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**Official Report  
of Debates  
(Hansard)**

**Tuesday 29 August 2006**

**Journal  
des débats  
(Hansard)**

**Mardi 29 août 2006**

**Standing committee on  
regulations and private bills**

**Comité permanent des  
règlements et des projets  
de loi d'intérêt privé**

Chair: Andrea Horwath  
Clerk: Susan Sourial

Présidente : Andrea Horwath  
Greffière : Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES  
RÈGLEMENTS ET DES PROJETS DE LOI  
D'INTÉRÊT PRIVÉ**

Tuesday 29 August 2006

Mardi 29 août 2006

*The committee met at 1005 in committee room 1.*

**KEVIN AND JARED'S LAW  
(CHILD AND FAMILY SERVICES  
STATUTE LAW AMENDMENT), 2006  
LOI KEVIN ET JARED DE 2006 MODIFIANT  
DES LOIS EN CE QUI CONCERNE  
LES SERVICES À L'ENFANCE  
ET À LA FAMILLE**

Consideration of Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario / Projet de loi 89, Loi modifiant la Loi sur les services à l'enfance et à la famille et la Loi sur les coroners pour mieux protéger les enfants de l'Ontario.

**The Vice-Chair (Mr. Tony C. Wong):** Good morning, ladies and gentlemen. This is the standing committee on regulations and private bills. We're dealing with Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario.

JENNY LATIMER

**The Vice-Chair:** The first deputant is Ms. Jenny Latimer. Please come forward. Welcome, Ms. Latimer. You have up to an hour and, if there is time left, there will be time equally divided amongst the three parties of this committee for comments and questions.

**Ms. Jenny Latimer:** Thank you. I live every day wondering what I could have done differently in order for Kevin to still be here. It is imperative that our Family Court system learn from its mistakes. My son Kevin's life was lost and, sadly, there are many other children in the same predicament that my children were in. It's ridiculous, the number of children who are forced to be handed over into unsafe environments. I suppose that I could have refused to comply with our custody order. However, in the eyes of our Family Court system, I would have been the criminal, a mother desperate to protect her vulnerable children from a previously abusive man.

Kevin and Jared's Law needs to be in place to make some necessary and much-needed changes. Liam and many other children need this law to help protect them.

This is a very serious problem. Procrastinating is not solving anything. We cannot just sit still and hope that these monsters will change. A person's character cannot be judged in one single meeting. These abusive parents can act like the nicest people in the world, but it's just that: an act. Whether due to a mental illness, addiction or just selfishness, I know these abusers have issues. I know this because I personally know one. I do not hate this man, nor am I vengeful. I just want the best for my son.

The Family Court system ordered my husband to attend anger management and have a psychiatric evaluation. Did all this take place, and were there any conclusions? I don't think that it was ever followed through with. Kevin did not receive justice. Liam is not receiving justice. I want my child protected.

August 29, 2003, was the date of Kevin's fall. Kevin was a lovable, healthy and smart 18-month-old boy. Liam was just three at this time. He was the only witness to this tragedy. At approximately 8 p.m. that evening, their father had passed out. My two infant children were left to amuse themselves in this attic apartment. This was an apartment in downtown Hamilton. Halton Children's Aid Society neglected to check out the residence because it was out of their jurisdiction. They checked out my residence and my parents but not the father, who was the problem in the first place.

Kevin and Liam were seen throwing clothes out of a broken screen window. Unfortunately, no one had reported this incident occurring the previous visitation weekend as well. A neighbour had offered to fix the damaged window. My sons' father declined. The man also warned that the children were in danger. I had recognized that clothing was missing. However, it never occurred to me that they might have gone out that window.

The morning of August 29, 2003, I waved goodbye to my children from my mother's residence. Liam was crying and pleading, "No." The boys were still barely talking, so I was unsure as to why Liam was so reluctant to go to his father's house.

The morning of Kevin's fall, my estranged husband was caught on video at a local beer store without my children. During police questions, he admitted to leaving Kevin and Liam in the car on that hot August day. In my opinion, the appropriate parenting skills were not present.

I had a Family Court order that my boys' father was to have joint custody of Kevin and Liam. This was to take

place January 2003, after his men's group and psychiatric evaluation were completed. In the spring of 2003, the father exercised his visitation rights with my children, this being only five months prior to Kevin's tragic fall. My husband had been abusive in our marriage, and after my children were born he often became jealous and frustrated. When I was seven months pregnant with Kevin, my husband almost killed me. He pushed me into a wall, and when I managed to get up, I locked myself in the washroom, crying. He then punched a hole in our bathroom door. I heard Liam crying, so I pushed my way past my husband to comfort Liam in his bedroom. I picked up my baby and held its shaking body close to mine. Liam's father came yelling from behind. He wrapped his hands around my neck and squeezed. I held Liam until I fell, breathless. The man later claimed that he was not in control of his actions.

#### 1010

Another incident occurred when Kevin was two weeks old. I awoke in the night to his crying. I picked up my newborn baby and held him on the bed. Unexpectedly, I was punched from behind. I put Kevin down in his car seat beside my bed and, as I turned to my husband, he then punched me full force in the stomach. He was yelling because the noise was disturbing him. It took a while for me to catch my breath. He claimed he was asleep and possibly dreaming.

Shortly following this, I took Kevin and Liam to a women's shelter for six weeks. It takes a lot of courage to leave your life behind. My children's safety was my priority.

At this point, Liam had bruises from his dad's fingers on his ribs. The children's aid society referred to it as "excessive force of discipline." They did not seem to view my concerns seriously. The boys' father had potential to seriously harm them physically, emotionally and mentally, and he did. Nobody understood my concerns because my estranged husband can be so charming. He even fooled our children's aid worker, who then turned her frustrations at me. I felt victimized by someone who was supposed to be helping us.

In the fall of 2002, a supervised visit took place where the father yelled and cursed at a six-year-old boy at the park. The children's aid worker saw his personality switch, yet all she did was to cancel that one visit.

Also, early in August 2003, while returning Liam and Kevin, my estranged husband followed me upstairs. He grabbed my arm and said, "Don't worry. As long as we're together, the boys will be fine." I then had a no-trespassing order put on him. Legally, I still had to allow him access to our sons. It was only two visits following his threat that the fall occurred. Kevin was rendered a quadriplegic and Liam is emotionally scarred forever. Kevin manoeuvred himself on to the ledge of his father's residence. He clung on, trying to keep hold. Liam tried to grab him but he was too scared, and Kevin fell four floors to the dirt and cement below. Liam sat crying at the window, afraid to wake his father.

Kevin lay below, conscious, crying and unable to move. A nine-year-old girl found Kevin and called 911.

Neighbours tried to bang and wake up their father, unsuccessfully. Liam was still alone and scared. Paramedics finally arrived and tended to Kevin, and someone finally broke in and shook my estranged husband awake. Liam is still telling me what he keeps remembering of that horrible night. My world came crashing down that night. My youngest son was dying. Kevin was in McMaster for four months. I stayed by his side constantly. Kevin was in and out of ICU. He was on life support twice. Kevin suffered immense pain. His father didn't have to see what devastation that negligence caused. My family was torn apart.

Our support payments stopped and I couldn't work. Liam spent weekends with Kevin and me, sleeping at the Ronald McDonald House. By December I had learned to catheterize, monitor, feed and care for my son. I updated my CPR so that Kevin could be home for Christmas. I took Kevin to physiotherapy daily at Chedoke. I tried to do all I could to be the best mother to my boys. They knew I loved them and would do anything for them.

On February 1, 2004, I went out for the first time. I left Kevin and Liam with their granddad to play for an hour. I went to get Kevin's birthday presents. Kevin's second birthday was to be February 5. Kevin did not want to stop hugging his granddad that evening. It was their last goodbye. That night, Kevin was constantly telling Liam and myself that he loved us. He was blowing kisses and requesting kisses. Kevin knew that he was loved, and we knew he loved us.

That night Liam slept in my bed. Kevin was awake, crying until 3 a.m. I was so happy when I comforted him to sleep. Liam and I awoke at 6 a.m., allowing Kevin to sleep a few more hours. At 8 a.m. I went upstairs to get Kevin up for his physiotherapy. Kevin was smiling and staring right at me. I smiled, then I screamed as I picked up his lifeless body. I collapsed at the top of the stairs, screaming and holding him close. Kevin was gone. We called 911, and my baby was pronounced dead. Kevin succumbed to his injuries three days short of his second birthday.

My family's life and my own have been shattered. A part of me is gone forever. It is important to help me protect my remaining son. The Family Court system thinks that I am overprotective: Mediators and lawyers all seem to make issue that my estranged husband is Liam's father and that he has the right to visitation. I don't want Liam unsupervised with that man. I love my son and he needs to be protected.

In January 2007, the father of my boys is supposed to receive overnight unsupervised visits. What is wrong with the system? I'm a good mother. I will protect my son. It is so wrong that the system spends so much time worrying about the rights of the abusive parent. What about us, the victims? I will not let Liam go unsupervised with his father. If this makes me a criminal, so be it. In my eyes, the Family Court system is negligent for even suggesting to put Liam back into an unsafe environment. Do you know what it's like to lose a child? Can you fathom losing a child at the hands of their own father? Would you trust that person again with your child?

Kevin's father received a one-year suspended sentence for the negligence and one-month concurrent for abuse that I lived through. This is a man who threatened to burn down my parents' home if I were to move on with my life, a man who caused the death of my two-year-old son, a man who shows no remorse. Liam's father doesn't seem to care whether he is in Liam's life or not, so why is our system pushing it?

Most of these abusive parents have mental issues. They do not deserve to ruin a child's life. Kevin was not sick. Kevin probably would have lived a full life. I watched my son die unnecessarily. Now the system wants me to hand Liam back over, unsupervised, to his father. You need to trust fathers, and I do not trust this man with my child.

How dare the system deny victimized families appropriate protection? They leave it up to us to protect our children from these two-faced monsters.

This law is important. Our future is at stake. Our children are being jeopardized. I need time to grieve. This law needs to come into place. It's been two and a half years that I keep having to relive this nightmare and it's destroying me. Please take into consideration that there are many people like me living with similar frustrations. Please ease our stress and legally help to protect our children so that no more mistakes are made. Thank you.

**The Vice-Chair:** Ms. Latimer, thank you very much for your deputation. We understand that it has been a very difficult time for you.

You've completed your deputation. We have another 45 minutes, roughly, so it will be 15 minutes for each party. I'll start with Mr. Jackson.

**Mr. Cameron Jackson (Burlington):** Mr. Chairman, I wonder if I might read into the record a statement by Kevin's grandmother. Marjorie Latimer was slated to present today but she is taking care of Liam and did not want to leave the child. So the consequence of her not being here is that she wrote a brief letter. She asked that I read it into the record, for the record, and then we'll begin our rotation, and that would give Jenny a few moments to compose herself before we ask her some questions that will be of a difficult nature.

1020

**The Vice-Chair:** Thank you, Mr. Jackson. I will need consent from committee members. Do we have agreement on this? There is unanimous agreement, so please proceed, Mr. Jackson.

**Mr. Jackson:** Thank you very much, Mr. Chairman. This is a letter addressed to the Chair of the standing committee on regs and private bills and is dated July 10:

"This letter is submitted to you with information and real concerns for the safety of children who live in the province of Ontario and particularly my surviving grandson who is the sibling of the late Kevin Latimer, named in Bill 89.

"My daughter, Jenny, was married to Elliott Campbell and they had two children, Liam and Kevin. Elliott Campbell assaulted my daughter on many occasions, and

while she was pregnant with their second child, Kevin, Jenny Latimer was assaulted by her husband again. She locked herself in the bathroom and Elliott punched a hole in the door. She ran with her 18-month-old son Liam, and Elliott grabbed her by the neck from behind and shook her while she was pregnant and holding her son Liam. He threatened to kill her. He later apologized and said he loved her. The assaults continued on my daughter after Kevin was born. He used to punch her and tell her to shut the baby up. When Kevin was two months old she fled the abusive marriage with her two sons and found shelter at Halton women's shelter. Liam, who was two years old at that time, was examined at the women's shelter in my presence and he had finger-mark bruises on his rib area from Elliott Campbell squeezing him and telling him to shut up. He was never charged with assault on Liam. We were told it was excessive discipline.

"Elliott Campbell was formally charged with five counts of assault and one uttering death threat in Halton on my daughter Jenny. He was also ... found charged with criminal negligence causing bodily harm in Hamilton for my grandson Kevin. The charges were joined and dealt with in criminal court at Superior Court of Justice, John Sopinka courthouse in Hamilton, Ontario. Elliott Campbell pled guilty to one charge of assault and one charge of not providing the necessities of life. Elliott Campbell was sentenced to a period of incarceration of 12 months under house arrest. This house arrest ends this July 2006 and will be followed by a probation period of one year.

"Elliott Campbell has been seen by my daughter out in the community on a weekday, shopping and under the influence of alcohol or drugs, with his pupils dilated. All the while he is supposed to be under house arrest living with his parents. This situation had been reported to the probation officer by my daughter Jenny. There was some follow-up but to my knowledge no arrests or charges were laid.

"Kevin was 18 months old when he fell from the third-storey window of his father's apartment. Elliott Campbell was aware of the dangers of the unprotected window and yet he continued to ignore the safety of his children. He (Elliott) was intoxicated on the night of Kevin's accident on August 29, 2003. During the early part of the evening Elliott passed out from drinking and left the two children unattended to play by themselves. Kevin was taken by ambulance to McMaster hospital where he laid in the intensive care on a board, his neck broken, his spine severed and no movement. His vital signs were that bad it was a miracle he lived through the night. I was witness to Elliott Campbell's drunkenness that night in the hospital. Kevin developed pneumonia a month later, his lungs were not functioning and he was put on a life support.

"The devastation that our family has had to endure while Kevin suffered endlessly for five months after his accident was beyond belief. Kevin came home for Christmas and my daughter, Jenny, had to learn nursing skills to care for her son Kevin who was quadriplegic. He was paralyzed from the neck down with some movement

in his arms but had no feeling. His pain was so intense that he chewed his tongue in frustration and bit his hands from pain until they bled. He cried and he screamed with discomfort. No medication could help him during the last weeks of his life. Jenny had to catheterize him several times a day because he was unable to void on his own. Jenny cared for her two boys as a single mother with no child support from her husband. Jenny's days and nights were devoted to the care of her children. Through a trust fund Jenny received some financial support from a caring community that paid for the expensive equipment and special mattress and hospital bed required for Kevin to live in his own home.

"Kevin's last night was spent screaming and crying with pain. Jenny held him in her arms trying to comfort Kevin as best she could. He fell asleep during the night and was found in the morning. He had passed away in his sleep. Jenny found his lifeless body the morning of February 2, 2004. Kevin's life came to an end just three days" short of "his second birthday.

"Elliott Campbell has no remorse and his statement in Superior Court was one of self-pity. He currently has one visit per month for two hours supervised by Jenny. How safe is my daughter and her surviving son Liam under these circumstances? Elliott Campbell has conversations of having unsupervised weekend visits with Liam in the future. The thought of this is ... frightening. Elliott avoided a psychiatric assessment and in our opinion his behaviour has not improved or changed. Elliott had threatened to burn our house down and he had told me on more than one occasion that he thought of burning his parent's house down with them inside it. I reported this to police when Jenny left the marriage.

"In my opinion, Elliott Campbell has not been cured, nor has he received the psychiatric assessment that he was supposed to receive. Having a coroner's inquest into this tragedy would help the system see where mistakes have been made. Mistakes that could be rectified and save another family, another child from a tragedy such as this one. Our concerns our real, they are not vindictive. My surviving grandson Liam would be at risk to be left in another unsupervised situation with Elliott Campbell. The environment at his parent's home where he resides would not be ideal for Liam.

"My daughter has tried desperately to protect her surviving son Liam, as she tried to protect both her sons back in 2002. The system failed her and the boys, putting their safety at risk with an abusive and negligent man. I am asking you and the standing committee to please consider Bill 89 with the utmost attention. Help us to make the province of Ontario a safer place in which to live."

This is signed by Marjorie Latimer, Kevin's grandmother, Jenny's mother.

**The Vice-Chair:** Thank you, Mr. Jackson. We have 38 minutes left, so I will allocate about 13 minutes to each party. Would you like to speak to this or ask questions, Mr. Jackson?

**Mr. Jackson:** Yes, thank you, Mr. Chair.

Jenny, I want to first of all apologize for your having to be here. This is your fourth visit to Queen's Park. As you know, soon after Kevin passed away, we attempted to bring in a law. At that time, it was called Kevin's Law, Bill 78, the same piece of legislation. The good news is that it passed unanimously in the House—you were with me that day—but it did not get as far as this bill. I think it's safe to say that your presence here today has much to do with what you've learned about young Jared and his passing as well.

Is it fair to say that, as a parent, one of the reasons you want this legislation through is because of your concern that other children are at risk, and that now you've got yet several more families who have experienced the death of a child under almost identical circumstances? Is that one of the reasons why you're here today? I realize how difficult it is for you to come back and relive this, but is part of it to help the other families as well?

**Ms. Latimer:** Yes. I know there are other children and other mothers who have lost their children, other mothers who are afraid for their children going to their fathers' houses. And I'm sure it's vice versa: There are probably fathers out there who are afraid of their children being at their mothers' houses. But yes, it's not just us.

**Mr. Jackson:** You made reference in your comments to concerns about the children's aid society. You just briefly stated that children's aid visited your mother's home to determine if it was safe for Kevin. Could you tell us what that experience was like? Did they ever answer the question why the CAS never inspected where his father was living, which clearly was an unsafe environment?

**Ms. Latimer:** The children were in my custody, and I was their mother. They lived with me full time, basically, so they checked out my home. My mother would be a babysitter if I needed one, so they checked out her home just for safety reasons and everything. But Elliott lived in Hamilton, and it was Halton children's aid that I was dealing with. They just never checked out his house, I guess because it was out of the jurisdiction.

**1030**

**Mr. Jackson:** Is it not true that not only were there jurisdictional complications between the Halton children's aid and the Hamilton children's aid, but that this also became a problem, the different jurisdictions, for the court case because the assaults occurred in Halton, but the criminal negligence causing death—which was, I understand, the first charge against your ex-husband—was in Hamilton court?

Would you share with the committee, to the best of your knowledge, how that worked out in court for you with the plea bargaining and so on?

