

Superior Court of Justice Family Court Branch

(Name of Court)

150 Bond St. East, Oshawa, Ontario L1G 0A2

(Court office address)

Court File Number

XX-XX-XX

Family Law Rules, O. Reg. 114/99

Form 14A: Affidavit (General)

Dated: September 12, 2013

Applicant(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Durham Children's Aid Society 1320 Airport Rd. Oshawa, Ontario L1H 7K4 Phone: 905-433-1551 Fax: 905-433-0603 Email:</p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Kristy Davidson, Legal Counsel Durham Children's Aid Society 1320 Airport Rd. Oshawa, Ontario L1H 7K4 Phone: 905-433-1551 Ext 2620 Fax: 905-433-8966 Email: kristy.davidson@durhamcas.ca</p>
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Respondent(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>XXXXX XXXXXXXX (mother) XXX GXXXXXXXX St. North Oshawa Ontario XxX XxX Tel: (905) XXX-XXXX Email: xxxxxxxxxxxxxxxx@hotmail.com</p> <p>XXXXX RXXXXXXXXX (father) XXX GXXXXXXXX St. North Oshawa Ontario XxX XxX Tel: (905) XXX-XXXX Email:</p> <p>BXXXXX VXXXXXXXX (15 yrs) Currently in care of CAS c/o XXX XXXXXX Rd. E. Whitby, Ontario Tel: (905) XXX-XXXX</p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Self Represented</p> <p>Self Represented</p> <p>Valerie Pringle (OCL) 185 Brock St. N. Whitby, Ontario Tel: 905-665-9594 Fax: Email:</p>
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My name is

(Full legal name)

BXXXXX VXXXXXXXX

I live in

(municipality and province)

Oshawa, Ontario

and I swear/affirm that the following is true:

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

1. I am currently 15 ½ years of age and am not mentally or physically impaired. I am the oldest

biological daughter of my parents (the Respondents) and the person who is the main subject of this child protection matter.

- Below is a photo which I took of myself last month in August using a cell phone while at the CAS access centre. This photo was a message I sent to my father to let him know that I love him and that I am thinking of him while I am being confined against my will by the CAS. I had to take this photo and to send it to my father secretly as I was told by CAS workers that I would be punished if I attempted to communicate with my father.



My current situation

- Currently I am being held against my wishes in an abusive group home by the Durham Children's Aid Society (CAS) and my rights are being violated. The group home I am residing in is located at XXX Xxxxxx Rd. E. in Whitby, Ontario. The phone number is 905-XXX-XXXX.
- I have gone AWOL from the group home at least 4 times due to abuse and being provoked by group home staff. The most recent incident when I went AWOL was on Wednesday September 11, 2013 when I climbed out of a window after bedtime and walking 5 hours from Whitby to Oshawa during the night to my boyfriend's home. I am afraid being in the group home as I know that I will be further abused and punished for attempting to exercise my lawful rights and freedoms. I cannot see me staying in the group home any longer as I am fed up with the horrible conditions in the group home.

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5. I was forced into care on May 21, 2013 without even being told I was being taken from my family until the moment I was taken. I did not even get a chance to say goodbye to all my family when I was taken away. I told the CAS worker, Stephanie Bruce, that I did not want to go with her but I was told that I had no choice. The main workers from the CAS who deal with me currently are Ms. Sarah Place and Ms. Kelly Dwyer of the Durham CAS.
6. I am being held in the control of the CAS against my wishes because the Durham CAS workers claim that my father is a danger to me and they need to keep me "safe". This is not true. I love my dad. I am very unhappy and feel afraid living in care of the CAS because of the constant abuse and violations of my rights which I have summarized below in this affidavit.
7. I desperately want out of the control of the CAS and just want to go back to my home and to have a normal life once again with my family.
8. I am submitting this affidavit to show my willingness to stand up and to get the truth out the matters which have caused me and my family to be subjected to abuse by the Durham Children's Aid Society. I also want to get my wishes and preferences before the court and to tell the court about some of the very bad and abusive things that I have been subjected to while in the care of the Durham CAS.
9. In order to facilitate the preparation of this affidavit I had to go AWOL from school at least once as the CAS workers would not have allowed me to do this affidavit. I believe that going AWOL was the only way in which I could get my wishes and preferences heard as nobody was listening to me.
10. I have willingly submitting this affidavit with the help and support of supporters in the community as well as information from the Internet and neither of my parents or any other member of my family has assisted me in writing this affidavit as I was led to believe that they might get blamed for influencing me if they assisted me to write it. I do not trust my children's lawyer.

