

Court file no. CW-13-0211-00

ONTARIO

**SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

[Redacted]  
[Redacted] by way of her litigation guardian being the Father, [Redacted],  
[Redacted] by way of her litigation guardian, being the Father, [Redacted], and  
[Redacted] by way of his litigation guardian, being the Father, [Redacted]

Plaintiffs

and

**HIGHLAND SHORES CHILDREN'S AID SOCIETY**

Defendants



**STATEMENT OF CLAIM**

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$400 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

Date..... AUG 30 2013 .....

Issued by.....  
Local registrar

Address of court office .....  
**Superior Court of Justice**  
**15 Bridge Street West**  
**Belleville, Ontario**  
**K8P 0C7**

**TO:**

**HIGHLAND SHORES CHILDREN'S AID SOCIETY**

363 Dundas Street West

Belleville, ON

K8P 1B3

THIS ACTION IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED PROCEDURE PROVIDED IN RULE 76 OF THE RULES OF CIVIL PROCEDURE.

CLAIM

1. The Plaintiffs [REDACTED] claim against HIGHLAND SHORES CHILDREN'S AID SOCIETY (formerly known as HASTINGS COUNTY CHILDREN'S AID SOCIETY) is for:

- a. General Damages for Pain and Suffering in the amounts of:
  - i. \$250,000.00 for [REDACTED] d
  - ii. \$250,000.00 for [REDACTED] and
  - iii. \$250,000.00 for [REDACTED]
  - iv. \$750,000.00 for [REDACTED] d
  - v. \$750,000.00 for [REDACTED] nd
  - vi. \$750,000.00 for [REDACTED]
  
- b. Infliction of Emotional and Mental Stress in the amounts of:
  - i. \$250,000.00 for [REDACTED] d
  - ii. \$250,000.00 for [REDACTED] and
  - iii. \$250,000.00 for [REDACTED]
  - iv. \$750,000.00 for [REDACTED] d
  - v. \$750,000.00 for [REDACTED] nd
  - vi. \$750,000.00 for [REDACTED]
  
- c. Damages resulting from numerous breaches of Rights guaranteed by the Charter of Rights of the Constitutional Act of 1982 (Sections 2, 7, 8, 9, 10, and 12), Rights guaranteed by The Universal Declaration of Human Rights (Articles 3, 9, 12, 18, 19, 20, and 26(3)), and Rights guaranteed by the United Nations Convention of the Rights of the Child (Articles 9, 14, 16, 37(a), 37(b)) in the amounts of:
  - i. \$250,000.00 for [REDACTED] d
  - ii. \$250,000.00 for [REDACTED] and

- iii. \$250,000.00 for [REDACTED] and
- iv. \$750,000.00 for [REDACTED] and
- v. \$750,000.00 for [REDACTED] and
- vi. \$750,000.00 for [REDACTED]

d. Misfeasance by authorities duly entrusted with authority in the amounts of:

- i. \$100,000.00 for [REDACTED] d
- ii. \$100,000.00 for [REDACTED] and
- iii. \$100,000.00 for [REDACTED]
- iv. \$500,000.00 for [REDACTED] d
- v. \$500,000.00 for [REDACTED] nd
- vi. \$500,000.00 for [REDACTED]

e. Malfeasance by authorities duly entrusted with authority in the amounts of:

- i. \$100,000.00 for [REDACTED] d
- ii. \$100,000.00 for [REDACTED]; and
- iii. \$100,000.00 for [REDACTED] d
- iv. \$500,000.00 for [REDACTED] nd
- v. \$500,000.00 for [REDACTED] nd
- vi. \$500,000.00 for [REDACTED]

f. Nonfeasance by authorities duly entrusted with authority in the amounts of:

- i. \$100,000.00 for [REDACTED] d
- ii. \$100,000.00 for [REDACTED]; and
- iii. \$100,000.00 for [REDACTED] d
- iv. \$500,000.00 for [REDACTED] nd
- v. \$500,000.00 for [REDACTED] nd
- vi. \$500,000.00 for [REDACTED]

g. Damages resulting from Intentional Defamation of Character in the amounts of:

- i. \$50,000.00 for [REDACTED]
- ii. \$50,000.00 for [REDACTED]

h. Court and Legal costs incurred from proceedings previous:

- i. \$15,000.00 for [REDACTED]

- i. Loss of wages resulting from court proceedings previous:
  - i. \$10,000.00 for [REDACTED]
- j. Pre-judgement interest and post-judgement interest pursuant to the Courts of Justice Act, R.S.O., 1990, c. C.43 as amended.
- k. Costs of this action.
- l. Such further relief as this Honourable Court may deem just.

