make inquiries and to be given information on the health, education and welfare of the child or children.

• (1145)

Many people feel that these two amendments to the Divorce Act are long overdue and that many problems would be resolved. The problems to which I refer are those created by divorces, separations, the early death of one of the spouses or any other cause that results in grandparents being denied access to their grandchildren. In any one of these stressful situations the suffering of the child may be more devastating over a lengthy period of time than that endured by any given adult involved.

In many cases the grandparents, provided they are loving, nurturing types, can provide a sense of stability, security and comfort for the bewildered children. This is exactly what happens in many cases.

However, as the number of failed marriages increases, so do the number of court custody cases. My colleague from Hamilton Mountain has already informed us that in 1990 approximately 34,000 children were involved in divorce cases in which the courts made custody decisions. Many more go through varying degrees of distress as custodial care is decided mutually outside the courts.

In my community I have anxious grandparents who have no confirmed knowledge of the whereabouts of their grandchildren. This happens when a spouse passes away and the remaining nurturing parent moves to another community. It is also a common occurrence in separation cases in which the custodial parent moves away from grandparents. Such situations should not exist.

In most cases the court may order the custodial person to notify any person granted access to the child of a change of address at least 30 days before the change. There may be many reasons for strained relationships between parent and grandparent that are child centred. Often a dominant grandparent may incessantly try to impose his or her value system, customs, behavioural codes, et cetera, on the grandchild. This results in a pattern of ongoing confrontation between the adults with the suffering child squeezed between them.

In all such cases the child is the victim no matter how honourable the adult intentions may be. Although there are many factors causing the aforementioned disturbing situation, and even though we are aware of the potential harm to the children concerned, we must not endorse knee–jerk legislation that fails to address the issue in a rational and thoughtful manner.

It is important to note that presently grandparents are not by any means prevented from obtaining court orders that give them access to their grandchildren. Existing legislation pertaining to the access of grandparents contained in the Divorce Act, 1986, states in subsection 16(1):

> A court of competent jurisdiction may on application by either or both spouses or by any other person make an order respecting the custody of or the access to any or all children of the marriage.

Subsection (3) states:

> A person other than a spouse may not make an application under section 1 or 2 without leave of the court.

The intention of the amendments is an attempt to formally recognize a grandparent's legal right to access. Such a right without some screening process would result in a flood of custody and access disputes and wealthier lawyers.

Supporters of the amendments should be aware of the limitations on what a court order can accomplish and what the law can do to enforce it. It has already been stated that a court order cannot order people to change their attitudes, feelings, or how they relate to one another. Certain personality types will always be in conflict with each other because of certain personality traits and characteristics. In reality attempts to enforce an access order often lead to more conflict and litigation.

It is paramount to keep in mind that all legitimate and credible claims for access or custody have and will continue to have access to the courts, providing they are credible in nature. In this context a credible or legitimate case refers to claims wherein a close relationship between the kids and the grandparents existed for a significant period of time and a truly serious dispute exists between the grandparents and the spouse in custody of the children.

• (1150)

Presently every claim must undergo a screening process to ensure its legitimacy prior to gaining admission to the courts. The provision ensures that unnecessary and unwarranted litigation is avoided, thus saving Canadians vast amounts of money.

We also need the check to ensure that grandparents who are overly intrusive and controlling do not interfere unduly with the parental responsibility of the parents in question. Opening the door for harassment of parents will not benefit children in any way, shape or form.

Another important caveat pertains to the second major proposal in Bill C–232 whereby private information regarding the children is granted to those who have been awarded access. If it becomes a reality, we would have created a very unfair scenario, one in which grandparents from within divorced families would have access to confidential information while grandparents of intact families would not be granted the privilege.

When grandparents strongly believe the child is being neglected or abused there are other avenues of proper and acceptable action available in Canada. For example, family service centres, the Children Aid Society or the police can be asked to assist in a process of protecting the child's welfare.