

March 24, 2012

127 Station Street
Cobalt, Ontario
P0J 1R0

District School Board Ontario North East
153 Croatia Avenue
Schumacher, Ontario
P0N 1G0

Tel: (705) 360-1151

Toll Free: 1-800-381-7280

Fax: (705) 268-7100

Email: doug.shearer@dsb1.edu.on.ca

Attn: Board of Directors, District School Board Ontario North East

Dear Members of the Board of the Whole

RE: Illegal detention and interrogation of my children at Haileybury Public School by unregistered CAS workers unlawfully practicing social work

It has been brought to my attention that unregistered workers from the Timiskaming Child and Family Services (CAS) have been coming into my children's school, disrupting my children at school and unlawfully taking them to be privately interrogated inside of their school about their personal lives at home. It must be noted that the Timiskaming Child and Family Services is a private corporation (not part of the government) and its workers do not have any special powers or legislative authority to enter schools to interrogate children at their schools.

As a result of these unlawful interrogations by CAS workers, my son has told me that he feels uncomfortable to go to his school and fears that the CAS workers will take him away from his family. No child should feel afraid to attend his or her own school. It is disgraceful that the Board has allowed CAS workers from a private corporation to terrorize my children at school, especially when the CAS workers are working unlawfully and in violation to Canadian and Ontario laws.

Up until now I did not realize the unlawfulness of CAS workers going into schools and how harmful and disruptive this is to children. Not only have I recently learned from research on the Internet how harmful this practice is to children but I have also learned that interrogating children at school is a violation of the Charter Rights of children. No one can detain and interrogate a child at his or her school about their lives at home without legal informed consent. What I find troubling is that other parents in the community have come forth to report their children being interrogated by CAS workers at school in the jurisdiction of your Board.

I attempted to bring this matter to the attention of the Principal, Ms. Sharon Bowes, and simply asked her to put a stop to the CAS workers from terrorizing our children but she refused to respect the wishes and rights of ourselves and our children. In response to my request for the school to respect my son's privacy and rights, Ms. Bowes actually confronted my 8-year-old son and further terrorized him by telling him that there was nothing his parents could do to stop the CAS from coming into the school to question him! What a horrible thing for a principal to say to

a student! In addition, Ms. Bowes told me that the Board had lots of lawyers to fight us on this issue. Her veiled threats only made us more determined to take action against this injustice.

It is clear that the principal, Ms. Bowes, has failed to exercise due diligence in understanding the rights of the children in her school, especially when dealing with a private corporation the Children's Aid Society. Her actions and her decisions put her in contravention of certain sections of the Education Act where she is suppose to provide a safe and secure leaning environment for our children and to promote cooperation with the community.

Unfortunately, school officials such as Ms. Bowes have been misled into believing that they must "cooperate" with the CAS and to assist CAS agencies bully children and families. Children are being harmed by CAS going into schools to interrogate them about their personal lives. In fact, I have learned that there is currently a multi-million dollar lawsuit against one Ontario school board and a principal for working in "cooperation" with unregistered CAS workers who themselves were unlawfully engaged in the regulated practice of social work. I have heard that other lawsuits against school boards are in the making.

Another fact that many school boards are unaware of is that most Children's Aid Society workers in the province of Ontario are working unlawfully by engaging in the regulated practice of social work without being registered with the Ontario College of Social Workers as required under the *Social Work and Social Services Work Act (1998)*. Social work is a regulated profession in Ontario under the Act. Most CAS workers in your school district are breaking the law by not being registered with the Ontario College of Social Workers although many will claim that they do not need to register in order to deceive school officials. The Board of Education would not hire teachers unless the teachers are properly registered with the Ontario Teacher's College, so why would the Board of Education allow its employees to "cooperate" with CAS workers who themselves are breaking the law?

Another interesting point which a director of another school board has raised is that why do school boards allow CAS workers to come into school to work in close and private contact with children yet are not required to provide criminal background checks like many others who come into the school to work with children. Policy of District School Board of Ontario East (below) requires CAS workers (service providers) to provide criminal background check. I wonder if this is being done and if the principals at schools are being given this information?

TITLE: CRIMINAL BACKGROUND CHECK

1.0 Rationale:

District School Board Ontario North East has the responsibility, under *The Education Act*, to provide a safe and secure working and learning environment for students and employees. The board is in a position of trust with regard to students and must strive to protect their intellectual, physical, mental, and emotional well-being.

District School Board Ontario North East **will not allow school access** to *Service Providers* or *Others* who have direct and regular contact with students:

- who have **not provided** a Criminal Background Check, or
- who have provided a Criminal Background Check which has been adjudicated and found to present **unacceptable risk** to students and/or staff.

Under the law, CAS workers are considered as private citizens with no special authority to come into schools or to speak to children than does any parent off the street. In addition, CAS agencies are private corporations. What gives private citizens who are nothing more than employees of a private corporation any more authority to come into a school to be in intimate contact with children without providing an up to date annual criminal background check?

Some of the many tragic testimonials from children that reveal the harm done to children at their schools as a result of CAS workers unlawfully coming into schools can be viewed at the following video website links:

<http://vimeo.com/5023797>

<http://www.vimeo.com/28034150>

<http://www.vimeo.com/23978011>

Members of the public do not support Children's Aid Societies being involved in schools. I have learned that parent organizations in Ontario have collected thousands of signatures on petitions which to get CAS agencies out of the schools in Ontario. A small sampling of some of these signatures can be viewed on page 145-148 of the document about the unlawful detention and interrogation of children at their schools which is can be downloaded on line at:

<http://www.canadacourtwatch.com/files/all/Schools and CAS For School Officials.pdf>

Another document which provides a guide for teachers about how teachers and school officials should deal with children's aid is a document titled, "Questions and answers for school officials" which provides information which school officials should know about CAS. This document has been published on line for over a year now and to date has not been disputed by any CAS agency, school board, law enforcement official or government agency. I have attached this document in pdf format which can also be downloaded at the following link:

<http://www.canadacourtwatch.com/files/all/Q-A for school officials-CAS.pdf>

While my wife and I have nothing to hide from the CAS, this practice of CAS workers going into schools is harming our children, is simply unethical and illegal and must be stopped immediately. If CAS workers wish to speak to my children for some valid reason then they can do so privately at our home. There is no need for them to go to our children's school whatsoever.

I would like this letter to serve as legal notice to the Board of the Whole that my children are not to be detained or spoken to by anyone at the school on matters which do not relate to the approved curriculum relating to the education of all students. Should my children be interrogated again I shall take bring this to the attention of every MPP in the province of Ontario and every MP in the Canadian Legislature as well as take legal action along with other parents against the Board of the Whole. I have already spoken to other parents in the community and have found that other children are being unlawfully interviewed at their school as well.

This is Canada. Our schools are supposed to be teaching Canadian children about their rights and freedoms under the Canadian Charter of Rights and Freedoms, not violating our children's rights and freedoms by allowing unregistered CAS workers, working unlawfully for a private corporation, to come into schools to detain, interrogate, terrorize and to bully children in their own schools. Schools are to serve children and their parents in matters relating to education, not to serve as private detention centers for CAS law-breakers who are not even committed enough to the work they do to register themselves with the Ontario College of Social Workers!

It's time for the Board of the Whole to do what is legally and morally right and to get the CAS out of our schools and to get back to the job of educating our children and gaining the respect of parents in our community by providing "*a safe and secure working and learning environment for students and employees*" as it outlined in current school board policy. CAS does not need to come into our schools unlawfully to do their work nor do informed parents want unregistered CAS workers who are not registered with the Ontario College of Social Workers coming into our schools to unlawfully interrogate children.

When school officials allow unregistered CAS workers to come into school to unlawfully interrogate children without informed consent they are violating *The Education Act*. Interrogating and terrorizing children at school is not providing a safe and secure working and learning environment for students nor are they striving to protect the intellectual, physical, mental and emotional well-being of students as is required under the Act.

A response in writing from the Board of the Whole would be most appreciated. There are many other concerned parents in our school district who are waiting to see how the Board deals with the growing problem of CAS workers unlawfully going into schools to violate the rights and freedoms of our children.

Yours truly



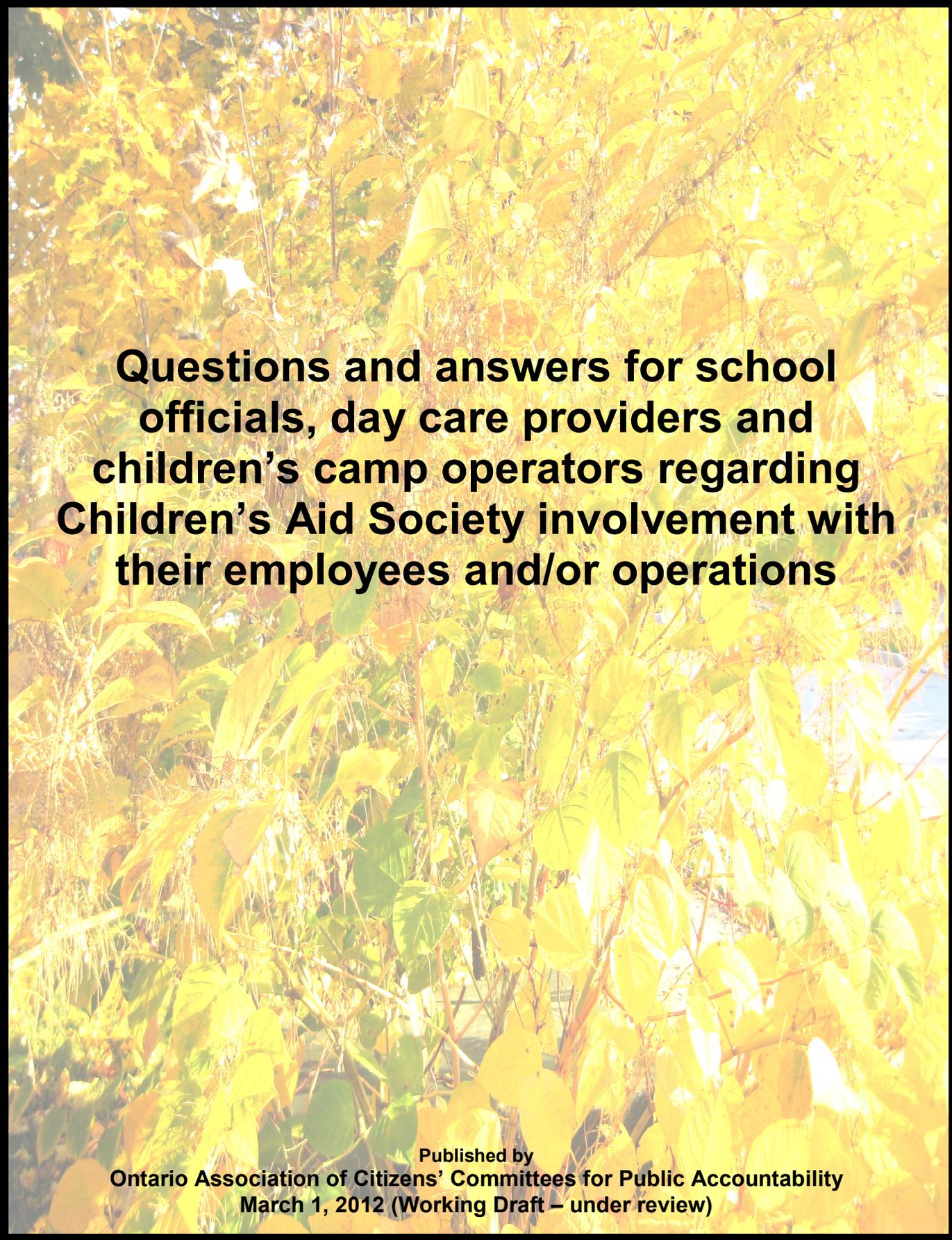
Richard Green, father
(705) 672-5367



Henrietta Green, mother

Attachment: Questions and Answers for School Officials regarding the CAS at schools

cc: Ms. Sharon Bowes, Principal of Haileybury Public School
John Vanthof, MPP, Timiskaming-Cochrane
Ms. Laurel Broten, Minister of Education
MacLeod, Lisa, Critic, Education (Conservative)



**Questions and answers for school
officials, day care providers and
children's camp operators regarding
Children's Aid Society involvement with
their employees and/or operations**

**Published by
Ontario Association of Citizens' Committees for Public Accountability
March 1, 2012 (Working Draft – under review)**

Questions and answers for school officials and daycare providers regarding Children's Aid Society involvement at schools, daycare facilities and children's camps

Introduction and background

In recent years, many parents, civil liberties organizations, teachers, school administrators and daycare providers from the public and private sectors have expressed concerns over a growing and unwarranted intrusion in the private affairs of children at their schools and daycare facilities by children's aid societies (CAS) and their workers.

