



Restore, Repair, Reestablish: A Committee Brief on Bill C-223, the Keeping Children Safe Act

A summary for members of the Standing Committee on Justice and Human Rights

Bearing Institute | October 2026 | Alexis Roumanis, Director of Research and Policy

Bearing Institute does not oppose Bill C-223. We accept the sponsor's diagnosis. Family courts make findings of fact that are unreliable, effectively unreviewable, and irreversible in their effect on a child. The evidence placed before the Standing Committee on the Status of Women describes a real category of failure. We dispute the instrument, not the objective. This brief sets out five findings and nine ready-to-table amendments. The full analysis, including the underlying modelling and source verification, is available on request.

Finding 1: The bill removes both the finding and the remedy

The bill removes the finding. Proposed s. 16(3.1) provides that *"the court shall not take into consideration any allegation that a spouse has, or is likely to, through deliberate manipulation, persuade or encourage a child to become estranged from or resist contact with the other spouse."* A court cannot receive the allegation, and so cannot make the finding. The exception at s. 16(3.2) is available only where the parent alleged to have interfered has themselves engaged in family violence. Absent that, the evidence is gone entirely.

The bill also removes the remedy. Proposed s. 16.1(4.2) defines the prohibited category: "reunification therapy includes any intervention, program, treatment, service or practice whose purpose is to create, repair or reestablish a relationship between a child and a parent from whom the child is estranged or whom the child has rejected."

The operative prohibition is at proposed s. 16.1(4.1):

(4.1) The court shall not, in the order, (a) restrict the parenting time of a spouse with whom the child has a close connection for the purpose of improving a child's relationship with the other spouse; or (b) require a child to attend reunification therapy or allow a spouse to consent to the child attending reunification therapy without seeking the consent of the other spouse.

Set that against an order made by the Supreme Court of British Columbia on June 12, 2026 in *Roumanis v. Roumanis*, 2026 BCSC 1089, at para. 129:

"I would further order that the parties retain a behavioral consultant as recommended by Dr. Elterman. ... The behavioral consultant should have experience in dealing with resist-refuse behaviors and be able to assist the parties in addressing those aspects of S.'s behavior, including helping to restore S.'s relationship with Mr. Roumanis."

The consultant's work has two components. Training the adults around the child, which is what Dr. Elterman said was required, and direct work with the child, which is how behavioural consultation for a child with this profile is conducted: observation and sessions, in an office and in the home.

The first component survives the bill. The second does not. Sessions with the child, under a retainer whose stated purpose includes "helping to restore S.'s relationship with Mr. Roumanis," fall inside the (4.2) definition. Under

(4.1)(b) a court cannot require the child to attend them, and neither parent can consent to the child attending without the agreement of the other.

The order is therefore not struck down. It is hollowed out, and the part of it that reaches the child becomes exercisable only with the consent of the parent whose communications the court found “contributed to the breakdown” (para. 104), and who the court found “has not been proactive” and had delayed “responding to Mr. Roumanis’ efforts to find a counsellor to help with reunification” (para. 105).

What makes this case instructive is what it does not contain. The court used the resist-refuse framework, the successor to the parental alienation vocabulary and the one the bill’s own supporters advocate for. It found no family violence toward the children by either parent. It made findings critical of both parents, including findings that the father overreached at separation and that his conduct weighed against his own credibility. It expressly held there was “no one factor” responsible. The order was made on the recommendation of a jointly commissioned s. 211 assessor.

Having found all of that, the court ordered the remedy. Bill C-223 would remove the half of it that reaches the child.

Bearing Institute Alert. The remedy prohibition is not conditioned on any allegation or finding of alienation. It operates on the purpose of the intervention alone. It therefore captures ordinary family counselling, therapeutic supervision of parenting time, and behavioural consultation for neurodivergent children, in every file, whether or not alienation was ever raised.

The bill does not say what happens to orders already made. Clause 8 provides that proceedings commenced before coming into force and not finally disposed of are dealt with under the Act as it reads on that day. Clause 9 makes prior reliance on an alienation allegation a deemed change in circumstances supporting variation under s. 17(5). Neither clause addresses a family operating under an existing final order containing a relationship-repair component, made before the bill and prohibited by it. Whether such orders survive, lapse, or become variable at the election of one party is unresolved on the face of the bill. In the case above the parenting coordinator and the behavioural consultant have only recently been appointed, and the court remains seized of parts of the file. Bearing Institute asks the Committee to put this question to the Department of Justice, and to consider an express transitional provision preserving therapeutic and behavioural orders made before coming into force.

