**“Covid19 vaccines” for Children and Canadian Family Courts**

*The Epoch Times* published an opinion yesterday titled: Double Standards in Canada’s Criminal Justice System[[1]](#footnote-1). Journalist Cory Morgan wrote “*As criminal justice cases related to the COVID-19 pandemic and citizens’ responses to it make their way through Canada’s agonizingly slow justice system, a disturbing trend of possible judicial bias appears to be emerging. The double standard being applied to prosecutions linked to any form of protests against pandemic restrictions is stark and disturbing. The examples are growing.*” He then cites a few high-profile criminal cases as examples of the judicial double standard and concludes “*The justice system is failing to keep the public safe, and it appears politicization of the process is a factor in the problem. There is a dangerous double standard at play, and it must be rectified*.”

As I read Morgan’s astute observations, I thought, sadly, that the politicization of the legal system not restricted to criminal cases. The same conclusions apply equally to civil cases being decided by Canadian courts regarding litigation concerning COVID-19. While there are a plethora of civil litigation cases I would like to comment on, I will begin here with Family law cases. However, in addition to failing the Canadian public, as in the criminal context, I would add that the impartial judgements in the family civil context are failing our most vulnerable member of society: **our children**.

Following the declaration of the COVID-19 pandemic since February 2020 disputing parents around the world have asked the Courts to resolve the question: “Is it in the best interests of the child to assign COVID-19 decision making authority to the mother or the father?” Unfortunately, in answering this important question the Courts have, for the most part, taken the liberty of imposing their own views about COVID-19 “vaccines” in their decisions under the guise of “judicial notice”.

Judicial notice is a legal doctrine that allows a judge to assume a fact as truth without proof of evidence. Judicial notice is *rarely* used in Court and for good reason: Judicial notice i) dispenses with the need for proof of facts, ii) it does not require proof by evidence under oath and iii) is it not tested by cross examination.[[2]](#footnote-2) All three are hallmarks of a fair, independent and impartial legal system that has evolved over centuries to counter bias.

Only facts that are clearly uncontroversial or beyond reasonable dispute can be judicially noticed. Yet, in family law cases where one parent wishes to forcibly “vaccinate” a child and the other adamantly opposes it for COVID-19, the Courts have astonishingly used “judicial notice” to accept as truthful facts, which are not only clearly, but *highly controversial* and not only under reasonable, but intense dispute. For example,

1. In Saskatchewan several courts have taken judicial notice of the fact that it can be presumed that being vaccinated against COVID-19 is in the best interests of children.[[3]](#footnote-3);
2. Across the country from BC to PEI, judicial notice has been taken of the fact that contracting COVID-19 poses many serious and significant health risks to children[[4]](#footnote-4);
3. Courts have taken judicial notice of the fact that the vaccine is safe [[5]](#footnote-5):
4. Courts have taken judicial notice of the fact that the COVID-19 vaccine is effective: [[6]](#footnote-6)
5. Courts have taken judicial notice that the specific Pfizer vaccine is safe and effective for both children and adults;[[7]](#footnote-7)
6. Courts have taken judicial notice of the approval of the Pfizer vaccine by health authorities[[8]](#footnote-8);
7. One reported case where judicial notice has been taken of the risks of the COVID‑19 vaccine. However, in that case, the court took judicial notice of the fact that vaccination comes with a risk, just as all medical treatment does but also took judicial notice of the fact that the vaccine is safe and effective.[[9]](#footnote-9)

Yet the scientific evidence is at complete odds with and contrary to the judicially noticed facts:

1. The “COVID-19 vaccine” is not a “vaccine”. International studies of the so called COVID-19 vaccine clinical trials have concluded that the term “inoculation” is better description because the injected material neither prevents viral transmission nor infection.[[10]](#footnote-10)
2. The inoculations were rolled out without long-term testing on adults or children.
3. No claim could be made about safety, let alone a confident claim, that they are “safe” for children;
4. There is evidence that the inoculations are *not* safe. Cost-benefit analysis shows there are five times the number of deaths attributable to each inoculation vs those attributable to COVID-19;
5. Children do not transmit the SARS-CoV-2 as readily as adults;
6. Children have a negligible risk of serious effects from disease or illness if exposed to the virus, the inoculations are more of a risk than a protection for children;
7. The vaccines are using mRNA technology that has never been approved in use for humans, let alone for children in particular;
8. Due to the high reported adverse events and deaths associated with the AstraZenca vaccines the children’s trial was halted in May 2021. It was removed by Health Canada.
9. Pfizer’s 6-month Safety and Efficacy study showed more deaths per head in the “vaccinated” group than the “unvaccinated” group. This is incompatible with the claim that vaccines are safe and effective. Court ordered Pfizer data now confirms that they are harmful and dangerous;
10. Children do not need vaccination to support herd immunity. They have the most robust immune systems;
11. Children’s immunological and neurological systems are still in development making them more vulnerable to adverse effects and harms than adults;

In other words, it cannot be said that the facts which are accepted as truth by “judicial notice” are in fact true. At the least, these facts are not uncontroversial or undisputed by any stretch of the imagination.