In addition to the public at large, many teachers feel that CAS workers are interfering with children's education at schools and interfering with the ability of teachers to fulfill their roles as educators. Many teachers have reported that they feel very much intimidated by CAS workers because they have been misled by their school boards into believing that they must fully cooperate with CAS workers without any consideration of other laws which may be applicable and even supersede school board policies. Many teachers live in fear of being disciplined if they don't report every bruise and scratch that they see on a child.

While involvement of the CAS with children in daycare facilities is less of a problem because children are much younger, a number of professional daycare providers have indicated that CAS workers have attended their facilities asking for confidential information about parents and have made their workers feel very uncomfortable. In some cases, CAS workers have used children's camps as a spying ground to illegally spy on children and to obtain information from children about their parents.

One of the most significant issues causing problems in schools today is unregistered and unqualified CAS workers going into schools and questioning students in secret without the knowledge or consent of the parents or the student based on the mere speculation that a student may be the subject of maltreatment at home. In many cases, students are being forced against their will into a situation which is nothing less than an unlawful detention and interrogation at their own school. This often traumatic event causes a lot of damage to students and adversely affects the relationship which students have with their teachers and peers.

Unfortunately, many CAS agencies have worked their way onto the policy committees of many school boards and have improperly influenced school boards to implement policies relating to child abuse and maltreatment which in many cases violate the law and significantly infringe on the fundamental rights and freedoms of children and parents. It has been reported by some children that CAS workers are going into schools and threatening and intimidating children right in their own schools. Some school boards have been so misled by CAS officials that CAS workers are working inside of schools alongside of the teachers themselves.

Also troubling is the fact that the vast majority of front line CAS workers in Ontario are breaking the law by engaging in the unauthorized practice of social work in violation to Ontario's Social Work and Social Service Work Act (1998) which requires all CAS workers who are engaged in the practice of social work to be registered with the Ontario College of Social Workers and Social Service Workers. Most CAS workers are not registered with the College and refuse to become members in order to avoid scrutiny by the College's disciplinary body. Unregistered CAS workers have been going into many schools in Ontario and breaking the law since the Act was passed into law on August 15, 2000. Full details about the unlawful practice of social work by CAS workers in

Ontario can be viewed on line at the following link:

[http://www.canadacourtwatch.com/files/all/The Unlawful Practice of Social Work.pdf](http://www.canadacourtwatch.com/files/all/The_Unlawful_Practice_of_Social_Work.pdf)

This document has been prepared to answer many of the questions that school board officials, daycare providers and children's camp operators may have to help them better understand the role schools, daycare facilities and children's camps play in dealing with child protection and to better understand the limits to the power and authority of children's aid agencies in Ontario. It is hoped that this document will help school officials, daycare providers and camp operators to understand that CAS workers have very little place in the lives of children at schools, daycare facilities or any other facility such as a camp.

NOTE: Information in this document has been written to reference only schools and school officials. Readers should take note that while daycare providers and children's camps are not referenced in the body of this document, all questions and information contained in this document is equally applicable to daycare agencies and children's camp operators.

Public input invited

This document is currently under development and review. Members of the public, especially those providing services to children in the public or private sector are encouraged to provide their feedback on this document. All comments or requests to have additional questions added may be directed to:

Ontario Association of Citizen's Committees for Public Accountability

Email: oaccpa@canadacourtwatch.com

By phone:

East/Central Ontario	(705)-242-1567
North Ontario	(705) 805-2322
GTA/Central-South Ontario	(705)-243-1405
Niagara/South Ontario	(519) 842-6217
Mr. Vernon Beck, Project Coordinator	(905)-829-0407

Note: This document is being updated regularly based on feedback from members of the public. To download the most updated copy of this document in pdf format visit:

www.canadacourtwatch.com/files/all/Q-A_for_school_officials-CAS.pdf

Important terms for teachers and school official to understand

“Informed Consent”

The term *informed consent* is a phrase referred to in many places in this document and is the one most significant component that school officials must take into consideration when dealing with CAS workers in a school environment.

Informed consent is a phrase used in law to indicate that the consent a person gives meets certain minimum standards. As a literal matter, in the absence of fraud and extortion it is redundant. In terms of schools, the informed consent of a student can be said to have been given based only upon the student’s clear appreciation and understanding of the facts, implications, and future consequences of their actions. In order to give informed consent, the student concerned must have adequate reasoning faculties and be in possession of all relevant facts and options at the time consent is given. Impairments to reasoning and judgment which may make it impossible for a student to give informed consent include such factors as basic intellectual or emotional immaturity, high levels of stress such as post traumatic stress disorder, mental retardation, mental illness, Attention Deficit Hyperactivity Disorder (ADHD), etc.

Some acts, such as a children’s aid society worker questioning a child at his/her school without the student specifically requesting this beforehand, cannot legally take place because of the lack of informed consent by the student. In cases where a student is considered unable to give informed consent, then informed consent must be obtained from another person who is authorized to give consent on his/her behalf, e.g., parents or legal guardians of the student.

In cases where a student or his/her parent is provided insufficient information to form a reasoned decision, serious ethical issues arise and give rise to cause for damages and the potential of a civil lawsuit against those who acted without the informed consent of the student or his/her legal guardians.

In order for informed consent of a student to have been obtained, the following conditions must exist.

- 1) The student must express specifically and without coercion by any person of authority (such as a teacher) to want to meet a children’s aid society worker at the school.
- 2) The student must understand the potential consequences of speaking to the children’s aid society worker such as the possibility of the children’s aid becoming involved with his/her family.
- 3) The student must understand that they have the rights not to be detained or questioned if they do not wish to speak to the children’s aid society worker.
- 4) The student must be advised that they have the right to have a guardian or other person that they trust to be present with them should they choose to speak with children’s aid society workers.
- 5) The student must be advised that they have the option of meeting the children’s aid society worker outside the school if they would prefer.

In general, most students in primary grade schools would not be considered to be of an age of maturity where they can give their informed consent to speak with children’s aid society workers so therefore informed consent must be obtained from parents.

“Due Diligence”

"**Due diligence**" is a term used for the concept involving either an investigation of a business or person prior to signing a contract, or an act with a certain standard of care. It can be defined as the responsibility and care that is expected from, and exercised by a reasonable person to avoid harm to another person or to violate their rights. “Due diligence” is the precaution sufficient to prevent foreseeable harm, but not the unforeseen, the unexpected, the unknown, or the unintended harm.

From a legal perspective teachers, school administrators and school boards are expected to exercise “due diligence” to ensure that students under their care and control are not harmed and that the rights and freedoms of students are not infringed upon, including rights and freedoms under the Canadian Charter of Rights and Freedoms. In other words, school board must develop policies which do not infringe protect children from harm and teachers must act to protect the rights of students. School officials who fail to exercise due diligence in their responsibilities and a student is harmed or has his/her rights violated as a result, expose themselves to civil or criminal prosecution.

“Undue Influence”

“**Undue influence**” is the term used to describe when one person applies mental or emotional pressure to induce another person to do something which on the surface would appear to be voluntary but in reality done without the informed consent of the other person. In the context of a school setting, when a person of authority (such as a teacher or school official) instructs a student that he/she must meet with a Children’s Aid Society worker at the school, then this would fall under the category of *undue influence*. In most cases, a student would do what the teacher told him to do simply because in most cases, students are trained by their parents to do what the teacher tells them to do without question. A school official who gets a student to speak to a Children’s Aid Society Worker without the student being made fully aware of his/her rights, would be seen as exercising undue influence over the student.

“Detention” (Section 9 and 10 of the Canadian Charter of Rights and Freedoms)

“**Detention**” is the term used to describe the removal of liberty by physical constraint or also by non constraint such as when a person of authority (police officer, teacher, CAS worker, or any agent of the state) assumes direct or indirect control over the movement of a student by an instruction or direction which may have significant legal consequence and which prevents or impedes access to counsel or direction by parents or legal guardians. The Supreme Court of Canada has clearly ruled that detention also includes the non physical detention of a person.¹

Questions and Answers

The following are samples questions and answers which relate to issues involving child protection and detaining children which school officials may find helpful to better understand their roles when it comes to protecting children.

1) What responsibilities do teachers and school officials have under the law when it comes to neglect and/or maltreatment of a student?

When it comes to child neglect and maltreatment, the main role that school officials have is to report suspicion of maltreatment to the local child protection agency should a school official

¹ Supreme Court of Canada - R. v. Therens, [1985] 1 S.C.R. 613

become aware of warning signs through normal day to day interaction with students at their schools **AND** it would appear that the person having charge of the child is failing to protect the child from the suspected maltreatment.

Unless there is a valid court Order specifically directing school officials to fulfill other more specific duties, **reporting** suspected abuse of a child to the local children's aid society is the only mandatory requirement under the law that school officials are required to comply with.

When reporting suspected abuse, school officials are acting in the capacity as private persons (witnesses) and once a report of child abuse has been made, are required to provide their testimony in court relating to the matter which caused them to report suspected abuse to child protection workers. While each and every school official has an obligation to report suspected abuse based on their personal observations and is free to speak to qualified child protection workers about any child, this does not give school officials the right to disclose the contents of school records which are considered separate from their personal observations as witnesses.

A second but optional role that school official have is to educate students about child abuse and neglect. There is nothing wrong with educating students about this subject as long as the materials being used are appropriate, balanced, gender neutral and taught by those who do not have a conflict of interest such as CAS workers themselves. Educating students about all forms of abuse with a balanced perspective helps them to know what to do should they feel that they are the subject of abuse or neglect or know of one of their friends who may be. Educating students themselves is one of the most effective tools to combat abuse and neglect with students and provides students with the knowledge to make their own informed choices on the matter. Children who are being physical and emotionally abused while in care of the CAS by CAS workers themselves should also be taught about their rights and feel safe coming to their schools. CAS workers will generally ignore and in some cases cover up this aspect of child abuse as it involves CAS workers themselves.

It is **not** the role of school officials to be conducting their own investigations into child abuse or neglect or to be actively gathering information about students or their families which would have the purpose of investigating child abuse or neglect in the homes of students. Schools are not meant to be spy agencies for CAS agencies which are corporations and not part of the Ontario government. Under the law, CAS workers are considered as private citizens and school board employees are under no obligation to do what CAS workers tell them to do.

2) What authority does a children's aid society worker have regarding entering a school to speak to a student without a court Order or acting to apprehend?

Under the law in Canada, a children's aid society worker in Ontario has no more authority than does any ordinary citizen off the street to enter a school or to speak to a student at any school. CAS workers are simply employees of a non-profit corporation (CAS) which gets funding from the Ontario Government. As ordinary employees of a CAS agency CAS workers have absolutely no authority (*Ultra vires**) over school boards or their employees. In fact, coming into a school to speak to a child can constitute a violation of the student's rights.

