



Muskoka Children's Aid Society seeks publication ban to hide lack of due diligence by its workers!

Muskoka CAS asks court for a gag order after the Province's Family Services Review Board criticizes the Society for not obeying the law

By Mike March, Justice Reporter

According to court documents obtained by Canada Court Watch, the CAS of Muskoka is attempting to obtain a publication ban on documents relating to a decision from the Province's Child and Family Services Review Board in which the CAS of Muskoka was criticized for its unprofessional handling of one of its child abuse cases.

A number of parents in the area believe that the Children's Aid Society of Muskoka is taking this action to cover up the botched and unprofessional services provided by a couple of its senior workers by silencing the media so as to keep citizens in the region of Muskoka in the dark about the CAS wrongdoings.

This case involves the physical and emotional abuse of three school age children by their mother, details of which were reported in two previous Canada Court Watch Reports.

In the ruling from the Review Board, the CAS of Muskoka and its workers were criticized for not doing what they are required to do under legislation in the first place.

Evidence in the case reasonably shows that the Muskoka CAS workers knowingly turned a blind eye to the abuse of the children and failed to exercise due diligence in the handling of the matter.

In the application dated August 17, 2010 and signed by Society Lawyer, Peter Marshall, the CAS of Muskoka requested from the court, "an Order that any document filed in this civil proceeding before the Court be treated as confidential, sealed and not form part of the public record."

Such a request by the Society should not be required and flies in the face of maintaining an open justice system.

In all cases, including this case, public documents have names removed so that the public will not be able to identify the family, however, in this case the Muskoka CAS has requested that the documents be completely hidden from public view.

By its actions, the Muskoka CAS is attempting to muzzle the media and in effect attempting to keep the good citizens of Muskoka in the dark about the activities of the Society and its workers, many of whom are not registered as social workers with the Ontario College of Social Workers.

As a result evidence which the father had gathered to show that CAS had mishandled the case the father filed a formal complaint with the Province's Child and Family Services Review Board.

Muskoka CAS attempts to stop an independent review of its handling of the case

The Review Board is an adjudicative tribunal enacted by legislation that conducts reviews and hearings on a number of matters affecting children and families in Ontario. It has a website at <http://cfsrb.ca>

The CAS originally filed documents in an attempt to stop the father's complaint which was heard on May 14, 2010. The Review Board ruled against the CAS of Muskoka and ruled the father's complaint as valid and to be heard.

According to the father, on July 17, 2010, CAS lawyer Peter Marshall told Justice Wood that the Review Board hearing that was coming up was only dealing with jurisdiction when in fact the Review Board had overruled the CAS and had already dealt with the issue of jurisdiction.

According to the father, "Mr. Marshall is an officer of the Court and is supposed to come to the Court with clean hands, yet he clearly made statements before Justice Wood which were not true."

Justice Wood also made incorrect statements to the father by telling him that appeals were held in the Barrie, court when in fact appeals were heard in Newmarket.

The decision of the Review Board to reject the CAS attempt to block the father and to proceed to hear the complaint against the CAS can be viewed on the Internet at <http://www.canlii.org> under the case name of C.W. v. Family, Youth and Child Services of Muskoka. The case is file CA10-0038 dated published May31, 2010.

After dealing with the first roadblock put up by the CAS, the panel of three experts ruled that the Muskoka CAS had in fact, failed to carry out all of its duties professionally in a number of areas.

Some of the specific points cited in the decision from the Child and Family Services Review Board on July 16, 2010, included the following:

- **That the Society had failed to notify the father when reports of abuse of the children were made by persons from within the community and furthermore that the Society failed to give the father reasons for decisions taken by the Society in response to reports that the children were being abused.**

- **That the Society had failed to return telephone calls made by the father to the Society concerning the safety and well being of his children.**
- **That the Society did not give the father the opportunity to be heard about his concerns relating to the safety of the children and the mental health of the mother.**
- **That the Society had failed to meet its obligations to the father pursuant to section 68.1(4) 4 and 5 of the Act.**
- **That the Society had failed to investigate the mental health of the mother and the impact of her mental health on the three children.**
- **That the Review Board found the Society's response to the allegations about the mother concerning.**

The main worker in the middle of the controversy, Ms. Dulce Pelletier, is not a registered member of the Ontario College of Social Workers, yet would appear to have been actively engaged in the practice of social work throughout the handling of the case.

Interestingly, none of the CAS of Muskoka workers involved in this case, including supervisor Joan Wadell, were registered as social workers in the Province of Ontario.

In Ontario, the practice of social work is considered as a regulated profession and according to legislation all those who practice social work as a profession are required to belong to the Ontario College of Social Workers.

Some of the evidence in the case is shocking

Close friends of the mother said that CAS worker, Andrea Rahmel, was dropping off the children at their mother's home and leaving them in the care of a babysitter who was a known drug addict and under house arrest at Chrysalis Women's Shelter and not even supposed to be near the children at their home.

The father reported this in writing to the Executive Director, Marty Rutledge on July 13, 2010 but to date, the Executive Director has still not responded to the father's written concerns about his children being in the care of a drug addict who was under house arrest.

In addition, the addict is a resident of Chrysalis Women's Shelter and was transporting the children without a driver's license and insurance while under house arrest. The children later confirmed this on videotape.

The children also reported on videotape that they were being physically and emotionally abused by their mother and that they did not like or trust the CAS, especially their worker, Dulce Pelletier.

The children reported that they were punished every time they attempted to tell CAS workers that they were being abused by their mother and believed that CAS worker Dulce Pelletier was telling the mother what the children were reporting thus giving the mother the opportunity to punish the children behind closed doors for speaking out against her.

According to the father, one CAS worker with the CAS of Muskoka who personally knew both the children and the

mother recently reported to the CAS lawyer Peter Marshall that the kids should never have been left in the care of the mother by the Society and that she believed the mother had mental health issues.

The worker was told by the Executive Director, Marty Rutledge to sign a document stating that she would not get involved in this case. Why would the Executive Director personally intervene to silence one of his own workers who knew the mother and the children involved?

Province's Review Board rules against CAS

The decision by the Review Board panel ordered the CAS of Muskoka to simply complete the proper analysis and paperwork which its workers should have completed during their investigation and to explain to the father how their workers handled their investigation. The following is what the Review Board ordered the CAS to do:

- **That the Society explain its response to the allegations made by the father and to include how each set of allegations was coded and what other decisions were taken in terms of the process and the outcomes with reference to the Province's Eligibility Spectrum**
- **That the Society provide a description of the third party allegations about the mother's care of the children and to explain as to why the father was not informed or interviewed regarding these allegations nor informed of the outcome of the allegations.**

The father reported that the CAS response was very minimal and still not up to professional standards.

Instead of doing what is right and just and leaving things as they were, the CAS have escalated matters further by going ahead and applying to the Divisional Court in Newmarket to have the negative rulings sealed and banned.

While CAS agencies across the province of Ontario cry out for more tax dollars, the CAS of Muskoka has decided to spend more of our tax dollars with needless legal work.

The actions of the CAS of Muskoka to seal documents and to throw out the Review Board's reasonable decision appears to be nothing more than a desperate attempt to hide the failure of its workers and to keep the good citizens of Muskoka from knowing the truth about how some of its unregistered workers are doing a lousy job in protecting children in the region.

It's time for the citizens of Muskoka to get organized and to hold the CAS and its workers accountable to children and families in the region. A good start would be to get front line workers registered as social workers with the Ontario College of Social Workers.

Do you know of someone who is being adversely affected by a children's aid society and who needs help? Contact Canada Court Watch:

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