In family law cases the Court must make decisions that are in the best interests of the child. The “best interests of the child” is a legal test used to decide what would best *protect* a child’s physical, psychological, and emotional safety, security and well-being. The judges in these cases failed to engage in a cost-benefit balance of the untested (long-term) “vaccine” against the risk associated with being infected with COVID. Instead of challenging the parties to present evidence to prove facts asserted and subjecting the assertion of “safe and effective” to scrutiny or cross examination, the judges accepted “vaccines” as safe and effective, only on the authority of the government officials (public health authorities) who made them. The judges failed their duty. The courts sacrificed children’s health and their “best interests” at the alter of panic and fear. The judges failed the children.

What does it say about our family law courts when judges are willing to “accept” as notorious and uncontroverted facts which are proven to not only be controversial and disputed but false and inaccurate? It is demonstrative of a judiciary that is driven more by panic and mass formation psychosis than rationality, impartiality and independence from government generated publications and pronouncements. It was inappropriate for the Court to take judicial notice of these facts and judicial notice is really the exercise of judicial bias. This disturbing trend is only countered by a handful of cases in which the courts were not prepared to take judicial notice of the efficacy and safety of COVID-19 vaccines. [[11]](#footnote-11)

1. <https://www.theepochtimes.com/cory-morgan-a-dangerous-double-standard-appears-to-be-at-play-in-canadas-justice-system_5034293.html?utm_source=MB_article_paid&src_src=MB_article_paid&utm_campaign=mb-2023-02-06-ca&src_cmp=mb-2023-02-06-ca&utm_medium=email&est=+SQTRJ9woPYBV8OKj7XgWkALZDK2iFvmC+w13PuPkLcTcSuDU1ywfnvbUDa7UoiAstCn&utm_term=opinion1&utm_content=10&> [↑](#footnote-ref-1)
2. R v. Find 2001 SCC 32 [↑](#footnote-ref-2)
3. *Dyquiangco Jr. v Tipay*, [2022 ONSC 1441](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1441/2022onsc1441.html) at para [24](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1441/2022onsc1441.html#par24) [*Tipay*]; *Steiner v Mazzotta*, [2022 BCSC 827](https://www.canlii.org/en/bc/bcsc/doc/2022/2022bcsc827/2022bcsc827.html) at para [5](https://www.canlii.org/en/bc/bcsc/doc/2022/2022bcsc827/2022bcsc827.html#par5) [*Steiner*]; *Rashid v Avanesov*, [2022 ONSC 3401](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc3401/2022onsc3401.html)  at para [85](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc3401/2022onsc3401.html#par85); *Davies v Todd*, [2022 ONCJ 178](https://www.canlii.org/en/on/oncj/doc/2022/2022oncj178/2022oncj178.html) at para [44](https://www.canlii.org/en/on/oncj/doc/2022/2022oncj178/2022oncj178.html#par44) [*Davies*]; and *G.W. v C.M.,*[*2022 BCPC 29*](https://www.canlii.org/en/bc/bcpc/doc/2022/2022bcpc29/2022bcpc29.html)*at para*[*5*](https://www.canlii.org/en/bc/bcpc/doc/2022/2022bcpc29/2022bcpc29.html#par5) [↑](#footnote-ref-3)
4. OMS at para 112; Manzon v Carruthers, 2020 ONSC 6511 at para 18; Rouse v Howard, 2022 ONCJ 23 at para 13; T.K. v J.W., 2022 BCPC 16 at para 11 [T.K.]; K.K. v M.A., 2022 NBQB 30 at para 109 [K.K.]; P.R. v S.R., 2022 PESC 7 at para 54, 68 RFL (8th) 328 [P.R.]; and K.M.S. v K.B.S., 2022 SKQB 57 at paras 13 and 18 [K.M.S.]. [↑](#footnote-ref-4)