****Ultra vires* is a Latin phrase often referenced in law meaning "beyond the powers". The *ultra vires* doctrine can apply to an officer or to a corporate body such as a school board or children's aid agency. An act done by an officer or body that is in violation to any law or beyond its capacity (unauthorised) is considered invalid and described as *ultra vires*.**

3) Does the principal of a school have the lawful authority to refuse CAS workers from entering his/her school?

Under the Education Act of Ontario the principal of a school has the absolute decision-making power as to the persons who are allowed to enter onto a school property. The principal also is responsible for the actions of any person who is allowed to enter his/her school including CAS workers. The ONLY time that a principal cannot stop a CAS worker from entering a school is when a CAS worker is conducting a legal *apprehension* of a child under section 40 of the Child and Family Services Act. When an apprehension is being conducted CAS workers can only remove the child from the school but not question the child at the school.

Access to school or class

265. (1)(m) subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgment be detrimental to the physical or mental well-being of the pupils; and

Only the *Board of Directors* (not senior staff or school board lawyers) has the authority to overrule the personal decision of a principal and even then, should a CAS worker wish challenge the decision of the principal, a formal appeal must be submitted to the Board of Directors asking the Board to formally overrule the decision of the Principal. It is highly unlikely that the Board of Directors would formally over-rule the decision of a Principal regarding CAS workers coming into a school as an appeal will force an examination of the issues and once the Board of Directors makes itself aware of the Charter Rights violations, will not likely want to expose itself to the risk of a civil lawsuit when the simple solution is to have CAS workers interview children outside of the schools.

Ultimately, unless directly instructed by *Board of Directors* it is the responsibility of the principal to exercise his/her independent due diligence and to keep students safe from physical or mental harm based. It is also the responsibility of the principal to ensure that the Charter rights of the students are protected while the students are at school.

4) I am a principal and my personal decision to keep CAS workers out of my school was overruled formally by the Board of Directors. What does this mean to me?

While no such circumstances have been known to occurred, should the Principal of a school refuse to allow CAS worker to enter his/her school but is afterward ordered by the Board of Directors to allow the CAS workers to enter the school, then the Principal of the school would likely have a reasonable personal defence against civil liability in the event of a lawsuit against the Board of Education. Should a principal allow a CAS worker to enter a school based on just the instructions of senior staff such as the Superintendent, then the Principal will likely still share personal liability in the event of a lawsuit as the Principal is supposed to be well aware of Section 265.(1)(m) of the Education Act and accept only official instructions from the Board of Directors. Principals who find themselves in a position where the Board of Directors has overruled their decision to keep CAS workers out of the school should be sure to obtain the Board's instructions in writing as in the event of a lawsuit, the Board may deny giving any such orders to the principal.

In some cases, principals may feel harassed and sometimes may even be threatened with their jobs by senior administrative staff into allowing CAS workers into their school. In this situation principals should not yield to pressure to not exercise their authority under Section 265.(1)(m) of the Education Act. In situations where principals are put under pressure by senior administrative staff then principals would be well advised to secretly audio record any conversations between

themselves and senior administrative staff for their own personal protection. Principals can sue the school board and the administrative staff members who attempted to pressure on the principal to allow CAS workers to come into the schools.

5) As a school board employee, is it lawful to secretly record conversations between myself and senior administrative staff?

In situations where school board employees may feel threatened or harassed by senior administrative staff over the issue of CAS workers coming into the schools or being involved at the schools it is legal to secretly record conversations with senior staff for one's personal protection. In this day of miniature digital recording devices it is very easy to do so. Recordings are also admissible in court in the event of a lawsuit by a school board employee against the Board as a result of the actions of senior administrative staff. Under the Education Act, Principals have the authority over the day to day operation of schools as it affects the students. Administrative staff should be questioning a principal or putting the principal under pressure to engage in actions which may affect students and which go against the Principal's personal judgement.

6) While acting in the capacity of principal, CAS workers have come to my school and attempted to put pressure on me to allow them to come into my school. What should I do?

Should a CAS workers come into your school and attempt to put pressure you into allowing them access to a child for the purpose of interviewing a child or for any other purpose, then it would be advisable to take a digital recording device out from your desk and put it out on your desk and then advise the CAS worker that you will be recording the conversation. Simply ask the CAS worker if he/she is registered with the Ontario College of Social Workers and then ask them to show you the specific clause in any Legislation that allows them to enter a school to detain a child without informed consent. Most principals will soon see how quickly the conversation ends and the CAS worker leaves the school. Most CAS workers are terrified of recording devices as most CAS workers know that they are working unlawfully and that no legislation exists which supports their demands to question children at their schools. CAS workers do not want to get caught saying the wrong thing on recording in case they get taken to court. It is not uncommon for CAS workers to lie in an attempt to deceive school officials.

7) I have heard that most CAS workers in Ontario are breaking the law by not being registered with the Ontario College of Social Workers. Is this true?

As unbelievable as it may sound to most school officials, the vast majority of front line CAS workers in the province of Ontario are breaking the law in Ontario and have been since the year 2000 when the Ontario Social Work and Social Services Work Act (1998) was passed into law on August 15, 2000 . The vast majority of CAS workers are simply not supposed to be in schools or working with families at all because they are simply violating the law. In order to engage in the practice of social work, CAS workers **MUST** be registered with the Ontario College of Social Workers and Social Service Workers. This is a requirement of the ***Social Work and Social Services Work Act (1998)*** which was passed into law on August 15, 2000.

Most CAS workers will deny that they need to be registered with the College of Social Workers and generally say that they call themselves "child protection worker" and that section 40 of the Child and Family Services Act allows them to come into schools. However, this answer is a deception intended to fool school officials. Section 40 of the Child and Family Services Act only refers to when CAS workers are coming into a school as part of an action to lawfully **APPREHEND** and

remove a student, not to just question a child. A close review of the Social Work and Social Services Work Act (1998) will reveal that CAS workers engaged in the practice of social work in Ontario must be registered.

The issue of the unlawful practice of social work by most CAS worker in Ontario was raised in the Ontario Legislature by MPP Frank Klees. Mr. Klees can be viewed on You Tube (shown below) making the statement that CAS workers “*are conducting themselves against the law*”. Mr. Klees statement about the unlawful activities of CAS workers can be viewed at 1:21minutes into the You Tube introductory video to the documentary, “Powerful as God – The Children’s Aid Societies of Ontario” at the link:

<http://www.youtube.com/watch?v=fRju2KIQvns>



The full length documentary, “*Powerful as God*” can be viewed at www.blakout.ca. This documentary exposes many of the abuses of children and families by the province’s private CAS agencies.

Comprehensive information about the unlawful practice of social work in Ontario by unregistered CAS workers can be found in the document titled, “*The unlawful practice of social work in Ontario by CAS workers providing services to the public under false pretences*” which can be downloaded from the Canada Court Watch website at:

[http://www.canadacourtwatch.com/files/all/The Unlawful Practice of Social Work.pdf](http://www.canadacourtwatch.com/files/all/The%20Unlawful%20Practice%20of%20Social%20Work.pdf)

8) Are there any circumstances which would give a children’s aid society worker the authority to enter a school to speak to a student?

The only time that a CAS worker would have the authority to enter a school to question a student would be in the following circumstances:

- 1) The CAS worker has obtained **prior informed consent** from the student if the student is mature enough to give his/her informed consent separate and apart of the parents.
- 2) The CAS worker has obtained the **prior informed consent** of the parents where the student may not be mature enough to give his/her own informed consent.
- 3) CAS has a court Order (judgement) **naming the school board as a party** in the action which orders school officials to grant CAS workers to enter the school to speak to a specific student.

Note: A court order against a parent which orders the parent to “cooperate” with CAS workers is still not sufficient legal grounds to allow CAS workers to enter a school.

In the case of #3 above, it is highly unlikely that any court of competent jurisdiction would issue such an Order as this involves Charter rights violations and potential harm to the child. At the time of writing of this document no such court order was known to have been issued in Ontario against a school board. Even in a case where CAS workers did obtain an Order to interview a student at his/her school, such a court Order would have no force if the child is mature enough to indicate to school officials that he/she does not wish to speak to a CAS worker at his/her school. Courts can and do make mistakes.

Even a judge cannot issue a court Order which in effect forces a child to be detained and questioned at his/her school. While theoretically a court Order could be issued granting the CAS worker the right to enter a school and to bypass the need for a parent’s informed consent, the student is still under no obligation to comply with the court order as the court Order would only allow the CAS workers to enter the school. No court Order can violate a student’s individual right to provide his/her informed consent prior to having contact or speaking with a CAS worker. Very simply, no student can be ordered to speak to or to disclose information to anyone which is why CAS workers often unlawfully use coercion, trickery, bribery and sometimes extortion during secret meetings at schools to get a student to say what the CAS workers want the student to say.

9) CAS workers claim that they get the authority to enter schools and to speak to students under the authority of the Child and Family Services Act of Ontario. Is this true?

There is absolutely no reference contained in Ontario’s Child and Family Services Act which gives CAS workers the specific authority to enter schools or any other institution for the purposes of detaining or speaking to a student without the prior informed consent of the student or his/her parents. No legislation exists which gives CAS workers this authority. The reason why no legislation exists is because no law can “force” a person, including a student in school, to be detained or interrogated. While Section 40 of the Child and Family Services Act does give the power for CAS workers to legally seize a child under the age of 14 (referred to as apprehend) from a school without a warrant, a legal apprehension still does not give the CAS worker the authority to engage the student in questioning at the school. An apprehension only allows the CAS worker to physically pick up the child and to take the child back to the CAS offices or some other place of safety. When a CAS worker does apprehend a child from school, the CAS workers must be able to justify why the child would be in imminent harm if allowed to go to his/her home after school.

10) If there is a suspicion that a student is being abused at home by his/her parents is it not a good idea for the student to be questioned at the school without the parents being informed first?

This by far, is the most significant misunderstanding which CAS workers and school officials rely on to support their belief that detaining and questioning a student at the school without the knowledge of the parents is acceptable. While the thought of a student being questioned first before alerting the parents does seem to make some sense, the mere suspicion of abuse or neglect does not give justification to CAS workers or school officials to violate the fundamental rights and freedoms of the student and/or the parents.

Protections guaranteed under the Canadian Charter of Rights and Freedoms take precedent above all else. Respecting the fundamental rights of persons is one of the very principles which are embraced

within the Rule of Law. A free and democratic society cannot exist without the Rule of Law respected. The Supreme Court of Canada has determined that officials, including police, cannot engage in actions which have the effect of violating a person's rights based on what is referred to as "speculative concerns". Any laws which do restrict the personal rights of persons are meant to be applied against those who commit criminal acts, not the victims of crimes.

It must also be remembered that just because CAS is conducting an investigation does not mean the student is being abused. Many CAS investigations are conducted as the result of false allegations, especially when parents may be involved in family court as a result of separation or divorce. It is widely known that CAS workers will fabricate information and will go so far as to perjure themselves in court documents to justify their intrusion into the lives of children and parents. It must also be remembered that CAS workers are considered just "private citizens" under the law.

Questioning students at their school without the informed consent of the student or the knowledge and informed consent of the parents is fundamentally wrong and in violation to the principles of fundamental justice. In addition, child protection workers are not properly qualified to interview students nor have child protection agencies adopted procedures which require their workers to audio or video record their interviews with children for accuracy purposes. The integrity of an interview with a student at school by child protections workers cannot be relied upon in this environment.

If school authorities and parents are willing do their jobs right and are properly educating the students about abuse and neglect, then students will come forth of their own free will and make a voluntary disclose. Under circumstances of voluntary disclosure the student would be considered as having enough knowledge to provide their informed consent to be questioned at school without the parents being informed. Even younger students will come forth on their own to disclose abuse if their teachers have properly informed them of what to do and to explain to them what steps are taken to make them safe after they report.

