

Private Members' Business

blood but these separations are not as complicated by the tensions that we find in family break-up situations.

Death, separation and divorce are three real factors of our society and they all lead very much to the breakdown of fundamental family ties. What we are asking today is what we can do about it.

In this Chamber we should be asking about the government's role in doing something about this very real problem in our society. This Chamber recognizes in many ways that one of its primary responsibilities in society is to recognize the importance of heritage.

We hear in eloquent speeches the importance of heritage for our native peoples. We hear the importance of heritage for our visible minorities and our many cultures. However, I would like to see what the importance of heritage is in our laws for Canadians generally.

In family law there is an overlap between provincial and federal jurisdictions. Provincial law dictates what happens within relationships when a parent dies or when there is abuse within the family or when parents separate.

In B.C. when those situations come into the legal process, grandparents may be granted access by application to the courts on the same basis as anyone else. Within that province, as in most provinces, there is no recognition or privilege of any kind by the state given to a blood relationship outside of parenthood. There is a presumption that perhaps the court will make this decision but in law there is no recognition of that blood tie.

What we are looking at today is part of the Divorce Act. Forty per cent of grandparents who have access problems fall under the Divorce Act legislation. Anyone, blood or otherwise, can apply for access, and all non-parents must be given permission by the court to have that access. A parent comes into that situation with same status or same right of access as a bus driver or a neighbour. Their status in law is the same.

• (1140)

We have just come through the International Year of the Family. There are a couple of publications from that period, "A Focus on Canada: Families in Canada" and a look at the statistics in our society, "The State of the Family in Canada". These were extensive studies that looked at Canadian families. They made reference to care of the elderly, reference to relative care, divorces and marriage. There was no mention made of grandparents in Canadian families.

This is in contrast to the fact that within those studies it was pointed out that the most common choice of child care in Canadian homes was by a relative in the relative's home or a relative in the child's home. Grandparents probably made up a large proportion of that. They are a very important part of what

is happening in our society and yet they are not recognized as such.

In aboriginal communities blood ties are recognized for many generations, not only one or two. It is only within the last few years that our immigration laws have been changed to not include grandparents.

As a legislative body we have recognized the importance of blood connections through multigenerations in other cultures. What have we done in the Canadian population? We have recognized child care by grandparents in unspecified statistics. They are disguised in a general statistic.

The recognition of rights of access in the laws both federally and provincially is no different than those for any non-parent or any person in society other than the parents.

I have discovered that within tax laws and support in foster care in the provincial jurisdiction, strangers have more support than grandparents when the state mandates the care of a child. Grandparents have been marginalized in our society.

This morning I heard about the rights of the child and the rights of the parent and even the rights the grandparent. What do we do when these things conflict? It is time the government recognizes the importance of family, not multiculturalism or state run day care or even government programs, but looking at what creates a strong society. Strong families create a strong society. Strong families create strong cultural ties. Strong families create a just society. Strong families create a strong economy. A child's best interests are society's best interests because that child is going to grow up in that society.

One step is to recognize the rights of access by grandparents in law and the right of inquiry as to the well-being of their grandchildren and their right to know about their health, education and general welfare. Bill C-232 is the right step in the direction to empower families and underline their importance in our challenging and increasingly difficult role.

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, it is my pleasure to address this House regarding Bill C-232, an act to amend the Divorce Act proposed by the hon. member for Mission—Coquitlam.

This bill attempts to address the needs of many concerned, frustrated and in many cases emotionally distraught grandparents who wish to have, according to their perceptions, a more sustainable and meaningful relationship with their grandchildren.

This bill contains two main amendments to the Divorce Act of 1986. The first aim is to eliminate the need for grandparents to obtain leave of the court when making a formal application for access or custody of their grandchildren. The second area of emphasis is within the granting of rights to grandparents to