot of grandparents, we believe, shouldn't have to be assessed. What they've done with their lives, the way they have done their job as parents, that should speak for itself. If one of the grandparents is abusive, a lot of older people get cranky and they don't have the patience, I think really a lot of time grandparents have far more patience with their grandchildren than they had with their own children, or that these parents today have with their children. They

come home from work, they're tired out, there's no patience there to interact with the children, so this is how it goes.

MR. MACKINNON: I'm at a loss here. The Department of Community Services is very firm in saying there's no more money to help foster parents and children in the care of foster homes and there are a lot of complaints about the lack of resources. What I'm hearing from your organization here today is that the Department of Community Services is not working with your organization to help facilitate that family mode, that all-encompassing perspective of what makes it best for the child as part of the family unit.

MRS. GILLISPIE: We've really had no communications with Community Services. They're not interested.

MR. MACKINNON: So the provincial bureaucracy is actually working against the best interest of the child, is what you're telling us.

MRS. GILLISPIE: Definitely.

MR. STOODLEY: All the cases that I've seen since I joined this organization, that is very evident. One example, there was one case where this lady was telling us, her and her husband, as grandparents they had custody of their grandchild, they won it through the courts, where most of the time it goes against you, but in this case they did. Social services do an ongoing assessment, they come around now and then and they mentioned they were going to Cuba on a holiday and he said for a joke or something, we'll take the child with us to Cuba rather than let it go back to their abusive relationship. It was just a joke and they used that when the report came out, he was quite surprised, taken aback, that they used that as a reason for denying him access. All the stuff that comes out here is like a police force unto itself. They've got unlimited power. That's what I see there and nobody addresses their control, they do their own assessments and fix things the way they want it. That's from what I've seen.

MRS. GLENN: We must have the judges trained.

MR. MACKINNON: One further question. Quickly. I guess the question I have to ask is why? Why would we have so many trained professionals in the province go into an environment, go into a legal structure, a bureaucratic, political structure and work against, or appear to be working against, the best interest of the family unit? You're clamping your hands that it's all about money. Quite frankly, I came here with a very open mind, because I didn't know what to expect. My parents have 40 grandchildren and 14 great-grandchildren and so we've been very fortunate in the family unit. But I didn't know what to expect, it's a rather unique presentation. I certainly don't have the perception that you folks are a bunch of wingnuts or anything like that, this is a very, very substantial presentation and very compelling so I'm just curious as to why this polarization, because it's very concerning as legislators that we're using public resources to work against the best interest of the family unit.

MRS. GILLISPIE: It's a business, I think.

MADAM CHAIRMAN: I have Mark and Jerry and I would like to leave about five minutes for a closing statement from the group and then we have some committee business to do. So, Mark is next.

MR. PARENT: I just want to clarify in my mind. I think you responded to Gordie that according to your pamphlet, your main thrust is to prevail upon the federal government to change its divorce legislation. According to what you've said here, you've changed, the pamphlet is out of date, your main thrust is to get the province to enact some sort of legislation. The sample legislation you gave us, so the pamphlet is out of date then, because it states that.

MRS. GLENN: The pamphlet is five years old.

MR. PARENT: The sample legislation you gave us comes out of the Quebec legal code and I'm not sure where it is situated in the legal code, whether it's situated in regard to divorce proceedings or not, I'm just reading it from where it is, it sounds like it is in regard to divorce proceedings, but you've mentioned here that it's not simply a question of divorce, it's a question of death of one parent.

The other topic that no one has talked about now and I'm wondering your viewpoint is in terms of adoption. But let me clarify, if we put the Quebec code in, if we adopted something like the Quebec code which reads, "In no case may the father or the mother, without serious cause, place obstacles to personal relationships between child and grandparents." Say in the case of either divorce or death and you have one parent left, that parent chooses for various reasons to move the family to Ontario to take a new job there, would the legislation that you would like us to enact, would you see that allowing you to protest against that move because it would cause a disruption in the relationship with the grandparents?

