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NEWS RELEASE

**SUPREME COURT DECIDES N.B.'s DENIAL OF LEGAL AID  
DISCRIMINATES AGAINST POOR WOMEN**

(Toronto - September 10, 1999) LEAF is pleased that the Supreme Court of Canada has ruled that New Brunswick's failure to provide legal aid in child wardship cases violates the Charter rights of poor women.

J.G., a New Brunswick woman, appealed a lower court's decision to deny her legal aid where a social services agency applied for an extension of temporary wardship of her three children. *J.G. v. Ministry of Health and Social Services (N.B.)*, examined the constitutionality of denying legal aid in temporary child wardship cases.

LEAF, in coalition with the National Association of Women and the Law and DAWN Canada: the Disabled Women's Network Canada, intervened in this case last fall to argue that the state's failure to pay for legal representation for parents in temporary wardship cases is unconstitutional and, therefore, a failure to provide access to justice for the poor.

In April 1994, New Brunswick's Ministry of Health and Social Services (MHSS) successfully applied for temporary wardship of J.G.'s children for six months. J.G. did not have a lawyer. Her children were three-, four- and seven-years old at the time they were placed in care. After six months, MHSS applied for an extension of custody of her children. J.G. applied for legal aid but was refused because it is not available in New Brunswick for temporary wardship cases. Her children were returned after 14 months.

Today's decision is a significant victory for women in Canada, who are most likely to be involved in child custody hearings. The Supreme Court recognized that this case raises issues of gender equality particularly since women, and especially single mothers, are disproportionately affected by child wardship proceedings. LEAF argued, and the Court agreed, that the very nature of state-led child custody hearings is a complex and often emotionally-charged process for parents at risk of losing custody of their children to the state. The fact that J.G. could not afford a lawyer and was denied legal aid to contest the Ministry's application for an extension of custody, clearly denied her right to a fair hearing.

Fiona Sampson, LEAF Staff Lawyer said, "This case accurately recognizes the real need for governments to provide legal aid for parents involved in wardship proceedings who cannot afford a lawyer."

Carole Curtis and Anne Dugas-Horsman\* were counsel.

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