

court file No. 20374/04

**SUPERIOR COURT OF JUSTICE
(Barrie, Regional Municipality of Simcoe)**

BETWEEN

Children and Family Services for York Region

Applicant

and

[REDACTED] (mother)

[REDACTED] (father)

[REDACTED]

Respondents

AFFIDAVIT

I, **[REDACTED]**, of the City of Barrie, in the Regional Municipality of Simcoe, MAKE OATH AND SAY:

- 1) I am 13 years of age. I am a student at **[REDACTED]** School in Barrie. I do not suffer from any physical or mental disabilities.
- 2) On Saturday March 19, 2005, while enjoying a sleepover weekend with my old school friend **[REDACTED]**, York Regional police and a CAS official showed up unannounced at my friend's parent's home in Richmond Hill. Police must have been following us or waiting for us as they pulled up immediately after we pulled into the driveway. The police and the CAS worker told me that I had to come with them.
- 3) At that time, I asked the police officers and the CAS workers if they had a warrant to apprehend me and to force me to go with them. They told me that they did not have a warrant and further told me that it did not matter whether they had a warrant or not and that the CAS did not need to have a warrant. They told me that I had no choice except to come with them.

- 4) I believe that the authorities came to my friend's parent's home directly as a result of a call from my mother who I believe wanted to force me out of my dad's house and into foster care as part of her campaign to make my life and my dad's life, as difficult as possible. It saddens me greatly to know that it was my own mother who called police, when she knew I was safe at my friend's house and knowing very well that her previous actions in calling the CAS had resulted in me having my rights and freedoms violated by the CAS and has forced me into hiding. My mother also knew very well that it was my wish to live with my father and my brothers. It is very unfortunate that my mother continues to put her need for revenge ahead of what is best for her children. I feel sorry for her.
- 5) Because of my experience up till now with CAS in which I was being threatened and coerced by CAS workers, I refused to accompany the police and locked myself in the bathroom at my friend's home. I feared having to go with the police because CAS workers had previously isolated me from my friends and family in an attempt to force me to return to live with my abusive mother. This time, using force, police broke the door to the bathroom and two officers physically restrained me and carried me against my will into a police cruiser where I was eventually taken by police force to a CAS group home in Barrie. The whole incident was upsetting for my friend and her family and resulted in damage to their home by police.
- 6) At the group home I was confined in the home and told that I could not speak to or contact anyone in my family or contact anyone I trusted. I was not allowed to use the phone. Restrictions existed as to when you could use the washroom and where you could put your makeup on. After spending one night at this facility, I basically found the CAS group home as being nothing but a prison for girls. It was a very unpleasant and disturbing experience.
- 7) Based on my knowledge of what the CAS had done to abuse me and my family in the past and now seeing that they had put me into virtually a prison, I felt that the CAS workers were planning to further punish me for standing up for my rights and freedoms and for defying them. I did not want to spend one more night in the group home and made the choice to flee the group home. On Sunday March 20, 2005, of my own free will, I fled the group home and found safety with friends where I again felt safe and secure once again.