If a student does not voluntarily come forth on their own to make a report, then the only approach that can be legally taken is that either the child is lawfully apprehended and taken by CAS workers to be questioned or the CAS workers contact the parents and advise the parents that CAS workers have concerns which require that they need to interview the student alone at their offices.

11) As a teacher, do I have an obligation to "cooperate" or even speak to CAS workers when there is no court Order?

When there is no court Order made against the school board directly, school officials are under no obligation to "cooperate" with CAS workers in any way at all. All CAS workers are considered as ordinary citizens under the law and have no authority to tell any school official what to do. CAS workers are merely employees of the local CAS agency which itself is just a non-profit Ontario corporation with the mandate to protect children at risk of harm but within the limits of the law. All CAS workers must work within the limits of the law just like police officers or private investigators. Employees of a CAS have no more authority to tell school officials what do at schools without a court Order than do school authorities have to tell CAS workers what do at their places of work. The only obligation which teachers and school officials have is to report suspected child abuse.

When it comes to even speaking to CAS workers, school officials are under no obligation to speak to them. However, in the interest of assisting CAS workers in their work, teachers should provide information to CAS workers in a manner which is consistent with privacy legislation. In the event that CAS workers wish to obtain information from a teacher, then all exchange of information should be in writing. The CAS worker should simply be asked to provide their questions for school

officials in writing and the school official will respond in writing. Insisting upon written communication will reduce CAS involvement with school officials and ensure that CAS workers do not engage in a verbal smear campaign against the parents.

12) What harm can there possibly be to a student in allowing a student to be questioned by a CAS worker at the school?

Many teachers and school officials wrongly believe that allowing CAS workers to come into their schools to interview children is acceptable because CAS workers have told them so. However, throughout history there are countless examples of good people doing bad things to other people for what they believed at the time was for a good reason. In Canada, thousands of native children were forcefully taken away from their families by child protection workers and placed into residential schools where many children were beaten, abused and sexually assaulted. Yet most good Canadians at the time thought this was good for the children. During the Second World War, good German citizens drove the trains and kept them on time for those being taken to the gas chambers while believing that they were doing an efficient job as an employee of the train company. While neither of these examples are to be used as a comparison to the harm done by CAS workers in schools today, the examples given do show how easily even good people can be misled into doing bad things to others.

Today in these politically correct times, we now have a situation where teachers and school officials have been misled by CAS workers into believing that it is lawful to have children questioned in secret at schools by CAS workers who are literally breaking the law and grossly violating the rights of children and parents. Some of the negative consequences of teachers and school officials allowing CAS worker entering schools to question students in secret at schools are as follows:

- Violates the rights of students and their parents under Section 7 to 9 of the Canadian Charter of Rights and Freedoms. Once the schools engage themselves in violating the rights of students under the Charter, society has begun down the slippery slope where other fundamental rights and freedoms will be lost.
- Fosters disrespect for teachers and school boards. Most parents and children become angry at the teachers and the school board for allowing this.
- Embarrasses and humiliates the child which adversely affects the student. Many children report that after CAS workers have come to the schools to question them that they felt embarrassed and humiliated amongst their peers and their teachers.
- Labels the parents as bad parents. Just the involvement of CAS workers at the school often gets the parents labelled as abusive parents.
- Labels the child as an abused child. As soon as a CAS worker makes contact with a child at school many within the school will assume that the students is being abused by his/her parents.
- Exposes the child to the potential use of trickery, bribery, coercion and extortion by CAS workers. It is well known in the legal community that CAS workers often twist information and in some cases commit perjury in court about what children have said during secret meetings in school to suit the purpose of the CAS. Many children report being threatened and bribed at their schools by CAS workers during these secret interrogations. Some children report being taken out to lunch and given presents by CAS workers in order to extract information. Not only are these tactics unethical but unlawful.

- Places teachers and school officials at risk of lawsuit. No matter how school policies are worded, once a student has been detained at school with the assistance of teaching staff, the teachers involved and the school board are implicated in any wrongdoing that may occur between the child and the CAS worker during this “secret” interrogation with the student. Teachers and school officials could very well be taken to court for facilitating such an unlawful interrogation.
- Goes against the basic principles of accountability and transparency. No matter how one looks at it, taking children and leading them into a room at their school to be questioned by a CAS worker who is breaking the law and who refuses to maintain an audio or video record of the interrogation lacks reasonable accountability and transparency. These sorts of tactics have no place in Canadian society. Police electronically record their interviews with children, yet unregistered and unqualified CAS workers are being given unrestricted access by school officials to secretly interrogate children at their schools.
- Violates the principles of fundamental justice. Justice simply cannot exist in an environment where children are being secretly interrogated by CAS workers who are clearly breaking the law and in many cases take on an adversarial role against children and parents.

13) What should school officials do if a CAS worker wishes to physically examine a student at school?

Some school boards have written policies which talk about CAS workers being allowed to remove a student’s clothing and to physically examine a student at his/her school for bruises, etc. Without the “informed consent” of the parents or the child, examining a child is completely unlawful and a violation of the rights of the student and his/her parents. Not only are most CAS workers breaking the law by not being registered with the Ontario College of Social Workers but CAS workers are not qualified to conduct physical examinations of a student. Neither are school officials qualified to conduct a physical exam of a child for bruises. In addition, it must always be remembered that CAS workers are acting in a conflict of interest as the CAS agency they work for gets additional funding for every new case they open up so there is an incentive for CAS workers to “find” things that can be used against the parents in court.

14) What should school officials do when the local child protection agency asks the school to distribute a questionnaire for students regarding child abuse and neglect?

Some child protection agencies have been known to approach school boards and request that a questionnaire be given to students which indirectly deals with child abuse and neglect. Rather than obtaining information on the general issues of child abuse and neglect in these questionnaire forms, many of the questions ask students to describe their personal living situations at home as well as their personal relationships with family and relatives. Many of these questionnaires are part of a hidden agenda of the CAS agency to go on a “fishing expedition” to gather personal information without school officials realizing what the real purpose of these questionnaires or the implications on teachers or school officials. Parents in some jurisdictions have reported that CAS workers have come around to their homes and made surprise visits after their child filled out such a questionnaire at his/her school.

Schools should not allow their staff to be involved with any activity in which students are expected to disclose confidential information about their home life and personal relationships to outside parties without the “informed consent” of their parents. In fact, if such a questionnaire is not part of

the official published school curriculum, then such a questionnaire should not be distributed to students at all. Gathering information for an outside private agency in this way is much the same as having students being detained and interrogated by child protection workers in their school. Students in a class environment where they are being asked to answer a questionnaire of course feel compelled to participate because they are doing this at the request of persons having authority over them.

Gathering personal information about the family and then turning this private information over to the local privately owned child protection agency is a violation of the rights of the student and his/her parents. Some would say that this form of information gathering is akin to having students act as spies on their families. During the Second World War, Nazi Germany used similar tactics during its reign as part of its campaign to make children more loyal to the government than to their own parents. Educating students about child abuse and neglect in school is one thing but to use places of education as places to gather confidential information about students and their families is something totally inappropriate. School officials should not be allowing their facilities to be used as places for private interrogation.

15) What should school officials do if a child discloses abuse and then wants their teacher to help them during the process?

Some teachers have a very close and trusting bond with students. Some students may trust their teachers so much that they feel that they can disclose their most innermost secrets, including abuse outside of the schools. While this close relationship between a student and a teacher may be good and may encourage the child to speak to their teacher, this trust between the student and the teacher can be permanently destroyed once the CAS become involved. In all cases, teachers must avoid becoming advocates for their students and getting too closely involved in matters involving child protection.

The first problem is that legislation makes it a requirement that teachers report any reasonable suspicion which causes them to believe that a child is being abused. This of course puts the teacher in a position that anything the child says must be reported back to the CAS. This alone can destroy a once good relationship between a student and teacher. To avoid this, it would be advisable for teachers to ensure that students are told right up front that the teacher must report everything the students says to the CAS if it involves abuse. The teacher should inform the student that he/she has the right to remain silent. Getting this clear with the student from the beginning will help inform the students of his/her rights and gain the respect of the student.

Teachers are best to inform students who come to them in trust that they can speak with them but only on the condition that the teacher cannot maintain confidentiality of what the students may say.

Teachers who get too closely involved personally with their students affairs can be forced to testify in court. Not only can this put a lot of stress on the teacher but adversely affect the teacher's relationships with other students. Many students can become angry knowing that the teacher they went to for help disclosed everything they said to the CAS. It must be remembered that the first priority of teachers is to educate students, not to act as advocates for them in court or in child protection proceedings. Advocating for children is the job of advocates in the community who have the experience for this work.

16) What should school officials do if a child protection agency wishes to have its workers provide classroom instruction to students?

School Boards must be very vigilant about allowing CAS workers in their schools. Many children

whose families are involved with CAS feel uncomfortable with CAS workers in their school as this makes it appear to students as if CAS workers are friends of the teachers. Forcing students and their families to be confronted at schools by the same workers who may Children whose families are made to be subjected to intervention of CAS workers outside the school should not be force to face the same CAS workers in their school as well. If CAS agencies feel that there might be some information that children should be taught, then they should submit their suggestions to the Board of Education for approval and adoption into the official school curriculum which can then be taught by teachers. Under NO circumstances should school board be inviting CAS workers or their agents into schools.

17) What should school officials do if the Children’s Aid Society asks to have one of their workers stationed inside of a school?

Children’s Aid Society Agencies have been known to work deals out with school boards to have their child protection workers stationed inside of schools. In some cases, CAS workers have been given offices inside of schools to use as their own offices. CAS agencies may sell this idea to school boards by dressing it up as providing direct assistance to teachers in schools.

At first glance, the idea of having a free CAS worker at the school sounds like a good deal, but like with most free deals there is usually a catch. CAS agencies are not in the business of providing free services. CAS agencies get funding for every file they open and for every family they get involved with. Having a CAS worker stationed inside of a school puts CAS workers right at the source for new customers. In essence, CAS workers are using the schools as places where they can gather information about children directly and to seek out new sources of revenue for the CAS agency they work for. It is clearly a significant conflict of interest for CAS workers to be in schools. CAS agencies get money for each file they open so therefore there is a direct interest for the CAS worker at the school to identify problems with students so that CAS can get involved with the student’s family. Many CAS workers fabricate problems in order to open files on children and their families.

18) What should school officials do if a children’s aid society worker calls the school and requests to interview or question a student at school?

In the event that a school official gets a request from a child protection worker indicating that the CAS worker would like to interview a student at the school, the school official should advise the child protection worker that unless the decision has been made by the worker to legally apprehend a student or unless there is a court Order allowing the CAS worker to enter the school, then the CAS worker must be told to contact the parents of the student first and make the necessary arrangements with the parents to question the student. School officials should also tell the child protection worker that they should conduct any interviews off school premises as the school is not the most appropriate place for CAS workers to be conducting interviews with students.

If child protection workers want to speak to student to gather information about another student, the same guidelines must apply in that child protection workers must contact the parents and conduct their interviews off school property.

School officials must be aware that to detain any student for questioning by a CAS worker who is considered as a private citizen under the law, would violate the Charter Rights of the student and the student’s parents. No person has the lawful authority to detain someone’s child and to interrogate that child. This could result in both the school board and the individual school board employee being subjected to a civil lawsuit and/or criminal charges.

19) What should school officials do if a children’s aid agency worker calls the school and requests to take a student out of school for a short period of time?

As part of their efforts to secretly get information from students without the knowledge or consent of parents, CAS workers have been known to call the school and request to take selected students out of school without parental permission. In some cases, school officials are told this is simply to take the student out for lunch. In most cases, these “excursions” off school property are to get the student away from prying eyes of school officials and other students and to allow the CAS worker to gain the confidence of the student and to extract information about the student’s family from the student.