There are no reasons for keeping me in care of the CAS any longer

11. I have read the Application by the Durham CAS and in the application the CAS states that I have been sexually molested or exploited by my father and that I am at risk of being sexually molested or exploited by my father. These statements by the CAS are not true.

12. Currently, there is a family court Order obtained by the Durham CAS which states that my father is not to have access with me and that my mother is to have only supervised access with me at the CAS offices.
13. This was based on past charges laid by the police against my father that I had been sexually assaulted by my father. This was not the case although I do admit and take full responsibility for creating this situation which I have explained in this affidavit. In reality, I love my father very much. I miss him and am so sorry for making allegations when I did. While I have been a bit of a rebellious teen at times, he has never acted in any way against my interests.

Background to my false allegations of abuse by my father - my father never sexually abused me as claimed by CAS workers and I admit that I lied to the authorities

14. I am currently facing charges for public mischief and obstruction of justice and am before the court for making false allegations against my father that he had sexually assaulted me. I now admit making false allegations against my father and am ready to take full responsibility for my actions by pleading guilty when the charges against me are brought before by the court.
15. I made these allegations against my father at a time when I was angry at him and my mother. I was angry at my parents for them restricting my access with my boyfriend. At the time I made these allegations I did not understand the seriousness or the implications of my actions.

Mistreatment and abuse while in care of the Children's Aid Society

16. I am very upset with the way in which the CAS has dealt with myself and my family. Living in care of the CAS has been mostly nothing but a horrific nightmare for me. Below are some of the ways in which I have been subjected to abuse while in the care of the CAS.

CAS workers extorted me to give my personal passwords to my Facebook and email accounts which was then used in court documents

17. Last month, I was ganged up on by three workers at the CAS group home and told that if I did not immediately provide them with my passwords to my Facebook and email accounts that I would be punished by having access and phone communication with my mother, siblings and my boyfriend cut off. They did not explain to me their concerns as to why they wanted my passwords. There was no inappropriate communication. It was frightening to be ganged up on like this and under threat of losing access to my family and with no one I could speak to for advice I gave in to the workers demands for my personal passwords. After I gave the CAS workers my personal passwords, the workers reviewed and copied my personal messages from

my Facebook and my email account. What the workers did was so humiliating and so wrong. I hate the workers for doing this and violating my rights to my privacy.

18. In addition, after forcing me to give my passwords, some of my personal messages were passed over to the CAS workers and the CAS legal department and these unlawfully obtained communications inserted in court documents in an attempt to use them against my parents. What the CAS workers have done is so unfair, sneaky and unlawful.

Threatened by CAS workers for telling the truth

19. When I told CAS workers that I had made false allegations against my father, I was told that I would face severe punishment and that police would charge me. Pressure was put on me by the CAS workers to remain silent and to not to tell the truth. In spite of this, I come to the point where I come to realize that my whole family was being affected because of my bad behaviour.

My personal phone calls are being intrusively monitored by group home staff

20. Staff at the group home monitor every phone call I make, even to my mother or siblings. They stand close to me and listen to everything I say. The CAS workers claim that I am a victim but in reality they are treating me as if I am the one who is the criminal.

CAS workers refused to listen to me and told me was a liar when I was telling the truth

21. When I began to realize the seriousness of my false allegations against my father I tried to tell the CAS workers of my lies. Instead of listening to me, the workers took the position that I was lying. Even when I did tell the truth, the CAS workers continued to assume my father was guilty.

My personal cell phone was confiscated by CAS workers

22. Staff at the group home took my cell phone away from me in June and told me that I was not allowed to have any communication device. Staff at the group home kept my phone for almost a month before my mother managed to get it from them. The only reason why I can see that staff confiscated my phone was to exercise control over me and to prevent me from communicating with the outside world to obtain information.

Incident on September 5, 2013 when I was forced off the phone by group home workers

23. On September 5, 2013 I was on the phone speaking to my mother. At one point I was asking

my mother about the upcoming court. I wanted to get some information as I have the right to do so. As soon as the workers heard me speaking to my mother about the court matters I was ordered to hang up the phone immediately. The CAS group home workers did not say why but just ordered me immediately off the phone. Clearly these CAS group home workers do not want me to be informed and are deliberately interfering with my ability to obtain information which I have the right to be informed of.

I was not allowed to call the child advocate's office

24. After being forced into care I was given some papers which described that I had the right to call a child advocate. Although I was not exactly sure what the advocate's office did, I did try to call but when I tried to call the child advocate's office the CAS group home staff stopped me and told me to hang up the phone.