- 8) Previous to this most recent experience in fleeing this CAS group home, on February 18, 2005, of my own free will, I fled from the care and control of the York Region Children's Aid Society under whose care I was being coerced by workers, emotionally abused, and confined against my wishes and desire to be safe in my own home and under the care of my family. I had been forced to stay in the care of the CAS since December of 2004 and was put in care illegally.
- 9) This recent violations of my rights and freedoms by the CAS went all the way back to December of 2004, when I was forced to accompany workers with the York Region CAS and to go into a foster home facility at that time. Even though up to the time of my apprehension on or about December 14, 2004, I felt perfectly safe in my home with my father and brothers and knew that what the York Region CAS was doing to me was wrong and not what I wanted, I was intimidated by the presence of police into doing what CAS workers told me I had to do. I was clearly given the impression that if I did not do as workers instructed me to that I would be physically restrained and taken away with the use of force by police. With the police at the side of unlicensed CAS workers, I was bullied into complying to the orders of the unlicensed CAS workers. I also was not aware of some of my legal rights at the time and had no idea what else I could do. The presence of police intimidated me and made me scared.
- 10) At the time of my apprehension by CAS workers, I was also never informed by CAS workers as to what they were "protecting" me from or how they had come to their conclusion that I needed to be "protected." CAS workers also did not tell me who called them which resulted in them becoming involved with my family.
- 11) After being forced to leave my home and my family, I was forced to go into a foster home in Wasaga Beach, Ontario which was operated by Calthkin Foster Home Services. While in the care of the York Region CAS, I was subjected to emotional abuse and denied my rights and freedoms. I also found out that the foster home where I was placed, I was their first placement.
- 12) After being forced into care of the CAS, I found out that it was my mother who had involved the York CAS in my apprehension. The fact that it was my mother who contacted the CAS and that she wanted the CAS to apprehend me was not disclosed to me by authorities. It is well known that my mother is angry at my father because my brothers and I have chosen to live with our father because our

mother was abusive towards my father and us children. I believe that my mother is attempting to abuse the services of the CAS in order to force me to live with her when she knows that I prefer to live with my father, who is the much better parent. She is angry at myself and my brothers and is unable and unwilling to accept the decisions we have made affecting our own lives. No one from the CAS ever asked me what might have motivated my mother to call the CAS and to have them force me into their care.

- 13) Shortly after I was forced into the care of the York CAS, pressure was put on me by CAS workers to leave my father and to live with my mother. I told CAS workers I did not want to live with my mother because of her extensive history of abusing everyone in our family including me. Part of the reason why I was forced into foster care was because I refused to be forced back into the care of my mother. My mother had even physically assaulted me. Even though I told CAS workers that my mother was an abusive parent, CAS workers did not seem to want to know about the things my mother did to abuse us. The CAS workers kept telling me that I should live with my abusive mother without ever explaining why they thought this was in my interests.
- 14) Workers with the York Region CAS have never advised me properly of my legal rights prior to forcing me into care, nor has my children's lawyer, Barbara Steinberg of Newmarket, Ontario. I have learned from research on the internet about the Child and Family Services ACT of Ontario and have learned that children above the age of 12 years of age are supposed to be a party to any agreement which puts them into foster care. I never agreed to go into foster care and nobody ever asked me what my wishes were. Nobody explained what was being done to me nor was I ever asked for my consent to be placed into a foster home. I was forced into care of the CAS against my wishes and I have suffered because of the actions of uncaring CAS workers whose only agenda was to take me away from my father's home and to force me back to live with my mother.
- 15) While under the care and control of the CAS, I feel that my freedoms and rights were violated and I was emotionally abused in a number of ways. I feel that the court system has failed me and my family and that a number of injustices have been perpetrated against me. Some of these injustices include:

- a) All my phone calls were listened to by my foster parents. Even calls to and from my older teenage brothers was listened to.
- b) I was told that I could not speak to persons that I trusted and could get information which would be helpful to me.
- c) I was told that I could not speak to my teenage brothers who were in high school. On one occasion, I tried to walk over to see my brothers at the school, and I was physically restrained by the Vice Principal at my school. The Vice Principal would not allow me to speak to my brothers. I found out later that the Vice Principal of my school had acted on the direct instructions of two CAS workers, Kelly-Anne Dugas and Deb Spiker, both of whom are unlicensed workers with the CAS.

Attached to this affidavit and labeled as "exhibit A" is a copy of a letter dated February 9, 2005 addressed to my school by two unlicensed CAS workers.

