

COURT FILE NUMBER KBG-RG-01978-2023

COURT OF KING'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE **REGINA**

APPLICANTS **PARENTS FOR CHOICE IN EDUCATION AND GENDER
DYSPHORIA ALLIANCE**

RESPONDANT (APPLICANT) **UR PRIDE CENTRE FOR SEXUALITY AND GENDER
DIVERSITY**

RESPONDANTS (RESPONDANTS) **GOVERNMENT OF SASKATCHEWAN AS REPRESENTED
BY THE MINISTER OF EDUCATION, CONSEIL DES
ECOLES FRANSAKOISES, CHINOOK SCHOOL
DIVISION, CHRIST THE TEACHER CATHOLIC SCHOOL,
CREIGHTON SCHOOL DIVISION NO. 111, GOOD SPIRIT
SCHOOL DIVISION, GREATER SASKATOON CATHOLIC
SCHOOLS, HOLY FAMILY ROMAN CATHOLICS
SEPARATE SCHOOL DIVISION #140, HOLY TRINITY
CATHOLIC SCHOOLS, HORIZON SCHOOL DIVISION, ILE-
A-LA CROSSE SCHOOL DIVISION NO. 112, LIGHT OF
CHRIST CATHOLIC SCHOOLS, LIVING SKY SCHOOL
DIVISION NO. 202, LLOYDMINSTER CATHOLIC SCHOOL
DIVISION, LLOYDMINSTER PUBLIC SCHOOL DIVISION,
NORTH EAST SCHOOL DIVISION, NORTHERN LIGHTS
SCHOOL DIVISION NO. 113, NORTHWEST SCHOOL
DIVISION #203, PRAIRIE SOUTH SCHOOL DIVISION,
PRAIRIE SPIRIT SCHOOL DIVISION, PRAIRIE VALLEY
SCHOOL DIVISION, PRINCE ALBERT CATHOLIC
SCHOOL DIVISION, REGINA CATHOLIC SCHOOLS,
REGINA PUBLIC SCHOOLS, SASKATCHEWAN RIVERS
SCHOOL DIVISION, SASKATOON PUBLIC SCHOOL,
SOUTH EAST CORNERSTONE PUBLIC SCHOOL
DIVISION #209, AND SUN WEST SCHOOL DIVISION**

AFFIDAVIT OF JOHN HILTON-O'BRIEN

I, John Hilton-O'Brien, of the City of Calgary, in the Province of Alberta, MAKE OATH AND SAY/AFFIRM AS FOLLOWS:

1. That I am the Executive Director of Parents for Choice in Education ("PCE"), one of the proposed interveners in the Notice of Joint Application For Leave to Intervene, and as such, have personal knowledge of the matters and facts herein deposed to, except where stated to be on information and belief, and where so stated I verily believe the same to be true.
2. That as Executive Director of PCE, I am duly authorized to swear and submit this Affidavit in support of PCE's application to intervene in this proceeding.

Parents for Choice in Education

3. PCE is a non-sectarian, not-for-profit advocacy organization registered in the Province of Alberta.

4. PCE's mission statement states that it is "dedicated to informing, equipping, and mobilizing citizens toward an excellent, quality-oriented, choice-driven education system which recognizes parental authority." PCE was incorporated on September 11, 2012. It primarily engages in cause advocacy in favour of parental authority and school choice.

5. PCE believes that the authority over the education of a child belongs to the parent(s) or legal guardians of that child. PCE affirms the importance of Article 26 of the Universal Declaration of Human Rights, which states that, "Parents have a prior right to choose the kind of education that shall be given to their children." PCE's Mission Statement states that "parents may, and often do, delegate the delivery of education to government entities, but the nature and degree of that delegation is theirs to determine".

6. PCE's activities for the past 11 years in Canada have included the following:

- a. Provision of materials for parents regarding educational choice;
- b. Advocacy to government and school boards regarding parental choice in a broad sense;
- c. Publication of columns in print and online media;
- d. Giving interviews for podcasters, radio, TV, and media outlets;
- e. Presentations dedicated to helping families understand parental choice; and
- f. Presenting workshops encouraging engagement in school board elections.

PCE's Interest in this Litigation

7. PCE is interested in, and applies to intervene in this proceeding because of the significant implications this case has for the rights of hundreds of thousands of parents/guardians across Saskatchewan and its resulting persuasive implications to millions of parents and children across Canada. Specifically, PCE is concerned that, if accepted, the arguments of the Applicant will, to the detriment of children, result in suppression of parental involvement concerning their care and upbringing.

8. PCE applies to intervene to assist the court by virtue of its decades-long efforts to protect parental rights in Canada, inclusive of its research, publications and litigation on the issues germane to this case.