The Plaintiff's claim is response to matters as follows:

**BACKGROUND – SUMMARY OF EVENTS**

- 2. On September 1, 2011, Centre Hastings OPP officer Anne-Marie Brook attended the [REDACTED] home to investigate an accusation against [REDACTED]
- 3. Ms. Brook then continued with individual interviews with [REDACTED] without parental consent against the direct request made by Mrs. [REDACTED]
- 4. Constable Brook later contacted the Highland Shores Children's Aid Society (formerly known as the Hastings County Children's Aid Society) stating that although the children confirmed there were no issues with regard to [REDACTED], it was her opinion that [REDACTED] had a speech impediment and may require dental care. Ms. Brook also stated she had concerns in regard to the educational development of the children.
- 5. Constable Brook violated the childrens' rights in performing interviews without parental consent; she then took action to make unqualified assessments of the children. The opinions of this constable and her subsequent report to the Highland Shores Children's Aid Society are directly responsible for the commencement of the family trauma induced upon them by the Highland Shores Children's Aid Society.
- 6. Mr. [REDACTED] of the Highland Shores Children's Aid Society first met with the family on September 16, 2012 at their home.
- 7. Mr [REDACTED] identified the [REDACTED] home as safe with no safety threats.
- 8. The Society confirmed, in an email dated December 21, 2011, that ALL concerns were addressed to the Society's satisfaction and that upon the [REDACTED] providing verification of their communications with the School Board, the file would be closed.
- 9. On January 9, 2012 Mr. [REDACTED] initiated a call with the Centre Hastings Board of Education without consent from the [REDACTED].
- 10. Further to the "tip" given to OPP in September of 2011, the same referent is said by the Society to have made a further "walk in" report to the Society on January 10, 2012.
- 11. The Society on that day of January 10, 2012 had determined that there remained to be no safety concern.

12. The Society made application to the Court for a Warrant to Apprehend Child for [REDACTED] and [REDACTED] on January 11, 2012. The purpose of the Apprehensions was defined by the Society as "The Society does not believe there is any less intrusive means to obtain a private interview with [REDACTED]". This warrant application was denied by the Court.
13. On January 11, 2012, the Society, in complete disregard of the court denied warrant request, apprehended [REDACTED] from the family home for the purpose of obtainment of private interviews with the children.
14. There were no alternatives offered by the Society.
15. The Society did not entertain any other possible intervention options due to their intent on placing the children into confinement in order to facilitate the coercion of statements from them.
16. On January 13, 2012, [REDACTED] immediately offered, by way of Ms. Annette Stoehr (Duty Counsel), to move the accused out of the family home and enforce that he have no contact with their children. An alternate offer of three possible kinship placements was also brought forward on this day. These offers were immediately refused by the Society.
17. Due to significant misrepresentation of information and absolute untruths presented within the Affidavit of Ms. [REDACTED] sworn January 12, 2012 and that of Mr. [REDACTED] sworn January 12, 2012, and the Society's refusal to the [REDACTED] offer to remove the accused from the home, the [REDACTED] children were ordered to remain in the temporary care of the Society on January 13.
18. On Jan 15<sup>th</sup>, 2012 the [REDACTED] submission to the school board was completed. This action was originally to have closed the Society case file as noted above.
19. On January 17<sup>th</sup>, 2012 each of the children were interviewed privately by the Society and the OPP. All of the children presented their wish to go home immediately and had raised no concerns whatsoever. The children were not provided with any legal representation during these interviews.
20. On January 17, 2012, the Society obtained, without the parent's knowledge or consent, a birth control prescription for [REDACTED].
21. On January 18, 2012, prior to visitation with their loving children, the parents were informed that their right to discuss openly with the children was not permitted.
22. The Society obtained access to the [REDACTED] personal dental records without consent.
23. Ms. [REDACTED] stated on January 19 that she will not support the return of the children while the police investigation is on-going.
24. As of January 19, 2012, the accused had voluntarily moved out of the [REDACTED] loving home.
25. The Society forced unbearable levels of confinement and restrictions on the children in order to isolate the children from any and all external communication during the police investigation.