**Ms. Latimer:** Basically, when Kevin was in the hospital, lots of questions were asked, and everything that had happened in the past came out. Most of the abuse situations had happened in Halton, so we went to Milton court for that. But then he was in Hamilton court for the negligence, and they told me I would have to go through it twice and that they didn't want to see me have to go up

on the stand with the two different situations and that they would send it over to Hamilton. I really didn't want to go through it twice, so it was more important what was happening to Kevin than what had happened to me.

**Mr. Jackson:** Who advised you that you perhaps would not want to go through this process twice?

**Ms. Latimer:** The crown and Elliott's lawyer.

**Mr. Jackson:** The reason I raise that is that I'm familiar with the details of all four of the women, Mr. Chairman, who are coming forward with their stories today, and there are some frightening similarities that appear in each of these cases. One of them is the kind of advice the legal system gives to women. In each of these cases we're dealing with women who are the victims of violence, and where violence is perpetrated on the child as well. But from the research and the work I've been doing on this bill for the last five years, even I was surprised at the level of complication that the legal advice is putting people in, and cross-jurisdiction. This theme will surface throughout the balance of today.

I want to come back if I can, Jenny, to the CAS. You mentioned in your presentation that there was a period of supervised access. What I found unusual here is that you were required to do some of the supervised access, and your mother was provided to do supervised access. Here is clearly abuse, death threats uttered against a mother, yet our system of supervised access said it was okay for you or your mother to be present with Elliott for the supervised access and to do the transfer of the children.

Could you expand a bit on how that made you feel, given the circumstances you'd gone through?

**Ms. Latimer:** I want my son protected, and if I'm there to watch him, at least I know he's safe, rather than being by himself. Originally, after I first left my husband, there was a CAS worker and she supervised through the summer periods. They took the children to a park and there were a few incidents, and eventually she got a little frustrated. Then my mother took over with the visitations. I've only done the supervising in the last six months.

**Mr. Jackson:** Were you aware at the time that supervised access for the children's aid is really not a dedicated budget item, that in a period of budget restraints, CASs are not able to provide as much supervised access as they would under normal circumstances like to? Again, I'm raising this question because, were there to be a coroner's inquest, which is what the whole point of this bill is, questions like this would emerge as a positive recommendation to this government, to say, "You can't provide a few dollars for supervised access and put it in a global budget. When CASs are running \$80-million, \$90-million and \$100-million deficits this year, this is an area where they get cut."

So we can't specifically say the Halton board stopped the supervised access because they didn't get funding, but that's essentially what their message is when I talk with the CAS, because here's evidence that he had demonstrated violent outbursts to another child. It was cut short. We're not even sure if the incident was

reported. But soon thereafter, Elliott was deemed to be stable enough to have unsupervised access.

**Ms. Latimer:** He had to attend this men's group. I mean, it's probably one hour once a week for eight weeks. There's no real proof. If they attend, they've accomplished it, unless they have some violent outburst. This is a person who can fool you. He can sit for an hour and smile, as I'm sure many of them can, and pretend to be someone they're not. But when you get to know them and you know the way they act behind closed doors, it's totally different. I don't think the psychiatric evaluation was ever followed through with, because the men's group was completed the week before.

**Mr. Jackson:** And to our knowledge, we've no way of confirming that he took the course or that he achieved any level of compliance. None of this was shared. We've been unable to get any confirmation of that.

**Ms. Latimer:** Even originally, when I had asked him about the psychiatric evaluation, he didn't even know the man's name—it wasn't a doctor, it was a man, he said. It could have been just a story. He didn't know who it was who had done it.

**Mr. Jackson:** And did this not come out in the court case at all? So even the crown attorney who had encouraged you to merge the two issues in court in Hamilton—this matter was not raised about how he did with the anger management program?

**Ms. Latimer:** That was ordered in Family Court. I think that would be the difference. It was criminal court where his charges were, of course. We're still going through Family Court for custody and divorce. I'm not divorced.

**Mr. Jackson:** It's fair to say that he plea bargained his assault charges on you in order to lessen the impact of the criminal charges against him for the death of your son.

**Ms. Latimer:** Yes.

**Mr. Jackson:** Yes. We are about to hear from Julie Craven, and we will find that those are exactly the same circumstances that are confronting the Craven family.

How much time do I have, Mr. Chairman?

**The Vice-Chair:** You have three minutes left, Mr. Jackson.

**Mr. Jackson:** Thank you very much, Mr. Chairman.

So you received no report from the CAS; they just abruptly told you that they no longer wished to do the supervised access and that your mother and you would be responsible for the supervised access.

**Ms. Latimer:** It was actually my mother or Elliott's sister who was allowed to supervise at that point.

**Mr. Jackson:** And does Elliott currently have any access at all to Kevin in a supervised way? I'm sorry—to Liam.

**Ms. Latimer:** I'm supposed to supervise one visit for two hours once a month, and it's been four months that I've found reason not to bring Liam, three or four months.

**Mr. Jackson:** And the court has ordered that Elliott have access—

**Ms. Latimer:** It's at my discretion still, because we're still going through divorce and custody. I have the

discretion not to bring him, which I have chosen not to do.

**Mr. Jackson:** But the courts failed to recognize that it wouldn't be in the child's best interests to see—

**Ms. Latimer:** No, they don't. This is why we're going back and forth so much. The mediators all say that this is the father of Liam and I can't withhold Liam forever, and the lawyers are saying the same thing, that that's his father.

**Mr. Jackson:** And for the record, exactly how old is Liam right now?

**Ms. Latimer:** He'll be seven in March.

**Mr. Jackson:** And he has demonstrated a real reluctance to have any contact with his father.

**Ms. Latimer:** When he was younger, he never wanted to go, and now it's not his father; he won't admit to even having a father.

**Mr. Jackson:** Okay. Jenny, I want to thank you. It takes a tremendous amount of courage to be here. You have to relive the nightmare again and again, and there are a lot of families who support you out there. We've received hundreds of letters of support.

This is not a very complicated piece of legislation. It essentially says there are serious problems in our court system, the way our children's aid societies deal with children at risk. There's even going to be evidence during today about the manner in which the courts plea bargain, the dual tracks: unsupervised access and supervised access programs. Only through a coroner's inquest do you believe that an opportunity like this will allow the real story to come forward so that you can have people listen and understand what you had to go through and where the system failed Kevin.

1040

**Ms. Latimer:** Yes, it'll prove it. No one wants to admit that there is a problem, and there may not be just one problem, but somewhere along the line something is going wrong and it has to be fixed. It just can't be looked over all the time. Move on with it.

**Mr. Jackson:** And finally, your concern is that in the decisions that are made, whether it be by the children's aid, by our court system, even by the police in laying charges, the best interests of the child should always be paramount in our laws?

**Ms. Latimer:** I don't quite understand what you're saying; I'm sorry.

**Mr. Jackson:** Well, currently, in divorce, separation, custody and support issues, the complications that occur, wrapped around that is the situation of abuse. The system is not well designed for families that are in abusive situations. That is, in my view, where the law goes awry. If the law were to focus on what's in the best interests of the child, then we might prevent some of these unnecessary and tragic deaths.

**Ms. Latimer:** Yes, and they have to also realize that an abusive person doesn't change right away, and that it's not the mother's fault. Quite often, the CAS look at me as if I'm not the appropriate parent because I can't protect my child. I'm protecting my child by leaving, but

because I was in the situation in the first place, therefore it's my fault. That doesn't make sense.

**Mr. Jackson:** Thank you, Jenny.

**The Vice-Chair:** Thank you. Ms. Horwath, comments or questions?

**Ms. Andrea Horwath (Hamilton East):** Thank you, Jenny, for once again coming and sharing your nightmare with us. It was a very powerful presentation.

I wanted to ask just a very few questions, particularly around the CAS and whether or not there were any opportunities for you to raise your concerns, first of all, about—you had said during your presentation that you raised concerns but you didn't feel that the CAS was taking them seriously. Can you expand on that a little bit? Did you go through any formal complaint process with the CAS about the decisions they were making?

**Ms. Latimer:** I wouldn't say "formal." I've spoken to them—even recently I've spoken to them—and said, "What happens if Liam has to go back?" An incident has to occur. Then I can report it and then they will get involved. There have been so many incidents along the way, I don't want another incident to happen in order to protect my child.

**Ms. Horwath:** I wanted to ask a little bit about the issue around how the decisions were made about who got to supervise the access sessions. I think Mr. Jackson indicated that that was felt to be a situation where the CAS was no longer able to financially cover the costs and therefore that job was put on yourself and your mom.

**Ms. Latimer:** I think there were frustrations because they didn't have the budget.

**Ms. Horwath:** And again, was there any opportunity to raise this with anybody in the CAS as being something you thought maybe was not appropriate?

**Ms. Latimer:** We've been back and forth with the CAS so many times, I think they know how I feel. In Halton and Hamilton, they both know how I feel. So I don't completely understand how they work, but I understand it's a budget issue.

**Ms. Horwath:** I'm asking the questions around the CAS because there has been a great deal of attention around the lack of accountability of CASs, the amount of real power and ability to be involved in the lives of children and families, yet the accountability systems aren't where they should be, in the opinion of many people. The government came forward with some changes to legislation that they claim will take care of that, although surprisingly enough, a year down the road from that legislation being dealt with, the portions around accountability, their solutions to accountability, are still not in place.

There are some people who believe that there needs to be a separate opportunity for oversight—somebody unbiased, somebody totally out of the system who can look at systemic problems, problems like the ones you identify, problems like I'm sure we're going to hear for the rest of this day, that are part of the system that when you're in the system you maybe don't identify as easily as if you're someone looking from the outside in. I speak

particularly about the Ontario Ombudsman in terms of oversight of the CAS. I don't know whether you have any thoughts about that. I know your focus has been elsewhere, but do you have any thoughts or comments about that?

**Ms. Latimer:** Just the one thing I've noticed over and over again is that you can't just focus on the person who's taking care of the child. If there's another parent who potentially can be a parent and have visitation rights and be unsupervised with that child, it shouldn't matter whether right now they're a full-time parent. You should be able to look and see the problem with them as well because that's most likely where the problem lies. Instead of taking the victim who is vulnerable and easily manipulated and making them feel more victimized, put your attention on the person who's the problem.

**Ms. Horwath:** That's a system problem that you've identified, and you don't see any changes even to this day with the—

**Ms. Latimer:** I've been through it over and over again. With different CAS workers, I always kind of come out of it feeling victimized because I've got myself in that situation in the first place and I should protect my child. He's not there, so it's not a concern of theirs.

**Ms. Horwath:** I think everybody in this room would tell you that we know that this is not your fault. You need to know that this is not your fault. It's very difficult to hear that these systems that governments put in place to assist with these problems end up making women who are facing the kinds of horrors that you've been facing feel even worse. It seems to me there's something upside down about that situation.

I have one last question, and that is the idea around this bill and the extent to which not only will it hopefully address the issues around what happens after a tragedy takes place. In the House when we debated the bill when it hit second reading, there was a discussion around the fact that when children die in this province, there's no automatic review of that, and that's not the same case with other groups of people, if you want to call them that. So there's that piece and then there's also the piece around how decisions are made about custody and access of children in the process. Do you think that if these pieces are put into place, we'll begin to see some accountability and some change in the way not only children are dealt with but parents are dealt with in the system?

**Ms. Latimer:** I hope so. Anyone who can see what I see and what Julie sees, if you can take that moment and put yourself in that situation, should make changes.

**Ms. Horwath:** Thank you very much, Jenny. I want to say that as a person who has gone through the things that you've gone through, you're a very strong woman. From the day that you left that situation, you were doing the right things.

**Ms. Latimer:** Thank you.

**The Vice-Chair:** Ms. Latimer, committee hearings are taped, so please try to speak into the mike a bit more so that taping can be done more effectively.

Members from the government? Mr. Levac.

**Mr. Dave Levac (Brant):** Further to that observation, can we get a hard copy of the presentation that has been made so that we can have it for our records? Thank you.

Jenny, thank you. Absolutely no one, and I spoke to Julie about this, knows your pain—no one. For anyone to say they do is not right. First of all, thank you for your bravery to come forward and to help us change the province of Ontario to keep Liam and other children safe. I got from your deputation that that is obviously your intention. So I appreciate your bravery and I appreciate the fact that absolutely no one knows your pain.

**1050**

I also want to publicly thank Mr. Jackson for his tireless efforts on this particular topic. I know that Cam has worked very long and hard on these particular issues. I'm not sure that he would say so, but he has become somewhat of an expert in this field. I thank him, and I appreciate the work that he's done.

I'm also here to listen very carefully. I've tried to listen and tried to understand the circumstances behind each of these situations, and I can't fathom anything close to having to be exposed to those situations. Some people go through those and are capable of expressing their feelings, and I appreciate that. We can't move forward until we understand or at least get a glimpse of what the pain is for you, what the pain is for your family and your extended family and even as far as your friends. That's the difficult part for us: to try to turn it into the good that I know you want to do.

You've heard two rounds of questioning—and I'm going to defer a couple of questions to my colleague. What I tend to like to do is, after having a major deputation—because you're focusing your energies to try to get through it, and I appreciate that. You're listening intently to these questions. Has there been a question that hasn't been asked that you've been prepared for? Has there been a comment that has come to your mind that you need to make, on top of your deputation? If there's anything in that area, I'd really love to hear it, because sometimes that's when we unfold some of the details that need to be heard—things that will make you feel confident that we're getting what we need to hear.

**Ms. Latimer:** I hope you understand how I'm feeling, because—

**Mr. Levac:** Yes, absolutely. I have to come back and say I don't understand, but I empathize. So thank you for doing that.

I'll continue to listen very intently. I will be saving some of my questions for the ministries, because they're the ones that have to get through this technical part of it—and I'm sure Mr. Jackson understands that as well—because that's who we want to get specific questions. Hearing your case helps us build our questions for the ministries. So if you don't hear a lot of specific questions about it, it's because we're trying to build in our minds the questions that are necessary to put to the ministries.

I'll defer. I do want to thank you again for coming forward, and I do pray to God that someday the pain will subside somewhat. It's very difficult to say, but I

understand. My mother is 83 years old and she still thinks about a lost two-year-old child. So I just want you to understand that your pain is never going to go away, but you need to know that people do care about what has happened.

**The Vice-Chair:** Ms. Sandals.

**Mrs. Liz Sandals (Guelph–Wellington):** Thank you, Jenny, for your courage in coming here. It must be very difficult. I don't think I could do what you did. Your determination to protect Liam comes through absolutely clearly.

I want to, if I may, just clarify a couple of things about the trail of Family Court access, because, clearly, the issue you want to raise in part is this whole business of court-ordered access. I just want to make sure that I've got the trail clear in my mind of how the family courts played a role in this. It's my understanding that when you originally left your former husband there was a Family Court order for supervised access. Is that correct?

**Ms. Latimer:** It was supervised access until he had completed the men's group and the psychiatric evaluation.

**Mrs. Sandals:** We've heard about how that was initially supervised by children's aid and then it fell to yourself and your mother to provide the supervision. At the point where it went from those supervised visits to the unsupervised visits, did you have to go back to Family Court or was it just automatic: Here's the course; the completion date of the course has passed; because the completion date has passed, you don't have to go back to court?

**Ms. Latimer:** No, we didn't go back to court. December 16 of that year was when he was supposed to have everything completed, and it just kind of flowed.

**Mrs. Sandals:** So it was just taken as a given that because the court had ordered that he would participate in the anger management program, that would happen. There wasn't a double-check to find out if that—

**Ms. Latimer:** Not that I know of.

**Mrs. Sandals:** It just flowed; okay. Then the current situation you described, which is one supervised visit per month: How did that come about? What was the process that led—and again, I assume that's a court order.

**Ms. Latimer:** It was actually ordered through criminal court. We were seeing a mediator for our divorce, and it was in criminal court that I signed the papers to supervise, because they said that he would go for joint custody if I didn't agree to this way of access and that it would be harder on me down the road.

**Mrs. Sandals:** So this was actually part of the criminal plea bargain, then? Was that at the same time?

**Ms. Latimer:** It was during criminal court; we did it in criminal court.

**Mrs. Sandals:** So this actually went back to the criminal hearing in Hamilton.

**Ms. Latimer:** My family lawyer told me through Elliott's criminal lawyer—Jeff Manishen, the criminal lawyer, had told him to have the access, or they would go for joint custody.

**Mrs. Sandals:** So this almost became part of the probation order or something.

**Ms. Latimer:** Yes, basically.

**Mrs. Sandals:** But you fortunately got some discretion in there.

**Ms. Latimer:** It's at my discretion and it was supposed to end July 14. Then the mediators got this whole plan done up that he was supposed to have access on the weekends, and then unsupervised by January, but I haven't signed the papers yet. So I'm using my discretion right now and not—

**Mrs. Sandals:** So this is obviously still all very much up in the air, how it's going to land.

**Mr. Jackson:** While he's under house arrest, Liz. It's while he's under arrest she has that discretion. As soon as his house arrest is over, he's deemed to be free and accessible to his child.

**Ms. Latimer:** When the house arrest is over.

**Mrs. Sandals:** So you're under the same sort of situation you were initially, where there's some presumption in the order that things will improve; you're under that same situation again, that there's a presumption in the order that he's served his criminal penalty, and then it will move on to greater access.

Thank you for clearing that up, because I didn't understand that. So thank you very much for clearing up that track for us.

**The Vice-Chair:** Thank you, Ms. Sandals.

Any further comments or questions?

Ms. Latimer, we, on behalf of the committee, want to thank you once again for coming forth this morning to provide us with your deputation. We do appreciate the difficulty and the pain that you've gone through.

**Ms. Latimer:** Thank you.

1100

JULIE CRAVEN AND JOHN CRAVEN

**The Vice-Chair:** Our next deputant is Ms. Julie Craven.

**Mr. Jackson:** We need some technical assistance.

**The Vice-Chair:** Okay.

Are you ready, Ms. Craven?

**Ms. Julie Craven:** Yes, I am.

**The Vice-Chair:** You will have up to one hour, and if there's time left then there will be questions and comments from committee members.

**Ms. Craven:** Forgive me, but today, when you have time, whenever you glance over there, I want you to see that my son is not a statistic. Five and a half months ago he was brutally and viciously murdered by his own father. Sitting before you right now is an empty husk of a woman. I don't have much will to live but I realize I have to go on. My son had no siblings. He was my only child, two weeks shy of his ninth birthday. I am the only one left who will keep his memory alive. This fight for Bill 89 and to grant a coroner's inquest into my child's death is what is keeping me going right now.