A related point on vocabulary. Bill C-223 nowhere uses the phrase “parental alienation.” Proposed s. 16(3.1) reaches conduct intended to cause a child to “become estranged from or **resist** contact” with a parent. Over the past decade the clinical field has moved from “parental alienation” to “resist-refuse,” a deliberately neutral term now standard in Canadian s. 211 reporting. The bill captures both. A court that adopts the careful language the bill’s supporters prefer does not escape the prohibition; it falls inside it.

Finding 2: The bill’s remedy prohibition falls hardest on neurodivergent children

The child in the case above is now thirteen. He was ten at the time of separation in 2023. He has an autism spectrum diagnosis with high support needs, together with ADHD and anxiety (para. 8). The jointly retained assessor identified a Pathological Demand Avoidance profile, which he described as a pattern, often associated with autism, in which a child resists or ignores perceived demands through extreme behaviour (para. 113). The court recorded the child’s “strong sense of justice and the black-and-white way he views the world” (para. 91). Three consequences follow, and Parliament has not been shown any of them.

Resist-refuse presentations in these children are over-determined. Demand avoidance is a feature of the child’s neurology. A child who resists transitions, refuses instruction from a parent, and reacts to demands with

aggression may be doing so for reasons that have nothing to do with either parent’s conduct. The assessor said as much, testifying that “resist-refuse behavior” is a deliberately neutral term focused on the child rather than on blame, and that there was no single cause (para. 112). Bill C-223 approaches the entire category of resist-refuse evidence as presumptively suspect. For this population that presumption is not merely imprecise; it is the wrong way round.

The remedy the bill prohibits is a disability support. The assessor’s recommendation was a behavioural consultant, on the express basis that “all of the adults involved need to be trained to deal with a child who is not only on the Autistic Spectrum but has the profile of PDA characteristics” (para. 117). The court ordered it. Because the order says the consultant should assist “including helping to restore S.’s relationship with Mr. Roumanis,” proposed s. 16.1(4.2) captures it and s. 16.1(4.1)(b) removes the court’s power to require the child to attend it. The disability support is captured by the presence of a restorative purpose inside it.

Black-and-white processing makes delay irreversible. Where a child encodes a single event as a settled fact about a parent, the window for repair is narrower and closes faster. Thirty-one months elapsed in this case between separation and reasons. A bill that removes the court’s principal repair tool imposes its heaviest cost on precisely the children least able to absorb it.

Bearing Institute Alert. Bill C-223 contains no exception, qualification or transitional provision for court-ordered therapeutic and behavioural supports for children with disabilities. Recommendation 1 supplies one by prohibiting the coercive residential model by its features rather than prohibiting every intervention by its purpose.

Finding 3: The findings the bill would make inadmissible

Harman, Kruk and Hines (2018) define the core alienating behaviour by two elements: a parent inducing fear in the child that the other parent is dangerous, where no evidence of such danger exists. The court made findings on both, and on four further behaviours the same literature associates with the pattern.

Element	Finding in 2026 BCSC 1089
Creating fear that the other parent may be dangerous	“she did communicate to him that it was okay to feel unsafe around him and he could return to her care when he felt that way. That certainly implies to S. that he may not be safe with Mr. Roumanis and was unquestionably the wrong message to send” (para. 99)
Where no evidence of such danger exists	“there is not a shred of evidence to suggest that Mr. Roumanis has ever posed a hint of danger towards any of the children” (para. 100)
Undermining the other parent’s authority	“I find that Ms. Roumanis communicated to S. that Mr. Roumanis was ‘overmedicating’ him and this caused S. to refuse medication from Mr. Roumanis and contributed to the overall breakdown in S. and Mr. Roumanis’ relationship” (para. 78)
Making the child the arbiter of contact	told him “if he was not feeling safe... she would pick him up,” which “contributed to S. believing that he did not need to stay with Mr. Roumanis if he did not want to” (para. 97)