5. OMS at para 113; K.M.S. at paras 13 and 18; I.S. v J.W., 2021 ONSC 1194 at paras 182–183 [I.S.]; A.B.S. v S.S., 2022 ONSC 1368 at para 4 [A.B.S.]; Warren v Charlton, 2022 ONSC 1088 at para 9, 70 RFL (8th) 388 [Warren]; Campbell v Heffern, 2021 ONSC 5870 at para 10, 68 RFL (8th) 417 [Campbell]; J.F.P. v J.A.G., 2022 BCPC 44 at para 19; Saint-Phard v Saint-Phard, 2021 ONSC 6910 at para 7, 63 RFL (8th) 92 [Saint-Phard]; L.M. v C.O., 2022 ONSC 394 at para 18; G.W. at para 5; K.K. at para 109; P.R. at para 54; and Davies at para 43. [↑](#footnote-ref-5)
6. *Sembaliuk v Sembaliuk*, [2022 ABQB 62](https://www.canlii.org/en/ab/abqb/doc/2022/2022abqb62/2022abqb62.html) at para [16](https://www.canlii.org/en/ab/abqb/doc/2022/2022abqb62/2022abqb62.html#par16); *A.M. v C.D.*, [2022 ONSC 1516](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1516/2022onsc1516.html) at para [28](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1516/2022onsc1516.html#par28); *I.S.*at paras [182-183](https://www.canlii.org/en/on/onsc/doc/2021/2021onsc1194/2021onsc1194.html#par182); *A.B.S.*at para [4](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1368/2022onsc1368.html#par4); *Steiner*at para [5](https://www.canlii.org/en/bc/bcsc/doc/2022/2022bcsc827/2022bcsc827.html#par5); *Campbell*at para [10](https://www.canlii.org/en/on/onsc/doc/2021/2021onsc5870/2021onsc5870.html#par10); *Saint-Phard*at para [7](https://www.canlii.org/en/on/onsc/doc/2021/2021onsc6910/2021onsc6910.html#par7); *K.K.*at para [109](https://www.canlii.org/en/nb/nbqb/doc/2022/2022nbqb30/2022nbqb30.html#par109); *G.W.*at para [5](https://www.canlii.org/en/bc/bcpc/doc/2022/2022bcpc29/2022bcpc29.html#par5); *P.R.*at para [54](https://www.canlii.org/en/pe/pesctd/doc/2022/2022pesc7/2022pesc7.html#par54); *Tipay* at para [17](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1441/2022onsc1441.html#par17); and *Davies* at para [37](https://www.canlii.org/en/on/oncj/doc/2022/2022oncj178/2022oncj178.html#par37). [↑](#footnote-ref-6)
7. *OMS* at para 113; *T.K.* at para [11](https://www.canlii.org/en/bc/bcpc/doc/2022/2022bcpc16/2022bcpc16.html#par11); *Campbell*at para [10](https://www.canlii.org/en/on/onsc/doc/2021/2021onsc5870/2021onsc5870.html#par10); and *K.M.S.*at paras [13 and 18](https://www.canlii.org/en/sk/skqb/doc/2022/2022skqb57/2022skqb57.html#par13). [↑](#footnote-ref-7)
8. *OMS*at para 113 and *K.M.S.*at para [18](https://www.canlii.org/en/sk/skqb/doc/2022/2022skqb57/2022skqb57.html#par18) [↑](#footnote-ref-8)
9. *P.R.*at para [54](https://www.canlii.org/en/pe/pesctd/doc/2022/2022pesc7/2022pesc7.html#par54). [↑](#footnote-ref-9)
10. “Why are we vaccinating Children” *Toxicology Reports* 8 (2021) 1665-1684
 [↑](#footnote-ref-10)
11. *J.N. v C.G.*, [2022 ONSC 1198](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1198/2022onsc1198.html) at para [81](https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1198/2022onsc1198.html#par81), 64 RFL (8th) 277; *R.S.P. v H.L.C.*, [2021 ONSC 8362](https://www.canlii.org/en/on/onsc/doc/2021/2021onsc8362/2021onsc8362.html) at paras [56–58](https://www.canlii.org/en/on/onsc/doc/2021/2021onsc8362/2021onsc8362.html#par56); and *C.M. v S.L.S.*, [2022 ONCJ 206](https://www.canlii.org/en/on/oncj/doc/2022/2022oncj206/2022oncj206.html) at para [112](https://www.canlii.org/en/on/oncj/doc/2022/2022oncj206/2022oncj206.html#par112). [↑](#footnote-ref-11)