- d) My father was not allowed to come to the school to see my sports activities with the other parents. My father has come to all my games in the past, yet unlicensed workers with the York CAS said my father could not watch my games at school.
- e) At Christmas, I was not allowed to see my family. I was allowed only a one hour visit with my father the day before Christmas. My Christmas with my family was ruined by these CAS workers. Spending time with my family at Christmas has always been an important time of year for me, yet this year, my time with my family was taken away by these CAS workers. Instead, I was forced to go with the foster family to North Bay to spend Christmas with a bunch of strangers.
- f) I was threatened by CAS workers and told that if I did not take a Christmas vacation with my mother that I would be forced to spend my Christmas vacation with the CAS foster home. The CAS did force me to spend my Christmas holidays with the CAS foster parents.
- g) I was threatened by CAS workers and was told that if I did not accept my mother driving me to my school everyday, that CAS would not take me to my

school and that I would have to attend a new school in another school district. Luckily CAS did not do this when they saw that I was not going to be bullied into going back with my mother.

- h) During my entire time in foster home I was never able to carry on activities with many of my school friends. I was placed in care in Wasaga Beach by the CAS and being isolated in another community made it impossible for me to interact with my friends as I did before.
- i) An older man by the name of Frank, who was 25 years of age and who lived at the foster home, kept trying to impose his presence on me and kept trying to talk to me.
- j) During the week prior to me fleeing the foster home in Wasaga Beach, Frank who resided in the foster home, passed me a note on a paper napkin which read, "Get out of our house". At one time, I found him standing outside of my door at the foster home which made me feel even more nervous. Obviously, he did not want me in his home. In addition to being coerced and intimidated by CAS workers, I was now made to feel threatened in the foster home by this man named Frank.
- k) Ainsley Tomlinson, one of the managers of Caithkin foster homes from Wasaga Beach, kept putting me under pressure to live with my mother and tried to convince me to think that my father was guilty. She also kept telling me that I could not speak to persons I trusted. She was attempting to try to get me to take sides in my parent's divorce.
- l) I was threatened by workers that if I did not do as I was told by CAS workers that they would switch my school which would be even further away from my home and my family and that it would be even more difficult for me to communicate with friends and family.
- m) I wrote to my first children's lawyer asking her to do certain things for me and to obtain information for me. My letters were not responded to by my Ontario children's lawyer. I had asked to see documents which were served upon me but my children's lawyer refused to allow me to see documents which I was a party to in court. I was not even allowed to even see my own court papers!

- n) I have asked to speak directly to the Judge so that the judge can hear from me directly, but I was told that this is not possible. Those who claim to be working on my behalf, including my lawyer, are not getting the correct message across to the judge.
 - o) I have heard a number of lies being told in court by my mother's lawyer and by the CAS lawyers, yet I am told that I must remain silent. In fact, my own lawyer, tried to convince me not to go to court.
 - p) When I went to court on January 13, 2005, I asked my older brothers to come to court to support me and to see for themselves what court was like. They were forced out of the court by the judge and the lawyers. My brothers, who are 17 and 15 years of age, wanted to stay with me. I do not think it is fair that the judge made my brothers leave the court. They were there to support me and were just as aware of all the things happening to me as was I. Again, the court claimed it was "protecting" my brothers by making them leave the court. I do not believe this excuse and neither do my brothers.
 - q) I requested from the foster home manager, Ainsley Tomlinson, a copy of a brochure which was supposed to contain information about some of my rights, but even after three weeks of waiting for the brochure, she did not provide me with the brochure as I requested.
 - r) I was not given my allowance while in foster care. My allowance money was withheld and kept in Simon's personal card which I am not allowed to access or have an accounting of. I was told that I was supposed to get \$15 a month allowance and a clothing allowance of \$50. What good is having an allowance when the CAS workers keep the money and won't give it to the kids? I'm 13-years of age and certainly am old enough to take responsibility for my own money. I had to get money from my own family for personal purchases.
- 16) My Ontario children's lawyer, Barbara Steinberg, has lied to me. When I was in her office speaking to her, I clearly saw her flip a tape into a tape recorder on her desk and press the "record" button. Later, at the Newmarket court, when I asked Ms. Steinberg if she had tape recorded me, she became visibly nervous and told me that she had not recorded me and would never do this without my permission. I know what I saw when I was in her office and know that she is lying to me. How

can I be expected to trust my appointed Ontario government lawyer, when she lies to me like this?