Element	Finding in 2026 BCSC 1089
Communicating adult fears about the other parent to the child	“communicated to the children her fear that Mr. Roumanis might again try to remove the children from her,” a fear the court found “was unfounded” (para. 101)
Failure to support restoration of the relationship	“has not been proactive,” “not been motivated to make progress,” “delay in responding to Mr. Roumanis’ efforts to find a counsellor to help with reunification” (para. 105)

Bearing Institute draws no legal conclusion from this table and invites the Committee to draw its own. The narrower point does not depend on the label: **whatever this conduct is called, Bill C-223 would make every finding in the right-hand column inadmissible.** Proposed s. 16(3.1) reaches conduct intended to cause a child to “resist contact,” which is what each of these findings describes. The exception in s. 16(3.2) is unavailable, because no family violence was found against the parent whose conduct is described.

The finding at para. 97 rests on contemporaneous text messages between the parent and the child, which were before the court together with the parent’s explanation for them. No diagnostic label was applied. The court found on the specific conduct, which is what Recommendation 2 would require of every court and what s. 16(3.1) would forbid. Whatever view the Committee takes of parental alienation as a construct, that is the rule under consideration: a court may not consider the messages.

Finding 4: Canada has no enforcement ladder, and the bill would remove the rungs other countries use most

Three comparable jurisdictions attach graduated remedies to parenting orders. The federal Divorce Act attaches none.

Enforcement rung	Australia	England and Wales	British Columbia	Canada (federal)
Make-up time	Yes	Yes	Yes	None
Parenting program or counselling	Yes	Yes	Yes	None
Reimbursement of wasted expenses	Yes	Yes	Yes	None
Security or bond	Yes	Yes	Yes	None
Fine, unpaid work or committal	Yes	Yes	Limited	None
Reasonable-excuse defence	Yes	Yes	Enumerated in statute	n/a

Sources: *Family Law Act 1975 (Cth) Pt VII Div 13A, as amended by the Family Law Amendment Act 2023, Sch. 2; Children Act 1989 (UK), ss. 11A, 11J, 11L, 11O and Sch. A1; Family Law Act, S.B.C. 2011, c. 25, ss. 61 to 63.*

The two rungs used most often in all three jurisdictions are a parenting program and counselling. Both fall inside proposed s. 16.1(4.2) where their purpose includes repairing a rejected relationship.

The asymmetry inside the Divorce Act itself. Parliament has built an extensive federal enforcement scheme for one obligation arising from a family judgment and none at all for the other. A parent who fails to pay support faces garnishment, provincial maintenance enforcement, federal licence and passport denial or revocation under the *Family Orders and Agreements Enforcement Assistance Act*, and in the last resort committal. A parent whose conduct a court has found contributed materially to the loss of a child’s relationship with the other parent faces nothing under the same Act. Parliament has demonstrated that it knows how to attach consequences to a family law obligation. It has never done so for the obligation a parenting order imposes.

Finding 5: Support obligations and federal mortgage underwriting are not calibrated to one another

Original modelling by Bearing Institute, applying OSFI Guideline B-20 as confirmed in January 2026 to the support obligations in the judgment above, on the underwriting convention most favourable to the existing system:

	Unencumbered	With support as ordered
Maximum purchase capacity	\$1,271,301	\$812,069
Gross income required to reach the \$1,062,800 regional benchmark	\$189,841	\$296,621
Purchase capacity per additional \$10,000 earned	\$49,456	\$27,825

A support payor requires roughly **56 per cent more gross income than an unencumbered buyer to purchase the identical home**. The Federal Child Support Guidelines were calibrated in 1997, the Spousal Support Advisory Guidelines in 2008, and Guideline B-20 addresses neither. No department currently owns the interaction.

A parent who cannot house their children cannot exercise the parenting time a court has ordered them to exercise. That makes it a children’s issue.

Model assumptions: qualifying rate 6.29 per cent (contract 4.29 plus the two-point B-20 buffer), 25-year amortisation, gross debt service 39 per cent, property tax \$350 and heat \$150 monthly, no other consumer debt, \$200,000 down payment, support deducted from gross income (the major-bank convention; including it in total debt service instead produces a worse result for the payor). Purchase capacity figures are down payment plus maximum mortgage. Full derivation at Part 7 of the long-form analysis.