Forgive me if I have the videos and I have a few photographs. I can't help it. It's only been five and a half months. You may want to look at these pictures later. There are no baby videos of my child. His father always kept them from me. So there's a few of when he's a baby.

Now I'm going to start.

My name is Julie Craven, formerly Julie Osidacz, until the night of my son's murder. I only kept this name because it was my beloved son's last name.

I'm going to tell you a little about my hell of a marriage of five and a half years. We were married October 5, 1996. I was two and a half months pregnant at the time. I had known this man briefly back in the early 1980s when my best friend worked with his eccentric mother and I had seen him play in his band at various locations. I didn't know him well but my friend had told me at the time, many years ago, that he was interested in dating me. I had no interest in him at the time as he seemed very shy and dominated by his mother.

In March 1996, I met him at a local establishment where a blues band was playing. I hadn't been out for a long time and my younger sister persuaded me to go out with her that night. She noticed that a man kept staring at me intensely that night and then he came up and introduced himself. "Aren't you Julie Craven?" I suddenly recognized who he was and spoke to him for a while. My sister mentioned a dance on the next evening, and I think she was trying to get him to ask me out.

The next morning at work, where I served at a restaurant, this man appeared and I served him. I was taken aback at his sudden arrival but I remember my co-worker telling me how nice and cute he seemed. We talked briefly and I gave him my number. He then asked me to this dance. Ever since this first date he wanted to see me every day. At first I was flattered, but still a little wary. I was 34 and single and living on my own.

His constant attentions convinced me he was serious about a relationship, and he visited my home almost every day. Because of us seeing so much of each other, when he asked me to become engaged in July 1996, it didn't seem so rushed. I moved into the home that he rented, as he still lived with his mother at the time at the age of 32. I moved in with him at 18 Cecil at the end of July of that year and we planned to get married. I was disconcerted about the closeness to his mother's address three doors down, but he assured me that this home would only be temporary, maybe only a year. I contributed to the cable and phone payment and towards the mortgage. I didn't know how much it was but I was still working at this time.

I know the exact date of my son's conception: July 14, 1996. But I did not try to get pregnant. Without going into details, Andrew Osidacz made sure that I got pregnant on this day. By August, I knew I was pregnant for sure and now we had to rush to plan a wedding as I believed in marrying when you have children and, believe it or not, I was in love with this man. Andrew seemed excited about the pregnancy and the upcoming marriage.

I remember the night of the reception where his family in the wedding party totally ignored me and rarely spoke to me. When it was time for us to leave, I tried to say goodbye to Elizabeth Osidacz, his mother, but she kept her back to me without acknowledging me.

I remember right after the wedding, outside the church, my friend Diane told me that I was in for trouble as his mother was a witch and she could spot them a mile away. This woman was telling people at my own wedding that she wished he was marrying someone else.

Less than 24 hours after our wedding, at 11 a.m., there was a knock at the door, and his whole family arrived with the wedding video and went downstairs to put it on the TV. I followed them down, my hair still in pins from my wedding hairdo, and watched the video as his family made snide remarks about my own family. I tried to remain polite.

This was a Ukrainian Catholic ceremony, and a very long one. During it, the priest asked me if I will give up my life for Andrew. Andrew's mother looked at me and snickered, "Would you die for my Andy? Would you? Because I have a bottle of rat poison in my garage, and you can come over and drink it." I was completely shocked, as I was carrying her grandchild. Andrew laughed with her and said later that his mother has a different kind of humour than most.

After our honeymoon in Montreal, Andrew, who took over the wedding money—about \$3,000—put it into a chequing account, and this would become the only access to funds I had after I stopped working at six months into my pregnancy.

I had two ultrasounds. At the first one, Andrew stormed out when they told him that he would have to wait until the technician was ready. I cried and watched my child on the screen alone—but happy that everything seemed to be okay. I went to work crying and holding my child's first photograph. Andrew could only yell at me and blame the staff at the clinic.

At the second ultrasound, Andrew swore up and down that he would attend and hold my hand. Well, when it came time again when I was almost eight months pregnant, as I lay there with the wand over my belly and the technician told the nurse to bring in the husband, I smiled at him in the doorway. He just glared at me and punched the door and stormed out. Again, a moment that should have been a happy one to share with the father of your child was sabotaged. I cried tears of sadness and joy again when the screen was turned towards me and everything was fine with my child.

I wanted the sex of my baby to be a surprise, but I always sensed I was going to have a boy. When it came time to pick out names, I only seemed to be concerned with boys' names, and when I came across the name Jared, which means "descended from heaven," "a gift from God," I knew this was the name for our child.

When I was eight months pregnant, I brought up his cruelty to me during my ultrasounds. He got on the phone, held it out and said, "Listen, Mother, she's crying again. Oh, boo hoo." I immediately went up the stairs to

the kitchen and before slamming the door I yelled out something like, “You son of a bitch.” Suddenly I heard a roar and a running up the basement stairs. Terrified, I ran to the bathroom and quickly locked the door. I heard a smashing sound, and then running down the hall. Then the entire bathroom door came smashing down, almost landing on top of me. I was sitting on the edge of the bathtub and, terrified, started to retch into the tub. I was worried about losing my baby. He yelled out, “Don’t you ever slam a door on me again.”

Later, his mother came over and, looking at the hole he had punched into the kitchen door as he was busy fixing the bathroom door, she looked at me and said, “You should never slam a door on a man, dear. It’s not right.” Obviously, she had no concerns about his abusive behaviour towards me.

Being pregnant and married, you can overlook a lot of things. I tried to convince myself that as he hadn’t actually used his hands on me, this wasn’t physical abuse. The house was in terrible disrepair but Andrew would not spend any money on fixing up the house, not even the nursery. My father came over and at his own expense wallpapered the baby’s room. Andrew’s mother would keep bringing over 15-year-old faded and dirty baby clothes from her other grandchildren, clothes that I would not even give to charity, and she expected me to dress our first child in these clothes. My parents were disgusted.

When it came time and I went into labour, it turned out that I had back labour, which is like multiplying the pain of normal childbirth 1,000 times. My labour lasted about 16 hours and Andrew was, I admit, a full participant as my coach, but this could also express his complete control. I had an emergency C-section after my blood pressure was too high. When I saw my Jared for the first time as Andrew held him out to me—of course, still at a distance, as if he was claiming ownership of him—I was filled with such awe and sudden love, and realized, “So this is what love means.” Jared was the most beautiful baby, with a full head of black hair—he even had sideburns—and big slate-dark-blue eyes, almost dark grey. As we locked eyes together, an instant bond began.

#### 1110

I was paralyzed from the waist down, so they took me into the recovery room to check on my blood pressure, but I demanded my baby. The nurse placed Jared on my chest, and as I opened my gown, he looked up at me and then went straight to my breast. This first nursing of my son lasted only a moment, but the experience is burned into my brain for all eternity.

I had to be put in my room to recover, and they took Jared to the nursery. I remember Andrew looking at me as he sat in the chair beside me, and he told me he would cut off his right arm for our son and take a bullet for the both of us to protect us. Well, this man did take a bullet for us, on March 18 of this year, but he murdered his child first and then attempted to kill me at knifepoint after he told me what he had done.

I remember the next morning, when they brought in my beautiful baby Jared. He was still sleeping in his cot. Then he woke up, lying on his side, and he looked up to the side and all around the room, as if checking out the whole room and his new world. He was already very curious at one day old.

When Jared was about three weeks old—I had been with him 24/7, exclusively breastfeeding him and enjoying every moment with him—I decided I had to get the house cleaned properly. My mother was chomping at the bit to take him for a walk in his pram. I finally relented, still insecure about being away from him, but I realized that my parents were so overjoyed about their first grandchild and so proud to show him off.

My mom and dad arrived that sunny afternoon, and my mother headed off with Jared towards her house, beaming with a big smile, while my dad went off in the other direction, walking the dog. He saw Andrew’s mother staring out her window three doors down, as he went down the street. I went downstairs to tell Andrew, and he just nodded his head. Then, as I was standing in the bath, cleaning the walls, I heard footsteps on the gravel driveway and looked out the window to see Andy and his mother putting the baby seat into his car. They then peeled out of the driveway. All of a sudden I felt sick and tried desperately to get my mother on the phone. When she finally answered, she told me I was in for a lot of problems with that man and that he was mentally unstable.

As my mother was walking towards her house, with Jared in the pram, she saw Andrew’s car in her driveway. He walked towards her and demanded his baby. My mother asked if I was okay, was something wrong, and he just told her that it was his son and that she had to hand him over. My mother let him take him, and when Andy and his mother arrived, with Jared crying in his arms, I was hysterical and could not believe what they had done. “It’s my son, missy,” he said. “Yes, it’s his son,” said his mother.

I told them that as Jared’s full-time mother, I didn’t need his or his mother’s permission to give my mother the chance to walk Jared in his pram. I demanded that he give me my baby, as Jared was crying, and he refused. I went into the bedroom sobbing, not believing what had taken place. After about 10 minutes of begging him to let me feed Jared, he finally gave him to me and told me to feed him, and that he was then taking Jared to his mother’s for a while.

Many women will tell me that they would never let their husbands get away with something like this, but unless you have lived with a control freak, a sociopath, you don’t understand: The more you protest, the more they dig in their heels.

My son’s christening reception was unattended by his own father, who decided to spend this day with his mother by her pool. He dropped me off at home after the christening and then just disappeared before the guests arrived. I was embarrassed, but I was determined to celebrate my son’s christening with or without his father.

When the guests left and Jared was asleep, I sat outside his window crying, with a glass of fruit punch beside my lawn chair. Andrew appeared, and when I asked him where he had been, he said that he wanted nothing to do with my stupid reception. Then he stepped on the glass, shattering it, and said sarcastically, "Oops."

There were many phones smashed by Andrew in that marriage, and I was once hosed down in the laundry room with cold water when I refused to pick up his tool case, which I had tripped over and almost broke my neck. He once twisted my arm so viciously when I was on the phone to his cousin, who was inquiring about his Aunt Lil, who had had a stroke. I explained her condition to him, and in pain I told him that I had to get off the phone. He asked if I was okay. I just told him that Andy wouldn't be answering his calls. Andy yelled at me, "How dare you discuss my aunt with other people?" Yes, would you believe I was this man's wife, his next of kin? I left that day with my son, when Andy was out at his mother's, and went to my parents'. He immediately changed the locks and later demanded to see his son. The police told me that as he was a co-caregiver, I could not refuse his seeing his son.

He kept asking me to come home for Christmas Eve. This was in December 2000, and Jared was three. After promises of changing and seeing a counsellor, I relented and went back. All his mail still went to his mother's, I still had no access or information about his finances, and he still treated me like a tenant, not a wife in my own home. He built a wall to his home office and kept the door locked at all times, even when he was in it. He built a shed—took a few weeks off one summer and built a shed—then, when it was finished, he refused to give me a key. I got tired of knocking on his office door to tell him his dinner was ready and him opening it up a crack, not letting me enter. I started calling him on his business phone from the upstairs phone, asking him if he would like to come up and spend some time with his son before he went to bed. He practically lived in this office when he wasn't at his mother's. He would go away for a week at a time on business, leaving me with less than \$50 in the chequing account. He would say that if I ran out of money, I could always call my father. The company car that I was allowed to drive before we married, and until Jared was about three months, around his christening, suddenly became off limits and he would hide the keys from me when he went on plane trips. He would even hide the cable wires on the big TV downstairs so I couldn't watch it when he was away.

There are so many humiliating and abusive behaviours I endured, but I will get to the night of the assault, on April 23, 2002. On this night, I was viciously and brutally assaulted by Andrew Osidacz. He had kept my son's videos—birthdays, christening, Christmas and any others—hidden from me. I couldn't understand his enjoyment of denying me the pleasure of seeing my son on video, but for five years, when I would beg for him to let me see them, he would say, "I don't have them. Don't you have them?" I was at the end of my rope. I would cry over the phone to my mother that I would become an old

lady with no videos of my beautiful son. Now I will become an old lady without my lovely Jared at all. My mother would tell me to stop letting this upset me, as it gave him more feelings of power. To this day, all I have is a few minutes of Jared as a baby tacked on to the end of the wedding video—his christening. I have never seen him, from three months to the age of five, until my father purchased a camcorder after Andrew's arrest. I have never found these videos of my son.

That night, after I had put Jared to bed hours previously and was sitting on the couch around 11 p.m. reading, Andrew came upstairs and entered the bedroom. We had not slept together since Christmas Eve 2001, and he usually slept downstairs, which I preferred—now, if you'll excuse me, this is graphic—as he was obsessed with masturbation, and this is all he ever wanted to do, as I had to watch. This actually disgusted me, and even on the few occasions when we did have normal intercourse, it always ended in the same way.

I was beside myself over Jared's videos, and the previous month in March, when Andrew had asked me what I wanted for my birthday I answered, "My child's videos." I entered the room and told him to get out of my bed. He refused. I then asked him to give me the videos. He said, "I don't have them. Don't you have them?" This was the last straw, as he had used this line for five years now and Jared had just celebrated his birthday on April 4 with a party at the bowling alley, and here was another event I would never get to see again. I told Andy that I was going to open his office door and get them. I figured this was where he kept them. He said, "Go ahead." I went downstairs into the laundry room, grabbed a screwdriver and calmly walked up to the office door and tried to get it open. I realized this would be impossible, as the seam on the door seemed impenetrable.

#### 1120

Andy had followed me downstairs, and, standing about 20 feet behind me wearing only boxer briefs and with his arms folded, he told me to go ahead. I turned around and, thinking that if I seemed determined enough, he would relent and open the door, I turned back to the door and pretended to get it open with the screwdriver. I damaged the wood a little bit.

Suddenly, I heard a loud growl behind me, and before I knew it he was behind me and had lifted me up in a vertical position and started bashing my forehead into the locked door like a battering ram at least five or six times, until the door burst open. He threw me into the room and picked me up and continued to throw me around like a rag doll into walls and filing cabinets, and then he, with closed fists, punched the back of my head about 10 times.

I was in complete shock and my feet hardly touched the ground. I must have dropped the screwdriver when he was ramming my head into the door, and we all know now what could have happened if he had picked it up.

Then he threw me back into the rec room. I was actually airborne and landed beside the coffee table, banging into it. I was on my stomach when he came and turned me over onto my back and started banging my head

against the thinly carpeted but concrete floor. My sweat-shirt was covering my face and I could hardly breathe. I suddenly realized he was going to kill me.

Just as his hands started to grab my throat, I screamed out, "You're killing me!"

Boom. He stopped. He was on his knees and holding his hands as if in prayer. "I'm so sorry. I'm so sorry. But you know you drive me crazy." Here, after attempting to kill me, he put the blame on me, the victim.

Today, I thank God that my little five-year-old Jared, who only came past my elbow at the time, did not wake up and come down while his father was in this inhuman rage. He was like a pit bull with a cat. We all now know he would have attacked Jared that night. All I know is that I would have fought to the death to protect my son.

After trying to stop me from getting up the stairs, he finally relented, shrugged his shoulders and said, "Oh, guess I blew it." I walked up the stairs, my injuries not kicking in yet, as I was still in shock. I was afraid to enter my Jared's room, as I didn't want Andrew following me in there.

I went into the bathroom with the door open and checked my bruises. My entire forehead was bruised and the undersides of my arms were black and blue. I realized later I had terrible bruises on my ribs, chest, back, buttocks and legs, and around my cheeks and chin, with a cut lip.

I told Andy to leave and he refused, saying if anyone was leaving it would be me. He was afraid of what I would do and asked me if I was going to the hospital. I would not speak to him. He finally went back downstairs and I checked on my child. I hugged Jared and kissed him as he remained asleep. I was afraid to call the police, not knowing what Andy would do if they arrived. I called my parents' house. After getting out that I had been beaten, as I could hardly speak over the phone, the whole house was awake, and I could hear my parents and my brother and sister yelling that Andy had beaten me. My mother told me to get Jared ready with some clothes and my dad would be right over.

When my father arrived, he asked, "Where is he?" I told him he was at his mother's, but he didn't believe me. My father saw Andy holding something in his hands at the bottom of the stairs. He went down and I followed him, worried about my elderly father, who is five foot, four inches.

There he was, now fully dressed just minutes after attacking me, sitting in a recliner with a video camera in his hand, beckoning my dad with his other hand. "You going to hit me, John? Don't hit me, John."

Of course, he was self-editing this tape, as when my father would yell, "How dare you beat my daughter?" he would push the stop button and start it up again, and my dad would try with anger in his face to get the camera off him.

Then my brother and sister, also of small size, entered the basement and started calling him names like "mama's boy" and "wife beater." They also tried to get the camera off him, but nobody touched him.

Then we all went back upstairs, and my brother and sister waited in the driveway as my father told me to get Jared ready and we would go to their house.

Suddenly my father, who has angina, started to grab his chest, and my sister called him an ambulance. Then I heard from the bottom of the stairs in the calmest, coolest voice, "I never touched your daughter, John. Would you like a glass of water?"

Well, I threw down the bags I was going to pack and picked up the phone and called the police. I reported that I had been assaulted and that he was still in the house. The police and the ambulance seemed to arrive simultaneously. So did his mother. Suddenly she was in my house trying to get down the stairs, probably to get the videotape, and I told the police to get this woman out of my house. She screamed out, "This is my son's house." They made her leave, and as my father was being led to the ambulance on a stretcher with a possible heart attack, she said she wanted my dad charged with assault. It was probably her idea in the first place to tape my dad as he arrived, as Andy wouldn't even have blown his nose without his mother's permission. She had such control over him, the strongest Oedipus complex I have ever witnessed in my life between a mother and her son.

One officer stayed upstairs with me and the other with Andrew in the basement. My mother called, and I told her that dad was sent to the hospital and my sister was with him. My mother demanded to speak to the officer, as she was screaming that I needed protection from that man: "He's a monster." I told my mother that he was taking my statement and I still didn't know what I would be doing with Jared, as he was still asleep. Still in shock, I quickly read the short-form statement that the officer had written, which did not contain half of what I had gone through, but I signed it, not realizing how important a statement is. They should let you write out your own statements in these situations.

I watched as Andrew Osidacz, my son's father, was led away with handcuffs behind him. I cried, thinking this was my son's father, and I was crying for Jared. I was told later that as Andrew was in handcuffs in the back of the police car, he asked the police if he could have me charged with breaking and entering his office door that he had rammed my head into. The police never told me to go to the hospital, but left me with their cards and the number of victims' services. Then they left.