Submissions of PCE

9. PCE holds the following positions:
- a. Canadian law recognizes parents as the primary decision makers of their children for all significant decisions, including being charged with the responsibility for the education and moral upbringing of their children;
 - b. A parent's right to exercise decision making authority regarding their children involves being informed and involved in important decisions or any significant developments in their children's social behaviour at school, absent demonstrable necessity of risk of harm on a case-by-case basis;
 - c. Some children have a heightened risk to experience distress about their gender identity because of their development, unique personal circumstances or vulnerabilities;
 - d. Adults and peers in school systems can have a significant influence on children's self-perception, including about their gender identity; and
 - e. The best interests of children, including their legal and constitutional rights, are protected by the informed involvement of their own parents.
10. I have reviewed the materials filed by the Applicant, UR Pride Centre for Sexuality and Gender Diversity ("UR Pride") in support of its application for injunctive relief against the Government of Saskatchewan's newly implemented 2023 "Policy – Use of Preferred First Name and Pronouns by Students" (the "Policy"). UR Pride's Originating Application contends that if parents are advised that their child has asked to be identified with different pronouns, or has begun to utilize a different gender identity, that this parental knowledge will cause irreparable harm to their child (Originating Application, para. 9).
11. UR Pride claims that the Policy deprives certain children of the only recourse they otherwise would have, "a welcoming educational environment to be themselves"¹, effectively implying that a child's home in such circumstances is presumptively unsafe and unwelcoming, where a child cannot truly be themselves. It is implied that if parents become aware of sudden and significant changes in their child's social behaviour, that they are inherently unsafe resulting in such children being left with "no recourse at all"².
12. PCE's position however, is that there are a wide variety of reasons why a child may suddenly behave differently, including in their social behaviour, and that the individuals best positioned to guide their children through such developments are their parents, who

¹ Originating Application paras. 9 and 10

² *Ibid.*

presumptively best understand the complexity of their child's life circumstances and resulting sudden changes in social behaviour.

13. PCE's position is that restrictions such as those urged by UR Pride to withhold information from parents would hamstring the ability of parents to help their children, and to provide guidance, advice and protection. In short, PCE's position is that restricting parental knowledge of significant social and behavioural changes in their children deprives children of the assistance and protection of their greatest allies – their own parents.

14. PCE believes that parents, who bear the legal responsibility for providing and caring for their children, must retain concomitant authority and privilege to information acquired by agents *in loco parentis*. Because parents must trust the agents that they permit to educate and supervise their children during school hours, PCE believes that mandates which restrict information to parents about their children, harm the parents' relationship with school personnel and trust between parent-tax-payers and the education system as a whole.

15. If granted the ability to intervene, PCE will provide meaningful submissions to this Honourable Court on the irreplaceable role of parents in their children's development, including in their social behaviour. Parents are the primary custodians of the details and sometimes, complex circumstances of their children's lives, where other caregiver and educators would not be privy. As a result, parents are best positioned to guide their young children in important matters concerning their social identity.

16. PCE will importantly highlight the undeniable fact that parents are not just isolated providers towards their children's social lives, but rather, significant members of their children's social lives, particularly at ages under 16. PCE will identify parents as the primary stakeholders of their children's lives with the greatest investment being their own children.

PCE's constitutional litigation challenging restrictions on parental knowledge

17. PCE was a party to litigation challenging Alberta's Bill 24, *An Act to Support Gay-Straight Alliances*, which contained provisions requiring schools to withhold information from parents regarding their children's involvement in Gay/Straight Alliance clubs in Alberta. I am advised by counsel from the Bill 24 litigation and from the predecessor Executive Director of PCE and do believe that this litigation was concluded prior to final adjudication when the *School Act* was repealed and replaced by the new *Education Act*, which was devoid of the material provisions requiring schools to withhold information from parents regarding their children's involvement in GSA clubs, the same having been challenged on constitutional grounds.

18. In the aforesaid Alberta litigation, materials were filed with the Court of Appeal for Alberta by children and their parents, who testified to the suggestibility and vulnerability of young children, especially autistic children, and/or young adolescent girls. In sworn testimony, parents testified

that they were deprived by school personnel of information regarding their children's sudden adoption of new personal pronouns and a different gender identity while at school, and the substantial harm which resulted.

