

Best interests of the child or Children's Aid?



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What is in the best interest of a child? And what is in the best interest of the agency responsible for protecting that child?

Those were the first questions that jumped into my head last week when I learned that the Children's Aid Society of Halifax now wants the courts to grant it permanent custody of the daughter of Larry Finck and Carline VandenElsen.

The Society says it believes it must seek permanent care and custody of the child because in the 12-and-a-half months since it won its first apprehension order for the then-infant in January 2004, the parents have become more enveloped in their own theories of conspiracy and system abuse, and have shown a continued and increasing inability and

unwillingness to acknowledge mental health issues, parenting concerns and their own involvement in activities which place the child at risk.

Whoah.

Rewind.

We need to remind ourselves of how we got to this point in the first place.

Start with Finck and VandenElsen. They do each have a history of conflict with child protection authorities, it is true, but neither has ever been convicted of abusing or neglecting their children.

In the heat of custody disputes with their former spouses, both took off with their kids. In 2000, Finck was convicted and served time in jail. That same year, VandenElsen ran off to Mexico with her triplets because she was afraid she was about to lose all access to them. An Ontario jury later acquitted VandenElsen of child abduction, agreeing with her argument that she believed losing contact with their mother would cause the children irreparable harm. But the Crown has since successfully appealed that verdict and VandenElsen is now awaiting a second trial on those charges.

In the fall of 2003, after VandenElsen became pregnant with their child, she and Finck returned to her new husband's hometown of Halifax, and moved in with his mother.

The event that apparently triggered the wild legal and emotional rollercoaster that is still rolling over both of them was a phone call to Children's Aid officials in Ontario on Dec. 18, 2003, informing them that Carline was in Halifax, had had a baby - she didn't until a week later and that it could be in danger.

The call came from Craig Merkley, VandenElsen's ex-husband, the one with whom she'd had the bitter custody dispute. Hardly an unbiased observer.

Based so far as we know now on that self-interested call and on the Ontario CAS's blatantly obvious conclusion that Carline had attempted to have the children align with her throughout a lengthy custody and access dispute it relayed a child protection alert to Halifax Children's Aid, which then sought an apprehension order to take the child from its parents.

Children's Aid went ahead with its application even after interviewing a Halifax doctor who'd helped deliver the baby and had met with the family on three separate occasions before and after. She told them she had no concerns about their parenting at all.

Which hardly clarifies why Halifax police officers, carrying a machine gun and battering ram, showed up in the middle of one night last May to execute the CAS order.

While Finck's and VandenElsen's refusal to hand over their child in such circumstances and the bizarre 67-hour standoff that followed might explain the CAS's reference in its permanent custody application to the couple's involvement in activities which place the child at risk, it does not even begin to explain why Children's Aid triggered the chain of events that put the child at risk in the first place.

The more you look under the rock of the CAS's initial decision-making, in fact, the easier it is to understand why Finck and VandenElsen might become enveloped in theories of conspiracy and system abuse. Although those theories of Children's Aid as an adoption factory for white babies, or in collusion with the pharmaceutical industry to over-medicate children in care for greater profits might indeed be outlandish, and their blizzard of legal challenges and lawsuits against anyone and everyone even remotely involved in their case may be a time-consuming annoyance to the courts, the reality is that all of this started because of what appears to be the unjustified actions of the Children's Aid Society.

Given that, you can begin to understand why Finck and VandenElsen might be reluctant to acknowledge mental health issues [and] parenting concerns when all they did to trigger this torrent of officialdom was have a baby.

Did Children's Aid really take this baby because it thought she was in danger? Or as an act of bureaucratic vengeance because VandenElsen and Finck who already believed the agency had treated them unfairly in the past and had made their feelings known loudly and often rubbed its workers the wrong way?

And does CAS now want its original custody order made permanent to protect the child? Or itself?

Before any order is granted, we need answers to those questions.

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