Under NO circumstances should school officials allow CAS workers to take a student off school property for any reason whatsoever unless the student is in the legal custody of the local children’s aid agency.

In most cases, CAS workers use these off-school excursions to befriend students and in some cases to engage in unlawful activities. Canada Court Watch has one video disclosure of an 11-year-old student who reported being sexually assaulted by the CAS worker in the worker’s van. There have been a number of cases reported where children have been sexually or physically assaulted by CAS workers. Allowing a student to leave school property with a worker from a CAS agency (who, again, is a private citizen) can leave school officials exposed to the most serious of consequences including a lawsuit against the Board and the school board employees involved. The consequences for the school board and its employees would be even worse should something unfortunate happen to the student while off school property with a CAS worker such as being involved in a motor vehicle accident in which the student was harmed.

20) What should school officials do if a child protection worker requests that school officials question a student or be present during questioning?

Children’s aid society workers have been known in the past to ask for school officials to be present when they interview a child at the school. CAS workers attempt to involve teachers, especially the first time they meet children at the school to influence the child into believing that the student’s teachers are giving their consent to the child protection worker to interview the child. It’s all part of the psychological game to gang up on the child at his/her school and to put the student in a position where he/she feels forced to answer questions in front of persons who are perceived as *persons of authority* in the eyes of the law.

When a student does something at the request of a teacher or school official such as obeying a request to go to a room to meet with a CAS worker, it is generally interpreted that the student has not given his/her informed consent to this action but is merely following the instructions of the person who in law is considered as a *person of authority*. Teachers and school officials who are in a position of authority over the child can be held liable for the consequences of the actions of the student if the actions of the student were undertaken without the prior informed consent of the student. First and foremost is that students should never be interviewed by anyone without prior informed consent of the student or his/her parents.

In the event that a school official gets a request from a child protection worker indicating that they would like school officials to question the student and informed consent has been obtained, the school official should still decline any such requests to participate. Once school officials directly engage themselves in such actions, they have become a direct participant in a child abuse investigation. Interviewing children is a specialized field with legal responsibilities which are

outside the mandate of the teaching profession. School officials who engage in any kind of questioning process at the informal request of a child protection worker may find themselves in court as witnesses. Teachers could also find themselves subject to a civil lawsuit if the questioning of the student is not conducted in a professional manner. Such intervention also puts the student's relationship with his/her teachers and school at risk and could potentially damage the student's trust in his/her school officials.

School officials must always remember that it is the role of child protection workers and/or law enforcement officials, not school officials, to conduct investigations into child abuse or neglect. School officials should also be aware that once they get involved with any kind of interview of a child, they become a direct witness and therefore can be forced to attend court and be required to testify on the witness stand. This can be messy and put school officials, students and parents in a situation where school officials and the school board can lose the respect of families in the community. School officials should never be a party to an interview with a student unless the student has previously asked for the help and support of the school official. CAS agencies and police have all the necessary resources to conduct questioning of children without getting school officials involved.

21) What should school officials do if a lawyer representing the parent of a student calls the school and requests to question a student at school or to obtain information about the student from the school?

On occasion, school officials may get a call from a lawyer representing one of the student's parents requesting information or to request an interview with a student or with teachers. If a lawyer representing one of the parents calls, it is usually done with the purpose to unlawfully obtain information from school officials which is then used against the other parent. Quite often these lawyers are of the belief that they can intimidate school officials, especially those who work for small school boards, into giving them information that will benefit their client in court.

Should school officials get such calls then the lawyers should be advised that no information can be released and that they should address their concerns in court. It is not professional for a lawyer to be making personal calls to any school without a court order against the school board to that effect. If the lawyer is persistent, the school officials should tell the lawyer to call the lawyer for the school board.

22) What should school officials do if the student's lawyer calls the school and requests to question a student at school or to obtain information?

Another situation which may arise may be a request by a lawyer with Ontario's office of the Children's Lawyer claiming that they are the lawyer representing the student in a family court matter and that they wish to speak to the student at the school. School officials should provide the same response to workers from Ontario's Office of the Children's Lawyer as they do to child protection workers and to have their meetings with the student conducted off the school property. Schools are not the places for lawyers to be meeting with their young clients unless informed consent has been obtained beforehand.

All that a meeting at school does is to draw attention to the student, violate the student's privacy at school and in most cases embarrasses the student in front of his/her peers and teachers. School officials should also be aware that students who may have a court appointed lawyer may have been assigned this lawyer without their informed consent. These lawyers generally are forced upon the students at the insistence of other lawyers in court. A vast number of children who are appointed

lawyers from Ontario's Office of the Children's Lawyer report unsatisfactory service from these taxpayer funded lawyers. Some children have reported that their Ontario Office of the Children's lawyer have lied to the court about what the children have said to their lawyers. Video testimony from children and parents can be found on the internet. Examples of testimonies about the harsh and unlawful activities of CAS workers can be found at:

<http://www.vimeo.com/1323226>

<http://www.vimeo.com/1112830>

<http://www.vimeo.com/28034150>

<http://www.vimeo.com/23978011>

23) What should school officials do if local police call and indicate that they want to question a student regarding a child protection matter

The same rules and considerations apply to police as do to child protection workers. Police cannot detain or question a student for the very same reasons that child protection workers cannot detain a child at the school without prior informed consent.

About the only time that police can detain or question a student would be if the student is suspected of being involved in some sort of criminal activity or is a witness to a crime, but even in that situation, the student's parents must be contacted first and the student given the opportunity to have a parent or legal representative present with the child when the child is to be questioned. In matters of child protection, police have authority to conduct an **apprehension** in the same manner as a child protection worker can under Section 40 of the Child and Family Services Act but they must exercise this authority by a formal apprehension before they are allowed to detain a student. Again, even in the case of an apprehension, detaining a student does not give anyone the rights to interview a child at his/her school without the informed consent of the parents or student.

24) What should school officials do if a children's aid society worker shows up at the school with a police officer and asks to interview a student relating to child protection matters?

Some parents and students have reported that CAS workers have shown up at their school with a police officer to question a student without informed consent. Unfortunately, school officials often comply with the request of the CAS workers when there is a uniformed police officer present. CAS workers may at times ask for the assistance of a uniformed police officer to accompany the CAS worker for the purpose of giving the appearance that their activities are lawful. When a CAS worker appears at school with a police officer, school officials are misled into believing that the CAS worker is working jointly with police and has the endorsement of police to question the student. The use of police officers is often used as a form of intimidation by CAS workers in order to gain the cooperation of school officials while the CAS workers conduct their often unlawful and unethical activities.

In most jurisdictions, police officers do not understand that CAS workers have no more authority than do police to go into a school and to detain and question a student. Generally, police officers go along with the instructions of CAS workers out of the belief that they must do as CAS workers tell them to do. Even most police officers do not realize that CAS workers are breaking the law. If anything, police officers should be telling CAS workers to get out of the schools.

Should a CAS worker show up at a school with a police officer then both should be told to provide

either a court Order or proof of prior informed consent. If neither of these documents can be produced then the CAS worker and the police officer should be denied access to school property. Under the law, school property is considered as private property and a warrant from the court is required to enter private property.

25) What should school officials do if a student reports that he/she is of the opinion that another student at the school is in need of protection?

Should a student approach school officials with a report what they feel another student is in need of protection, then school officials should assist that student to make a report directly to the CAS. Remember, information through a third party is considered as only hearsay, so primary responsibility of reporting should lie with the person who is most aware of the circumstances. If school officials are doing their jobs right, even those students who are reporting abuse involving another student, will be aware of what the process involves. The main responsibility of school officials is to guide the student making the report to call the CAS. Once school officials have confirmed that the reporting student has contacted CAS, then questioning of the student by child protection workers should be done off school property. Under no circumstances should school officials begin any sort of investigation with the student who is the subject of the alleged abuse or neglect.

26) What should school officials do if a child protection worker calls the school and advises that they are coming to apprehend a student?

In the event that a school official gets a call from a child protection worker, indicating that the child protection agency wishes to apprehend a student, the school official should first request that the apprehension be conducted away from the school if at all possible to minimize the harm to the child.

NOTE: School officials should also be aware that students who are 14 years of age or older cannot be physically apprehended by CAS workers without a official court Order specifically authorizing the teen to be physically apprehended by CAS workers or Police using force if necessary. This includes even students who may be Wards of the CAS and living in care of the CAS.

With the full power and authority of the law and the police at their disposal, there is absolutely no reason why child protection workers cannot apprehend students outside of the school environment in order to avoid all the disruption and harm to the student that this causes at the school.

In the vast majority of cases, apprehension of students at their schools is not really required but often done deliberately by child protection authorities for the purpose of convenience and also to make the student and his/her family look bad in the eyes of school officials and to the student's peers.

If CAS workers call and say that they are going to come to the school anyway, then ask for the CAS to send an official notification by fax of their intent to apprehend the student at the school. School officials cannot interfere with a lawful apprehension but at the same time cannot be directly involved with detaining the student or apprehending the student. If CAS workers indicated that they have an Apprehension Warrant, then the CAS workers should bring the Warrant and provide a copy to school officials when they come to apprehend the student.

When the CAS worker arrives at the school, if the worker is not known to school staff, then the school staff should check the identity of the person claiming to be a CAS worker by also calling the

CAS offices to confirm that the worker was sent to the school for the purposes of apprehending a student. All CAS workers should carry some form of photo ID. Next, summon the student to the office to meet the CAS worker. The school official should first explain to the student that the CAS worker has come to apprehend them and that under the law, the school cannot interfere. Reassure the student that it is OK to go with the child protection worker. Advise the student that the school will call the parent to advise them of the apprehension. Immediately, attempt to contact the parents to advise them that their child has been apprehended. The CAS worker should introduce herself/himself to the student and let the student know where they are being taken and why.

In all instances, school officials must immediately notify the parents even if the CAS workers instruct otherwise. While school officials cannot impede an apprehension, school officials do have a fiduciary responsibility to notify the parents once care and control of the child has been taken away from them by another third party which in this situation would be the CAS. There is absolutely no authority in law which gives CAS workers the authority to instruct teachers and school administrators not to call the parents if their child has been taken from his/her school.

School officials DO have a fiduciary responsibility of notifying the parents as there is an implied understanding between the school and the parents that when their child goes into a school that school officials have the responsibility to care for the child at that school. School officials have an implied duty to the parents under the law, not to the CAS or its workers.

27) What should school officials do if a student refuses to leave the school with a child protection worker during a lawful apprehension?

No matter what the age of the student, if a student refuses to voluntarily leave the school with the child protection worker during an official apprehension, then school officials should not participate in any physical way such as physically holding or forcing a student into a child protection worker's vehicle. This will only cause harm to the child's relationship with his/her teachers and school. Only a child protection worker or police officer has the legal authority to apprehend a student using force and even then force can ONLY be used during a legal apprehension. It is up to the child protection worker to call police for assistance or to have police come with them to the school if trouble with the student is anticipated. At no time should school officials use force or the threat of force at any time.

Another point which school officials should be aware of is that once a child reaches the age of 14, no person, including a CAS worker or police officer can use force against the child without a warrant from the court which specifically gives the authorities the authority to use force against the student. Such a situation would be extremely rare and likely used only in cases where a student may be at serious risk of physical harm to himself/herself.

28) Are there situations in which it would be acceptable for a student to be questioned at school by child protection workers?

The only time that questioning a student at the school would be acceptable would be in a situation in which the student approached school officials on his/her own initiative and made a voluntary disclosure of abuse and made it clear to school officials that they were afraid of their parents and wanted help from outside sources and were willing to speak to child protection workers at the school. In such a situation, the child should be coming forward to disclose abuse and indicate a fear of disclosure to his/her parents. This condition would meet the criteria for informed consent

In regards to child protection workers coming into a school to question a student without informed consent, there is no reason whatsoever that would justify a student being detained and interviewed

at his/her school. Involving the school in any way creates a potential embarrassment for the student and his or her family (which is a violation of their rights) plus it ties up valuable school resources and staff time. Should a child protection worker feel that they need to interview a student, all they simply have to do is to call the parents and arrange to have the parents bring the student to CAS facilities to be interviewed after school. Child protection workers can also meet with a student at his/her home.

