

## UPDATED INFORMATION

On July 22, 2016 Marilyn Marks, Founding Member, Alberta Grandparents Association, Calgary, met with the current Alberta Minister of Justice and Solicitor General, Kathleen Ganley, to discuss making amendments to legislation that would reflect children's rights within the Family Law Act as it pertains to grandchild-grandparent access. We discussed the following:

(1) Create legislation that reflects the children's rights.

(2) Best Interests of the Child

### Section 18 (1) Subsection (a) (i)

- Ensure that a child has the greatest opportunity to have and maintain a good relationship with their grandparents. Presently grandparents have little opportunity to form a good relationship with their grandchildren under present legislation when access is denied.

### Section 18 Subsection (2)

- Children's best interests are best met with access to grandparent and extended family members.
- Change legislation to presume a child's right of contact with their grandparents. It is in the best interests of children to have access to, and a relationship with their grandparents.

(3) Contact Order 35 (1) (3) - SHOULD BE REMOVED

- It is fundamentally impossible for grandparents to have access to their grandchildren.
- Current requirements to obtain LEAVE is an unreasonable and illogical burden on some grandparents and is not rationally based.
- Case law should presume access. At present it is unfair to grandparents.
- The LEAVE requirement puts huge emotional and monetary pressure on a population least able to afford it.
- Parents have all the power.

- When parents or guardians deny access to grandchildren they should be required to provide documented evidence, not hearsay evidence.

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and

( 4) Section 1 – 35 (5) (a)

- Requires grandparents to show very difficult and intangible conditions to the court.
- Requires grandparents not only to prove that it would be in the child's best interests to have contact with grandparents but further that the child's health ( physical, emotional and psychological ) would be jeopardized by not having contact. A hugely tall order for the applicant to meet. There is doubt any applicant could meet that test!

We also discussed the establishment of a Unified Family Court to hear difficult family issues such as grandchild-grandparent access denial and further, talked about adopting a Strategy similar to Manitoba's Grandparent Relations Plan which has been positively acknowledged internationally.

Ms. Marks has spoken with many other Justice Ministers over the years regarding these issues, to no avail. We have high hopes that Justice Minister Ganley will review the supporting research and implement the suggested changes in the Best Interests of Alberta's Children.

Respectfully submitted,

Marilyn Marks  
Calgary, Alberta, Canada