What Parliament should be considering instead

England and Wales confronted the same evidence base through the 2020 Harm Panel report and responded not by prohibiting a category of evidence but by rebuilding the process: an investigative rather than adversarial track, a single early Child Impact Report, multi-agency involvement, and a post-order review stage. That model, now the Child Focused Model, went to national roll-out on 17 March 2026 with £17 million committed for 2026/27. It resolves cases roughly eleven weeks earlier than the process it replaced.

A system that produces unreliable findings does not become reliable when a category of evidence is removed from it. It produces the same unreliability, distributed differently, with one fewer tool available to correct it and one fewer remedy available to the child.

What the bill gets right. Bearing Institute's disagreement is confined to specific mechanisms, and several of the bill's provisions should survive committee unchanged. The duty on every legal adviser to assess risk and implement a plan (proposed ss. 7.7(2.1) and (2.2)). The prohibition on inferring that family violence did not occur because a parent stayed, returned, or did not report (proposed s. 16(5)). The provision that a decision to leave a household in which family violence occurred is not to be held against the parent who leaves (proposed s. 16(5.1)). The rejection of any presumption of equal parenting time (proposed s. 16(6)(a)). The treatment of coercive control as a pattern rather than an aggregation of incidents, which reflects the current clinical evidence and is drafted sex-neutrally, as it should be and as we urge the Committee to keep it. And the prohibition of residential deprogramming models, which Bearing Institute supports without qualification and which Recommendation 1 would prohibit by name rather than by purpose.

The nine amendments

#	Amendment	Provision
1	Replace the purpose-based reunification therapy definition with a conduct-based prohibition naming residential deprogramming, transport agents, and any transfer of guardianship or restriction on contact imposed as a component of, or a condition of enrolment in, such a programme. The prohibition attaches to the programme, not to a parenting order a court makes on the evidence under the best interests test.	Cl. 5(2), s. 16.1(4.2)
2	Convert s. 16(3.1) from a prohibition on evidence into a sufficiency rule. Evidence of alienating conduct, expert evidence included, remains fully admissible; what is required is that a determination rest on findings of specific conduct rather than on a label alone	Cl. 4(4), ss. 16(3.1), 16(3.2)
3	Retain s. 16(3)(c), the willingness factor, with a safety qualifier	Cl. 4(1)
4	Sever s. 16(6)(b) from s. 16(6)(a), rejecting an equal-time presumption without altering the best interests starting point	Cl. 4(7), s. 16(6)
5	Direct a comparative study of investigative family justice models before the evidentiary provisions come into force	Coming into force
6	Establish a completeness rule and independent review for recordings tendered in family proceedings	New, following s. 16
7	Direct a review of support obligations against federal mortgage underwriting: standardised treatment between lenders, assessment of a time-limited obligation over its remaining term rather than as perpetual, and the SSAG duration threshold	Severable
8	Enact a denial and interference remedy modelled on BC Family Law Act ss. 61 to 63, with the protective-parent defences written into the statute	New, following s. 16.1
9	Provide a statutory right for either former spouse to apply to commute periodic spousal support to a lump sum	s. 15.2

Recommendations 1 and 8 are the two that matter most. Recommendation 1 preserves the remedy. Recommendation 8 supplies the enforcement Parliament never built.

Recommendation 1 in both forms:

s. 16.1(4.2) as drafted	As amended by Recommendation 1
“reunification therapy includes any intervention, program, treatment, service or practice whose purpose is to create, repair or reestablish a relationship between a child and a parent from whom the child is estranged or whom the child has rejected.”	Prohibit by name any intervention involving residential placement of the child away from both parents; removal or transport of the child by third-party agents; transfer of guardianship or decision-making authority to a program provider; a prescribed period of no contact between the child and a parent with whom the child has a close connection, imposed as a condition of the intervention; or participation without the informed consent of a child capable of forming their own views.

Disclosure. The case discussed at Findings 1 to 3 is the author’s own. Reasons for judgment are public at *Roumanis v. Roumanis*, 2026 BCSC 1089. Every finding cited is quoted verbatim, including findings adverse to the author, and the analysis is confined to what the reasons say.



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Bearing Institute is a Canadian public-policy institute focused on legislative research and ready-to-table amendments. We would welcome the opportunity to present this analysis during committee consideration of Bill C-223.

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