- 17) In light of the history of threats, intimidation and coercion that I have suffered at the hands of workers with the York Region CAS, Caithkin Foster Homes, the police and the failure of my Ontario government children's lawyers to protect what I feel are my rights, freedoms and interests, I felt that I had had enough of the abuse and that in order to protect myself, I had no other choice except to take action myself and to get away from the CAS. Because I was also being threatened with further action such as being taken out of my school and forced to live in another community, I felt that running away to preserve at least some of my freedoms was a better choice than being totally locked down and isolated as I was told would happen to me if I did not yield to the demands of CAS workers.
- 18) Although I would prefer to be living a normal life with my family, currently, I am in hiding from authorities, because it would appear that CAS are intent on apprehending me whether they have a warrant or not. Twice to date they have apprehended me by force with the police causing damage to my friend's parent's home in the process.
- 19) The CAS had earlier obtained an apprehension order which was made in secret without me being there and without anyone representing my interests being given the opportunity to put my side of the story forward to Justice Hefkey before the court Order was issued. I believe that Justice Hefkey was misled by the York Region CAS and deliberately misinformed of the truth so that the York Region CAS could mislead the judge and obtain the court Order they wanted. I believe that Justice Hefkey was not told of my wishes and preferences or how CAS workers were threatening and coercing me or how I was given this threatening note from another resident in the York CAS foster home. I do not believe that Justice Hefkey was given a copy of my earlier affidavit which I put before the court on January 13, 2005.

Attached to this affidavit and labeled as "exhibit B", is a copy of my affidavit to the Newmarket court dated January 13, 2005.

- 20) In response to the Justice Hefkey issuing an apprehension Order against me, I wrote a letter to Justice Hefkey which outlined my feelings about the court Order. To date, I have not received a response to my letter from the Judge.

Attached to this affidavit and labeled as "exhibit C", is a copy of my letter to Justice Hefkey.

- 21) My decision to flee to safety from the care of the York Children's Aid Society was based on a number of factors and incidents which I felt were violating my basic rights and freedoms, violating my rights to be with my family and friends and causing me to feel mistreated and to be afraid for my safety. Up until the time the CAS became involved I at least was reasonably happy living with my father and my older brothers. As far as I am concerned, the York Region CAS has done absolutely nothing good for me and their involvement has only brought pain and suffering to me and my family.
- 22) What also disturbs me, is that I have learned that those with the CAS agencies who have been directly involved in making decisions which have created so much havoc in my life and have been responsible for me being taken away from my home and my family are not even licensed to work as social workers in the Province of Ontario. I have check on the internet about the Ontario College of Social Workers and have learned how social workers must be licensed if they are to be social workers. I feel that it is wrong that CAS workers who do not even hold a license to work as social workers in Ontario, be allowed to make such decisions which forcefully separate children from their families as was done in my case.
- 23) At no time prior to me being forced into the care of the York CAS did the CAS workers ever ask me how I felt or if I felt safe living with my father. None of the CAS workers asked for my input or asked me how I felt living with my father. The one place I do feel the safest is in my home and with my father and my older teenage brothers who I lived with up until the time that the York CAS intruded into my family's affairs and turned my life upside-down.
- 24) I was physical assaulted by my mother, yet even though this has been reported to the CAS, no one with the CAS, the police or my lawyer have done anything to address this issue or even told me that they would do something to address this issue.
- 25) In my affidavit to the court of January 13, 2005, I also disclosed a number of other incidences of abuse by my mother against myself and members of my family, but again, nobody does anything or even seems interested in hearing about how my family and I were being abused by my mother. I get the impression that nobody

wants to hear or know about the abusive things that my mother had done to me and to other members of my family. In all my dealings with authorities, I get the clear impression that everyone automatically supports my mother and is automatically against my father. I feel that this is wrong. My father, who is a good parent to me and my brothers, is being treated like a criminal while my mother, who has abused her family, suffers no consequences for her actions.