19. In the Affidavit of "AA", a female autistic child testified that she was secretly encouraged by teachers and peers to transition to become a boy without her parents' knowledge, and testified that she understands that she was misled. "AA" deposed that she was informed by school personnel that her parents were abusive if they encouraged her that she was, in fact, a girl. "AA" testified that attempting to live a life as a boy, brought her misery and confusion. "AA" deposes that she happily lives as a girl today.³

20. In the Affidavit of "PT", the father of "AA", PT deposes that the school hid information from him and his wife for approximately a year and a half about his autistic daughter's sudden use of different pronouns and a new gender identity. "PT" testified to his daughter's marked deterioration during this time period, inclusive of his daughter's eventual attempt to take her own life, and how he rescued her.⁴

21. In the Affidavit of "JP", a mother of a girl testified that the girl's school hid details regarding her daughter's involvement in a school club, and taught her child to think she was a boy, and to believe that the reason she was unhappy was because she was a boy trapped in a girl's body. "JP" testified her daughter attempted to commit suicide, and details her assistance and support for her daughter during this time period.⁵

22. In the Affidavit of "JJ", filed in the same Alberta litigation as the Affidavits referred to and appended in the previous paragraphs, "JJ" deposed she has been diagnosed with autism and attended an Edmonton public school. Her school exposed her to a presentation where thoughts were presented to her that boys could become girls and girls could become boys, that some girls were born in the wrong body, and that gender was just a feeling. In her sworn Affidavit, "JJ" stated that these thoughts "screwed her up" and still torture her.⁶

23. In the Affidavit of "KK", parent of "JJ", "KK" testified that his daughter was exposed to these ideas contrary to his instructions, and that the school withheld information from him regarding these presentations to his daughter.⁷

³ Affidavit of AA, online: JCCF <<https://www.jccf.ca/wp-content/uploads/2019/05/Filed-Affidavit-of-Autistic-Student-re-GSA-and-Transitioning.pdf>> (8 September 2023).

⁴ Affidavit of PT, online: JCCF <<https://www.jccf.ca/wp-content/uploads/2019/10/Filed-Affidavit-of-Parent-of-Autistic-Student-re-GSA-and-Transitioning.pdf>> (8 September 2023).

⁵ Affidavit of JP, online: JCCF <https://www.jccf.ca/wp-content/uploads/2018/12/Filed-Affidavit-of-JP_Redacted.pdf> (8 September 2023).

⁶ Affidavit of JJ, online: JCCF <<https://www.jccf.ca/wp-content/uploads/2019/07/Filed-Affidavit-of-autistic-student-re-fYrefly-school-presentation.pdf>> (8 September 2023).

⁷ Affidavit of KK, online: JCCF <<https://www.jccf.ca/wp-content/uploads/2019/07/Filed-Affidavit-of-parent-re-harm-of-fYrefly-presentation-to-autistic-child.pdf>> (8 September 2023).

24. In the Affidavit of “BB”, “BB” is a child who was taken off school grounds to a gender and sexuality conference and provided with condoms and graphic sexual materials depicting two males having sex, without parental notification.⁸ In the Affidavit of “CC,” CC is the mother of BB, where she discusses the lack of disclosure to parents and guardians.⁹

25. PCE footnotes to these Affidavits to provide this Honourable Court with a sample of its experiences working to defend parental rights, particularly its experience with the effects of a similar policy to the one proposed by UR Pride.

Useful Submissions

26. PCE’s submissions will be informed by its unique insight as an organization with many years of experience working to protect parental rights in Canada. This insight and experience will assist in providing this Court with a meaningful perspective on the implications of the legal issues at stake in the matter. Specifically, PCE would make submissions regarding the damage that has been proven to result when parents are marginalized as the enemy of their own children.

27. Additionally, PCE’s insights and positions are the product of speaking with hundreds or and in some cases, thousands of parents, teachers, and lawmakers, creating a valuable, real world perspective that cannot be achieved using any other approach. This results in a unique blend of anecdotal, first-person experience combined with pattern recognition derived from repetitive analysis.

Different Submissions

28. PCE will take no position on the constitutionality of the matter, but will seek to provide meaningful submissions from its unique perspective as a third-party concerned with the broader implications of not only the rights of parents, but also the rights of Canadian children to have the involvement of their parents. Parents are their children’s greatest protectors, stakeholders and investors..


29. PCE will be careful to avoid duplication of the submissions of the parties or any other permitted intervenors unless this Court indicates a desire for overlapping expertise by admitting similar intervenors subsequent to the admission of PCE in this matter.

⁸ Affidavit of BB, online: JCCF <<https://www.jccf.ca/wp-content/uploads/2019/05/Filed-Affidavit-of-Student-re-GSA-Conference.pdf>> (8 September 2023).

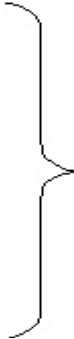
⁹ Affidavit of CC, online: JCCF <<https://www.jccf.ca/wp-content/uploads/2019/08/File-Affidavit-of-parent-re-GSA-Conference.pdf>> (8 September 2023).

30. I swear this Affidavit in support of the Joint Application to Intervene, and for no improper purpose.

SWORN (OR AFFIRMED) BEFORE ME
at the City of Saskatoon, Saskatchewan,
this 14th day of September, 2023.



ANDRE F. MEMAURI
Being a solicitor.



John Hilton-O'Brien

JOHN HILTON-O'BRIEN