

**THE MOTHERISK
COMMISSION**

The Honourable Judith C. Beaman,
Commissioner



**LA COMMISSION
MOTHERISK**

L'honorable Judith C. Beaman,
Commissaire

ORDER

WHEREAS, as per the *Public Inquiries Act*, the Order in Council 4/2016, dated January 13, 2016, established the Motherisk Commission and provided for the appointment of Justice Judith C. Beaman as the Commissioner, effective January 15, 2016;

AND WHEREAS, the individuals and their families potentially affected by the flawed Motherisk Drug Testing Laboratory hair strand test results were the subjects of or parties to *Child and Family Services Act* proceedings;

AND WHEREAS, as per Commissioner Beaman's order, dated February 24, 2016, Children's Aid Societies of Ontario were ordered to release complete electronic or paper copies of the unredacted case files that were identified as high priority cases by herself and by the Children's Aid Societies of Ontario;

AND WHEREAS, paragraph 4b of the Order in Council 4/2016 states:

In discharging her mandate, the Commissioner will be guided by the following fundamental principles:

...

b. in so far as practicable, the Commissioner shall work to maintain and ensure the confidentiality of records relating to child protection proceedings, including court files, exhibits, court transcripts, child protection files, and adoption records;

...

AND WHEREAS, paragraph 8 of the Order in Council 4/2016 states:

Where the Commissioner considers it necessary, she shall impose conditions on the production of information in order to protect the confidentiality and privacy interests of any affected persons;

AND WHEREAS, subsection 45(8) of the *Child and Family Services Act*, (R.S.O. 1990, c. C.11 as am.) prohibits the direct or indirect identification of a child in proceedings under the Act:

45(8) PROHIBITION: 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.

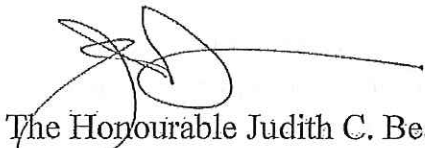
THIS COMMISSION ORDERS THAT:

The following are protected from disclosure:

- i) All records relating to child protection proceedings, including court files, exhibits, transcripts, agency files, and adoption records reviewed by the Motherisk Commission; and
- ii) All documents and digital, photographic, and audio records created by the Motherisk Commission in their review of the child protection cases.

Publication of any information that would identify the child or the child's family is prohibited.

ORDERED at Toronto, Ontario, this 11th day of April, 2016


The Honourable Judith C. Beaman
Commissioner