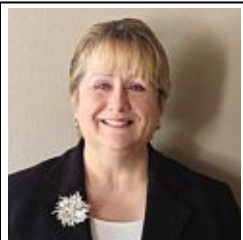




Family Law

CALL US - BEFORE
YOUR EX DOES!



Roxanne Shank
LAWYER

Q

My ex wants to get the kids vaccinated and I am opposed to it. Our kids are 6 and 13. If I take her to court on this issue am I going to win?

A

Covid has provided many new challenges for parents. First we had one parent arbitrarily changing parenting arrangements. Then we had battles over summer vacation, and whether little Johnny or Farina would attend school in person or remotely.

As of May 23, 2021, Ontario's 12 to 17-year-olds are eligible for the first dose of the Pfizer vaccine. That means that your eldest child is currently eligible to receive a COVID-19 vaccination.

Given the polarization of the strong beliefs associated for and against vaccination, it is not surprising that some parents are going to strongly disagree on this issue.

My opinion on vaccination has no relevance; you are asking me about what the Courts are likely to do.

One case provides a useful guide as to how the Court may look at this question: *Tarkowski v. Lemieux 2020 ONCJ 280*. In this case, Dad was pro vaccines (not just COVID-19) and

Mom only had the child vaccinated when the Court ordered her to do so. While Mom was awarded sole custody with decision making authority over all issues, the exception was future vaccination decisions, which went to Dad because he was seen as having the child's best interest in mind.

So the take away here is that if the government thinks it's safe for children to be vaccinated, the Court is going to follow those recommendations.

One other note- if a child of 'mature intelligence and age' wants to be vaccinated, the Healthcare Consent Act would apply and the child would probably be permitted to be vaccinated, should they wish to do so.

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