

Sara Neely

# BC Children's Hospital is Alive!



In the Winter 2006 issue of *The Scrivener*, authors Trevor Todd and Judith Milliken QC wrote that Children's Hospital is well known to those living in Vancouver; one can see it when passing by on Oak Street.

They noted, however, that the reader might be surprised to learn no such legal entity exists.

The authors outlined the various reasons that a charitable institution named in a Will actually may not exist: it may have been wrongly described; it may have ceased to exist or may never have legally existed; it may have changed its name; or it may have merged with another institution. The article went on to provide an examination of the Cy-Pres Doctrine.

Children's Hospital is an example of how important it is to confirm the correct legal name of the charity when drafting a Will. But it is not an appropriate example of the application of the Cy-Pres Doctrine.

First, let's look at some history.

BC Children's Hospital on Oak Street, as we know it today, has a long history. It started with a \$25 donation from the BC Women's Institute. In 1925, the Women's Institute Hospital Association for Crippled Children was formed; the first patient was admitted to a temporary hospital in 1928.

Plans for a permanent hospital continued and, in 1931, the Society changed its name to The Crippled Children's Society. A new hospital opened in 1933 on West 59<sup>th</sup> Avenue.

By 1947, with a further expansion from orthopedics care to a general medical facility for children, the name changed again to Children's Hospital, to reflect this broader mandate. During the postwar period a second facility also served BC's children with the opening of the Health Centre for Children at Vancouver General Hospital.

In later years, an agreement was reached to develop a joint facility for Children's Hospital and the Health Centre for Children. The "new" Children's Hospital opened its doors in 1982 on the current Oak Street site. In 1988, the name changed again to British Columbia's Children's Hospital, to reflect its mandate of caring for children across BC.

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Just when we thought that was the last name change, the regionalization of health care in BC in 1997 and 2001 means the legal name is now Children's & Women's Health Centre of British Columbia Branch. This followed an *amalgamation* of BC Women's Hospital, Sunny Hill Health Centre for Children, and British Columbia's Children's Hospital. These three entities are agencies (branch societies) of the Provincial Health Services Authority.

Through this amalgamation, Children's Hospital continues as a legal entity in the new society. There is also a special provision ensuring that gifts to Children's Hospital will continue to be received and used by

the amalgamated entity to serve the health care needs of BC's kids.<sup>1</sup>

Alternatively, British Columbia's Children's Hospital Foundation, as the fundraising arm of BC Children's Hospital, Sunny Hill Health Centre for Children, and the Child & Family Research Institute, may receive the gifts and apply them for these charitable purposes.

Our preference is for donors to name British Columbia's Children's Hospital Foundation as the beneficiary of the gift. If the Hospital has been named, however, we know the gift will not fail by virtue of the amalgamation.

After all this, our patients and families still call it Children's Hospital. That is what it is—it continues to provide the best care possible to the sickest and most seriously injured children and children with disabilities in BC. ▲

**Sara Neely, LL B, CFRE, is the Director of Gift & Estate Planning for BC Children's Hospital Foundation. She is a member of the Canadian Bar Association Wills and Trusts subsection, the Estate Planning Council of Victoria, and the Canadian Association of Gift Planners. Sara is based in the Foundation's Victoria office and works with colleagues in the Foundation's Vancouver office to serve donors and their advisors across BC.**

**Voice: 604 628-0227  
(toll free from Lower Mainland)  
250 483-4349 (Victoria)**

**sneely@cw.bc.ca  
www.bcchf.ca**

<sup>1</sup> See section 16.2 of the *Health Authorities Act*, RSBC 1996 Chapter 180.