I was forced to sign legal documents by CAS workers which I did not understand

25. Shortly after I was forced into care Stephanie Bruce came to see me in the group home with a bunch of papers. I was told by Ms. Bruce that I had to sign my signature on the documents. I told her that I did not understand what the documents were all about but Ms. Bruce told me that I had to sign anyway. The contents of the documents were never explained to me. Not knowing what to do and with nobody I trusted to ask for advice, I signed the documents without understanding what they were all about. To this date I have never been given a copy of the documents that I signed nor do I fully understand what was written in these documents.

Threatened, teased and bullied by other group home residents

26. I have been threatened, teased and bullied by the other teens in the group home. Staff does nothing. On one occasion when I was out of my room some of the other girls went into my room and vandalised it. Pepper was sprinkled all over my room and a sanitary pad was hung on each side of my door. The sanitary pad was covered with red sauce to make it look like it had been used. It was disgusting.

27. Just last month I had to call the police to report one of the other residents being physically abusive to me. I literally feel afraid and under pressure at all times. I hate being in CAS care.

My personal food snacks were taken from me and locked up

28. My mother gave me some Goldfish crackers as a snack. Sometimes I have some small candy treats. CAS group home staff take my personal snacks and lock my personal food with the

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group home food. Not being allowed to keep a few treats in my room is like being treated like a baby.

Other residents in the CAS group home urinated on my toothbrush and in my bottle of hair shampoo.

29. During the last week of August, I found my toothbrush had been urinated on and my shampoo bottle had urine in it. This is an example of the behaviour of some of the kids I am being forced to live with. Staff now take my toothbrush, shampoo and personal items and lock them up to keep them safe. When I need my personal items I have to ask the staff to take what I need out of the lockup. The fear of having personal items stolen is constant.

CAS workers prevented me from calling my mother and my siblings from May to July of 2013

30. During the months of May through July of 2013 I was told by the CAS workers that I could not communicate with any family member, including my mother or my siblings. I was told by CAS workers that this was for “my safety”. In order to communicate with my mother I had to contact her secretly so as to avoid being punished by CAS workers. My mother and my siblings have done nothing to me yet the CAS are treating both my mother and my siblings like criminals. I did not fear for “my safety” as the CAS workers falsely claimed.




Photo removed for
public distribution

A photo of my brother and my two sisters taken at the CAS access centre.

Not allowed to speak in my native tongue (French) to my family members

31. My family is French speaking and we always speak French when we communicate with each other. CAS workers have told me that I cannot speak French when I speak to my family members over the phone including my mother and siblings.

32. When I visit with my mother at the CAS supervised access centre, both of us are told that we cannot speak in French to each other. My mother has done nothing to abuse me but both of us are being treated like criminals even at the CAS access centre.

CAS group home workers insulted and made fun of my boyfriend to the point of making me cry

33. Prior to being forced into the control of the CAS in May of 2013, I had a boyfriend who I continue to see to this day. His name is Kevin and he lives in Ajax, Ontario. The workers at the CAS group home have repeatedly told me that my boyfriend is abusive and that I should break up with him.

34. On Sunday August 25, 2013 while I was talking to my boyfriend on the phone, the workers kept taunting me in the background while I was on the phone with him. The workers were taunting me to the point where it made me cry. The workers rudely interrupted while in the middle of our conversation by saying very loudly, "break up with him, break up with him". My boyfriend could hear the workers in the background trying to force me to end the phone conversation between my boyfriend and I. We are taught in school that bullying is bad yet what the workers in the group home were doing was nothing less than bullying me. Then the CAS group home workers disconnected the phone on me by unplugging the phone jack.

I was offered money by CAS as a bribe if I signed myself into CAS care

35. The CAS workers have attempted to entice me to remain in their care. Workers told me that if I decided to stay in their care that I will get money and benefits. The CAS workers made it sound like it would be so wonderful to be in care and that it would be financially rewarding for me. The CAS workers were basically trying to bribe me to stay in their care and to permanently leave my family. After experiencing the lies and abuse by the CAS workers up to now I don't want to have anything to do with the CAS workers. I simply don't trust them and want them out of my life.

CAS workers do not listen to me or even seem to care about what I have to say

36. I have repeatedly told my CAS workers that I want to go home with my family. I am just told that I cannot go. CAS workers never explain things or give reasons for their answers.

Not allowed to use the Internet in the group home

37. Residents are not allowed to use the Internet at the group home either for school work or

entertainment. I am forced to go to the library and even when I do go to the library, a CAS group home worker will stand behind me to watch what is on the computer screen. The workers spy on me constantly.