26. On January 23, 2012, a meeting was held by the Society with Mr. and Mrs. [REDACTED]. The Society informed Mr. and Mrs. [REDACTED] that their children would be returned on January 27 or within two or three days after. The Society pressured the [REDACTED] to agree to a number of stipulations, only one of which would stop the children from being released. The one item that the Society insisted upon was for the children to complete a second private interview with police and disclose what they may know.
27. This stipulated requirement of the Society is indicative of the Society's use of coercion, unwarranted power and intimidation by way of providing ransom like terms for the children's release from the forcible confinement the Society had placed them under with no protection concerns.
28. On January 26, 2012, the [REDACTED] were informed by the Society that the Society had no intent of releasing the children and were now going to request an order for Mr. and Mrs. [REDACTED] to complete Parental Capacity Assessments (PCA).
29. An Affidavit of Ms. [REDACTED] sworn Jan 25, 2012, was provided on that day, only one day before the temporary placement hearing. The overall context of the affidavit of Ms. [REDACTED] presents multiple untrue accusations that had never been brought to the [REDACTED] attention including social activity, daily routine, and an alarming intent to portray an unloving home.
30. Due to the deceptive, manipulative, and malicious actions of the Society during the period of January 11, 2012 to January 26, 2012, the [REDACTED] children were ordered to remain in the temporary care of the Society on January 27, 2012 by the Court. The Society did not even consent to an order for their discretion to release the children. The Society in fact agued diligently against this order. The Society had completely reversed their objectives inferred to the [REDACTED] on January 23, 2012.
31. On January 27, 2012, the court had been provided with information regarding intents of the Society to impede on the [REDACTED] rights regarding the Education Act by forcing the children to enter the school system without parental consent. This information was identified by the judge, however, had not been entered into evidence to the court at this time.
32. On January 30, 2012, second interviews were held with the children by the OPP and the Society. The children were again denied the right to legal representation during these interviews. The children clearly defined their wish to return home.
33. The Society denied [REDACTED] contact with their children by phone from January 11, 2012 to February 10, 2012 at which time contact was limited to a maximum of 10 minutes each per day.
34. [REDACTED], and [REDACTED] were restricted to only supervised access with the children until their return.
35. The representatives of the Society acted aggressively, rudely, and maliciously towards the Parents on multiple occasions, causing unbearable grief and anxiety for the Parents.

36. On February 1, 2012, the ██████ issued a letter to the Society outlining their concerns with regard to the Society lack of disclosure, leaving them helpless to defend themselves. No disclosure was provided.
37. On February 2, 2012, the ██████ issued a letter to the Society outlining their concerns of safety, supervision, and wellbeing of their children while in the care of the Society and the continued traumatization of their children during this time of forced confinement.
38. The children's worker left on holiday without notifying the children or the parents. No alternate contact had been provided.
39. ██████ had been bitten by the foster family's dog.
40. ██████ was denied medical attention during a two day period of high fever and cold sweat.
41. The parents' efforts regarding education had been discontinued with no action taken by the Society.
42. The children had been entered into religious organizational engagements without consent.
43. The children were not permitted to eat when hungry or to obtain water after 9PM.
44. ██████ had become isolated within the foster home.
45. ██████ had money stolen from her purse within the foster home.
46. The children's right to privacy had been refused. The bedroom doors were to be left open while a baby monitor was active within the hallway.
47. The children's personal property had been taken from them including their health cards and personal computers.
48. The children's right to cleanliness had been denied. They were forced to go up to four days at a time without showers and limited to no more than one every two days.
49. All of these continued issues of neglect and infringements on the ██████ children's rights made by the Society inflicted continuous stress and trauma upon both the children and the parents.
50. On February 3, 2012, Ms. ██████ and Ms. ██████ met with Mr. and Mrs. ██████. Ms. ██████ was violently rude to the ██████ throughout the meeting demonstrating her unprofessional conduct. Ms. ██████ was aggravating and argumentative and completely disregarded the ██████ concerns and questions.
  - a. The ██████ were requested to execute consent for entering of their children into a tutoring program. ██████ asked if he was expected to sign something that he did not understand and requested his lawyer review it. Ms. ██████ response to this was "Either sign it or refuse it!" The ██████ were not permitted to have the consent forms reviewed by their Lawyer. Mr. ██████

requested that he be given a copy for his records. He was refused a copy. The Society continued in their practices of threatening, intimidation, and extortion.