- 26) I have recently been appointed a new children's lawyer, Douglas Manning of Barrie, Ontario, after my first children's lawyer refused to answer my questions or to help me. I have written to this new Ontario government lawyer to get help to return to school and my father has called but even this new lawyer has not responded to me or my father. It seems that none of the lawyers really want to help me get back to school and for me to return to a normal life.
- 27) Since I have fled to safety from the CAS, the police have raided my home and terrorized my family and raided the homes of my friends. My brothers have told me that police have come to our home and have threatened and intimidated them. My brother was on the verge of tears after being intimidated by police at our home. My father has been intimidated by police. Members of my family are being treated like criminals by the police. My father has been made to go to the police station to be interrogated for two hours.
- 28) It is not right that unlicensed workers with the CAS have the power to harass and intimidate children and their families like they are doing to myself and my family. Now they are harassing my friends and their families as well. It is not right that unlicensed CAS workers can order the police to harass children and parents like this. I may be only 13 years of age, but I am mature enough to see that what CAS workers and police are doing is wrong. Can't these adults tell the difference between right and wrong? The Police and the CAS are supposed help us kids, not abuse us and make themselves our enemies. If anyone is a criminal in my matter, it is these unlicensed CAS workers who seem to think that they know it all and who don't want to listen to what kids have to say to them.
- 29) In reference to the CAS workers thinking that they have to protect me, I am certainly capable of protecting myself from physical or emotional abuse and I certainly don't need any of these CAS workers telling me that they have to lock me up and isolate me in order to "protect" me. The fact that I ran away from my

mother when she was abusing me and my brothers should provide more than enough evidence that I can take care of myself. I know how to use a phone and I know where to report such abuse to the police or the CAS. From what I have seen in my dealings with the CAS, these CAS workers have caused way more harm to my family and my life than anything else I can remember. Living under CAS has made my life miserable. It is clear that they don't care about me.

30) My wishes at the present time are very simple. They are:

- a) To be allowed to return immediately to my father and my brothers and to live in my family home where I feel most safe and secure. No CAS foster home or group home can ever replace my home and my family.
- b) To have the authorities, especially CAS workers, respect my wishes to be with my family and to not interfere with my relationship with my family as they have done in the past.
- c) To have the authorities, especially the CAS workers to stop trying to force me to live with my abusive and controlling mother.
- d) To have the York CAS, any other CAS agency and the police to stop harassing and intimidating myself and my family and to allow my family and I to live in peace and free of harassment by authorities.
- e) To have my rights and freedom to speak and associate with my family and my friends respected and not ignored as it has been up until now.
- f) To have the authorities, especially the CAS workers, acknowledge the fact that I am old enough and mature enough to know what abuse is and what abuse is not and for them to stop treating me like I am some immature kid who is not capable of understanding these issues as the CAS workers have done in the past.
- g) That no further matters regarding myself be put before any court, without me being fully informed and served with proper papers and in a reasonable period of time beforehand so that I will have the chance to fully review the matters and understand them.

- h) That I be allowed to choose when I will spend time with my mother and under what conditions.
- 31) I feel that nobody, including CAS workers, should be forcing me to see my mother who has abused me and who has up until now, refused to acknowledge or accept responsibility for her previous actions. It is my intention to maintain some relationship with my mother but only if she agrees to stop harassing me and my brothers and stops trying to control and make life miserable for our family. I will see my mother when she starts to act more like a responsible and mature parent and when she demonstrates an ability to put the interests of her children ahead of her need of power, control and revenge.
- 32) I make this affidavit for no improper use.

Sworn Before Me in the town/city)
 of Orsherville in the)
 Region of Hutton)
 this 22 day of March 2005)

[REDACTED SIGNATURE]

Pat H. McWilliams
A. Dean