If the child protection worker feels that the parents may not be cooperative or should the worker feel that the student is at risk of imminent harm, then the child protection worker should exercise his/her authority to legally apprehend the student and to take the student to CAS offices. This will ensure that the due process of law is followed and that the action of the CAS workers can be scrutinized by a court of law. Even if the child protection worker tells the school official that the parents are not cooperative (which CAS workers should not do), this does still not give CAS workers the lawful right to question a student at his/her school.

29) What should school officials do if a children's aid society worker asks for the student's school information?

Unless there is a court Order made against the school board itself (not the parents), all information about a student contained in school records is confidential and must not be given to a CAS worker without the proper release forms being signed by the parent or guardian. No verbal information should be given as well about the student's record at school as well. CAS workers have no more authority to ask for information about information in a student file than does anyone off the street. This is covered under Section 266 of the Education Act which is shown below.

Pupil records privileged

[266.\(2\)](#) A record is privileged for the information and use of supervisory officers and the principal, teachers and designated early childhood educators of the school for the improvement of instruction and other education of the pupil, and such record,

(a) subject to subsections (2.1), (3), (5), (5.1), (5.2) and (5.3), is not available to any other person; and

(b) except for the purposes of subsections (5), (5.1), (5.2) and (5.3), is not admissible in evidence for any purpose in any trial, inquest, inquiry, examination, hearing or other proceeding, except to prove the establishment, maintenance, retention or transfer of the record,

without the written permission of the parent or guardian of the pupil or, where the pupil is an adult, the written permission of the pupil. R.S.O. 1990, c. E.2, s. 266 (2); 1991, c. 10, s. 7 (2); 2006, c. 10, s. 35 (2, 3); 2010, c. 10, s. 18.

Source: Education Act (current as of October 28, 2011)

School officials should also ensure that should a child protection worker call the school, that the worker be asked if they are a registered social worker. Only those who are registered as social workers in the Province of Ontario are authorized to engage in the practice of social work. Conducting an investigation is considered as engaging in the profession of social work. While refusing to disclose information to CAS workers may seem uncooperative, CAS workers do have tools at their disposal to easily obtain this information lawfully through proper legal channels. Teachers and school officials should exercise due diligence to ensure that CAS workers are working within the law.

30) What should school officials do if a children's aid society worker asks to speak to school officials about a specific child at the school when there is no court Order?

Should a child protection worker call the school and request to speak over the phone or in person to teachers about a specific child, then school officials should simply advise the CAS worker to provide his/her questions to the school officials in writing and that a response will be provided once the questions have been received and reviewed.

Unfortunately, these meetings between CAS workers and teachers end up doing a lot of harm to the child and his/her family. In many cases, CAS workers will disclose information to the school teachers in such a manner to gain the support of the school officials. It has also been found that CAS workers have misquoted school officials in court documents in a deliberate attempt to make the family look bad in court.

School officials must be wary of their obligations to minimize the risk of harm to the student who may be the subject of questions by a CAS worker. Below are some tips to minimize the risk of potential harm to a student:

- **Any exchange of information between child protection workers and school officials should be in writing only. There should be no need for personal contact between CAS workers and school officials.**
- **At no time should the contents of school records be provided to the CAS workers without the consent of the student (16 or older) or the parents if the student is under the age of sixteen.**

31) Should CAS workers be disclosing the nature of their concerns about the student's family to school officials?

Under no circumstances should a CAS worker disclose ANY information about problems or suspicions related to a student or the student's family to any school official. Unfortunately, many child protection workers disclose information to school officials hoping to gain the sympathy and support of school officials but this is very unprofessional and in fact in violation of the privacy rights of the student and his/her family. Many CAS workers discuss confidential information during meetings with school officials in which information is exchanged verbally with no record of what the CAS worker has said to influence the school official.

School officials must also be wary about what child protection workers tell them as it is not uncommon for child protection workers to distort the truth and in some cases fabricate totally false information in order to present a false picture of the student or his/her family. Claims of child protection workers twisting the truth and committing perjury in court documents are rampant in the courts today.

Violations to privacy laws and fabrications by CAS workers can be eliminated if school board employees insist that any and all communication and exchange of information between school officials and CAS workers be on the record and in writing only.

32) Are there any situations which would justify a school official physically detaining a child at school when a parent is not present?

There are a few situations which would justify a school official detaining a student with none of them having anything to do with a child protection agency. These situations generally involve the physical safety of a child being at clear and imminent risk. Below are a couple of examples of

when it may be considered justifiable to detain a student for his/her own safety.

Situation #1 - Dangerous weather conditions

Should dangerous weather conditions become apparent such as hail, snow, tornado, hurricane, flood etc. and it would appear that allowing the student to go outside of the school may be placing the student at risk of harm, then it would be reasonable to detain the student and keep the student in the school. However, if a parent shows up to take the student out of the school, then the school official must turn the child over to the lawful parent as the decisions relating to the safe care of the student now becomes the parent's.

Situation #2 - School is in lock down mode

Sometimes schools go into what is referred to as a lockdown. This is usually due to some imminent perceived threat such a person with a weapon near the school or reports of a stranger in the school. In lockdown mode it would be considered acceptable for the child to be detained in the school until the lockdown ends. Lockdown mode is usually due to something criminal occurring on school property.

In the above two examples, the risks to a child are reasonably known and understood by school officials and without a doubt, the outcomes of the detention certain.

33) Are there any situations which could justify a school official physically detaining a student from being released into the care of a parent?

Situation #1 - Parent arrives at school impaired due to alcohol or drugs

While extremely rare, should a parent or person having lawful care of a young student arrive at the school in an obviously impaired condition because of alcohol or drugs and it would appear that the caregiver is not in a state of mind to take safe control of the student, then the school official could be justified to detain the student although it would be appropriate to call authorities to deal with the situation. While detaining a student may still technically be a violation of the law, charges would not likely be laid if sufficient evidence was to show that the parent was not capable of providing appropriate care for the student.

In such a situation, the school official should first tell the parent that they feel that the parent is in no condition to take control of the child and then ask the parent to make alternate arrangements to pick up the child. At this point the school official has still not detained the child but has in effect requested the informed consent of the parent to leave the care of the child with the school official. Hopefully, the parent can be convinced to have someone else come to take charge of the student.

Should the parent say no and demand that the student be released into his/her care, then the school official could refuse and detain the student from going with the parent. If there is any possibility of the situation turning violent than school officials could allow the student to leave with the parent but then immediately call police to the scene. Police have the authority to apprehend the child legally and under such circumstances will likely respond quickly. In all cases, it is better to avoid any direct confrontation at the school.

While technically the school official is violating the rights of the parent, individual rights can be violated to protect the individual rights of another person. In this case, the student has the right to security of his/her person and therefore when a school official intervenes in such a situation, the school official is in effect protecting the rights of the children. No court would rule that a parent's

rights were violated in this scenario. When the parent is intoxicated it poses a clear and imminent danger to the student.

Should any parent arrive at school to pick up a student in an obviously intoxicated state of mind, this should be interpreted as a sign of potential abuse or neglect and should be reported to the local child protection agency. Any parent who would show up at their child's school in such a state is clearly not making choices which are in his/her child's best interest.

Situation #2 - Parent attempts to pick up student when there is a court Order which specifically forbids this.

Although extremely rare, a court Order may exist which **specifically states that a specified parent cannot attend the school where his/her child attends.** Providing that school officials have a copy of this court Order on file at the school, school officials may be justified in preventing a student from being released into the care of a parent who has such a court Order against him/her. While this action may still be considered as technically and unlawful detention, it would be extremely unlikely that the school official would be charged or prosecuted in such a situation if in fact the court order was current and valid.

It must always be remembered that enforcing court Orders is the role of the courts and law enforcement officials, not school officials so even in this situation it would still be best for school officials to release the child to the parent and to advise the parent that the school is compelled to call the other parent immediately and to inform them. Should the parent still take the child under these circumstances then school officials should immediately contact the other parent or lawful guardian of the student.

The age and maturity of a student must also be carefully considered. If a student is mature (generally over the age of 12) and the student clearly appears to want to go with the parent who has come to pick him/her up, it would not be wise for school officials to intervene in such a situation even if a court Order is believed to exist. Sometimes court Orders are old and do not reflect the current situation where a child is mature and aware of their personal safety. In many cases, hostile-aggressive parents may attempt to engage school officials to help them keep the child from seeing the other parent, not because of any real risk to the child, but because of their compulsion to exercise power and control over the child and over the child's other parent.

This situation must not be confused with the situation in which a parent has access to a child at specific times. Any parent of a student who has some form of access to the student at school, even if the times are specified, has the right to have contact with their child at school, even if this is not their scheduled time to be with the child. Access times normally specified in most family court orders for a specific parent are the times in which that parent has priority with the child over the other parent. Access times specified in a court Order do not, however, eliminate the general rights of parents or children which are protected under the Charter of Rights and Freedoms. **Parental rights, unless specifically removed by a court Order, apply at all times.**

34) What should school officials do if police call the school and request to speak to a student regarding a criminal matter which occurred outside of the school?

Although very rare, it is possible that school officials may get a request from a police officer to interview a student at the school regarding some trouble that the student may be suspected of being involved in or a witness to outside of the school. This situation is rare because most police officers are trained to understand what "informed consent" means and to know that they cannot speak to a

student without the informed consent of parents first or without the student being given the option of having a lawyer present.

While the police can make a request to question a student at school, it is highly unlikely that police would do so if they were to know that such a request would go against the general policies at the school. School officials should request that police do their questioning of the student off of the school property. The main reason for this is that significant emotional harm can be done to the student as a result of such interventions at the school. Police have the authority to question a student at his home or outside of the school so this should always be the preferred option. It is always best that students feel that their schools are a place of safety from the stress arising from issues outside of their schools.

Permitting police to come to the school to question a student at school for unlawful activities committed while on school premises would be acceptable situation in which to allow a student to be questioned at the school. Students who engage in unlawful activities at their schools lose their right to privacy at school. Allowing police into schools to investigate unlawful activities at the school has some benefits in that some of the other students will see that school officials do take appropriate action against those students who do not conduct themselves within the standards of behaviour as set down by their school. While it is important that students witness law enforcement officials doing their jobs professionally, students must also see that law enforcement professionals respect a student's right to privacy at school should matters under investigation not involve school issues.

35) What should school officials do if one parent calls the school and advises that they want the school not to allow the other parent to see the child during school hours or to be involved with activities at the school?

Schools often get requests from separated parents who are in the midst of a family court matter and who have been appointed as the custodial parent or primary caregiver parent requesting the school to prevent the other parent from being involved with their child at school. Unfortunately, most of the requests by parents to exclude or to limit another parent's contact with the child at school are motivated by an inability of the parent making the request to act in their child's best interest.

Unless, there is a court Order which specifically states that a parent cannot see or have contact with a student at the school, then school officials must treat both parents equally and to not interfere with any reasonable request by any parent to see their child during or after school. Such contact may include:

- Taking the student out of school during lunch periods
- Visiting with the child after school
- School trips
- Working as a volunteer in class

While a parent having primary care or custody of a child gives that parent priority over the child at certain times in accordance to the parenting schedule, this does not mean that the custodial parent has the right to order school officials to interfere with the rights of the child to spend time with the other parent during times when their child is attending the school.

It is important that school officials be neutral and not take sides in issues between parents. In most cases, students want both of their parents to be involved at schools and want both of their parents to be treated equally by school officials. Should school officials get themselves involved by

supporting one parent's request just because that parent is the custodial parent then school officials risk losing the trust and respect of the student involved.