My sister returned from the hospital that night, telling me that our dad would stay at the hospital overnight for tests. We went into the now-open office and started looking for Jared's videotapes. I did not find them, just some pornographic tapes. I started going through his papers and discovered that he made over \$1,200 every week. I also learned that his mother was the beneficiary on almost every investment, and the mortgage papers were addressed to Elizabeth Osidacz and Andrew Osidacz as if they were a married couple. He was the sole owner of the house and she was the guarantor. It was as if I didn't even exist.

Suddenly, my sister pulled out a recording device from under one of his desks. It was attached to a jack

which ran to the upstairs phone. My sister called my mother from the portable home phone and suddenly the device started up. Then she hung up and told my mother to call back. When she did, the device started up again. I found about eight actual tapes that night, all containing incoming and outgoing calls to the home phone. On the floor and the desk were strewn around 40 empty mini cassette holders. This gave me an idea how long this had been going on.

On his other desk was another tape recorder with headphones. This showed me what he had been doing: taking out a tape, replacing it with another, and then listening to my daily calls on the phone. I felt my mind had been raped.

Andrew Osidacz was let out on bail the very next morning. I had told victims' services about the gun he owned before we moved in together. Later the next day, I saw victims' services at the Brantford police station and told them my story. I was consoled, given some Kleenex and then given a special 911 cellphone and given names of legal aid lawyers. Andrew was not allowed within 50 metres of me or my birth family or my son. I visited the urgent care clinic and reported I was assaulted by my husband. I was examined and given Apo-Naproxen, as I couldn't move my neck and was in terrible pain.

On about the third day from the assault, I went to get police photographs of my injuries at the station. As I was led into a very large, open room with open windows without any coverings, and the police photographers were one female and one male, I wore a lab coat and only let them take pictures of my face, arms and legs. I was too humiliated and upset to disrobe. I quickly found a legal aid lawyer, which would cost me \$5,000. My father paid this in two instalments, as I had less than \$400 to my name.

That week, a children's aid caseworker visited the home. I explained the situation and the ongoing abuse; also the no-contact order and his charge of assault. She met my son and was satisfied I was a good and caring mother. Before she left, I asked her what I should tell my son, as he was only five years old and all he knows is that Daddy is away working and will be away for a while. She looked me straight in the eye and said, "Tell him the truth." Well, all I ever did tell him was that daddy had hurt mommy and had some problems and would be living away from us.

My lawyer delayed sending out my affidavit describing the abuse and the instability of that man and my concerns of Andrew having any unsupervised access with Jared. On the following Monday, I was handed an affidavit at my door, by a clerk, from Andrew Osidacz. He was suddenly the plaintiff and I was the defendant in the court motion to Superior Court on Wellington Street in Brantford.

### 1130

On May 21, less than a month after the vicious attack on me, I sat, dumbfounded, as my character was destroyed by his lawyer in court. She kept referring to me as the 40-year-old defendant with a screwdriver, who had

her client falsely arrested, that he was the primary caregiver since birth, and I had no input into the raising of my son, as he worked from home and had also cared for Jared at the same time. "How," I thought, "could someone legally make up so many blatant lies?" My lawyer mentioned the assault without much emotion in his voice. Nobody from victims' services, children's aid or the police, who all had knowledge of this assault and the wire tapping, was in this court to support me that day.

I was given interim custody of Jared and interim custody of the house, plus \$500 in child support and another \$670 in spousal support. Then the judge ordered that I was to hand over my son the next weekend, as he granted Mr. Osidacz every weekend, unsupervised, from Thursday to Sunday, alternating from Saturday morning to Sunday night on the other weekends.

I pleaded to my lawyer in the hall, at the break, that I could not hand over my son to that man as he had never looked after Jared alone and he was violent, a control freak, and his family was like a cult and would emotionally abuse my son. He told me not to worry, that we could appeal it soon. If I didn't hand over my son to the Dalhousie access centre, for his father to pick him up, the police would intervene and force the order.

The last thing I was concerned about was the spousal support that my lawyer proudly told me he had gotten for me. The only thing I could say about the generous support that I had received, but which took until that September for me to receive, was that during the four years with my child, it gave me an opportunity to work part-time, not full-time, at the retirement home and that I could take the time to take an educational assistant program at Mohawk, and also, more importantly, spend precious time with my son, as for two years I was denied any weekends with my child.

The first weekend Mr. Osidacz had with my son, on May 25, 2002, he showed Jared the edited video tape he took the night of the assault. My son was five. Then he told my son that mommy had daddy put in jail because I lied and I was a scammer. He said that mommy would be going to jail. He was shown a puppet show by Julie Powell, his brother's girlfriend, about a little boy whose mother dies. The only person who would discuss the actual assault or his jail time was Andrew Osidacz himself, and Jared's granddad was very upset as my son had been told that granddad had hurt daddy.

During Jared's weekends with his father, he would be told that mommy is stealing the house, and to tell the ladies at the Dalhousie centre that I pushed or hit him. I had never, ever laid a hand on my son and didn't believe in spanking. My son would look at me and say, "Mommy, daddy says that if what you told the police was true, you'd still be in the hospital." What could I say? "Mommy, why wouldn't you let daddy in your bed?" His paternal grandmother, Elizabeth Osidacz, would put a teddy bear on her lap and say that this was Jared. Then she would look at him and ask the bear, "Do you love your mommy?" "No." "Do you love your nanny and granddad?" "No." "Do you love your daddy?" "Yes."

Throughout the two years that he had unsupervised weekends with Jared, I contacted Nova Vita, a women's shelter, for counselling, telling them what was going on. They would listen, I would cry, and then nothing would be done. In about September 2003, I found hundreds upon hundreds of 0.22 calibre bullets hidden behind a shelf in the laundry room, along with an illegal gun clip about five feet from the furnace. I called his probation officer and he told me to get them to the police station immediately. I did. They were quite impressed with the ammunition and typed in the computer the contents. Again there was no follow-up. Also in 2003, I was told by Nova Vita that Andrew Osidacz was kicked out of the court-ordered anger management program because he refused to give out the address of his live-in girlfriend, who had a five-year-old daughter. I gave them her number and address, but they said that didn't count because they had to get it from Andrew himself. Both of these events were breaches of his probation, but there was no follow-up.

In January 2003, Andrew pleaded guilty to the assault. He had also been charged with interception of private communication, which is quite a serious charge—more so than the beating he had given me. The crown attorney kept telling me that if I insisted it go to trial, it could take another year, and besides, “You married him,” and I would have to work things out with this man as we shared a son together.

They let him make a deal: If they dropped the charges of the wiretapping, he would plead guilty to the assault. He was given two years' probation, had to pay \$300 to a women's shelter, had two years to do 75 hours of volunteer work and had to attend a court-ordered anger management program. This was all he got for his crimes.

After his conviction, he still had every weekend with Jared. After repeated cancelled court motions from my and Mr. Osidacz's lawyer, I was at my wits' end. After one and a half years of no weekends with my son and Mr. Osidacz's unsupervised access, I called up my lawyer's secretary and begged her, when was I going to get an appointment with the Office of the Children's Lawyer? She told me they had never sent out this request. I stormed into his office and demanded why he had not acted on this. He told me that as I had interim custody of Jared and generous support, why rock the boat?

In September 2003, Andrew Osidacz approached me with his mother in a parking lot while I was with my ill son. He tried to get Jared to come with him. I was terrified he would force Jared out of the car, and words were exchanged, like, “You're breaching your probation, Andrew. You're breaching your probation,” several times. He and his mother finally left in separate cars, and when we got home I immediately called the police. A female officer arrived while my mother attended to my ill son in the living room. I went over the previous assault of 2002 and showed her his conviction sheet and the no-contact order. I was very shaken up. He was then arrested from 4 Courtland Drive, the home of his live-in girlfriend, Paula Ferrell. He spent the weekend in jail, as this was on a Friday, but I never told my son of his arrest.

Children's aid contacted me after the police officer told them of his breach of probation. Finally, I thought I was going to get some help for Jared about his unsupervised visits with his father. I went for an interview with children's aid and they took notes of the abusive history in the marriage, my belief that Andrew Osidacz was a sociopath, his cultish family and the emotional abuse he was putting my son through. I told them that as far as I knew, his father had never physically abused Jared. They asked if they could see Jared at his school in the library, without my attending. I agreed. I told my son that somebody would be talking to him that day, and every child gets a turn, and today was his turn to speak about school, his life at home and with his daddy.

After the interview with my son, I went to see them again, and to my utter horror two caseworkers, one about the age of 21, accused me of emotionally abusing my child. They said that Jared said that daddy beat mommy up and he had no business knowing about this. I told them that the only one who talked about the assault was Andrew himself, and that I had never told my son about his father's arrests. I told them, crying uncontrollably, that I have no social life besides my son, and they said this was unhealthy. Beside me was a briefcase with his conviction sheet and the violent pornography and bestiality and homemade tapes of Andrew filming himself, masturbating until he ejaculated, that I had found on the remaining computer when I had found out the password a year after he was arrested. They would not look at any of these. I was told that a man is allowed to have his pornography. What did I think they were here for: to help me with my weekends?

I and my parents went through three weeks of hell. I thought I was going to have a stroke. When I started to fight back, they closed the case, but they never checked into the home life of Andrew Osidacz, who lived with a woman and her five-year-old daughter and my son on weekends. Never again could I seek out help from this agency, and I would never, ever let anyone interview my son without my attendance again.

Back in 2003, if this agency had thoroughly checked into Andrew's mental stability and abuse instead of zoning in on me, the victim, I know my son would be alive today. I have seen most of the files recently, and this agency had all the information that should have set off alarm bells. Nothing changed in my son's access with his father.

I then changed lawyers and went privately, realizing there was no difference in the costs from legal aid.

#### **1140**

Shortly after, a social worker from the Office of the Children's Lawyer became involved and interviewed me and then Jared and Andrew Osidacz. I think she understood what I was concerned about, but as a social worker, and after two years with unsupervised access, it was practically written in stone, and she didn't have the power to have it changed to supervised. She made recommendations that I have sole custody and every other weekend with my Jared and that his father have the

alternate weekends with one day in the week for a couple of hours after school. Suddenly, despite my fears for Jared, I was over the moon. After two years with no weekends with my son, I was now going to have him every other weekend. I made sure I didn't work on these weekends and always made plans for outings and trips, especially in the summer.

In December 2004, Andrew appeared in criminal court over the breach of probation in the previous year. The charges were dropped and, only because I insisted, they added a one-year peace bond to his two-year probation, which was nearly up anyway.

The last time I saw Andrew Osidacz in person was in October 2005 at a court motion, where he still had no papers or documents ready. Nothing was accomplished, even though I had to pay \$600 for this motion. I remember the judge wondering why we still needed the access centre for drop-offs and pickups with Jared, so I realized that his abusive past would never be taken seriously—only by me.

The last time I saw my beloved Jared alive was on March 16 at 1:08 in the afternoon at the Dalhousie access centre, where I dropped him off to be picked up by his father.

We'd had a wonderful March break together. We went to the Ontario Science Centre, saw the Shaggy Dog movie, walked the trails twice and visited the Ruckers arcade centre with his best friend. He went to his final bowling league game on Tuesday night and his final practice at the St. Johns Drum and Bugle Corps on Wednesday night. We were both so excited about the upcoming parades that summer that he would be marching in; him in his burgundy uniform and cap, playing the xylophone and cymbals, while I would be proudly taking pictures of him. But Jared only got to wear his burgundy uniform for the first and only time in his coffin at his funeral. He never got to experience the joy of marching in a parade.

I remember we went downtown an hour early that Thursday so we could spend some time together before I dropped him off at 1 p.m., the scheduled time. I remember him wanting to go down the walkway to the elevators to the underground parking lot so he could sing at the top of his lungs, just like Geddy Lee from Rush, his favourite band. We visited the farmer's market, where he charmed all the adults, and then we went to a café called Cut the Cheese. He had his final chocolate walnut brownie, his favourite, and his usual milk. He even let me have a bit of it. Looking at the time, I realized we had to rush to the car down the street. As we were running together, I ruffled his beautiful, silky black hair, marvelling at how handsome he was and picturing him as a teenager. I signed him in at the centre. Jared was excited about the surprise daddy had for him—a trip or a music download. Because we were late, I hugged him from behind as he was playing with some Legos and kissed the top of his head. "Bye, sweetie. Have a good weekend. I love you. Mommy will pick you up on Sunday at 6:15, okay?" "Bye, Mommy. I love you too." I left and went to work that night at 4 o'clock.

On Saturday the 18th, when I returned home from work at about 3 p.m., I saw his father's blue Jeep in his mother's driveway, three doors down, but I did not see Jared. I cleaned the house, and as I had been up since 5 a.m. to go to work at 6 in the morning, I decided to take a nap. This was about 6 p.m. I saw the Jeep at this time before I went to take my nap. I fell asleep at about 7 p.m., after reading a book. Suddenly, I was awakened by an unholy banging in my house. I felt like the walls were shaking. I got up and looked at my clock, which said about 7:23. I always set my clock five to eight minutes ahead, so the time was approximately 7:15 p.m. Without turning on any lights, I checked out the kitchen window and saw nothing. I then turned on the kitchen light and proceeded into the dark living room. I was disoriented from my short sleep and even imagined an animal like a deer banging on the walls or doors. This time, the sound came from the front of the house. I looked out the living room window and saw nothing or no one. Then, thinking it might be my family in an emergency, I decided to open the front door. I barely touched the old-fashioned bolt on the door when it suddenly burst open and, in the dark, this huge figure appeared and attacked me. I immediately screamed, thinking it was a rapist or intruder. This huge man grabbed me and, holding his hand over my mouth and grunting, then said, "Jared's dead. Jared's dead." Pulling my face away from his hand, I recognized Andrew Osidacz, but my fear changed into concern for my son. "What do you mean? Where is he—on the road? Your mother's?" All I could comprehend was that my son must have been in an accident and was hurt. Then he grunted, "I've killed Jared. I've killed Jared."

I started screaming at the top of my lungs in sheer shock and grief. He let go of me for a second to get the door closed, and I immediately started running through the kitchen to escape from the side door. I knew I must get to my son. I pictured him lying in the driveway or road, bleeding. Just as I got my hands on the doorknob, this man overpowered me and we went tumbling down the basement stairs. We landed at the bottom in a semi-sitting position with him with a firm grip around me. From the light of the kitchen coming down, I saw for the first time his sweatshirt, deep, deep red—drenched in my son's blood. Then I saw the 12-inch carving knife in his hand, covered in blood.

I started sobbing, "I don't believe you. Where is Jared?" He repeated that he'd killed him and, "Jared's dead." In shock, not being able to process this information, I asked him where Paula, his girlfriend, and Sarah, her daughter, were. He said that he stabbed them but they had escaped.

Suddenly, I had hope that my son would be getting help. Then he moaned out that he loved me and that he'd always loved me and that Paula knew it. Today, his words fill me with such disgust and revulsion. I noticed he had several neck wounds, and he started to pierce his neck with the tip of his knife. He also stabbed himself in the thigh. He was wearing camouflage pants.

As I was sobbing uncontrollably, he told me that this is what I had always wanted, and now everything would

be mine: his house and all his money. I couldn't believe what I was hearing.

He dragged me up the basement stairs and then to the living room window, as if checking for police. Every time I made a move, he would scream, "What are you doing?" Then he would almost gently pat my wrist with the knife and say, "Don't worry. I'm not going to hurt you." He kept going into the bathroom, turning on the light. With a firm grip on my arm with one hand, he would pierce his neck again while we stood in front of the mirror. I noticed that my face was covered in blood, and also my hands. I still could not believe that Jared could be dead, and I sobbed again, "Why? Why?" "Oh, Paula dared me. She dared me," he said.

Then he said that Jared was so unhappy, and I screamed out that Jared was the happiest boy in the world. He told me that Jared had said, "Mommy said that her and daddy would never get back together." "But Andy," I screamed, "you knew we were getting a divorce. We've had no contact for four years, and you had a new life with Paula." He said that he had been feeling like this for a long time.

I yelled out why he didn't get help for his depression. He would say, "Oh, my beautiful son. He saw what daddy had done," and he was never going back to jail. I tried to convince him that maybe Jared is okay, and if we called 911, he wouldn't have to go to jail; he could get help. He said, "Oh, Jared's dead. I saw him."

I sobbed and asked him if Jared had called out for mommy. He looked at me and said, "No. Jared said, 'Please don't kill me, Daddy.'" The horror of my son's final moments filled my brain, and I started screaming hysterically.

He asked for some pills to help him die quicker, and I told him there were some pills in the linen closet across from the bathroom. Through all this, he never once let go of my arm or wrist.

When he saw the sleeping pills and the Apo-Naproxen, he just threw them on the floor. I told him there were pills in the kitchen cupboard and showed him the Tylenol and ibuprofen. He downed them like candy and then got a glass and filled it with water. After he drank from this glass, to my utter shame, in shock, I actually took a sip from this blood-covered glass, I was so thirsty.

Then he asked me for a sharper knife. I pointed to the cutlery drawer and he took out a steak knife. He dragged me back to the bathroom and put down the carving knife on the counter and started cutting his neck with the steak knife. I remember staring at the huge knife and wondering if I should try to grab it, but I realized that as soon as I did this, he would overpower me and kill me instantly. If I knew for sure that my son was dead, I would have tried, but I wanted to see my son again.

Then he asked me for the phone and dragged me to the dining room to get it and returned to the bathroom. He sat on the floor trying to drag me down with him, but I knew if I did this, he would kill me. I convinced him to let me sit on the top of the toilet seat as he still kept hold of my

wrist. He had switched knives again and was holding the 12-inch carving knife now. He dialed the phone and said, "Is Mother there? Jared's dad. I've stabbed Paula and stuck Sarah, and I'm over at Julie's." Then he dropped the phone in his lap, saying, "I guess she's not coming over. She hung up on me." During this phone call, I was calling out for someone to "Call 911: 4 Courtland Drive. Help Jared," but I don't know if I was heard.

About 15 minutes after he had called, which must have been about 7:55, he heard a sound at the side door and dragged me to it. Holding his hand over mine, he opened the door and there was his mother and her two grandchildren, Lisa Chmura, 20, and Alex Chmura, 14, who just hours before had been playing video games with their cousin, my son Jared. The walk to my house would have taken only 30 seconds, as his mother lived only three doors down. What was she doing in these 15 minutes? She never called the police or an ambulance.

