

AlbertMohler.com

Another Chilling Precedent — A Court Undermines a Parent

Friday, June 20, 2008



A recent court decision in Canada should send chills down every parent's spine. The ruling is so out of bounds that the news story sounds like a parody — but it isn't. A Canadian judge ruled that a 12-year-old girl was "excessively" punished when her father told her she could not go on a school camping trip because she had broken rules for use of the Internet.

As the *Globe and Mail* [Toronto] reports:

First, the father banned his 12-year-old daughter from going online after she posted photos of herself on a dating site. Then she allegedly had a row with her stepmother, so the father said his girl couldn't go on a school trip.

The girl took the matter to the court - and won what lawyers say was an unprecedented judgment.

Madam Justice Suzanne Tessier of the Quebec Superior Court ruled on Friday that the father couldn't discipline his daughter by barring her from the school trip.

This judge needs to be grounded and sent to her room. A 12-year-old girl violated rules and disobeyed her father. The rules, by the way, were intended to protect the girl from endangering herself on the Internet. In posting pictures of herself on the Internet — on a *dating* site, for crying out loud — she defied her father and his authority. After going to the court, she got away with it.

For years, we have been warned that the courts were poised to usurp parental authority. We have seen chilling judicial precedents and the encroaching reach of bureaucrats and government agents. Warnings were offered by prophets like Philip Reiff and Christopher Lasch, who saw the family being stripped of its functions and replaced by an army of eager agents. Parents are supplanted by professionals who are "experts" in raising other people's children.

The Canadian case is among the most chilling yet. The father is appealing the decision, even though the girl has already gone on the camping trip. The family is involved in a difficult divorce situation, but the father was granted custody. Gladly, outrage over the judge's ruling is building in Canada.

Lorne Gunter of Canada's *National Post* described the ruling as "sputteringly enraging." The Canadian blogosphere has taken notice, as have parents.

Gunter drew particular attention to the fact that the girl's attorney explained that she took the case to court because it involved the school trip: "For me that was really important."

Gunter responded:

"For me that was really important." So what? Just who are you? Are you the kid's parent? Are you a relative of any sort? No? So why, then, does your opinion matter? And if it does matter, how is court action appropriate? At most, even if you are a close relative, you are limited to calling up the dad and expressing your view that his punishment is over-the-

top.

Ms. Fortin insists that while court was a last resort, the situation called for it: “This was not a question of going to the movies or not, or going online or not — because obviously, I wouldn’t have intervened in that.”

Just how is that obvious? It should have been obvious that you don’t go to court over missing the camping trip, either, but that doesn’t seem to have dawned on Ms. Fortin. She called the trip a rite of passage. What will be the rite next time, a missed sleepover; her first out-of-town volleyball tournament with the school team?

The logic of this ruling is not limited to Canada. In 1970, Hillary Rodham, then a young lawyer (and later Sen. Hillary Clinton), wrote a law review article, “Children Under the Law,” in which she argued that minors should be treated as “child citizens” who should, under at least some conditions, be able to challenge their parents in court over parental decisions.

This father may win his appeal — we must hope that he does — but the damage is already done. This 12-year-old girl has defied her father and been rewarded by a secular court. The judge and the court have now become complicit in the girl’s disobedience. This father has had his rights as father denied and his authority undermined. We can only imagine the costs of this judicial malpractice in the life of this girl and her family. Beyond this, the precedent is now set for further judicial mischief.

America’s parents had better look north and take notice. This judicial atrocity hits very close to home.

