

LEGAL REGULATION OF PARENT-CHILD RELATIONS MAKE-UP TEST

This is the make-up test for you to do at home (or computer lab, or library) on March 22. We will not meet in class that day. Choose three of the following four cases. Submission: You need to hand in this evaluation personally on March 27, 2018 at 4 pm IN CLASS. There are no other submission dates or places. You are not permitted to consult with anyone about the case or its analysis. You should be able to do very well on this test without doing any outside research. Assume that the facts took place in Ontario, Canada. You do not need to answer in essay format. In all your answers, as authority, precedents, laws, and rules, you may only use the materials that we have discussed in class. This includes the rules that we analyzed, students' contributions to class discussions, articles that we read, videos that we watched, and scenarios that we did in class, among others. A material that is on the course website or course outline but that was not actually discussed in class may not be used.

1) Pacey

In the clip shown in class about Pacey and Ms. Jacobs, you are the prosecutor. What would you have to prove to convict Ms. Jacobs?

2) Mary Jane

Mary Jane has been diagnosed with a condition known as multiple chemical sensitivity. This diagnosis is not recognized by specialists in the field of allergy immunology. The condition is popularly known as one where the patient is "allergic to everything." Mary wears only undyed cotton clothes, and drinks only purified water. She carries a small oxygen tank with her for breathing in case she finds herself in an area that seems contaminated with fumes. She eats only organic foods, and some fish. She cannot live in cities, and even rural habitation is dangerous for her health. She does not drive a car because of exhaust fumes. Mary has one child, Ron, born of a brief marriage that ended in divorce when her husband could no longer put up with what he called her "medical obsession." Custody of the child, now five years old, was awarded to Mary. Ron's father died when Ron was three years old. Recently Mary has decided to move to a remote mountain area where she feels the air is relatively pure and the lack of development is conducive to her health. There are no schools in the area and the nearest town with a school and medical

facilities is 50 kilometres away. Mary plans to take Ron with her. She tells her closest friend that she will homeschool Ron since she is unwilling to have him come in contact with other children in the school, and does not want him to have to ride the school bus for such a long time each day. The neighbor becomes concerned about Ron and notifies the social worker in the local office of the Children's Aid Society of Mary's plan. You represent the CAS. Briefly summarize the arguments you plan to make on its behalf.

3) Clayton

Clayton is an 18-month-old child who lives with his mother, Andrea, and his father, Jeff. Andrea and Jeff are addicted to Opioid drugs and illegally purchase them from friends. The family is currently open with CAS because Clayton was born addicted to Opioids. The child's mother entered a drug treatment facility after the child was born. During that time, Jeff remained sober and cared for the child. Once Andrea came home, both began abusing Opioids again. Last weekend, during a party at the home, Jeff and Andrea were severely intoxicated and left an open pill bottle on the table. Clayton ate 10 Vicodin pills and became disoriented first and then unresponsive. A friend at the party noticed Clayton lying on the floor and called 911. You work with CAS. Analyze this case from a legal perspective and give advice to CAS on what to do.

4. Parental abduction

A 7-year old child lived with his parents in Sault Ste. Marie, Ontario, Canada. The mother left Sault Ste. Marie to live with her child in Windsor, Ontario. She drove across the International Bridge into Michigan to take I-75 and then drive to Windsor, Ontario. The father found out about her plans because he hacked into her email account. He immediately made a claim under the Convention and notified US authorities of the abduction. When she was about to cross the border again, she was stopped by US officials who learned about the claim.

Analyze this claim. Give advice to the US officials on what to do.