She calmly walked in as Andy backed us up into the kitchen, and walked up the four steps and stood in front of us about a foot and a half away. Here was her son completely soaked in blood—my son's blood—with neck gashes, and me with my face covered in blood, along with my hands, while he had a firm grip on my arm and held the knife up in the air. She showed no emotion, asked no questions like, "Where's Jared? What have you done?" No. As I begged and pleaded for her to call 911—"He says he's killed Jared. Please. He's at 4 Courtland"—and with her two grandchildren standing on the landing, she looked at her son calmly, with her hands in her coat pockets, and said, "Are you all right, son?" I looked at her incredulously and yelled, "What about Jared? Aren't you going to get him help?" She coldly stared at me and said, "You pushed him too far and Paula pushed him too far." Andy said something like, "She doesn't believe me."

At this time, her 14-year-old grandson, who I used to babysit, was holding the screen door partly open with his hand and foot. Suddenly, the outside seemed to light up. The police must have arrived. Andy grabbed me in front of him like a shield and, holding the carving knife at my throat while I instinctively protected my neck with my arm like this, started dragging me towards the hallway, towards the bathroom. Knowing now that my death was imminent and desperate about my son's life, I looked at Lisa and pleaded, "Tell them, Lisa: 4 Courtland Drive. Get Jared." Lisa looked right through me, and with tears in her eyes cried out, "I love you, Uncle Andy. I love you."

I was dragged backwards into the bathroom doorway with the knife at my throat, my arm still protecting it, when I suddenly heard what sounded like storm troopers coming in the house. I started yelling out, "Help, help!" Two officers appeared in the bathroom doorway with their guns drawn and both wearing silver vests. Andy made a lunge at one of them with the knife, grunting, and they stepped back. They told him to drop the knife about two times. Andy backed us up on to the edge of the bathtub and we were sitting together like one person, he holding me to him like a shield. He was trying desper-

ately to get my arm away from my neck. I saw the officers with their guns drawn and yelled out, "Don't kill me!" because I thought there was no way they could shoot without killing me too. They told him to drop the knife again. Suddenly, Andy got my arm away and in one swoop, in an arc, I saw the carving knife coming towards my neck. Just as it came within less than an inch of my throat, there were sudden gunshots. The force of the shots threw Andy, and me with him, into the tub. I will never forget the smell of the cordite or the sound of the shots, as they sound different from in the movies. They sound exactly like firecrackers going off. I have had terrible flashbacks and screaming on Victoria Day this year and on Canada Day when neighbours were lighting firecrackers.

Without looking at Andy, I immediately held out my arms to the officers and said, "Where is my son? He says he's killed my son." An officer grabbed me out of the tub and I immediately went running into the kitchen and grabbed another officer, demanding where my son was. "Take me to my son." No one could answer me about Jared.

I learned later that when the two police officers who saved my life that night arrived at 18 Cecil at 8:06 p.m., they banged on the front door and saw movement in the house. No answer. They then went to the previously open side door that was now locked and had to keep banging on this door and shouting, "Open up! Police." One officer saw a youth look sideways towards the kitchen through the door window and say, as if asking for permission, "It's the police. Should I open the door?" When the first officer got in, he asked if there was a man in the house, as he noticed the blood-covered walls. Andrew's mother, standing in the kitchen beside her granddaughter, was uncooperative and unemotional. The police were trying to get me out of the house and grabbed me a coat and purse, and I saw Andrew's mother calmly walk down the hall, asking to see her son. I was demanding to be taken to my son.

I was put in a police car in front of my house. In shock, I called my sister with my cellphone while I sat alone in the cruiser, and told her what had happened. She immediately drove over. She came running up to me in the cruiser and yelled out, "Where's Jared?" I said, "No one will tell me, and I think Andy's dead." I noticed an ambulance in my driveway. My sister ran up the street where Andy's brother and Julie Powell, his girlfriend, were with other officers, and she noticed that they were both wearing black track suits. Michael Osidacz was screaming out that he was going to sue the cops because they had shot his brother. "You know how these bitches drive men crazy." My sister screamed out, "Where's Jared?" He called her the c-word and a bitch and was about to strike her. The police led my sister back, and just before she came running back to me in the cruiser, an officer came up and told me, "We've just got word, ma'am. They're working on your son and taking him to the Hamilton General."

I was suddenly so happy and elated and started rocking back and forth, back and forth, saying, "I'm coming,

sweetheart. Everything's going to be okay, honeybun. I'm going to see you soon. I'm going to see you."

I'm going to stop here and just tell you that I was taken to the station that night and informed that my son had died. I wasn't allowed to go to the hospital to see him, and they wanted me to wait to make a statement to the SIU, which I did.

I next saw my son the next morning at the morgue behind a glass window. They were going to perform his autopsy before I arrived, until I begged the police to intervene and delay the autopsy. I held my breath as the curtains opened, and there was my beloved Jared on a gurney with a white sheet up to his neck. His forehead was covered in bruises and his beautiful, beautiful brown eyes were open, with the light gleaming on them. I just kept screaming, "I love you. I love you. Mommy loves you. Oh, my boy, I love you. I love you," about a hundred times. I never got to touch my son, and fell into a heap on the floor. My father had accompanied me and was crying out, "No. Not our beloved Jared, our lovely Jared."

#### 1200

You know, Jared looked beautiful at his funeral, but this was just a representation of him, and the real Jared I saw, my lovely son, dead. I will never forget. Every day I relive this scene, remembering that his beautiful mouth was open in a scream, showing his teeth. The horror of that night was written all over his face. After the funeral, when I had requested my son's medical records, I was shocked to learn that my son was left for at least an hour after his attack before he received any medical attention.

No. Despite the press releases, the police were not called to 4 Courtland Drive, where they found three stab victims, one deceased, but to another address where Paula Ferrell, after witnessing my son being stabbed, after him saving her life and her daughter's, escaped to a parking lot and waited out some time in hiding, possibly until she saw Andy escape in the blue Jeep. She then, about 7:10 p.m., ran to another address for assistance. She never told the police about my son. Why? Two ambulances were called for these two victims, both with non-life-threatening injuries, at 7:13, and they arrived at 7:18 p.m.

The first the police heard of my son, Jared, was when Sarah, the little girl, said, "I hope my brother, Jared, is okay. His daddy was stabbing him." On my son's medical records it states that he was discovered at 7:50, then worked on at 7:51 and taken to the front lawn, where it was near freezing that night. His clothes were removed, except for his underwear, and two paramedics and a firefighter fought desperately to save him without an ambulance. Why would the police not clear the scene while they walked past and over my son to find the assailant, who was already at my house, holding me hostage? An eight-year-old boy bleeding in a house—bleeding—and the police would not clear the area for the paramedics. Police with guns would not clear an area because they were looking for the man who was already at my house.

The two ambulances—this is just behind 4 Courtland Drive—refused to come around the corner and pick him up. Why? My son then had to wait a further 11 minutes for an ambulance to arrive and he was transported at 8:01 p.m. and arrived at McMaster hospital at 8:25. The surgeons worked frantically on him and even performed a thoracotomy on him. His temperature, an hour after his attack, was 37.4. Does this sound like a deceased child? But it was too late. He was pronounced dead at 8:33 p.m., “with no family attending,” the report said.

The monster that murdered my beloved Jared, his own son, waited exactly six minutes for an ambulance to arrive after he was shot and received immediate medical attention. He was sent to the Brantford General and pronounced dead at 8:46 p.m. There was a witness who saw Andy’s Jeep in his mother’s driveway that night at 7 p.m. He attacked me about 7:15 p.m. Who did he see in these 15 minutes, and why has his cellphone never been recovered? Who has it?

Paula Ferrell, who was in my son’s life for three and a half years, has never contacted me—not a card or a note. I received my son’s belongings from 4 Courtland Drive in garbage bags where they dumped at victims’ services. Not a note or letter was with these bags.

Why has no one besides myself been called in for questioning? I deserve, as Jared’s mother, the boy who stepped in to save two lives, one of them a 36-year-old woman, the other her eight-year-old daughter, answers to what happened that night. My son deserves respect as a hero even though at only eight years old he should never have been the hero.

Now I want all of you to put yourselves in my son’s eight-year-old body, like I do every day, and picture the horror as the man you love, your own father, holds you down and as you plead, “Please don’t kill me, Daddy,” this man stabs you in the throat beside the left carotid artery and in the chest, close to the heart. My son had deep lacerations in the palms of his hands as he fought desperately for his life. You just picture that: my little eight-year-old boy. This man was 5 feet 11 inches and weighed 220 pounds. In one hand was found a black hair. Was it his father’s?

My son and Paula Ferrell and her daughter were attacked with steak knives. Where did the 12-inch carving knife come from that I was attacked with? Paula has never identified this knife. Please, I am not looking for blame but only answers, as my beloved son will never, ever be coming back. My son deserves a voice in death that he was denied in life, and as his father, his murderer, will be getting a coroner’s inquest, doesn’t Jared, my little hero, at least deserve one too?

This Bill 89, Cam Jackson’s bill, Kevin and Jared’s Law—and Mr. Jackson is passionate about victims’ rights and the lives of children—must pass. We cannot afford to see another child suffer like my son did.

Now I will play Jared’s song so you can hear his beautiful voice and talent. Thank you.

**The Vice-Chair:** Thank you, Ms. Craven.

**1210**

**Ms. Craven:** I’m just going to play my song in a few minutes. There’s only one song on it.

If anybody wants to see, you can pass them around. I don’t know if you’d like to bother. These are pictures of my injuries that were taken by the police, so all the evidence the children’s aid and all the other agencies had of my injuries that night. Of course, I didn’t disrobe. Now I wish I had. I also have evidence that the police had of all the tapes, the wiretapping, the devices. They all had the evidence.

*Audio presentation.*

**The Vice-Chair:** Mr. Jackson?

**Mr. Jackson:** Mr. Chair, might I suggest that after that powerful presentation we give Julie a moment to compose herself and ask her father to come to the table and perhaps give him an opportunity to say a few words. Maybe then the committee would be able to ask a couple of questions. Would that be all right?

**The Vice-Chair:** Sure. Mr. Levac?

**Mr. Levac:** I agree with Mr. Jackson. I believe our recess is built in that we could push back time to accommodate the timing so that all of the other deputants would have their fair amount of time. I fully agree with that opportunity so that Julie could receive questions. It’s a good idea.

**The Vice-Chair:** Thank you.

Ms. Craven, we want to thank you for sharing with us the photographs, which have been circulated among all committee members, and the recording.

At this time I would like to call Mr. John Craven to come forward.

Mr. Craven, you will have up to 20 minutes.

**Mr. John Craven:** Hello. I’d just like to say a few words about Jared. My wife and I were in our late 50s when Jared was born. He was the most beautiful baby I’d ever seen in my life. He had a lovely big mop of black thick hair that I’d never seen before on a child. After a few months, he never lost the hair like most babies do. It just got thicker and longer and you couldn’t tell whether it was a boy or a girl. He was so beautiful.

As he got older and when he started to walk, I noticed that Jared always—I think it was his right foot that he would bang down. He’d walk through the living room or the kitchen and be banging that foot. I knew there was something special about Jared. As he got a little older, I realized what the banging was: It was a beat. Jared had a wonderful gift for music, and this tapping of his foot as he walked was the beat to the music that he could hear in his head. Although he was just humming, it was like an orchestra in Jared’s head. It was a full band.

Then when he got to about three and four years of age, he used to sing on the telephone to my home to his nana. He’d sing Unforgettable, that beautiful song. Also he would sing You Are My Sunshine to his nana, whom he loved.

As Jared got older, we realized that he had a photographic memory. He began to write songs and compose music. He could just about play any musical instrument that he put his hand to. He was a gifted, special child.

I just want to say that particular night when I found out that Jared was no longer with us, that he'd been brutally murdered, when my daughter Louise and my son Sean came knocking on the door round about 9:15 that Saturday night, March 18, I couldn't believe—we were horror-struck. I had to go upstairs—my wife wasn't feeling too good and was in bed—and tell her that Jared was dead. “Oh my God,” she screamed. I don't remember too much about it after that. The next thing we were in a police station with my daughter Julie, Jared's mother. It was a terrible, terrible night.

The point I'm trying to say now is that this should never have happened, because four years earlier this monster had brutally attacked my daughter, almost killed my daughter. He wiretapped the telephones. He was a sociopath, a control freak. The courts knew this. The children's aid knew this. Nova Vita knew it; my daughter told them but they didn't believe her. They believed him—this mad monster.

We have to get Bill 89 passed. It must pass. We have to have supervised access when anybody has a violent tendency towards their spouse or whoever, because if the spouse is not there, they'll lash out at whoever is there, and the next person, most of the time, is the children. So we have to get Bill 89 passed.

After the funeral we started to take petitions for Jared's Law. We've accumulated close to 55,000 petitions. These are them here. And they just did not arrive on the doorstep; we've gone out tirelessly, my family. The first 10 days we managed to get almost 30,000, in 10 days in Brantford, and that was with the help of friends and family. Since then, my family—my wife, my two daughters and my son—have worked tirelessly. We've been going to Port Dover. We've been to Burlington. We've been to Hamilton. We'll go all over.

If this bill does not get passed, I will be going into the Toronto area, I will be going to Mississauga, Etobicoke; you name it, I will be going. I will never stop till my dying day, till this bill—it's got to pass, the reason being that no family should go through what we've gone through. If this can save another life, thank God.

I just want to say now that I'd like to play this song that I wrote and recorded, and I would like you to listen to it, please. Thank you.

1220

**The Vice-Chair:** Thank you. Please proceed to play the song.

*Audio presentation.*

**The Vice-Chair:** Mr. Craven, thank you for sharing this with us. Members of committee, although we've used up the time allocated for these two deputation, with your permission I would like to give each party five minutes for comments or questions. Please stay, Mr. Craven.

**Ms. Craven:** Will you want us to stay to answer questions?

**The Vice-Chair:** Yes. By rotation, we'll start with Ms. Horwath.

**Ms. Horwath:** Thank you, Mr. Chair. I don't have a lot of questions, because I just—

**The Vice-Chair:** I will turn to the members from government now.

**Mr. Levac:** We'll come back.

In our very first meeting, in explanation, it was evident to me, as I told Jenny, that absolutely no one knows the pain. You've done a very brave and obviously sorrowful job of letting us know—

**Ms. Craven:** I've kept this in for a very long time, and finally it's come out what happened that night.

**Mr. Levac:** By providing us with that picture, you give us the opportunity to make sure that—as I've spoken to you before, and your father—hope of all hopes, it doesn't happen again to someone else. The bravery that you've stepped forward to ask us to commit to doing 89 is laudable, and I appreciate it.

You had mentioned something: that in your deputation people didn't show up. Has anyone ever explained to you why those holes that existed did not get filled by the deputations—you mentioned that the CAS didn't come forward; the police. Did anyone ever tell you?

**Ms. Craven:** Back in 2002 I was in the complete dark. I've seen the children's aid to look at my files, I've seen Nova Vita to look at my files, and all of a sudden I've been told that, “Oh, we do things differently now.” I don't know if that's the truth, but actually, at the time, children's aid, as long as the child does not witness the assault—it's only spousal violence. I mean, if a man walked across the road and beat up another man like he had beaten me up, he would be imprisoned. But when it's spousal violence, it is not taken seriously. It has nothing to do with child abuse. That seems to be the children's aid point of view.

Other districts might be different. All I can tell you is of my experiences with children's aid in Brantford. I only saw a children's aid worker the same week I was assaulted. She was there for maybe an hour. I told her of the abuse and the no-contact order. She must have realized it would be going to Family Court, because what happens today in Family Court or Superior Court, whichever one, it just happens like that, okay? It's “he said, she said” and it's one lawyer and another lawyer, and you never get to testify on your behalf. But criminal court—that comes nine months to a year later. By that time, the perpetrator, the spousal abuser, has already had your child unsupervised for nine months to a year. Then he gets convicted. Nothing seems to change.

I am so tired of hearing “domestic violence, domestic violence.” It is family violence, family violence. When someone is violent to someone in their family, when are the agencies going to wake up and say, “You know what? This person does not have a right to see their child.” If they can be viciously violent to someone else—how could it make sense? I was a client of victims' services, a special 911 phone, given all this information about how to protect myself and my son, right? But every weekend, the judge in Superior Court had granted that I drop my child off at the access centre and 15 minutes later his father would pick him up and have him for the entire weekend unsupervised. It doesn't make any sense at all.

Through the years, when I would talk about his sociopathic tendencies—okay, I'm no university graduate, so of course they're not going to believe me. But when I tell them about the actions of what happened in the family, the marriage, his crazy family, the absolute control, that he looked at his son as a trophy and property, and me as property—in four years, I remained celibate; I had no relationships. Do you know why? Because that man was a control freak and I knew that if I ever entered into a relationship—even though he was in a relationship himself, I knew that to keep myself and my son safe, I must remain on my own, and that's fine, because today I thank God that I never had a man in my life in those four years, because it just gave me more time with my son's short life.

**Mr. Levac:** Thank you. Mr. Chairman, I know that Mr. Craven brought the petitions. The procedure would be to submit them to this committee, but make sure that it transfers to evidence?

**Mr. Jackson:** We're just bringing them forward to demonstrate to the committee the commitment this family has made to the petition process.

**Mr. Levac:** They'll be posted in the House?

**Mr. Jackson:** He has 55,000. We'll be tabling them in the House as part of the process that we as a committee are going through.

**Mr. Levac:** Thank you very much. I appreciate that. Thank you, Mr. Chairman.

**The Vice-Chair:** Ms. Horwath, are you ready now?

1230

**Ms. Horwath:** Sure. Sorry for that. You talk about Nova Vita. That's the name of the CAS?

**Ms. Craven:** No. Nova Vita is the women's shelter. That's where he did his court-ordered anger management program that he was kicked out of because he refused to give out his girlfriend's address and phone number. They sent me a letter and said that he had been kicked out. I asked them why, they gave me the reason and I said, "Oh, well, I have her phone number," because I knew this woman; I'd known her for years. I said, "I know the number and the address," and I was told, "Oh, no, no. We have to get it from him."

I go for counselling, tell them my story, same thing: Grab the Kleenex, I'm crying, I'm crying, I'm crying, I'm crying, telling them what my son is being told every weekend, and, "I have no weekends with my child; he's emotionally abusing my child." It goes on and on and on. "The man is a control freak, a sociopath," and so on, and they write it all down. What happens with this information? I don't think anything happens. They just write it down and stick it in a drawer.