MRS. GLENN: Well, for me, personally, I would say, no. Let us pay the flight down for the child.

MR. PARENT: So you don't see it being used in that way?

MRS. GLENN: No, because today they have to go away, apparently, to get employment, we hear of this every day, they have to change from here to there for employment. No, because that's going to benefit the child and the parent to have steady employment. With our granddaughter, we fly her home to us, and we can have her as long as we want and spoil her and then send her back to her mother to straighten her out. (Laughter)

MR. PARENT: One could see that code being used in that way. But you don't see it being used in that way.

[10:30 a.m.]

MRS. GLENN: Now, that's my personal . . .

MR. PARENT: The other thing is in terms of adoption. Are you wanting some legislation that would allow grandparents to have access rights to adoptees as well or have you talked about the whole issue of adoption?

MRS. GLENN: Really, we haven't talked about it because our position is different, but I believe in grandparents and seniors helping grandparents and seniors. So if we have the opportunity to help draft a bill to help them in adoption, I would say, yes.

MR. PARENT: So, just to clarify, specifically then what you're asking this committee is for some sort of help in amending the divorce legislation and custody legislation in the Province of Nova Scotia to recognize somehow the rights of grandparents?

MRS. GLENN: A bill, yes.

MR. PARENT: That's specifically what you're asking for? Okay.

MADAM CHAIRMAN: Jerry.

MR. PYE: Madam Chairman, I personally want to thank Grandparents Rights For Nova Scotia Association. I have met with individuals of the Grandparents Rights For Nova Scotia Association since 1998 and it is safe to say that I've had at least four or five meetings with you and each and every one of those meetings you certainly demonstrated your interest in making sure that grandparents' rights were enshrined in some piece of legislation, both federally and provincially, and I think that that in itself leads us as politicians to have some cause for concern in a positive way and hopefully we can do that, Madam Chairman, by the motion that I'm putting forward and if there needs to be amendments on that motion then I'm sure my colleagues will certainly let me know.

I want to read the motion as I have crafted it. The motion reads: Move that the Standing Committee on Community Services ask the Minister of Community Services and the Minister of Justice to review the legislation of B.C., Alberta, New Brunswick, the Yukon and Quebec, and we can certainly cite the code if you want to, as it pertains to the rights of grandparents, and report back to the standing committee as to the possible action in Nova Scotia legislation and report back again within a six month period. I think that is sufficient.

MADAM CHAIRMAN: Do we have a seconder?

MR. PARENT: I'll second the motion.

MADAM CHAIRMAN: Any discussion?

Would all those in favour of the motion please say Aye. Contrary minded, Nay.

The motion is carried.

So, we'll take that next step of asking those two departments to examine the legislation in other provinces and territories and bring it back to us within six months and then possibly that could lead to further action.

MRS. GLENN: It's a start and like we say, if nothing comes of it, we'll just have to go louder to the public and tell them. You see, this does a lot. People will stop us in the mall and they say, oh, isn't that cute, no it's not cute, just let me tell you a little story, especially if they're pushing the grandchild, so I say, this one wouldn't support us, this one wouldn't support us, this one wouldn't support us, we're not voting for them, because we're not going to lose that child and I'll say, you can lose that child very quickly unless we have somebody standing behind us.

MADAM CHAIRMAN: Well, this motion should at least give us an analysis of what's happening across Canada and will give us some options to consider here in Nova Scotia. So that is a big step forward from just the discussion stage.

MRS. GLENN: It is.

MADAM CHAIRMAN: So would any of you like to make a closing statement?

MR. LANGILLE: I would like to make a comment. For my colleagues across the floor, the two on my left, I understand that the Prime Minister is coming to Nova Scotia next week to attend the Liberal AGM and possibly it would be a good time for this subject to be brought up to Prime Minister Martin. So maybe we'll get a commitment from them.

MRS. GLENN: We would like to see in the next election on the platform of each Party, grandparents' rights, out to the public, not cutting taxes and going to do this and we're going to do that, put grandparents' rights on the platform when you're speaking to the public.