If the custodial parent wishes to exclude the other parent from involvement with the child at school, then the custodial parent must go to court and obtain a court Order to that effect. This forces the custodial parent to explain to the court why such an order is necessary to exclude the other parent from the student's activities at school. Rarely, will courts issue such an order because it is widely recognized by most professionals that the involvement of a parent at their child's school is in the child's best interest.

36) What should school officials do if one parent calls the school and says that they want their child interviewed by CAS workers at the child's school in regards to child protection concerns involving the other parent?

In some cases, schools may get a request from custodial parents who are in conflict with the non custodial parents of students requesting school officials to have CAS workers question their child at the school.

School officials must exercise extreme caution in these circumstances. In many cases where parents are separated, it is not uncommon for one parent to deliberately try to drag school officials into their personal conflict with the other parent by discussing their allegations with school officials and then getting the CAS involved. Once school officials get involved, the parent can force those school officials involved to appear in court to provide testimony. Getting school officials involved in such disputes is one of the signs of a hostile-aggressive parent (HAP). In many cases, the real reason why these parents attempt to get school officials involved is to make the other parent look like a bad parent and to get school officials to take sides with them in their personal vendetta against the other parent. Many parents have been known to coach their children to tell school officials lies which will then get school officials in a position where they can be forced to attend court.

In such situations, school officials should not allow themselves to get dragged into the conflict between parents and to simply advise the parent to deal with their issues outside of the school and to discuss their issues directly with the local CAS agency. Parents should be advised that any interviewing of the student should be done off school property. There are plenty of private counsellors and other professionals where parents can go for this kind of service.

This neutral hands-off approach by school officials when parents are in conflict will help to ensure that the parents who may be the subject of allegations are not alienated from the school and also ensure that the students do not feel that school officials have taken sides against one of their parents. In such circumstances, principals should exercise their sole discretion to keep CAS workers out of the school and advise parents to have the student questioned somewhere else other than at the school.

37) What should school officials do if a student advises school officials that he/she does not want child protection workers coming to the school to have contact with them or to speak to them?

In some cases students may advise school officials that they do not want child protection workers coming into their school to speak to them. In fact, one of the first questions that a school official should ask a student who has disclosed abuse is whether the student wants CAS workers to come to the school. Once a child is mature enough to express their wish not to meet with CAS workers at the school, this should be considered as the student refusing to give his/her informed consent to meet with child protection workers. Under such circumstances, school officials must respect the

student's wishes and insist that child protection workers make arrangements to interview the student outside of the school. Any action by school officials to get a child to change his/her mind could be deemed as applying "undue influence" and should be avoided.

The key point to always consider is that "informed consent" must be obtained first and once a student is mature enough to refuse their consent, then their wishes must be respected. If a student is considered as being too young to give his/her informed consent then school officials must get informed consent from a parent. Unless CAS workers have a court order or come to the school to lawfully "apprehend" a student, school officials must refuse access to the student by CAS workers if the student indicates that they do not want CAS workers meeting with them at school.

Cease and Desist forms to prevent CAS workers from contacting student at school

To help ensure that the rights of students are protected at their schools, community groups have come together and have developed a "Cease and Desist" form for parents and students to submit to the school or school board. Copies of these forms can be found at the end of this document. Once a student or a parent has filed a "Cease and Desist" form to the school or to the board of education, school officials should take immediate action to ensure that CAS workers do not contact the student at the school. Once the form is in the hands of the Board and principal it is likely that serious legal liability will fall on school officials should CAS workers be allowed to enter school property to either detain or speak to a student who had submitted this form or had a form submitted by a parent.

CAS workers should not even be allowed in the school for educational purposes once the forms have been signed. A CAS worker who may be working with a particular family may accidentally come in contact with one of the students where a form has been signed. This is one of the problems caused when CAS workers get involved with both child protection and going into the schools.

In an attempt to mislead school officials and parents, some CAS workers have tried to claim that these "Cease and Desist" forms are not legal and have no force because the child is not 18 years of age and not old enough to sign. This approach by some CAS workers is totally without foundation and only another example of how CAS workers try to twist information to mislead school officials. While a person under the age of 18 may not be able to enter into a binding legal agreement, the informed refusal forms do not constitute a legal agreement between two parties. The informed refusal form is simply a signed instruction to put School Board officials on notice that they must fulfill their fiduciary responsibility to protect the Charter rights of the student from the unlawful activities of CAS workers while students are in their school or school officials will be legally held accountable. There are no protections for school officials who are found responsible for allowing the Charter Rights of students to be violated.

For more information on the forms school officials may check out this link on the Canada Court Watch website:

[www.canadacourtwatch.com/files/all/Request for non interference at school by CAS workers.pdf](http://www.canadacourtwatch.com/files/all/Request%20for%20non%20interference%20at%20school%20by%20CAS%20workers.pdf)

38) What should school officials do if CAS wants to have supervised access between a child and a parent conducted at the school?

There have been some confirmed reports where CAS workers have arranged to have supervised access visits between a child and a parent conducted at the school. In this scenario the CAS worker attends the school and observes the child meet with the parent in a room. The CAS workers claim that conducting these supervised access visits are good being done at the school as the child is in an environment which he/she is comfortable. However, this is not the case at all.

Interviews with children have shown in the vast majority of cases that any form of involvement by CAS workers at the school causes direct emotional damage to the child and in many cases affects their grades and social attachments with their peers. Most students who have CAS workers come to their school do not like CAS workers coming to their schools. No matter how discreet CAS may attempt to conduct a supervised access, most students and teachers will know that the student and the parent involved are different from the other children and parents.

School officials should oppose any form of supervised access at a student's school. Schools are supposed to be a place of learning where a student feels safe. There are many other options available to facilitate supervised access between a child and a parent in the community. CAS workers simply do not belong in schools.

39) What should school officials do if CAS workers want to interview students who are "Wards" of the CAS?

When a student is a "Ward" of the CAS, technically the CAS is the student's parent. Under such circumstances CAS agencies should be treated no differently than any other parent. Schools do not generally allow parents to come into their child's school to use school facilities to question or to discipline their own children so neither should school officials allow CAS workers to use school facilities for this purpose. CAS workers can easily interview their own "Wards" at their foster or group homes or at the CAS offices. Many CAS workers use school facilities to interview their own wards, not out of necessity but as part of the overall objective to isolate students from any perceived source of support and to deceive students into believing that CAS is an integral part of the school system. CAS workers want students to believe that the school is on the side of the CAS and that school is not really a place of safety for the student. Students being abused while in care of the CAS are less likely to tell their teachers about being abused by CAS workers if the student feels that the CAS and the teachers are working together at the school.

40) What should school officials do if there is a conflict between published school policies and procedures and the rights and freedoms of children and parents?

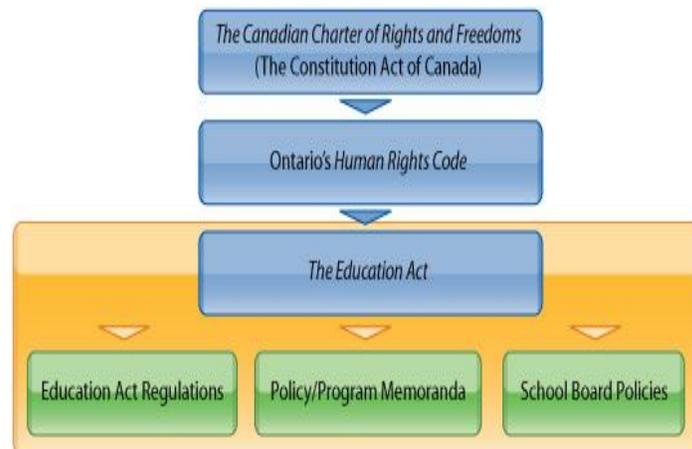
When faced with a situation in which published school board policies and procedures conflict with the rights and freedoms of children and parents, school officials must remember that school board policies are only policies and cannot override the law. School board policies have been known to be wrong and illegal. Even the instruction of a senior school official such as a Superintendent cannot go against the Charter of Rights and Freedoms.

No matter what school board policy says, each and every teacher must exercise their own independent due diligence and respect prevailing laws and the rights and freedoms of students and parents ahead of any school board policy. No matter what school board policy may state in writing, teachers and school officials can be taken to court and sued in civil court for violating the rights and freedoms of students and parents if it can be shown that the teachers were in possession of information which would have reasonably shown them that school board policies are not in compliance with the laws. Ignorance is no excuse for violations to the law, especially for teachers who are supposed to be teaching students about the Canadian Charter of Rights and Freedoms.

Tragically, many teachers, school officials and child protection workers do not understand the Charter and the inherent rights which it guarantees to all Canadians, including students. The Canadian Charter is supreme and ranks above all other laws, procedures and protocols. No policy or procedure implemented by a school board or a child protection agency which affects the fundamental values of the Charter can be written in a manner which has the effect of conflicting

with the Charter. School officials and child protection workers, while acting in their official capacity, cannot engage in any action which causes the Charter rights of any individual to be infringed upon. Unfortunately, many school boards and teachers have forgotten about the importance of the Canadian Charter of Rights and Freedoms.

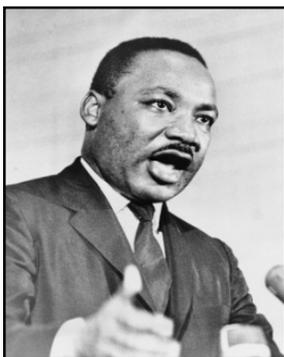
The diagram below shows the various levels of law and policy that govern the public education system in Ontario and how they rank to each other. The Canadian Charter of Rights and Freedoms outranks all, including the policies of School Boards.



School officials must put their personal conscience above school policy

Teachers and school officials must act on their own conscience and then bring to the attention of their school board, any policy or procedure which is not consistent with the laws of the land with the provision of the Canadian Charter of Rights and Freedoms being ranked supreme above all other laws and school board policies.

Teacher unions must oppose the involvement of CAS agencies in schools not only because it violates the rights and freedoms of children and parents but it also puts teachers at risk of lawsuit and interferes with the education of students. Teachers **must** exercise their own due diligence and to disobey any school board policy which clearly is inconsistent with the law or violates the rights and freedoms of students. Teachers and school officials must be willing to stand up and challenge their employer. One of the world's most notable and respected civil rights leaders, Dr. Martin Luther King, once stated:



“An individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law.”

41) CAS workers have a court order against the parents which orders that the parents “cooperate” with the CAS. Can this court Order be grounds for allowing CAS workers to come into a school to interview a student?

In some cases, parents may have been coerced into signing consent court orders which contain a very vague condition which states that parents are to “cooperate” with CAS workers. Such conditions in a court order are worthless and from a legal perspective easily challenged. The Supreme Court of Canada has determined that court orders cannot be so vague that they can be misinterpreted in any way which may violate another law or violate a person’s rights under the Charter of Rights and Freedoms. Unfortunately, in the real world of the family court where many of the lawyers and judges know the procedures but have lost sight of the law, such flawed and meaningless orders are often produced with nobody really thinking that such conditions in the court Order are invalid.

In order to fool people, CAS lawyers often sneak in the “cooperate” clause in agreements and orders. At first glance when in the heat of court matters, the condition of “cooperate” looks harmless and escapes the scrutiny of most judges. However, once this clause is included in an agreement or court order CAS workers know that most parents afterwards will feel obligated to do anything that CAS want them to do, even if it is unlawful or unethical. CAS workers will often tell parents that if they don’t “cooperate” with CAS workers as outlined in the agreement, then the court will take action against them. This of course is a veiled threat to scare parents into submission and to voluntarily give up their rights and freedoms.