51. The morning of February 4, Mr. ██████ issued a letter to Ms. ██████ informing the Society of further concerns raised during access with their children of February 3, 2012, regarding the unsafe conditions, lack of supervision, and the sheer detriment to the wellbeing of their children while in the care of the Society and requesting an immediate written response. There was no response provided.
52. The children's safety had been compromised as the windows within their bedroom were screwed shut.
53. Vomit stains were found on one of the beds and inappropriate notes were found in the dresser drawer.
54. Medical treatment continued to be denied to all three of our loving children.
55. Uncooked chicken had been provided to the children.
56. ██████ had been entered into a long term Cadet program without consent.
57. ██████ was being referred to by the foster mother by the term "dipshit".
58. On February 6, 2012, the Kingstons received an email from Ms. ██████ requesting consent to entering the children into various programs for which they had already been entered by the Society without consent.
59. Further private interviews were undertaken with the children by the Society on Jan 16, Feb 2, and Feb 9 in addition to those completed by the OPP without any lawyer present.
60. On February 9, 2012, the Society confirmed they had been in contact with the School Board without parental consent to do so.
61. On February 9, 2012, Ms. ██████ intimated her belief that an agreement could be achieved prior to the scheduled Court appearance of March 1, 2012, whereby the ██████ children would be returned to their parents. Ms. ██████ was to arrange a meeting of all Parties including their respective legal representation in order to form an agreement and a "plan of care".
62. On February 13, 2012. Ms. ██████ confirmed the lawyer meeting was to occur on February 23, 2012.
63. On February 13, 2012, Ms. ██████ confirmed that the Society had scheduled a meeting with the schools. All contact by the Society with the schools was completed without the consent of the Parents. The school meeting was subsequently cancelled by the Society.
64. The Society cancelled a previously scheduled home visit for the children intended for them to see their horses and pets. This was devastating to the children and to the parents.



65. On February 14, 2012, Ms. [REDACTED] attempted to force upon the [REDACTED], one specific Society recommended counselor, to which, if they agreed to use, their children would be returned to them. The [REDACTED], enforcing their freedom of choice, refused to allow this abuse of power.
66. The [REDACTED] legal counsel issued a request of the Society expectations in an email of Feb 17, 2012 to which the [REDACTED] followed up on February 20. No response was provided.
67. On February 21, 2012 Ms. [REDACTED] informed the [REDACTED] counsel that the Society had now cancelled the lawyer meeting.
68. Mr. [REDACTED], the OCL, on February 21, 2012 noted to the Society that he could not understand what the Society's safety concerns are and Mr. [REDACTED] voiced his dissatisfaction with regards to the actions of the Society in delaying the process of the children being returned to their loving home.
69. The OCL, Mr. [REDACTED], contacted Ms. [REDACTED] on Feb 22, 2012 regarding the level of trauma that the children and more specifically, [REDACTED] had been put under by the actions of the Society.
70. On February 24, 2012, Ms. [REDACTED] provided the [REDACTED] with a proposed consent form regarding access to the [REDACTED] chosen counsellor. This proposed consent contained clearances of severe infringement on the Family's rights to privacy "I do hereby authorize you to release to the Hastings Children's Aid Society any social, educational, psychological, medical, judicial, or other reports and assessments pertaining to the above-named client(s). I also authorize the Hastings Children's Aid Society to release any information on the above named to any social, educational, judicial, or other authority or agency as may be necessary or desirable..." Ms. [REDACTED] acted in a grossly non-professional and aggressive manner when informed this would not be signed without legal review. The [REDACTED] requested a copy of this consent form to take to their lawyer for review. This request was refused.
71. The [REDACTED] had never been provided any disclosure or any answer to their request to be informed as to what the Society protection concerns were. In order to effectively defend the [REDACTED] family against the unknown, and obtain the return of their loving children from the continued captivity forced by the Society, Mr. [REDACTED] was required to remain at his local address from January 11 to March 11, 2012, and subsequently on multiple court appearance dates due to the actions of the Society, incurring significant loss of income as his work is at a distance.
72. On March 1, 2012, the Society made request to the Court for an order of Society custody of the three [REDACTED] children to extend indefinitely from that day. The Society also requested an order for Mr. and Mrs. [REDACTED] to undertake PCA testing.
73. During submission from the Society, multiple unfounded, unproven, un-evidenced, unsubstantiated accusations were made by the Society of which were blatantly refuted by the Honorable Judge [REDACTED].