MRS. GILLISPIE: But even more so, children's rights.

MADAM CHAIRMAN: Can I bring everyone back to the focus here. We're about to hear closing statements from the Grandparents Rights Association.

MRS. GLENN: We're very pleased with the results we have received from the standing committee and as I look around I'm sure they're thinking about their grandparents and what you would have done without your grandparents or what your grandparents would have felt without having you. Think of the children, think of the Nova Scotian children, we can take it, but it's our children that we have, let's make a difference in Canada, let people say, look, in Nova Scotia they have this and they have that and they're protecting their children. They're

working for their children. We just want to thank you so much for allowing us to be here and taking your time and we hope we didn't bore you and we hope we see results.

MADAM CHAIRMAN: We thank you very much for coming. I know that you and Howard came a considerable distance, I'm not sure . . .

MRS. GLENN: We stayed with Gordie and Betty last night because we would have had to get up at 4:00 a.m. to get here. So they were nice enough to take us in.

MR. STOODLEY: I would like to say as well that I'm very impressed with all the members here. It just shows by their questions that they are with this issue and they know. I'm very impressed at your knowledge. I'm sorry I couldn't answer all the questions. I'm a newcomer as well but I am just wrapped in this issue and it's so important. I'm really impressed with the MLAs sitting around here, I want to thank you very much.

MADAM CHAIRMAN: Well, thank you, on behalf of the committee.

MR. STOODLEY: I get a little emotional sometimes but I mean you did a great job and I want to thank you.

MADAM CHAIRMAN: Thank you. Does anyone else from the association want to make a comment?

MRS. GILLISPIE: I have a booklet from Dr. Covelle at the Cape Breton University. She is wonderful. She sent this book to me and marked off different sections that she thought I would be interested in. Now, I'm wondering if it isn't time for Grandparents Rights For Nova Scotia to approach the United Nations and their Rights of the Child and ask them about grandparents' rights and how the children are being cut off. Maybe that might help a bit, to get some information.

MADAM CHAIRMAN: You certainly could and you might be able to do it through UNICEF as well.

Jerry.

MR. PYE: Madam Chairman, I just wanted to make one comment. Any correspondence that we send off to the minister in letter form, can we make sure that the Grandparents Rights For Nova Scotia Association receives a copy of that correspondence?

MADAM CHAIRMAN: We certainly could.

MRS. GLENN: Could we have correspondence as to how your approach is progressing? (Interruption) Oh, sorry.

MADAM CHAIRMAN: We'll make sure that you have a copy of today's proceedings, you'll have a copy of the letter that goes to the two ministers and I think you have Mora's phone number and you can call her any time to get a progress report.

MRS. GLENN: That's excellent. We're so pleased.

MADAM CHAIRMAN: Again, thank you so much for bringing this to our attention and for taking your time and energy this morning, we really appreciate it. It sounds trite but we do feel your pain and if there is something that we can do to make it much easier for grandparents in Nova Scotia to continue a strong relationship with their grandchildren, I'm sure that we will do our utmost to help. Thank you very much.

Now, if you folks want to leave that's fine, we just have a little bit of committee business to deal with. You don't need to stay for that part of the meeting, if you wish.

Shall we take a three minute break and then we'll reconvene or do you want to continue on?

Okay, we'll take a three minute break.

[10:40 a.m. The committee recessed.]

[10:44 a.m. The committee reconvened.]

MADAM CHAIRMAN: We have reconvened. Mora, do you want to bring us up to date on last year's annual report?

MS. MORA STEVENS (Legislative Committees Clerk): It was distributed a couple of months ago to committee members and I've received no comments or changes from (Interruption) Oh yes, that's right, Mark did send in a change a while ago and, of course, Madam Chairman. There were a couple of changes then, sorry, and I haven't received anything else back. So, I think it's ready, it's just a matter of voting to approve it and signing off on it.

MADAM CHAIRMAN: Do I have a motion?

MR. LANGILLE: What are we approving right now?

MR. PARENT: The annual report.