In spite of such a condition in any agreement or court order, parents and children are within their legal rights to submit the “Cease and Desist” forms to school officials and to submit the “Notice of No Trespassing” forms to CAS officials. If CAS workers attempt to claim to the court later on that parents are not being “cooperative” then the parents only have to bring it to the attention of the court that the Charter Rights of parents and children cannot be violated by such a vague order. Arguments (such as the videos on Canada Court Watch website) outlining the harm done to children at their schools can be presented to the judge. It is highly unlikely that any competent judge will tarnish his/her record by ordering that children to be questioned by CAS workers at schools, once the arguments have been properly brought before the court.

In some cases, when CAS workers are aware that parents are on to the tricks of the CAS, workers will take a copy of the court Order or agreement to the school and show this to the principal. They will try to convince the principal of the school that CAS workers have the right to come into the school in spite of the “Cease and Desist” forms being submitted because of the condition which requires that the parents “cooperate”. This is only another deception that CAS workers may use to trick school officials. In spite of any court Order or agreement, schools are under no obligation to obey a court order which is against a parent nor can school officials be a part of the enforcement of a court Order made against another party. . Faced with being served with a “Cease and Desist” form school officials must obey the “Cease and Desist” forms first as any court Order or agreement against parents regarding “cooperation” does not apply to the school board.

If the CAS workers want to enter a school to interrogate a child then they must go to court and to seek an order directly against the School Board to force the Board to become a party to enforce such an order. No judge in his or her right mind would ever grant such an order as such an order clearly violate the Charter rights of parents and children. No judge would want to be made the laughing stock amongst the legal profession for making such an order.

42) Can school officials be held personally liable for violating the rights and freedoms of children and/or parents as a result of allowing CAS workers to conduct unlawful interviews of children at their schools?

All school officials are individually required to exercise “due diligence” and to be aware of their fiduciary responsibility to students and parents at all times. School officials are also expected to be familiar with laws which may apply to them and their students in a school environment. School officials who participate in or contribute to the violation of the rights and freedoms of children or their parents can be the subject of a civil lawsuit in addition to the criminal aspects of such infringements.

It is of utmost importance for school officials to exercise due diligence and make themselves fully aware of the law and any policies which their employers may have in place concerning child protection issues involving students at schools. When drafting policies for school board employees, school board trustees must exercise due diligence to ensure that policies do not conflict with various other pieces of legislation such as the Canadian Charter of Right and Freedoms or the Criminal Code of Canada.

School officials should also be aware that there is also no statute of limitations on either criminal or Charter violations so it is possible for a child or a parent to launch a criminal or civil suit at anytime in the future against a teacher or school official. It is not uncommon for children to launch lawsuits when they turn 18 years of age which could result in school officials being served court documents even after they have entered retirement and no longer working for a school board. Examples of similar lawsuits include those against church officials who were found to have abused children when they were young or who permitted such abuses to continue when they had knowledge of the abuses going on. The residential school fiasco involving native children is another well published example of lawsuits occurring years after the damages had occurred.

43) What can school officials do to help protect the rights of students from abuse by the child protection system itself?

There are a number of actions that school officials can take to protect not only the rights of their students but to protect themselves and their employers from lawsuits as well. Some of these steps include the following:

- School officials should read and fully comprehend their school board policies relating to child protection and to bring to the attention of their Board any policies which would appear to conflict with the rights or freedoms of children and/or parents.
- School officials must not follow the instructions given to them by private sector CAS employees without fully understanding the implications to themselves and their students.
- School officials should ensure that on any matter involving discussing information about a student or family that they deal only with CAS workers who are properly trained to engage in the practice of social work and who are registered with the Ontario College of Social Workers.
- School officials must educate students about child abuse and to teach students specifically what they can do if they are a victim of any kind of maltreatment. This education must also include teaching students about the process of dealing with child abuse and the rights of students during the process of investigation by CAS workers.
- School officials should make themselves aware of parent support or student resource groups on the internet and pass this information on to parents and students. It is well documented that

many children are abused while in care of child protection agencies or directly as the result of intervention by child protection workers. Many of these resource groups provide valuable information which can help students and parents protect themselves from the abuse of the child protection system itself.

- School board employees must vigorously oppose any school board policy which is inconsistent with the law or the rights and freedoms of Canadians.
- School board employees must fully respect any cease and desist forms submitted by parents or students which warn school officials to ensure that CAS workers are not allowed to speak with children at schools.

All teachers, school officials, day care providers and children's camp operators must do their part to help protect democracy and freedom in Canada by preventing children's aid society workers from violating the rights and freedoms of children at their schools and at other facilities where services are being provided for children.

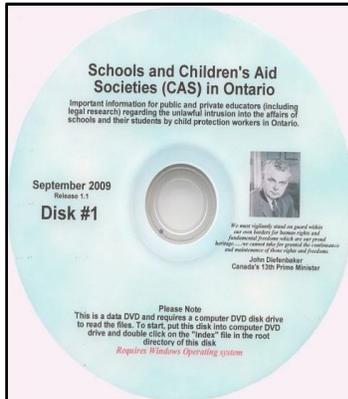


“We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms.”

**John Diefenbaker 1895-1979
Canada's 13th Prime Minister 1957 -1963**

Other reference information

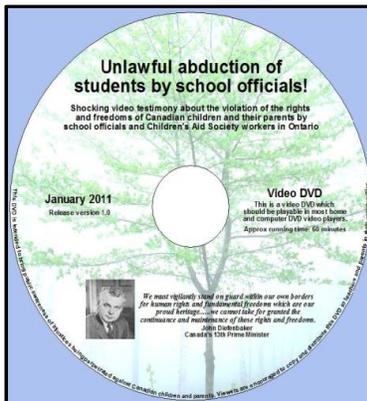
The following is a listing of some sources of additional information which schools officials may find helpful in better understanding the issue of CAS workers and schools. While links to any websites were active at the time of publication of this document, readers may find that some may have changed.



Schools and the CAS resource data disk

This data DVD contains a collection of valuable information for school officials in regards to the involvement of CAS workers at schools in Ontario. In most cases, CAS workers are entering schools unlawfully and violating the rights and freedoms of students and their parents as guaranteed under the Canadian Charter of Rights and Freedoms. This data disk can be ordered from Canada Court Watch at:

info@canadacourtwatch.com



Unlawful abduction of students by school officials

This 60 minute DVD video reveals the tragic and unlawful physical detention of two young children by their principal at an Ontario School. The unlawful detention of the children was done at the instructions of an unregistered CAS worker who gave the principal verbal instructions over the phone to unlawfully detain and to hold the children. This video can be ordered from Canada Court Watch at:

info@canadacourtwatch.com or it may be downloaded at:

<http://www.vimeo.com/5023797>

[www.canadacourtwatch.com/files/all/The Unlawful Practice of Social Work.pdf](http://www.canadacourtwatch.com/files/all/The_Unlawful_Practice_of_Social_Work.pdf)

Report on the Trillium Lakelands District School Board administration procedure relating to the reporting and investigation of suspected child maltreatment

 <p>Trillium Lakelands DISTRICT SCHOOL BOARD</p>	ADMINISTRATIVE PROCEDURE	
	Approval Date June 2007	Replacing All previous policies
	Review Date 2012	Page 1 of 36
Contact Person/Department Superintendent Responsible for Student Services	Identification OP - 6506 - AP	

This document written by child and family advocate Vernon Beck is an example of how teachers and school boards have been misled into breaking the law and violating the rights of students. Using just one school board as an example, this document shows that the Trillium Lakelands District School Board administrative procedure OP-6506-AP relating to the reporting and

investigation of suspected child maltreatment is fundamentally flawed, unlawful, unethical, discriminates against children and their families, and increases the exposure of the School Board and its employees to civil and/or criminal actions. A copy of the analysis and report by the author can be found on the following website link:

www.canadacourtwatch.com/files/all/Review-TLDSBAbusePolicy.pdf

The unlawful practice of social work in Ontario by CAS workers

This document written by child and family advocate Vernon Beck provides school officials with information which will show how most of the children’s aid society workers in the Province of Ontario are acting unlawfully and engaged in the practice of social work without being properly registered with the Ontario College of Social Workers as is required under the law which was put into force in August of 2000. To download this document visit:

www.canadacourtwatch.com/files/all/The Unlawful Practice of Social Work.pdf

Sample “Cease and Desist” forms

The Cease and Desist forms (formerly notice of informed refusal) shown below put teachers and all school board officials on official notice that they must exercise due diligence to fulfill their fiduciary duty to protect the Charter rights students from the unlawful activities of CAS workers while students are in their school. School officials, including all school board trustees can be held legally accountable for failing to protect students while they are at school. There are no protections for school officials who are found responsible for allowing the Charter Rights of students to be violated while at their schools.

Notice of informed refusal to allow Children’s Aid Society workers to have contact or to question a student at his/her school (Student)

Where it is true:

That under section 7, 8 and 9 of the Canadian Charter of Rights and Freedoms all students have the right to their liberty and to not be detained by anyone for questioning without their informed consent or the informed consent of their parent(s), and;

That Children’s Aid Society workers are considered as private citizens under the law and have no special legal authority to detain or question a student at his/her school or to obtain any school record without the informed consent of the student or his/her parent(s) or a court Order to that effect.

In recognition of the above, I, the undersigned student, state the following:

- That I do not wish to have Children’s Aid Society workers contact me or speak to me at my school.
- That if Children’s Aid Society workers wish to speak to me for any reason then they are to contact me at my home.
- That I expect school officials to protect me from any form of contact or interference by Children’s Aid Society workers while I am on school property effective from the date of signing of this form.
- That I understand the intent and purpose of this form and am signing my name below willingly and of my own free will.

Signature of Student _____ Date _____

Name Printed _____ Phone number _____

Name of school student currently attends _____ Grade or Class No. _____

Witness to student’s signature _____ Relationship to Student _____

This form is directed to:

Name of school Board or CAS agency _____

Street _____

City/Town/Postal Code _____

Note: The student should sign this document in the presence of another person over the age of 18 and to send one copy of this form to the local Board of Education and one copy to the principal of the school where the student attends and an additional copy to the CAS (optional). Confirmation of delivery of document should be obtained or requested from school officials. A scanned copy of this signed form may also be emailed to Canada Court Watch at info@canadacourtwatch.com.

Notice of informed refusal to allow Children’s Aid Society workers to have contact or to question a student at his/her school (Parent or Guardian)

Where it is true:

That under section 7, 8 and 9 of the Canadian Charter of Rights and Freedoms all students have the right to their liberty and to not be detained by anyone for questioning without their informed consent or the informed consent of their parent(s), and;

That Children’s Aid Society workers are considered as private citizens under the law and have no special legal authority to detain or question a student at his/her school or to obtain any school record without the informed consent of the student or his/her parent(s) or a court Order to that effect.

In recognition of the above, I, the undersigned parent/guardian, state the following:

- That I do not wish Children’s Aid Society workers to have any contact with my child(ren) at the school where my child(ren) attend.
- That if Children’s Aid Society workers wish to speak to my child(ren) for any reason then they are to contact myself or my child(ren) at my home.
- That I expect school officials to protect my child(ren) from any form of contact or interference by Children’s Aid Society workers while my child(ren) are on school property effective from the date of signing of this form.

Signature of Parent or Guardian _____ Date _____

Name Printed _____ Phone number _____

Name of Student	School student attends	Grade

This form is directed to:

Name of school Board or CAS agency _____

Street _____

City/Town/Postal Code _____

Note: The parent or guardian of the child(ren) should sign this document and to send one copy of this form to the local Board of Education and one copy to the principal of the school where the student attends and an additional copy to the CAS (optional). Confirmation of delivery of document should be obtained or requested from school officials. If a parent has children that go to different school Boards then a separate form should be sent to each school board. A scanned copy of this signed form may also be emailed to Canada Court Watch at info@canadacourtwatch.com.