

CAS spends too much on litigation

By Michael P. Clarke

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Re: 'Budget crunch slams CAS' (Oct. 14)

I have practised family law in Hamilton for more than 20 years. I have participated in dozens of court hearings on behalf of parents subject to "child protection" proceedings. I am always struck by the zeal with which the lawyers for our local Children's Aid Society and Catholic Children's Aid Society fight for what they perceive are the child's "best interests."

Compromise is difficult and inflexibility is the norm. The cases drag on in even the simplest matters. Many colleagues have expressed frustration at how aggressive the local societies have become in prosecuting these cases. There is huge cost to the families (including the children), financially and emotionally.

Their funding issues could be easily met, in my view, if the societies redirected their efforts from prosecution and toward providing real, concrete assistance. Too often, society social workers spend their time drafting affidavits, sitting in court and preparing for litigation instead of in the field, helping families and children in crisis.

Litigating is the most expensive option. It is too often chosen by the societies as the first resort. When I started practising in Hamilton in 1988, there was one lawyer handling all the child protection cases for both societies. Occasionally, a local lawyer was hired to take a trial. Now, there are close to 20 lawyers working for both societies. This shows the emphasis of the societies has been on litigation, not remediation. These lawyers are very good and very expensive.

I suggest that instead of trying to scare the public and policy-makers with threats of "having difficulty responding to high-risk child abuse allegations (unless we get more money)," they should try to manage their budgets more effectively.

Fewer lawyers and more empathetic and caring social workers are the answer.