74. On Friday March 2, 2012, the [REDACTED] had proven their case, without the need for submission by their counsel due to the significant evidence that was submitted by them and the fact that NO evidence had been provided by the Society.
75. The Society continued to abuse their position of power in the negotiation of the interim conditions which, if not agreed upon before 3:30 that day, would force a further delay of the children's release. The terms offered by the Society were unlimited in nature with no defined boundaries for the Society and unlimited communications with any and all personal service providers. The Society, at this time also requested, within these proposed terms, that Mrs. [REDACTED] attend for mental health counselling and for emotional health assessment.
76. The Society forced upon the Kingstons, a restriction on [REDACTED]. This was devastating.
77. On March 1, 2012, the Society made request of the Canada Revenue Agency to obtain the rights to the [REDACTED] Child Tax Benefits (subsequently obtained by them). The [REDACTED] were not made aware of this until receipt of a letter from CRA dated March 20, 2012.
78. In order to reinstate their rights to Child Tax Benefits, the [REDACTED] were forced to undertake a significantly invasive process to prove their parental responsibility from 2010 to current day.
79. On April 10, 2012, the Society openly attempted to coerce the school board to bypass the court order of "written communications only".
80. On April 11, 2012 (case conference) the Society continued to pursue an order of protection, continued to make further unverified accusations in regard to the [REDACTED] "lack of follow through" with terms of the interim order, and continued to pursue a PCA.
81. On April 16, 2012, the Society initiated the placement of [REDACTED] on the Provincial Child Abuse Registry (PCAR) without informing the [REDACTED] of this decision. This act would severely degrade the reputation of Mr. and Mrs. [REDACTED] in the event of any authority ever reviewing the PCAR and therefore stimulated yet another emotionally traumatizing process in order for the [REDACTED] to have their names removed and expunged from this register.
82. The Society had no cause to make this registration as they had had NOT verified any abuse by the Parents.
83. The [REDACTED] denied the Society's request of August 2, 2012 to withdraw at that time as there had not yet been any resolution to their names being removed from the PCAR and they had not yet been provided with disclosure of documents from the Society.
84. The [REDACTED] were sincerely concerned and incredibly stressed due to the Society's lack of transparency (disclosure) and refusal to assist with regard to the PCAR issue.

85. Due to the Society's ongoing refusals to provide disclosure, the [REDACTED] were forced to issue a Motion to the court.
86. On December 17, 2012, a ruling on this disclosure request was ordered as follows:
  - a. The Society is directed to provide the parents with a complete copy of their CAS file, including any third party records, vetted for third party contact information and documents protected by solicitor client privilege, at the expense of the parents, at legal aid rates.
  - b. The parents may retain this disclosure and this disclosure may be used in any subsequent proceeding between the parents and the Highland Shores Children's Aid Society.
  - c. The parents were successful on this motion and are entitled to costs fixed in the amount of \$2,500.00.
87. On December 19, 2012, the Society again attempted to force their power of intimidation upon the [REDACTED]. They provided a letter of undertaking for the [REDACTED] to sign prior to their provision of the file.
88. On December 24, 2012, the [REDACTED] were provided a copy of what they were to believe was the complete Society file.
89. Upon initial cursory review of file, the [REDACTED] found file documents from another case file were included within the documents they had been given by the Society. This act of incompetence by the Society infringed further worry and concern upon the [REDACTED] as this miss-filing of another family's private information places question in regard to the security of the [REDACTED] personal information.
90. The file provided to the [REDACTED] was significantly incomplete. The [REDACTED] continued to request specific disclosure items from the Society.
91. As a result of the Society non-compliance with the court ordered disclosure, further delay continued causing further trauma to the [REDACTED] family.
92. On February 20, 2013, the Society provided additional disclosure documents due to direct requests made by the [REDACTED].
93. On March 7, 2013, the Society provided additional disclosure documents due to direct requests made by the [REDACTED].
94. On March 15, 2013, the Society provided additional disclosure documents due to direct requests made by the [REDACTED].
95. The Society had neglected to provide a minimum of 427 pages of the file in the original disclosure package of December 24, 2012. This undisclosed information represents approximately one third to one half of the total disclosure.