It's the same with children's aid, but then children's aid, back in 2003, because of a criminal breach of probation by his father, suddenly turned on me and told me that I was emotionally abusing my child because he knew daddy beat mommy up. Have you ever heard anything so ridiculous in your life? They never checked into his home life. They closed the case after I started fighting back; they closed the case. But meanwhile, this

gave me—I had lost the opportunity to ever go to this agency ever again, because who polices children's aid? There are 20-year-olds, 21-year-olds. How can someone of that age, with no life experience, come in and understand? This woman told my sister, when she was interviewing my sister, "Oh, that Andy. He drives a really nice-looking car." These are the kind of people who are working in the children's aid and how they treat you. This is how much experience they have in life.

**Ms. Horwath:** I'm glad you raised that, because that's something that's been of concern to me, that the proper systems don't exist for independent oversight of children's aid societies. Notwithstanding that I'm sure there are some children's aid societies which do really good work, there are real problems within those systems that will never be addressed from an internal process, which is what the government's currently—

**Ms. Craven:** I was asked, why don't I move? I live three doors down from the mother. "Why don't you move?" Well, excuse me: The mortgage was \$540. I have a house. So I should move to a low-rental area and pay \$800 a month while my child is living in a nice area? "Why don't you move?" They put the onus on the victim; they always put the onus on the victim.

**Ms. Horwath:** It seems like after decades of talk about family violence, we don't seem to be getting very far.

**Ms. Craven:** And the ironic thing is that in 2002 and 2003, when they got involved with the breach of probation, I was told, "Well, your son never witnessed the abuse back in 2002." But if he had come down that night when he was five years old, like he did in 2006 to save his father's girlfriend's life and her daughter's, at five years old, we all know now what would have happened to him. Thank God he never witnessed the assault and he remained asleep that night.

**The Vice-Chair:** Thank you. Mr. Jackson.

**Mr. Jackson:** Julie, John, in my 22 years here, this has probably been one of the most powerful presentations that we've had before a committee. However, I am saddened to say it's not unique and it has happened far too frequently.

In the midst of your courage and the strength that your family's had to pull together in these difficult times, you've been asked to navigate through our justice system. This has been very, very difficult for you. I know that we have spent countless hours together in your home and on the phone, in letters and e-mails and so on, but if I were to look at this from the larger perspective, it would appear that our Office for Victims of Crime no longer provides that assistance to help families navigate through the system. I was very disappointed when I sat down with you and spent the time listening to what happened with victims' services and, I'm saddened to say, the conduct of the police in this instance. The women's shelter, the crown attorney, all the way down the line you've not received any real assistance in terms of how to navigate through this system as the victim. And Jared paid the price for that, given that the system didn't protect him in spite of all of your efforts to protect him.

The committee should know, and it should be on the record of this file for future reference, that with the family's permission I wrote to the regional coroner, David Eden. It was a four-page letter I wrote. I've given a copy of that to each member of the committee. And last month we convened a two-and-a-half-hour meeting with the coroner. So I do want to suggest to the committee that we have not as yet heard from Dr. Eden in terms of whether or not he will be granting a coroner's inquest, separate and distinct from Bill 89.

I have had well over a dozen coroners' inquests that I have participated in and called for during my 22 years at Queen's Park, and I will just say for the record that I will be extremely surprised if this one does not go forward, and as you most eloquently put, Julie, that Andrew, in death, is guaranteed a coroner's inquest here.

**Ms. Craven:** Mr. Jackson, can I just say one more thing? Back in 2004, when I went to get a police check on myself because I was taking an educational assistant course at Mohawk College, to my shock I found that there was a restraining order of five years placed on me by Family Court. I had no knowledge of this at all—a mutual restraining order. I had to carry this stigma. To this day, the dead man, the man who murdered my child and who is lying in the ground rotting away, rotting in hell, has a restraining order against me that does not expire until next year—a family restraining order that was put on by his lawyer back in 2002, which I had no knowledge of until 2004. That's very ironic: that I had done no violence in my life but there was an actual family restraining order on me.

**Mr. Jackson:** As you've indicated, Julie, the circumstances of this case are quite extraordinary. He found himself in a courtroom charging you, well in advance of your first opportunity—

**Ms. Craven:** He became the plaintiff and I was the defendant, three weeks after he had viciously assaulted me.

**Mr. Jackson:** Just to put this in context, and John and I have discussed this extensively over the phone, this bill isn't going to fix each and every one of those individual problems. This is such a large and complex issue, and later on in the day I'll be reading into the record some statements that were made 20 years ago that forewarned that this was going to happen in our system as it evolved. But in a coroner's inquest, all the truth will come out. Look how powerful today has been just for those of us here. Imagine if the Chair were a doctor who had powers of the Statutory Powers Procedure Act to actually subpoena people and records to present in a group of peers like ourselves to hear first-hand the powerful presentation. Out of that would come positive recommendations for change, not to lay blame. That's the purpose; we're going to hear from the coroner's office later today. But a group of peers, citizens of Ontario, would have an opportunity to listen to this powerful and tragic story and then make recommendations for change.

Ontario has an extraordinarily good record of coroners' inquests—the leading jurisdiction in North

America. Over the course of the last three governments—and that taints us all, or includes us all—we've seen, for budget reasons and other reasons, that we're not doing as many of them, and it's in doing them that we give a voice to the dead so that they can speak from the other side to tell us what should be done differently.

So I, personally and on behalf of the committee, want to thank you for your courage and for being here. You still have so much farther to go. I know that we all are going to try to help you through this and make this a better province and a safer province for our children.

1240

**Ms. Craven:** Thank you.

**Mr. Craven:** Mr. Chairman, I'm awful sorry. There were a few points I didn't mean to—would it be okay if I could read it out quickly for you?

**Mr. Jackson:** John, we can put those on the record if you want to give that to the committee, and we'll circulate that.

**Mr. Craven:** I just got emotional and I forgot to mention it.

**The Vice-Chair:** Would you like to read them at this time, Mr. Craven?

**Mr. Craven:** If it would be possible.

**The Vice-Chair:** Is this agreeable, members of committee? Thank you.

**Mr. Craven:** Would that be okay? Thank you. It's just that these are some of the issues that merit close examination.

The first was: Was Osidacz's bizarre controlling behaviour, including that of his family, presented at the original custody hearing, and if not, why not?

Was Osidacz's bizarre controlling behaviour of wiretapping his wife Julie's calls provided by the police to subsequent child custody consideration agencies, and if not, why not?

Was the full extent of Osidacz's bizarre behaviour, including that of his family, presented at the original custody hearing, and if not, why not?

Why did the court grant unsupervised access despite the outstanding charges of violence against Osidacz?

Was the follow-up with the children's lawyer office sufficient for the circumstances, and why was no further action taken by them?

What steps did children's aid take to examine the circumstances of Osidacz's conduct and his family's during unsupervised access, and were the actions taken appropriate?

What steps did Nova Vita agency take as a result of receiving information from Jared's mother?

What communications existed between the police, children's aid, Nova Vita and the Office of the Children's Lawyer?

Why were the original criminal wiretapping charges withdrawn by the crown?

Why were there no public mischief charges laid against Osidacz for his false allegations?

Were the facts as alleged by the crown at sentencing thorough and complete, and if not, why not?

Is it accurate that Osidacz did not complete required anger management courses in ominous circumstances involving a new domestic relationship?

What action was taken as a result of this breach, and specifically, why was he not charged with the breach of probation?

Why did children's aid not revisit unsupervised access in light of this breach?

What actions were taken by the police probation officer and children's aid as a result of the discovery of ammunition in the fall of 2003?

What communications were made between the police and children's aid as a result of the no-contact breach by Osidacz in September 2003?

Were the actions of children's aid subsequent to this breach appropriate given the ultimate mandate of child protection?

What is the explanation for why children's aid did not seek a variation in supervision in light of Osidacz's behaviour, including two breaches of probation, both of which raised safety concerns?

What was the disposition of the criminal breach charge?

Those are the questions. Thank you very much.

**The Vice-Chair:** Thank you, Mr. Craven. On behalf of the committee, I want to thank you both for your deputation.

**Mr. Craven:** One quick thing before I go: The reason why I made the song for Jared was to bring them out—my intent is to make sure that every MPP has one and listens to the song. Hopefully it will trigger enough emotion and concern to get the bill passed. I'm going to present some out right now.

**Mr. Levac:** Mr. Craven, we do notice that you had a written statement even though you presented earlier. Is there a chance you can leave us with the written statement as well? Thank you very much.

#### WITNESS X

**The Vice-Chair:** Ladies and gentlemen, the next deputant is appearing on an anonymous basis. I want to remind members of the press that no photographs should be taken of this deputant.

Welcome. You have up to 20 minutes.

**Witness X:** Good afternoon. I'm here today because my eight-year-old and I are in a race against time. For the moment we are safe, but our safety on many levels—physical, sexual, mental, emotional and financial—is fragile. Our protection has become my full-time job. It is not the job I would have pictured for myself 10 years ago. It has been a frightening and lonely struggle, experiencing one system failure after another. I'm here because I'm tired and depleted and I share a common thread in these hearings. Most importantly, I believe we are all here today because there is a crisis in the system which desperately needs triage. I'm here to highlight some of my story to further shed light on the sense of urgency this bill requires.

I came across the story of Julie Craven and Jenny Latimer while doing an Internet search this past spring. I immediately made contact with Cam Jackson's office and the Cravens to find out more about Kevin and Jared's bill. A few months later I spoke with Julie. While listening to her very private and horrific story about Jared and the events leading up to his death, her words echoed in my ears as if her voice were my own.

I realized I had no other choice than to be here today in support of Bill 89. I do it for selfish reasons. I want nothing less than safety for my child, for myself. My name and the gender of my child are not important. Just think of me as any one of a number of Julies, Jennys and other responsible parents out there right now who may be dealing with the same issues before the courts.

Our cases are known to many agencies to have common high-risk factors leading to potential lethal outcomes. Our cases are those in which the safety and welfare of our children and their custodial parents are of prime concern.

The details of my case recorded four years ago by the Toronto Police Service took four hours. Add another two and a half years since that interview, and I imagine we would be here for six hours. So in order to keep this brief, I will highlight the key salient points which are similar in most cases of this nature.

I was in a common-law relationship to the equivalent number of years that I am now in a six-year custody/access battle to protect my child. I'm at the median age of women in the province being murdered by their ex-partners. These facts alone may not mean anything to the general public, but statistically the first two put me in a higher-risk category. If I am at risk, it would stand to reason that my child is also at risk, vice versa or both. The disturbing new trend of familicide is on the rise. The ultimate revenge of an abuser is to hurt our children.

I will give you some background. I was born in Toronto. I'm a university-educated, self-employed marketing consultant and the sole provider for my child. I own the house I live in, pay taxes and am the sole caregiver of this child. I have never been in a violent relationship prior to this one with my ex-common-law partner, and I admit to holding stereotypical views at that time as to what that kind of relationship might have looked like. So when I met my ex-partner, I thought he was a charming, soft-spoken, talented and spiritual fellow. I knew nothing of his lurid past and his patterns of abuse in multiple relationships. He had few relatives and fewer friends. No amount of intelligent second-guessing would have prepared me for what was to follow. He was a master of making impressions. However, the paper trail on my case would beg to differ.

I experienced the gamut: mental, emotional, sexual, financial and physical abuse prior to pregnancy, during pregnancy, post-pregnancy and post-separation. Most disturbing, while still living together, my child, who was then a toddler, was a witness and disclosed sexual abuse by him. This was reported to a child protection agency,

which failed to immediately investigate the case and did so only numerous weeks later. I was later informed by the Toronto Police Service that this interview should have taken place within 12 hours. Had I known that, I would have taken the child immediately to the police, where disclosure would have been ascertained. As a result—

**Mrs. Sandals:** Chair, to make it easier for the witness, could we just have sort of a blanket motion to strike all gender references? Then you can go ahead and talk at will.

1250

**The Vice-Chair:** Is this agreeable to all members? Okay.

**Witness X:** As a result, disclosure was not ascertained and the case was subsequently closed, citing, “No protection concerns.” Why? Because I gave them my word that I would keep my child safe and under supervision. At that moment I made a decision that I would stay with my child and stay with him the rest of our lives, until the child was of an age and out of harm’s way, knowing the risk that if I left, he might have access, unsupervised. So I had two choices, between two hells. Shortly thereafter, my ex-partner assaults me again: photographed by the police and referred to victims’ services, but not the hospital. My ex is arrested and removed from the home.

My child continues to see him third-party with friends that I had agreed to to supervise those visits. A few months later I express my concerns to the police regarding harassing calls that I suspect are coming from him. Since I cannot identify the number from which they are coming, they fail to respond. But I know beyond a doubt it is him. Three months later, when I fail to meet his demands for increased access, which already is two nights per week and every weekend, arranged with third parties and an exhausting process to arrange and maintain, he escalates and is caught by the police and arrested for criminal harassment and stalking. He further breaches these orders, pending two trials, and is brought up on additional charges and held without bail, pending conviction. He plea bargains the original assault.

My child and I are removed from the house prior to his arrest and moved to a safe house. Toronto police install a safety monitoring system in our house, one of only 56 units that exist in the GTA. We’re considered high risk. His probation order states that he is not to have any contact with either my child or me, but this leaves a loophole pursuant to a Family Court order. He is mandated to anger management. No victim contact is made by this agency and he slips through those cracks undetected. There’s no corroboration of what’s going on with his program to what’s going on in our lives simultaneously.

Meanwhile, one of the previously neutral third-party supervisors becomes his girlfriend. However, they have actually been seeing each other all along under the guise that she is neutral. She is then caught video-surveilling my child and me and warned by the police to stay away from us.

Under terms of “no contact” and under house arrest, he petitions the court for sole custody, the forced sale of the house and spousal support. He does not pay child support, and what little he has amounts on average to \$40 per month if you were to spread it out over the past five years.

He has found his new tool for harassment: Family Court. In an effort to continue to keep my child and myself safe, and under pressure by the lawyers, I agree to a consent order to use an Ontario ministry-run access centre to facilitate child-parent access pending an assessment. So while I am one tiny step removed from my abuser, my child is not and must see him, sit on his lap and be subjected to his manipulation. I am told by the lawyers that this is the lesser of two evils, given the current condition of the family courts. At least this is somewhat supervised, somewhat controlled, and definitely better than the previous form of third-party supervision by friends, which was fraught with all kinds of problems.

While the agency is affiliated with the supervised access network of access centres across North America, unlike its US counterpart, which has strict protocols, training and best practices for sexual abuse referrals, Ontario is just getting around now to providing such training but has none to date. What choice is there—unsupervised; marginally supervised by caring but inadequately trained volunteers/staff; third-party supervision by his family and friends who see him as the victim; or, worse, the fate that Jenny faces now?

While warnings have been given to my ex for inappropriate behaviours at the visits, he provides in his litigation the glowing access reports, which would paint a different picture of him. Even though there is a disclaimer in the policies of the program that state that these access reports are not indicative predictors for future behaviour outside the visits, abusers and the courts continue to refer to them for validation to expand access. It does not take a rocket scientist to figure out that anyone in a controlled environment such as this will manage their impressions accordingly, and that regardless of what the child may be experiencing, a child requires a neutral advocate with expertise in family abuse and other health and safety issues related to that child to determine what is in their best interests.

Like the common threads of our stories, there are patterns of litigation by our abusers that are predictable. Yet there are no risk assessment tools in the family courts to assess the potential risk and no guidelines for making decisions accordingly. Few are taking the risk seriously.

How is it that someone with a criminal conviction, under a court order for supervision pending an assessment, can walk into a court on an emergency motion and gain holiday access loosely supervised by his family, even though the endorsement for the order agrees that there are findings of violence against the mother? Apparently, the courts would like nothing more than to reunite children and their parents at the important holidays. As one of my transcripts states, “Every child should

have a Christian holiday with their father.” This prevailing attitude, one which gives priority to parental rights versus the best interests of the child when the facts are in front of their faces, is further revictimizing children and putting them at enormous risk. This no less than an Enron bankrupting our children’s future.

Would anyone on the coroner’s committee today believe that the court put this letter aside because it was not filed in the proper form? An accredited crown expert who sits on the coroner’s death review committee, who has been tracking my case for four and a half years and who has taken part in similar inquests, wrote, and let me read some of the highlights:

“I am concerned about the high number of risk factors that exist in this case, which include the following....

“—history of domestic violence, including assault during pregnancy;

“—medical treatment for domestic violence-related injuries reported and documented by this victim and a number of health providers;

“—criminal convictions for domestic violence—criminal harassment, stalking and breaches of past orders;

“—allegations of sexual abuse that precipitated supervised visits;

“—history of abuse in past relationships, including stalking, harassment, threats, aggressive, punitive behaviour, excessive drinking, financial abuse, emotional abuse, anger problems and pornography use;

“—separation;

“—obsessive behaviour: stalking, preoccupation with mother and child, past threats to her safety;

“—history of excessive use of pornography, with a particular interest in young women and the use of knives;

“—a history of excessive alcohol use;

“—a history of erratic employment;

“—a history of financial difficulties, including significant child support arrears in previous marriage and in this family;

“—perpetrator blames the victim for abuse and makes effort to discredit her at every opportunity;

“—extreme denial and minimization of domestic violence; and

“—child custody/access dispute.

“This is not an exhaustive list, but these 14 indicators of risk are well-known red flags in the field of domestic violence for recidivism and lethality.... I have a great deal of concern about” the child “having any contact with the father outside of the supervised access centre.... I have no confidence in the people in the father’s life taking on this supervisory role.”

Getting back to Julie’s and Jenny’s cases, do we see any similarities here? It’s sad that Jenny and Julie fight to continue to have the rights of their children recognized in death and that these rights were not given the proper attention in life. Under the United Nations Universal Declaration of Human Rights, section 3 states, “Everyone has the right to life, liberty and security of person.” These laws should be at the forefront in such cases. The amendments to the child law reform act need to be retro-

active for all families who were not protected by the new legislation, for they too may be sitting time bombs.

I find it incredible that there is little case law to support a child’s inherent right to safety, and I’m shocked by the judicial viewpoint that long-term supervised access is not a viable option. Well, it is if it’s the only safe option, other than no access, which the courts are rarely granting.

