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When Rights Collide

Category: Custody & Access

Should a parent's decision be final when it comes to deciding who should have access to their children? A very emphatic "yes" is the answer to this question, according to Colleen Nimchuk and Leanne Gain, founding members of the Western Canadian chapter of the Canadian Coalition for Parental Rights

Their involvement with the issue of parental rights springs not only from B.C. family law legislation which allows for grandparents and other relatives or non-relatives the right to apply to a court for access or custody to children, but also from their own personal experiences. Colleen's mother has brought an application for access to her granddaughter which is scheduled to be heard this week in Provincial Court. Leanne is set to go to trial in October of this year in response to an application made by a grandmother for access to two of her children. In the views of both women, there is frustration that the rights of grandparents and others appear to override their own rights as parents to their own children.

Both are pledged to "restore the rights of a fit parent", which also acknowledges that not all parents are necessarily fit. I mentioned to both women that in my own personal experience, acting as a lawyer for grandparents, it is often because of the well founded concerns of the grandparents that their children are incapable of providing the grandchildren with the parenting they need and deserve. Often there are issues of neglect or substance abuse which prompt grandparents only reluctantly to intervene in the lives of their grandchildren.

But it's not the motives of these well-meaning grandparents and other relatives which cause concern to Colleen and Leanne. It's rather the attempt of some grandparents to intervene, for the purposes of correcting past parenting mistakes of their own, exercising power and control, or taking sides in family disputes which pit parents against one another. They remain adamant that "fit" parents, not courts should be responsible for making decisions affecting their own children. Parents, after all, they argue, bring

their children into this world, have the responsibility and obligation to raise them, and should have the authority to decide what's in their best interests.

For those parents who wish to know more about the Parent's Coalition, call Colleen at (604)572 6727 or Leanne at (604)940-4264. 