

WARNING

This is a case under the *Child, Youth and Family Services Act, 2017* and subject to subsections 87(8) and 87(9) of this legislation. These subsections and subsection 142(3) of the *Child, Youth and Services Act, 2017*, which deals with the consequences of failure to comply, read as follows:

87(8) *Prohibition re identifying child* — No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding, or the child's parent or foster parent or a member of the child's family.

(9) *Prohibition re identifying person charged* — The court may make an order prohibiting the publication of information that has the effect of identifying a person charged with an offence under this Part.

142(3) *Offences re publication* — A person who contravenes subsection 87(8) or 134(11) (publication of identifying information) or an order prohibiting publication made under clause 87(7)(c) or subsection 87(9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than three years, or to both.

COURT OF APPEAL FOR ONTARIO

CITATION: Windsor-Essex Children's Aid Society v. J.C., 2020 ONCA 328

DATE: 20200527

DOCKET: C67138 (M51549)

Benotto, Zarnett and Thorburn JJ.A.

BETWEEN

Windsor-Essex Children's Aid Society

Applicant
(Respondent on Appeal)

and

J.C. and J.C.

Respondents
(Appellants on Appeal)

Aileen Manalang, for the appellants

Ronald Burnett, for the respondent

Heard by video conference on May 26, 2020

On appeal from the judgment of Justice Hebner of the Superior Court of Justice dated May 31, 2019, with reasons reported at 2019 ONSC 3337.

REASONS FOR DECISION

[1] This is the second appeal relating to the protection of a four-year old child.

The Ontario Court found that the child was in need of protection but that he could be adequately protected by a one-year supervision order requiring that the father not be left alone with him. The Society appealed to the Superior Court which

allowed the appeal substituting a protection order and disposition placing the child in the care of his grandmother and uncle where the child's two siblings reside.

[2] The respondent brought a motion before the panel for directions since the matter is now back before the Ontario Court on a Status Review and the parents have consented to an order that the child reside in the grandmother's home. Given the changing situation regarding the child, this matter is properly before the Ontario Court where the presiding judge will consider the evidence.

[3] The appeal is dismissed as moot.

"M.L. Benotto J.A."

"B. Zarnett J.A."

"Thorburn J.A."