Why are we throwing caution to the wind? Whoever said that safety was a bad thing? Do they even understand the depth of what safety means to a child—emotional, physical, sexual, mental, spiritual—as well as the safety of their custodial parent? Perhaps next time those making decisions would be more willing to exchange places for a few months and let their children walk in the shoes that our children are walking in. But who would be under the 401 to catch them if they were pushed, as was the case with Inara Amarsi? I kept her picture on my bulletin board and still have it, praying for her safety and a return to sanity. Is she safe? Her life is forever in repair.

### 1300

Fifty-three thousand public signatures collected as a sign is also a statement as to the need for this bill to be passed. I’m sure that not one of them wants to be the next hostage taken by Anthony Brooks at Union Station. Family violence is not a private issue. It’s becoming a very public issue—a public issue of safety, as well.

With the stroke of a pen, in less than an hour in court, the rights of children are being set aside in favour of parental rights, with little or no concern for the ramifications of their actions. The lawyers are spinning to win. The price is costly, not one many can afford—especially the children of high-risk cases such as ours. They can’t vote; they don’t pay taxes; they don’t matter.

Decisions in courts are above accountability. Something’s not right here. If directors of corporations holding public trusts are accountable, then the legal system should be held to the same standards.

Rather than conduct seminars offered by the Ontario Bar Association delivered by judges and lawyers entitled “Using the Family Law Rules to Your Advantage,” in which lawyers give industry tips on how to “sharpen your ability to use the family law rules strategically to your advantage,” to learn “which motions are designed to succeed or fail,” “motions to vary interim orders” and—this is in the brochure as well—“tricks of the trade,” perhaps they should be offering the following: “Everything you need to know to protect children at risk in Family Court proceedings—risk assessment tools every judge and practitioner must follow.”

Rather than protect our children, the system is throwing them to whoever can afford the best lawyer. Sad to say, too many women and children are ending up in the coroner’s office as a result.

In the Ottawa Citizen on April 8, 2006, domestic violence expert Peter Jaffe, who sits on the coroner’s death review committee, states the problem quite succinctly: “The whole Family Court system is designed to make a deal, not protect people.”

First, there is the issue of access to justice. Limited access to legal aid certificates, with restrictions to its time and usage, make it difficult to combat the vexatious litigation of an abuser.

Second, there is the highly dysfunctional system which throws high-risk cases into the same pot as all other custody/access proceedings in which the friendliest parent wins. It is a well-known fact that abusers are twice as likely to file for sole custody and use the family courts to further harass and control their ex-partners, yet the courts do not consider this to be hostile parenting at all.

I can tell you first-hand, I am not out to win a popularity contest, and there shouldn't have to be one when protecting one's child. Like Jenny, I'll do what I need to do to protect my child, even if that means breaking the law.

A parent who knows the inherent risk to their child, whether it be advocating for seat belt safety on buses, fighting for cleaner air because the child and so many others suffer from asthma, or keeping a child safe from an irresponsible parent, will do so with fierce compassion for the health and safety of that child. Make no mistake: This is a question of health.

Ironic how we're told by child protection agencies that if we fail to protect our children they will be apprehended from us, yet when we make the decision to leave and risk poverty to do so, we are revictimized by the very system we are assured is there to protect us.

When it comes to support, where are these agencies when we have left and need their help? Why is it logical that something must happen again before further action can be taken? How logical is this? How logical to take off safe supervision and wait for a catastrophe and then step in?

Remember little Luke, the boy who inspired the creation of Luke's Place in Oshawa? Luke was murdered on his first unsupervised visit with his father. Did the courts have the case background? Indeed they did. It makes one wonder why we don't have the constitutional right not to use the courts. We wouldn't be allowed into a condemned building for safety reasons, nor should we have to put our children's safety into the hands of those who will not protect them. It's like going to a podiatrist to perform brain surgery.

It's really time for the judicial system to give up its utopian vision of what the family should look like. One size does not fit all. We need specialized courts with safeguards for our children. Let's heed the lessons to be learned from these tragic deaths and err on the side of caution when issuing custody and access orders.

The need for a coordinated effort between the criminal and family courts is imperative, but none of this is new or particularly complicated knowledge.

We have lost precious lives, lives with dreams that will never be fulfilled, lives whose potential to society will never fully be known.

To even get to court, we and our children have suffered enough. Yet Jenny, Julie and countless others have been tragically revictimized by the system that had the knowledge of the risks in their case.

By giving children who die under these circumstances a proper inquest, we will be giving these children the potential to do in death what they were robbed of doing in life: to serve the greater good. If the political will is there to quickly pass pit bull legislation, then the political will must be there for our children as well.

I live with the constant and real threat that my child's safety is at risk and that we may end up on that growing list of preventable fatalities. In the meantime, my job is to provide a safe haven in which to facilitate the healing for the damage that has already been done.

I appear as Witness X. My name is not important. It may be different than Jenny or Julie. What matters is that the facts of our cases are hauntingly similar. Our dealings with the agencies that were there to serve us are almost identical.

I am here to support these parents and the memory of their children. These women have stood up with their families, with every ounce of courage they could muster to be here, to bring Bill 89 into effect and to advocate for other children. For this, I offer them my deepest gratitude.

Until the cracks in the system are filled and the issue of safety, in all of its dimensions, becomes the primary focus for our children, I do not personally believe that these youngest victims will rest in peace; and nor should we, while we have the power to put these safety measures in place. As they say, better safe than sorry.

Bill 89 is a step in the right direction toward further accountability. It speaks for the children who have died to protect the living. It speaks for my child. It speaks for me.

Thank you for your time.

**The Vice-Chair:** Thank you very much for your deputation.

Members of the committee, there's no time left for comments or questions.

Thank you again.

#### ANNETTE SACKRIDER-MILLER

**The Vice-Chair:** Our next deputant is Annette Sackrider-Miller. Please come forward. Welcome. You have up to 20 minutes.

**Ms. Annette Sackrider-Miller:** Thank you for asking me to speak today. As you've been told, my name is Annette Sackrider-Miller. My son, Michael, and I are grateful to Cam Jackson and the House representatives that they are taking the time to review our government's policies. I sincerely hope that today's meeting will help government to understand the policies and the needs of their people.

I will be speaking today from my son's perspective. Michael and I took many hours preparing his story so that you could hear his voice. Michael has been waiting four years to be heard. Thank you for taking the time to listen.

"My name is Michael. I am eight years old and in grade 3. As early as I can remember in my young life, my

biological father, Steve Malbrecht, was always drinking, smoking, yelling and hurting everyone a lot. Steve always told me that he did not want me and that I was mommy's suck.

"When I was a baby, my mom had to feed me outside so that Steve would not hear me cry. Steve never fed me or changed my diapers. He never hugged me or carried me or did anything with me. I had to go to my babysitter even if Steve was home because he would not take care of me. He would leave me and drink booze instead.

"I had to be careful not to make him mad. He does not like kids.

"He worked a lot, which made us happy, because he was not home to scare us.

"People did not understand that it was normal for me to see Steve sleeping drunk in his chair at night. We would leave him there so he would not wake up and scare us.

"When Steve came inside, we would leave him alone and go outside. If we bothered him, he would hurt us. He could not even walk right. He would fall everywhere and spit and sneeze everywhere in the house.

"Many times, I could not breathe in my house when Steve was home. My mom and I have bad allergies and we have asthma. Steve did not care. He smokes cigars all the time.

"One time I was playing with Steve's work boots on the patio. It was fun to try on big people's stuff. When Steve came in and saw me wearing his boot, he was very mad. He grabbed the other boot and threw it at me across the room. It hurt so much when it hit my head. I woke up later with my sister holding me. My sister was explaining what 'unconscious' means. Steve was pushing my mom against the wall and hurting her. He told her not to let me touch his stuff. We were all crying.

### 1310

"One other time, I was playing with the driving lawn mower in the garage. It was okay because the keys were not in it. I liked the shiny new lawn mower and just wanted to sit on the seat. Steve came in and saw me. I was so scared, I tried to get away. He grabbed me by the arm and lifted me high into the air. He kept smashing me into the ceiling until I stopped screaming. My mom heard me crying and yelling and came out to save me and said she would call the police if he did not put me down. He did, but then he hurt my mom instead and used very bad swear words.

"We always had to do what he said. If we did not, he would hurt us. Steve made us watch him hurt my mom and my family. Steve would get his gun and kill one of our dogs if we made him mad. He made us very sad when he would shoot them in the head.

"Steve hit my sister every day. He said that 'big red' needed to learn how to take care of a man or no one would take her off his hands. He called my sister very mean, bad words. Kari cried all the time. Kari would not have her friends over because Steve would get drunk, touch them, and say bad things to them in his underwear. My sister was sad to have Steve as a stepfather.

"Steve brought his son Shaun to live with us. Shaun yelled at me and would hurt me. Shaun would tell me that he would kill me if I bugged him. Shaun still says those things to me, but now I only have to see him a couple of times a year. He scares me too.

"My life was sad. Steve made me watch my mom and family being hurt by him. Steve wanted me to grow up to be a man so that I would know how to keep a woman in line. He would drag my mom around the house by her head. He would say that that's what women turn into—the c-word—when you marry them. He told me that my mommy would never leave him because he would shoot her, and she would never divorce him. He has many guns.

"One night when I was four years old, Steve was chasing my sister, Kari, around the house. He had already hurt my mom. I told my mom I loved her and asked her if she was okay. My mom was crying a lot. Steve could not catch my sister; she was too fast. Kari hid and called the police. Steve made me watch as he choked my mom and pushed her around. Then he got more beer. He's always drunk. He went to bed with more beer.

"I fell asleep with my sister in the rec room while the police came. It took many police to arrest Steve. He is 300 pounds. They took his guns too.

"The next day we left. The police told us that Steve was a very dangerous man and that they would protect us. They told my mom that Steve would try to kill her because she had had him arrested and he was really mad.

"We went to Deb Henry's house. She is a wonderful friend of my mom's. Deb helped us to get to the women's shelter. I was scared and wanted to be in my own bed. My sister stayed at her dad's for a while.

"Ladies came and talked to my mom and Deb. They told my mom that she must keep me away from Steve, so we stayed at the women's hotel place. Wonderful people there helped my mom to get some clothes. We played and had fun with other children who had to leave their homes too. We had Christmas there. It was sad because we were alone on Christmas, but the workers gave us some presents to open.

"My family had to be careful. We had no money because Steve took it all from the bank. We could not call anyone in case he would find us. We stayed at the hotel for a long time. My sister came back with us. Kari was sad because she got in trouble for not going to school. She failed her classes.

"We got a house to rent, but Steve found us. My mom had to wear a special button on her so police could help us if he came. When he would call to scare us, my mom would take us to the police station or the women's hotel.

"Later when we got home, our house was all wrecked. Steve and people had taken everything. We had to clean up for a long time. Mom got us clothes and furniture.

"Steve got a lawyer and made my mom take me to the police station to see him; my mom and police would keep us safe there. I was scared and wanted to leave. I did not want to see him. Deb and my mom made me feel better and took me home after a while.

"I had to see Steve because the judge man said so. My mom and her friends would watch Steve and me visit at McDonald's so I would be safe. He did not even play with me. I went there lots of times. I liked McDonald's but I wanted to play with Jenny and Dawn because Steve just sat in his chair. Steve would go out to his truck to drink and smoke.

"Later I went to visit Steve at Merrymount place. The judge man made mommy take me there. I liked playing there. My mom would stay for a while so I would not be scared. Steve does not even know how to play. I did not want him to be there and would tell him to leave me alone.

"No one cared how I felt except for my mom and her friends. The judge man made me visit Steve. I do not like him and I am scared when I am with him. I told all of them that I do not want to see Steve. No one listens to me.

"After a while, the judge man told my mom that I would have to go with Steve by myself for three hours. I was so scared. No matter what I said, they made me go. I thought the police were there to protect my family and me. My mom was wrong. Mom told me that we would be safe. The police chased me around the parking lot, the lawn and even trapped me in the building. They lied to my mom and they did not take care of me. They lied to me. I was crying, screaming for my mom to help me. My mom was crying, asking them to be nice to me. The police took me, kicking and screaming, begging for my life, to Steve's car. Every week they did this to me. I never wanted to go. They did not listen. They like Steve better. Steve tells them to catch me. Steve does not even talk nice to me or get out of his car. The police do not care.

"I was worried that my mom was getting into so much trouble because of me. She had to keep going to the children's building to get help. No one there would help her. They would take me in a room and ask me questions. I was five years old and I was too scared to tell them without my mom there. I was scared they would tell Steve and he would hurt us.

"I asked my mom to tell the ladies that Steve left me outside for a long time. I did not know where he went or where he lived; I looked around for him. I was scared and crying. Someone helped me find Steve's house after a long time later. My mom called the ladies at the children's building. The ladies did not get Steve in trouble.

"I told my mom about Steve yelling, taking me to work in a construction backhoe, smoking, drinking booze, scaring me and never playing with me. His girlfriend walked me through a really deep river. Sometimes he did not feed me at all. My mom would feed me as soon as I went back with her. My mom took me to the hospital so many times for air. I would wear their special air mask to feel better. My mom took me to tell the ladies. The children's ladies never helped me to stay safe.

"One time when I was six years old I got very sick from Steve's smoking. I could not breathe or walk. I did not want to play or even talk. I could not get up. My legs

were all purple and looked very bad. My mom took me to the hospital. I was really sick. The doctors said I might die. I have a disease called Henoch-Schonlein purpura. It's a blood disorder. My kidney was not working and I had very low blood pressure and got oxygen. The doctors gave me so many needles and medicine. My mom stayed with me in the hospital for a whole week. I am happy that I had a really good doctor. He told Steve that I could not go with him. He wrote a letter to say that I should never be near to smoke. Steve yelled at my doctor and threatened him. The doctor said he did not care how mad Steve was; I was the important one. That made me feel really good. I had two weeks of hospital to make me better. My mom and her friends took me everywhere, even though she had no driver's licence because Steve hurt her neck too bad. The children's ladies never helped my mom or me. They get mad when my mom comes there and they say she is bothering them.

### 1320

"When I was out of the hospital, the police told my mom that Steve could help take care of me. My mom tried to tell them that the smoke makes me sick. She told them Steve does not know how to take care of me. They did not listen. My mom went to the police station to talk to the police and show them the doctors' letters. They did not listen to her. They kept her in a room. My sister and I were worried why my mom was taking so long. I was crying and I was scared. We went to town to find her. It was the worst day ever for me. We parked at the arena to wait for my mom. Then five police cars all surrounded the truck. I was crying and was so scared. I hid on the floor in the backseat. They wrote a ticket to my sister for not making me stay in my seatbelt. They made my sister drive to the police station. They tried to make me say I wanted to go with Steve.... A long time after, my mom came out of the station. Mom was very upset. They had her there a long time so they could catch me. Steve was mad, telling them I had to go with him. My mom would not let them take me. Mom took me back to the hospital because I could not breathe again. I was scared and do not trust police. My mom tried to call the children's ladies; they would not help my mom. The lawyers tried to help us.

"Many doctors have written letters to tell Steve not to smoke around me. Some of the letters say I can never be around anyone who smokes, not even in their cars or their houses, because the smoke stays there a long time. No one cares, only for Steve. When I go to Steve's I have to take my special inhalers because Steve and his friends do not listen to the doctors or the judge.

"I had a special friend at OCYC that tried to tell the children's ladies and judge how I feel but no one wanted to listen to her either. Steve has all the rights. Everyone does what he wants because he tells them.

"I always get bad dreams of Steve hurting us. He has his guns and hurts the dogs.

"When I was seven years old, the lawyer told my mom that I have to go to Steve's every other weekend. I told my mom that I was scared but I would go because I did

not want my mom to get in trouble. Steve never plays with me. He makes me work. He leaves me with his girlfriend or I watch TV or computer all day. Lots of times he takes me to the construction work too. I am scared in the streets with so many cars and machines. I stay there all day and do not even get food. Sometimes he makes me go in the backhoe with him. There is no seat for me. It hurts, but I cannot say anything because he gets really mad.

“Last month, Steve took me to the Indian reserve to get smokes and booze. Last time he had \$5,000 and gave it to the man with black hair. He says he never has money for presents or doing fun things with me. I know he spends lots of money on smokes and booze.

“Steve makes me get his beer when I am at his house. I even have to go to the Beer Store. I carry all the boxes in and out. Last time I carried 21 empty boxes in and five full boxes out. They are very heavy. He did not help me. I got pictures to show my mom.

“The judge and people do not listen to me when I tell them that Steve drinks and smokes and scares me. I took pictures and gave them to my mom to show to the judge. Steve says to them that I am a liar. I am not. He is.

“Steve and his girlfriend Marlene yell and swear at me all the time. They fight really mean fights in front of me. They swear at each other and at me. Sometimes Marlene hits me.

“They hurt their dogs. Sometimes their dogs bite them and make them bleed when they hurt them. I feel sorry for their dogs. Steve has mean dogs. He teaches them to bite people at training.

“They took my bedroom door off, so I cannot shut it. Steve was mad that I would hide in my room when they were mad at me. Marlene watches me changing. It makes me feel very uncomfortable. I told my mom. My mom’s lawyer told them to give me privacy because I’m eight years old now.

“The lawyer told my mom that I had to go to Steve’s for two weeks this summer. My mom went to the stores and got me many fun things to take with me. Mom even got me medicine just in case. We bought a special case that locks so I could keep my cellphone and private stuff in it. I could wear the keys so Steve and Marlene cannot shut my phone off or take my stuff. I had to go, even though I had never been away from my mom that long. I was really scared, but she told me that I could call her every day on my phone. The second day I was at Steve’s I had to call my mom. I did not want to go with Marlene to the market. Steve was very mad. He chased me and yelled at me like a train. I was crying and ran away from him. I locked myself in the bathroom. He was banging hard on the door, swearing at me. I could not breathe; I knew Steve wanted to hurt me. My mom kept me feeling better by talking to me the whole time on the phone. Steve went away after a while.

“Steve and Marlene lied to my mom and the police. He did not even take holidays. Monday morning, they went to work. I played on the computer and watched TV all day. We didn’t eat supper till 9:30 at night.

“On Tuesday when I woke up, no one was in the house at all. I looked around. I looked outside everywhere. I called my mom because I was scared. I called my mom the whole day. My mom would make me feel better by checking on me the whole time. My mom was scared to come there. I was glad that Steve and Marlene were not there but I was still scared. When it was 4:15, Steve and Marlene came home from work. I was very hungry, but I am not allowed to eat. They have a camera on the fridge so they know. We ate at almost 10 p.m. I asked Marlene not to go to work until Steve was home from work. She said no.

