



BIRTH ALERTS CLASS ACTION

VANCOUVER, BRITISH COLUMBIA – (September 1, 2021) – A proposed class action lawsuit seeking damages on behalf of British Columbians who were the subject of a “birth alert” was launched this week in the Supreme Court of British Columbia. The action is part of a coordinated national litigation effort, with additional provincial class proceedings to be filed across Canada by a group of firms working together to advance the claims.

The proposed class action alleges that the defendant, Her Majesty the Queen in Right of the Province of British Columbia, by the Ministry of Children and Family Development, unlawfully established and operated a system known as “birth alerts” or “hospital alerts” (the “Birth Alerts Scheme”). Birth alerts are notifications issued to hospitals regarding pregnant persons, which require the hospitals to contact child protection authorities when a subject pregnant person’s infant is delivered.

Birth alerts are and were issued based on speculative child protection concerns grounded in discriminatory assumptions regarding which individuals are likely to be neglectful or abusive parents. The Birth Alerts Scheme is disproportionately employed against Indigenous, racialized, and/or disabled pregnant persons, reflecting the state’s colonialist and paternalistic attitude towards these historically disadvantaged and vulnerable communities.

[The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#) described the injustice of birth alerts used against Indigenous mothers:

The use of birth alerts against Indigenous mothers, including mothers who were in care themselves, can be the sole basis for the apprehension of their newborn children. Birth alerts are racist and discriminatory and are a gross violation of the rights of the child, the mother, and the community.

The proposed class action alleges that by establishing and operating the Birth Alerts Scheme, the defendant breached subject pregnant persons’ fundamental constitutional rights – including their right to liberty and security of the person, and the right to equality – and their quasi-constitutional right to privacy regarding intensely personal matters of medical care and childbirth.

The proposed representative plaintiff, Nikida Steel, says that being subject to birth alerts during each of her pregnancies made her feel “betrayed and disgusted... It is something that follows you life long... The fact that a birth alert was issued about you continues to affect your dealing with the system forever.”

Nikida hopes that the lawsuit will make the government acknowledge its wrongdoing:

“The only time the government will ever acknowledge anything is if you force it. By having the Birth Alerts Scheme named, having it articulated that this happened, by putting it out in the open, it ceases to be private. Calling out the government for

what it did can help to remove the stigma and shame from other people who have experienced this. I want to try to hold the government accountable, and to prevent this type of reprehensible behaviour in the future."

A copy of the Notice of Civil Claim can be found at: [BC Notice of Civil Claim](#).

This case is brought on behalf of all persons who were, while pregnant, the subject of a birth alert issued in British Columbia, including a subclass of all Indigenous, racialized, and/or disabled class members. Potential class members can register at info@cfmlawyers.ca to obtain more information as the case progresses.

The plaintiff and the proposed class are being represented by Camp Fiorante Matthews Mogerman LLP (CFM) and Good Barrister. Jen Winstanley of CFM is available to respond to inquiries regarding the BC claim: 604-331-9539 or jwinstanley@cfmlawyers.ca.

CFM and Good Barrister are part of a group of firms working together to advance parallel proceedings in other provinces. For province specific inquiries, please contact the firm listed below:

BRITISH COLUMBIA AND ALBERTA:

CAMP FIORANTE MATTHEWS MOGERMAN

Attn: Jen Winstanley
856 Homer Street
Suite 400
Vancouver, BC V6B 2W5
Phone: 604-689-7555
Facsimile: 604-689-7554
Email: info@cfmlawyers.ca
Web: www.cfmlawyers.ca

GOOD BARRISTER

Attn: Mat Good
3615 West 4th Avenue
Vancouver BC V6R 1P2
Phone: 604-363-6295
Email: mat@goodbarrister.com
Web: www.goodbarrister.com

SASKATCHEWAN AND MANITOBA:

SEMAGANIS WORME LOMBARD

Attn: Alisa Lombard
150-103C Packham Avenue
Saskatoon, SK S7N 4K4
Phone: 306-664-7175
Email: alombard@swllegal.ca
Web: www.swllegal.ca

ONTARIO:

WADDELL PHILLIPS

Attn: Tina Q. Yang
36 Toronto St. Suite 1120
Toronto, ON M5C 2C5
Phone: 647-261-4486
Facsimile: 416-477-1657
Email: reception@waddellphillips.ca
Web: www.waddellphillips.ca

QUEBEC:

BELLEAU LAPOINTE

Attn: Mélissa Bazin
300, Place d'Youville
Office B-10
Montreal, QC H2Y 2B6
Phone: 514-987-6700
Facsimile: 514-987-6886
Email: info@belleaulapointe.com
Web: www.belleaulapointe.com

MARITIMES:

THE BURKE LAW GROUP

Attn: TJ Burke, Q.C.
Kchikhusis Commercial Centre
150 Cliffe St, First Floor, Suite R6
Fredericton, NB E3A 0A1
Phone: 506-449-1200
Facsimile: 506-449-1225
Email: admin@burkelaw.ca
Web: www.burkelaw.ca