MS. STEVENS: There were just little changes, technical changes, nothing substantive.

MADAM CHAIRMAN: Is there a seconder?

MR. MACKINNON: Question.

[10:45 a.m.]

MADAM CHAIRMAN: Any discussion?

Would all those in favour of approving the 2003-04 annual report to be sent to the Legislature please say, Aye. Contrary minded, Nay.

The motion is carried.

Now, each of our caucuses was asked to submit some agenda items for our upcoming meetings. I think we've had two responses and they're both in front of you.

MR. PARENT: Madam Chairman, do we have any left over agenda items, because it would be good to have those in front of us as well.

MADAM CHAIRMAN: I don't have that list with me.

MS. STEVENS: Breakfast for Learning is what is left.

MADAM CHAIRMAN: That has been tentatively scheduled for our next meeting. So that would sort of clear up.

MR. PARENT: So we've cleaned up our past items?

MADAM CHAIRMAN: Yes.

MR. PARENT: I wasn't aware of that.

MR. LANGILLE: Madam Chairman, how are we going to work in the next schedule, are we taking two from each caucus and putting them on the agenda or . . .

MADAM CHAIRMAN: Well, we don't have two from each caucus.

MR. LANGILLE: We don't have the Liberal . . .

MADAM CHAIRMAN: No, we have one from the PC caucus for KidSport Program and we have a considerable list from our caucus, the top three would be our top three priorities if you wanted to perhaps consider those in a separate category from the rest.

MR. PARENT: Madam Chairman, that was my question, is this prioritized, because I would love to see Addiction Services and Public Housing as two items. It is not prioritized on this list, it's just point form but are they prioritized?

MADAM CHAIRMAN: They are in sort of two categories. The top priorities are the first three . . .

MR. PARENT: Okay, so it is prioritized.

MADAM CHAIRMAN: . . . and then the rest of them are in sort of a second category, they aren't necessarily prioritized.

MR. LANGILLE: Again, if I may, can we take ours and yours, because that would put us into probably the Fall. (Interruption)

MR. MACKINNON: What we'll do, we'll fax something out before the end of the day and maybe at the next meeting, we can decide which one.

MR. LANGILLE: Okay, that's fine.

MADAM CHAIRMAN: Okay, I'm thinking that perhaps we should select the one for the next meeting, the meeting after April, just because it takes . . .

MR. MACKINNON: I like the one on mental health services for youth and I think you have something with the IWK.

MADAM CHAIRMAN: That is a huge, huge issue. It's our number one.

MR. MACKINNON: Yes, the Cape Breton Mental Health Unit as well should somehow be included.

MADAM CHAIRMAN: Mark.

MR. PARENT: I would love to see the Valley included in that. Mental health services for youth across the province is an issue. So I don't know why we would want to confine it just to the IWK.

MR. MACKINNON: To the metro members it is an issue of concern, I am sure it would be the same with Gordie and I . . .

MADAM CHAIRMAN: They provide provincial services as well. Then there are regional mental health services . . .

MR. PARENT: Or lack thereof.

MADAM CHAIRMAN: Exactly.

MR. PYE: I think it's fair, Madam Chairman, to explain why the IWK is here and it's because the IWK oversees the mental health issues of youth across the province and that's the reason for it. If I can suggest this, and if the rest of my colleagues are in agreement, since the Breakfast for Learning Program is the final and we clean the slate on that and we're going to

have that at the next month's meeting, could we have the IWK mental health services for youth the second meeting and then maybe KidSport program the third one. Then we will have at least three months of coverage.

MADAM CHAIRMAN: Is there consensus?

It is agreed.

So, the Liberal caucus is going to submit a couple of suggestions and we'll discuss how to prioritize the rest of them at the next meeting.

We need to get signatures before people leave of the regular members of the committee.

While we're waiting to sign things, can we have a motion to adjourn please.

MR. MACKINNON: So moved.

MADAM CHAIRMAN: We are adjourned.

[The committee adjourned at 10:51 a.m.]