CAS workers will not let me speak to my father

38. CAS workers claim that my father is a dangerous to me. I am being treated like a kid who cannot think for myself. I am very aware of what sexual and physical abuse is and I would never tolerate being sexually molested or exploited. I don't need CAS workers claiming to be keeping me "safe" by keeping me from speaking to my father. If anything, I have been exposed to terrible abuses while in the care of the CAS. I actually feel afraid living in the CAS group home. It is a horrible feeling.

Not told about my rights or informed of my legal rights

39. During all the months that I have been in care, at no time have CAS workers ever told me about my rights to attend court. At no time has anyone from the CAS shown me court documents or reviewed with me the court matters affecting me. I have been kept in isolation and silenced. The only way I found out about my right to attend court was when my mother informed me of my rights. Just recently when I attempted to ask my mother more questions about my rights I was forced off the phone by the group home workers and told that I was not allowed to talk about legal matters.

CAS workers will not let me speak to anyone without their "authorization"

40. I have been told by the CAS group home workers that I am not allowed to communicate with anyone without the permission of CAS workers. Again, this is just another example of how I am being controlled and my rights violated by the CAS.

I had to smuggle notes out to my father to avoid being punished by CAS workers

41. CAS workers constantly threatened me by telling me that I am not allowed to communicate with my father or any other family member through Facebook or email or I would be punished. I got so desperate to send a message to my father letting him know that I miss him that I had to resort to secretly giving notes to my mother for her to take to my father for me. The CAS workers are horrible people to use threats and intimidation to keep a teen who is almost 16 years of age from communicating with her father. These CAS people have no hearts at all.

CAS workers are threatening me with the use of police force to control me

42. I have been told by the CAS workers that if I go AWOL from the group home and go anywhere without the permission of the CAS workers, that they will call the police on me and that I will suffer serious consequences as well as any other family member who may be involved. The CAS workers are using threats in an attempt to control me and to keep me silent.

CAS workers will not allow me to obtain information from my mother about my upcoming court appearance at the Oshawa court

43. On Friday Sept 6, 2013, I was speaking to my mother on the phone. Up until then, none of the CAS workers had told me the date and time of the upcoming court case. While I was speaking to my mother, the CAS group home workers interrupted my conversation and asked me what I was talking about. I told the worker that my mother was giving me the date and time of the court next week. The worker told me that I could not get this information from my mother and that only the CAS workers were the only ones who could provide me with this information. I literally had to argue with the workers to stay on the phone. There is no privacy at all.

September 6, 2013 - CAS group home workers lied to my boyfriend

44. On Friday Sept 6, 2013 at about 9:30 pm my boyfriend tried to call me. He works and was unable to call before them. CAS group home staff told him that I was asleep and could not receive his call. It was a Friday night and I was up and available and would have very much appreciated speaking to my boyfriend. This is just another example of how CAS group home workers violate the rights of residents and control every aspect of their lives.

Not allowed to speak to anyone without the "approval" of the CAS workers

45. I have been told by the CAS group home workers that I am not allowed to communicate with anyone without the staff knowing who that person is and approval given to me first. I am not allowed to speak to anyone, even if it is someone I might want to talk to in order to get some information or help. Anytime I speak my native language of French on the phone a worker will interrupt me and tell me to stop speaking French or they will unplug the phone.

Ridiculous group home restrictions – I am not allowed to eat Goldfish crackers

46. Some of the restrictions at the CAS group home are utterly ridiculous. One of my favorite snacks is Goldfish crackers. Some kids like chips, I just happen to like Goldfish crackers made by the Campbell Soup company. CAS Group home workers told me that I was not allowed to eat Goldfish crackers and they would not get them for me when they did grocery shopping for

the kids in the group home. I am going on 16 years of age and I certainly feel old enough to make the decision to eat certain snacks I like. Luckily, my mother brought me some goldfish crackers to the access center for me to take back to the group home but when I got back to the group home, I was told that staff would have to lock them up and that I would have to ask staff to get them out.

September 6, 2013 – I was denied food when I was hungry

47. On Friday September 6, 2013 at about 8:30 pm I was hungry and wanted a sandwich. I was told by CAS group home workers that I was not allowed to have any food in spite of being hungry at the time. The CAS workers say that I am a victim, yet I am being treated like a criminal. The CAS workers refer to the place where I stay as a group “home” but in reality it is nothing but a jail.

September 11, 2013 – I went AWOL because of being provoked by CAS group home staff regarding my affidavit

48. On Wednesday September 11, 2013 during the evening, I was again denied making phone calls to family and boyfriend. This upset me. At one point the CAS group home worker, Niki, got my court and started to read this affidavit which I had in my possession in the group home at the time. Niki then confronted me about the contents of my affidavit and demanded that I apologise to her. Again, CAS group home staff were putting pressure on me because I was telling the truth about my experience in the CAS group home.