96. Further letters of disclosure were provided by the Society on April 15, 2013 and on April 17, 2013.
97. On April 22, 2013 the court was again disappointed by the Society's non-compliance with the court orders. Justice ██████ reminded the Society, on that day, that there had now been seven re-visits to the court since her order to provide disclosure.
98. In court, on May 10, 2013, the Society provided further disclosure and a letter to address items not provided. The Court on this day ordered the Society to pay costs in the amount of \$2500 to the ██████ due to their lack of efficiency and disregard for provision of full disclosure under the court order issued in December of 2012. The Society request to withdraw was approved on this day.
99. Without the ██████ efforts in providing the Society with proof of the existence of undisclosed documentation, they would have never received it. The ██████ were and remain seriously concerned, therefore, of what may still be missing, as there may be documentation that they simply were not aware of as it was not referenced within the disclosure provided.

## **CONCLUSIONS**

100. The Society has violated the Personal Health Information Act, 2004 S.O. 2004, CHAPTER 3 SCHEDULE A Section 18 in that the consent of an individual for the collection, use or disclosure of personal health information by a health information custodian, the consent, must be knowledgeable, must relate to the information; and must not be obtained through deception or coercion.
101. The Society has provided information to a court Justice outside of registered documentation in violation of Section 122 of the Criminal Code R.S.C.,1985, c. C-46.
102. The Society has, with intent to mislead, made before a person who is authorized by law to permit it to be made before him, false statements by affidavit, by solemn declaration and deposition and orally, knowing that the statement is false in violation of Section 131 of the Criminal Code R.S.C.,1985, c. C-46.
103. The Society has fabricated evidence with intent to mislead and with intent that it shall be used as evidence in a judicial proceeding in violation of Section 137 of the Criminal Code R.S.C.,1985, c. C-46.
104. The Society has willfully made attempt to obstruct, pervert or defeat the course of justice in violation of Section 139 of the Criminal Code R.S.C.,1985, c. C-46.
105. The Society has committed interception in violation of Section 184 of the Criminal Code R.S.C.,1985, c. C-46.
106. The Society has committed criminal negligence in violation of Section 219 of the Criminal Code R.S.C.,1985, c. C-46.

107. The Society has, without lawful authority, confined and forcibly seized the [REDACTED] children in violation of Section 219 of the Criminal Code R.S.C.,1985, c. C-46 .
108. The Society has exercised control, direction, and influence over the movements of persons under the age of eighteen years, for the purpose of exploiting them and for the facilitation of their exploitation in violation of Section 279.011 of the Criminal Code R.S.C.,1985, c. C-46.
109. The Society engaged in conduct that, in all the circumstances, could reasonably be expected to cause the [REDACTED] to believe that their safety would be threatened if they failed to provide, or offer to provide for the requests of the Society in violation of Section 279.04 of the Criminal Code R.S.C.,1985, c. C-46.
110. The Society has held the [REDACTED] children with intent to induce the parents to act upon conditions express and implied, for the release of their children in violation of Section 279.1(1) of the Criminal Code R.S.C.,1985, c. C-46.
111. The Society has, without lawful authority, taken the unmarried [REDACTED] children under the age of sixteen years out of the possession of and against the will of the parents in violation of Section 280 (1) of the Criminal Code R.S.C.,1985, c. C-46.
112. The Society has unlawfully taken and detained the [REDACTED] children under the age of fourteen years, with intent to deprive the parents, of the possession of the children in violation of Section 280 (1) of the Criminal Code R.S.C.,1985, c. C-46.
113. The Society has taken personal property with intent to deprive the owner of it in violation of Section 322 of the Criminal Code R.S.C.,1985, c. C-46.
114. The Society has committed fraudulent concealment in violation of Section 341 of the Criminal Code R.S.C.,1985, c. C-46.
115. The Society, with intent to obtain information, by threats, accusations, menaces has induced the [REDACTED] to provide said information in violation of Section 346 of the Criminal Code R.S.C.,1985, c. C-46.
116. The Society has made representation of a matter of fact that is known by them to be false in violation of Section 361 of the Criminal Code R.S.C.,1985, c. C-46.
117. The Society has committed the act of conspiracy in violation of Section 465 of the Criminal Code R.S.C.,1985, c. C-46.
118. The Society has violated Section 2 of On Reg. 383/00 (the role of a social worker) and Section 46(2) of the Social Work and Social Service Work Act; No person except a registered social worker shall represent or hold out expressly or by implication that he or she is a social worker or a registered social worker.