49. Being confronted by Niki about this affidavit made me angry. I went to my room. During the night I climbed out of the window at the group home and walked 5 hours during the night to my boyfriend’s home to escape to freedom.

September 12, 2013 – Extorted by Durham police officer and forced back to group home under threat of being arrested and taken back using police force

50. On Thursday September 12, 2013 my mother picked me up at my boyfriend’s house and at the advice of her lawyer, took me over to the Durham Police Station to file a complaint about my treatment at the group home as well as the unlawful activities of the group home workers. The same CAS group home worker who had confronted me the night before, Niki, came to the police station to force me back to the group home.

51. Instead of my complaints of abuse by CAS group home workers being listened to by police, the police officer sided with the CAS group home workers and told me that I had to go back to the

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group home (where I was being abused) and if I did not comply I would be handcuffed and put in a cruiser and forced by the police to return to the group home which I had gone AWOL from the night before. As proof of the threats by the police officer, my mother audio recorded the police officer stating this. I did not want to go back to the CAS group home but after being threatened by the Durham Regional police officer I felt compelled to do as I was ordered by the police officer.

September 12, 2013 – I was not provided with proper sanitary products by group home workers

52. On Thursday September 12, 2013 while at the visit with my mother at the CAS access center, I told my mother that the group home staff would not provide me with sanitary napkins and that the group home would only supply me with tampons which I cannot use. My mother offered to bring some sanitary pads over to the group home after the visit but the CAS group home worker, Christina, told my mother that CAS workers had ordered CAS group home workers not to allow my mother to come over to the group home.

Summary

53. It is not in my best interest that I remain under the control of the CAS. I do not feel safe being kept against my wishes in the CAS group home and feel that workers will provoke an incident to make trouble. At this point in time, I just want to have my wishes and my rights respected and not to be treated by CAS workers like some little kid who is unable to make my own informed choices. I have lost respect for the CAS workers who have turned my life upside down and done so much harm to me and to separate me from my family.

54. I simply want to go back home where I feel safe and to be with my family members who are the only ones who truly care about me. I am ready to face the consequences of making false allegations against my father. I now realize the terrible harm I have brought to my family.

55. I want the CAS to stop controlling me, to stop harassing me and to stop interfering with my relationship with my parents, my siblings and my boyfriend. I don't mind providing answers to the CAS workers if they have reasonable questions but I don't want them taking control of my life, bossing me around and telling me what to do with my life and not give me any answers to my questions when I ask them. I am old enough to know what abuse and to report it if being abused. I want the CAS workers to stop telling me that I am being abused when I am not. I

want the CAS workers to stop telling me that I need to be “kept safe” from my parents when I do not need to be protected from them.

- 56. What I reasonably do with my life and who I choose to communicate with should be my choice, not the choice of CAS workers. When it comes to guidance, I trust my parents to do what is in my interests over the CAS workers anytime. If I screw up because of my own decisions then I will have only myself to blame and I will have to suffer with the consequences of my choices. The CAS home workers should just leave me alone as they are the ones who are making me stressed out and are ruining my relationships with those I am closest to!
- 57. The only people I really feel harassed and threatened by are the CAS workers. I am not afraid of my parents and fully capable of handling any issues involving my parents contrary to what the CAS workers falsely claim. As a young Canadian I should not have to live in fear of CAS workers who claim to be protecting me yet from my own experience seem to do the opposite by bullying and controlling me.
- 58. Hopefully, these CAS workers who claim to be helping me will come to realize that they should listen to me, acknowledge the truth that I lied to authorities about being abused by my father at time when I was angry at my parents and to let me get on with my life.
- 59. If anything, the involvement of the CAS in my life has made things worse, not better. I do not like the CAS and all that the workers have done to me since I was forced into care.
- 60. I am more than willing to speak to the judge privately should he/she have any questions about the contents of this affidavit.
- 61. I make this affidavit for no improper purposes.

Put a line through any blank space on this page.

Sworn/Affirmed before me at:

Oshawa
(municipality)

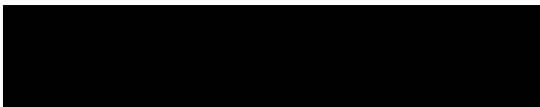
In Province of Ontario

(province, state or country)

on

(date)

*Barrister/Solicitor or
Commissioner of Oaths*



Signature

Xxxxxx Xxxxxxxx

*(This form to be signed in front of a lawyer,
justice of the peace, notary public or commissioner
for taking affidavits.)*