119. In violation of Section 37, Subsection 3 of the Child and Family Services Act, R.S.O. 1990, c. C.11, the Society has failed to address:
- i. (4) The religious faith, if any, in which the child is being raised;
  - ii. (5) The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family;
  - iii. (6) The child's relationships and emotional ties to a parent, sibling, relative, other member of the child's extended family or member of the child's community;
  - iv. (7) The importance of continuity in the child's care and the possible effect on the child of disruption of that continuity;
  - v. (9) The child's views and wishes, if they can be reasonably ascertained;
  - vi. (10) The effects on the child of delay in the disposition of the case; and
  - vii. (11) The risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.
120. In violation of Section 84 (a) of the Child and Family Services Act, R.S.O. 1990, c. C.11 the Society has knowingly given false information in an application under this Part.
121. The Society has practiced the use of deception, misleading statements, and malicious action, and has taken hostile, aggressive action against the ██████████ family resulting in undue trauma, emotional stress and pressure on the entire ██████████ family.
122. The Society has acted in a severely negligent, malicious manner without respect of the family's inherent human and civil rights.
123. The ██████████ family has experienced insurmountable levels of irreparable emotional distress as a direct result of their separation anxiety caused by the delay of the childrens' return to the care of their loving parents, the continued involvement of the Society in their lives, and the intense pain and sadness they were feeling during and after that time. ██████████ continues to this day to attend private counselling sessions to address her emotional trauma and subsequent despair. This emotional stress on ██████████ caused her to experience night terrors regularly during her time in care.
124. The children were not provided proper supervision, medical attention, nutrition, during their time in care causing undue physical stress upon them.
125. The children were treated with cruel punishment and uncalled for verbal abuse during their time in care and the parents and siblings were tortured by the emotional stress inflicted upon them in violation of Section 12 of the Charter of Rights and Freedoms and Article 37a of the United Nations Convention of the Rights of the Child.
126. The children were entered into a religious organization for which they have no affiliation, by the Society in violation of Section 2 of the Charter of Rights and Freedoms and Article 14 of the United Nations Convention of the Rights of the Child and Article 18 of the Universal Declaration of Human Rights.

127. The children were stripped of their fundamental right to privacy during their time in care in violation of Section 7 of the Charter of Rights and Freedoms and Article 12 of the Universal Declaration of Human Rights.
128. The children were provided unsafe and unsanitary living conditions during their time in care.
129. The children were separated from their parents against their will in violation of Article 9 of the United Nations Convention of the Rights of the Child.
130. The actions of the Society have caused the family to endure life without liberty or security of the person in violation of Section 7 of the Charter of Rights and Freedoms and Article 3 of the Universal Declaration of Human Rights.
131. The family has undergone an unreasonable level of undue search and seizure in violation of Section 8 of the Charter of Rights and Freedoms.
132. The children have been arbitrarily detained and separated from their parents unwillingly for an extensive period of time in violation of Sections 9 and 10 of the Charter of Rights and Freedoms and Article 16 and 37b of the United Nations Convention of the Rights of the Child and Article 9 of the Universal Declaration of Human Rights.
133. Mr. ██████ right to peaceful assembly and association was used by the Society against his family in the courts the very first appearance after the children were returned to their loving home in attempt to sway Mr. ██████ from future assembly. This is in direct violation of Article 19 and 20 of the Universal Declaration of Human Rights.
134. The Parents right to choice as to educational process for their children was ignored by the Society in violation of Article 26(3) of the Universal Declaration of Human Rights.
135. The Society has subjected Mr. And Mrs. ██████ to attacks against their reputation by way of removal of their children from the home, continual presentation of assumptions and opinion to the courts without any factual validity, and further emphasized by way of registration of their names on the Provincial Child Abuse Registry in violation of Article 12 of the Universal Declaration of Human Rights.
136. The devastation placed upon the Parents and the children during the forced separation has been unbearable. The stresses placed on the family by the Society's continued pressures continued to add to the emotional trauma inflicted upon them. The dramatic feelings of emotional strain are reflected upon by the parents every day and cannot ever be left behind. The dynamics of home life for the ██████ have forever been impacted by the experience inflicted upon them.
137. The ██████ family has become completely conscious of every simple action they undertake due to the unprecedented fear and everlasting feelings of anxiety instilled into them by the actions of the Society.

138. The [REDACTED] family no longer hold the ability to trust authority and hold a severe fear and distrust of the Children's Aid Society and Police due to this invasion into their lives.



Aug 30, 2013

Date