“On Wednesday, I was alone again when I woke up. The truck and car were all gone. No one was there but me. I was scared, so I called my mom. My mom got upset because they left me alone again. My mom would make me feel better and asked me to look around for someone. No one was there. My mom came from home and drove around a lot. She told me to wave when she went by. I was feeling much better because I knew she was outside. We talked all the time on our cellphones. My mom called the police because I was scared and I didn’t trust them. The police told her that eight years old is too young to be left alone.... My mom’s lawyer friend came too. They were all upset that I was left alone. We talked a while. The policeman went to look for Marlene down the road, where her car was. They came back after a while. The police talked to Marlene about leaving me alone. The police also talked to my mom and the lawyer man. The policeman said he could not charge Marlene because I was able to talk to my mom on the cellphone. The police asked my mom to take me home.

“I am over eight years old now. Steve is still trying to get me over to his house again. I do not understand why I have to go. I should have rights to say I don’t want to. I am scared there and Steve and Marlene do not treat me nice or good. The police keep calling my mom, scaring her, because Steve tells them to.

“My mom is kind and gentle and I enjoy my life and time with her and her nice friends. I am happy with my family. We do lots of fun things together. We learn lots of things together. I like my life without Steve.

“When do I decide what I like and who I like? When Steve was at my house with my mom and sister, they were there to protect me. Now I have to go all alone and it is more frightening, because Steve knows that I am alone. Not the police, not the judge man, or even the doctors or social workers will help me.

“I have never known a day without fear, an escape plan, a day I could play without worrying about my safety and my mom’s safety. I have never known a school day that I was not looking around, worried that Steve was wanting to steal me. I would like to know how it feels to just play, breathe normal, have the name I want, have fun with my friends any day I want, run, play, go for long holidays with my family without Steve’s permission. I did not even get to go to Disney World because Steve would not let my mom take me out of the country. I want to be like other kids. Steve should leave

us alone to have a normal life. He did not treat us good or like us when we lived with him. We do not want to be scared all the time.

“My mom, her friends and her lawyer have tried to protect me, but no one listens. Please help us.

“Thank you for listening to my story today.”

**The Vice-Chair:** Thank you, Ms. Miller.

Members of committee, that’s all the deputations scheduled for this morning. We will take a recess until 2:30 p.m.

*The committee recessed from 1329 to 1437.*

#### CANADIAN CENTRE FOR ABUSE AWARENESS

**The Vice-Chair:** Ladies and gentlemen, the standing committee on regulations and private bills is back in session. Our next deputant is Mr. John Muise from the Canadian Centre for Abuse Awareness. You have up to 30 minutes, and if there’s any time left then the members can ask questions or provide comments.

**Mr. John Muise:** Thank you, Mr. Wong, all the MPPs and the people in the audience here today. It’s much appreciated. My name is John Muise. I just took on a role as the director of public safety for the Canadian Centre for Abuse Awareness. I just wrapped up a 30-year career as a police officer at the Toronto Police Service, where I retired holding the rank of detective sergeant attached to the homicide squad. My last posting was manager of the major case management unit and the retroactive DNA team.

Previously, during my police career, I was seconded to the then full-time Office for Victims of Crime, the Ontario advisory agency, between 1998 and 2004, where I was employed as the manager of special projects and worked for the chair, Sharon Rosenfeldt, and vice-chair and special counsel, Scott Newark. I had also previously been—and I’ll elaborate on that—a volunteer and a member of the board of directors of the Canadian Centre for Abuse Awareness while I was at the Office for Victims of Crime and the police service.

Just by way of introduction about the Canadian Centre for Abuse Awareness, it’s a non-government registered charity founded by Ms. Ellen Campbell in 1993. The Canadian Centre for Abuse Awareness, based in Newmarket, accepts no government funding in support of ongoing operations but rather relies on donations from individuals, corporations and other non-government sources. Ellen Campbell is the current executive director of the organization and the founder. CCAA has as its mission the prevention of child abuse and the support of adult victims of child abuse. CCAA delivers a number of programs in support of crime victims and survivors, including support to over 70 organizations that provide direct service in the community.

More recently, and to give you a sense of what I’m doing there and what the CCAA has done on the public safety front, the work of the CCAA has come into the public eye as a result of its association with the Martin

Kruze family. As you know, Martin was the first victim of the Maple Leaf Gardens child sex abuse scandal to courageously come forward and disclose his abuse at the hands of a brutal perpetrator. It was four days after the accused in his case was sentenced to two years less a day in jail that Martin tragically took his own life by jumping off the Bloor viaduct. Although it was too late for Martin, the offender’s sentence was increased to five years by the court of appeal.

The association with the CCAA, coupled with a further one developed with the then Ontario Office for Victims of Crime, resulted in the publication of the CCAA’s Martin’s Hope report, named in memory of Martin. I’ve left a copy for all of you. The report makes 60 recommendations for legislative reform of the justice system, including 21 directed at the provincial government. The report was released on November 19, 2004, by then Chief of Police Julian Fantino and a copy was delivered to the Honourable Michael Bryant, Attorney General, the next day. It should be noted that these recommendations were as a result of 10 round tables conducted around the province where the CCAA spoke to 150 front-line criminal justice professionals, crime victims and survivors of abuse. We work from the premise that those are the folks who can tell us what’s wrong with the criminal justice system and how to best fix it so that people aren’t revictimized.

To illustrate an example of one of our recommendations in the Martin’s Hope report, the Ontario Ombudsman’s recent announcement of last week to conduct an investigation of the Ontario Criminal Injuries Compensation Board is one of the recommendations—it’s 11-6—contained in the Martin’s Hope report. The CCAA has spoken out publicly about the problems associated with the CICB and has assisted the Ombudsman’s office by meeting with investigators and providing information and names of crime victims in support of their investigation. Obviously, we’re pleased with their announcement and we hope that that recommendation will be fulfilled.

I got back from a week’s holidays late Sunday night and was deluged with some phone calls and e-mails, so I had yesterday to work on this. It was fast and furious. Fortunately, the bill is simple and succinct. I think I was able to hit the high points. If the brief looks rushed, my humblest apologies, but I only had yesterday to work on it.

“We speak for the dead to protect the living.” If you visit the website for the coroner’s office, you will see this quote prominently displayed on the home page. It’s identified as the mission statement. It is a good one and it is justifiably true. Anyone familiar with that office knows it has a unique history of holding inquests into cases of unlawful death. Yeo, Stephenson and May-Iles are all examples of inquests that focused on how a particular social system permitted a death to occur. The recommendations for reform of institutions that came out of these inquests cannot be overstated.

You folks know exactly what Bill 89 proposes so I’m not going to repeat it in my brief. Suffice to say, quite

frankly, we believe that the bill as written is not in need of any tinkering or amendments, certainly from where we sit. The bill is clear and succinct. We will restrict our comments to why we support the bill, coupled with responses to what we anticipate might be the arguments against this bill.

Although we know that all child deaths under the circumstances contemplated above are apparently the subject of review by the coroner's office, not all are the subject of inquests. Currently, the Coroners Act calls for an automatic inquest where a person in the custody of the state, such as a police lock-up or corrections facility, dies. In addition, any death that occurs as part of a construction project or mining operation will also be the subject of an automatic inquest. These are held whether or not a criminal act is committed. So if somebody ends up having a heart attack in that cell, it's going to be the subject of an inquest.

The CCAA quarrels with neither of these, and in fact a significant parallel can be drawn between the person who dies in police custody and a child who dies as a result of a criminal act while under a supervision access order. The parallel, of course, is that both are in the care of the state. The expectation of transparency and accountability is a high one for those found dead in police custody; indeed, it should be. Many a police staff sergeant has sweated bullets before having to testify on how an inmate managed to commit suicide in the police lock-up. Why should the test be any different for a child over whom the state has a legislated responsibility? In fact, in the case of the police in-custody mandated inquest, there is no requirement—and I emphasize that there's no requirement—that a criminal offence be the predicate act to trigger an automatic inquest. This bill would first require a criminal offence to be the predicate act to have an inquest called where a child is murdered.

A quick review yesterday of the debate at second reading of this bill revealed comments from one member of the Legislature implying not only that it was inappropriate to order the coroner to hold an inquest, but also that it might even be illegal. We feel obliged to deal with these comments head-on, notwithstanding the fact that they were delivered, I believe, with the best of intentions from a member no doubt concerned with the integrity and independence of the coroner's office. But if that were in fact the case, wouldn't the two sections about deaths in custody and accidents at construction sites and mines be inappropriate and potentially illegal? What about the current section 22, which allows the minister to order the coroner to call an inquest into any death where he or she sees fit? The act as it is currently written doesn't contemplate 100% independence for the coroner, and these amendments proposed by Mr. Jackson really don't change anything. This is an entirely appropriate amendment, in our estimation, and we think it sets the bar where it should be in terms of the protection of children.

The other section that we'd like to comment on is the allowance for a victim as defined in the Victims' Bill of Rights Amendment Act to apply for compensation from

the victims' justice fund where they have been granted status at an inquest. For far too long, the families of crime victims have been forced to hold bake sales—and I'm not exaggerating—or go begging cap in hand for a substantial discount from a lawyer sufficiently interested in representing their position at an inquest. This is often against the backdrop of grief, loss of employment, breakup of families and other assorted misfortune that befall families when a loved one, particularly a child, is murdered.

This is not new ground that is being covered. Mr. Jackson, the MPP who introduced this bill, is a long-time victims' rights advocate, and he has pushed for the passing of this kind of legislation for some time now. In addition, the groundbreaking report on victims' services entitled *A Voice for Victims*, from June 2000, completed by past members of the Office for Victims of Crime, proposed almost exactly the same thing. At the time of that report, I was seconded to the Office for Victims of Crime from the Toronto Police Service. The report makes precisely this recommendation at recommendation 20, and the narrative in support is every bit as applicable today as it was then. It is repeated here:

“Provision of counsel to victims' family members at inquests: The coroner may grant standing to family members at such inquests (and usually does) but has neither the authority nor the budget to provide funded counsel. This is relevant in the kinds of inquests referred to involving crime victims as generally the other parties are public institutions governed by public legislation. The inevitable result is publicly funded counsel arguing (properly) legal interpretations of duties, responsibilities etc., all against a backdrop of potential civil litigation. Our experience in this area reveals that victims are frequently reduced to shopping mall fundraising efforts to get counsel, which is wholly unjust given both the predicate event which causes the inquest and the public benefit deriving from the information the inquest provides.”

Put simply, while government institutions are often more concerned with covering their respective backsides, the information elicited by legal counsel on behalf of crime victims is what forms the bulk of the sensible public safety and criminal justice reform recommendations that often flow from a coroner's inquest. That crime victims have to go cap in hand to get representation that benefits all in society is beyond cruel. Frankly, it is obscene.

Against the backdrop of a victims' justice fund, funded as a surcharge on speeding tickets and other similar infractions—a tax that I like to refer to as one that every Ontarian can love—that had, at last published reports, somewhere in the neighbourhood of \$40 million in surplus—a topic for another day—lack of funds isn't an excuse. We don't even need the \$426 million in surplus that was currently identified in the government budget. A review of the victims' justice fund suggests that it is entirely appropriate to make this sort of allocation from that particular fund.

**1450**

As an aside, the CCAA would have hoped to see someone from the current Office for Victims of Crime testifying at committee about this legislation of critical importance to crime victims. Alas, they don't appear to be on the public committee list. This is entirely regrettable, and is no doubt a product of the fact that the OVC's appointed community members are now part-time rather than full-time, as was previously the case. The CCAA raises this not to be snide or difficult, but rather to point out the fact that members of the previous full-time office would have been here in this public venue to respond, relying on the voices of crime victims, survivors and front-line criminal justice professionals, to this bill. Although not specifically the subject of this meeting, as a legislative committee it is certainly within your purview to provide written advice to the Attorney General and this government on the urgent need to repair this significant deficiency in relation to the OVC. We encourage you to do so.

In closing, the CCAA would like to reference two of the comments made by members during debate of this bill. First are MPP Christine Elliott's comments about the bill itself: "This bill is elegant in its simplicity and resolves the specific issues that we're faced with today succinctly. I support this bill wholeheartedly and urge my colleagues in the Legislature to do likewise."

Second are MPP Dave Levac's comments about Mr. Jackson's commitment to this issue and the need for all members of the Legislature to come together in support of this bill: "I say to the member from Burlington, as I did two years ago, I thank you for bringing this forward. I fully support what you're asking us to do. I challenge us all to set aside any shackles you may have been given or want to use and to say, 'Let's just do the right thing.'" Frankly, the CCAA couldn't have said it any better.

Finally, we would like to thank the families—people I haven't met yet—for their commitment, bravery and courage in the face of adversity. The CCAA looks forward to the memory of your children being honoured by the passing of this bill as it is written.

**The Vice-Chair:** Thank you, Mr. Muise. Members, we have about 15 minutes, so there would be five minutes per party. I will start with the government side. Mr. Levac.

**Mr. Levac:** Thank you, Mr. Muise, for your presentation. I appreciate it. In your experience in your other life, were you subjected to the types of investigations that this bill is now trying to deal with?

**Mr. Muise:** I personally was never called to a coroner's inquest as a police officer. I can tell you that some of my colleagues were, for the most part in relation to police in-custody deaths. They truly did sweat bullets, and many accused the experience of turning their hair from brown or black to grey. It's not taken lightly in the police community because it's the kind of forum, quite frankly, that although blame is not said, there's a potential for change. Certainly you have to be accountable and you have to justify your actions, and of course it can all

come back to being dealt with in the police service in a disciplinary role. I guess that's my long way of saying that I never experienced it myself. I know lots of members who have, and on occasion with the other kinds of inquests, the kinds that are contemplated with this bill that Mr. Jackson has introduced, I do know that recommendations that have come out of—I'm particularly familiar with the Stephenson inquest, and although it took a long time, the end result of the recommendations that flowed from that bill, it's the same kind of situation as what's contemplated here. The end result is significant and positive, potentially.

**Mr. Levac:** I appreciate that. The question wasn't designed to check that. You just had a passion in your voice and I wanted to know if there was an experience.

**Mr. Muise:** No. I can't say that.

**Mr. Levac:** Thank you. Very quickly, and then I'll turn it over to my colleague: It's your understanding, and I clearly hear you saying it, that you don't want to see the bill changed in any way, shape or form. Do you believe, then, that it covers off the people we want to catch and that it would cover off clearly the circumstances we've heard in terms of the four various cases? Is that your opinion?

**Mr. Muise:** I think so, subject to somebody else thinking of something that I haven't. Quite frankly, I think there's room to add another category, and that's where anybody who ends up dead, child or otherwise, as a result of somebody who's out on bail, probation, parole, conditional release or some other form of judicial release, section 8.10 order, take your pick—I would add that to this bill. I don't suspect that's going to happen, but certainly, again, that's for another day. In terms of what's written there, I think it covers everything. If somebody knows better and I've missed it, then I certainly would like to hear it and I welcome it.

**Mr. Levac:** I always like to improve things, yes.

**The Vice-Chair:** Ms. Sandals.

**Mrs. Sandals:** I think you mentioned that in your past history you were a police officer. In a number of the family stories that we have heard today, I think the women have experienced some frustration in dealing with the police in terms of trying to get the core problem, which was the abuse, initially of the woman, dealt with seriously by the police. I wonder if you've dealt with issues around how to get police to recognize and take seriously and intervene in cases of domestic violence early enough.

**Mr. Muise:** Like I say, I go back 30 years to 1976. The best I can say is—and it might seem incredible to people listening right here today—it has improved a lot from 30 years ago. What I suggest, as a former police officer and the current director of public safety for the Canadian Centre for Abuse Awareness, is that we have a ways to go, overall. Yes, absolutely. I think the two biggest issues attached to it are training and, once the training has been done, putting that training into action. I hope that as we undergo, certainly in policing, a changing of the guard—there are a lot of crusty old guys moving

on, and mostly guys—that's going to impact how women who are suffering abuse are treated.

It's not carved in stone. I think of the Toronto Police Service because that's what I know. Every division has a domestic violence coordinator. He or she doesn't just coordinate. They are responsible for all of those arrests and the charges and for ensuring—and this is a long way from 30 years ago—that when that alleged offender gets bail, for example, the victim finds out exactly what the conditions of that bail are and what the situation is and finds out that very same day. I can tell you, that didn't happen 30 years ago. I know that's happening on the Toronto Police Service. I suspect it's happening elsewhere. That's a good thing. But there's lots to do across a range of responses, and it's not just the cops.

This is not new. This transcends governments. Often, the people who perpetrate these offences are already out on bail or some other form of conditional release.

This province has—and it's one of our recommendations in our Martin's Hope report—on the electronic monitoring front, a really cheap tool, keeping up with the technological times; we have so underutilized that tool in this province that it's obscene too, quite frankly.

So there are a bunch of different fronts that we need to work on. I certainly don't want to avoid your question. The cops have work to do.

**The Vice-Chair:** Mr. Jackson.

**Mr. Jackson:** John, thank you very much for being here. I must say for the record that you and I have known each other for quite a few years and have worked together in your various capacities.

I do want to thank you for the brief, because you speak independently about the issues around the Office for Victims of Crime, which I had a hand in designing and developing about 16 years ago. So I was glad you were a part of that.

**1500**

Earlier today, we talked to families who expressed, amongst many of their frustrations and concerns, their inability to navigate through the system. Would you briefly describe for the committee how the Office for Victims of Crime actually—how, when introduced by an Attorney General or referred by the government, there actually was assistance provided to them in order to better understand and navigate through the system, and how that has been dropped as part of the mandate. I'm trying not to be inflammatory here. I have very strong views about what's happened. However, we could not have had more eloquent statements this morning from families who are just floundering in the system, not knowing how to respond. Just the act of writing to the coroner took me eight or 10 hours of research and work with the family. There was nobody in the system, other than the former OVC, to do that.

**Mr. Muise:** Thank you. Obviously, I have a passion and certainly a special place in my heart, and quite frankly have no interest in going back there currently. The Office for Victims of Crime was—some people referred to it as a political office, and maybe it was. I

don't know. I prefer to look at it as something that was an office that intended on making a difference. I remember the Honourable Charles Harnick, the Attorney General at the time, who originally announced our office, saying that it was an office with a difference. I believe it was. We had a murder victim as the chair. We had an activist crown, a previous crown attorney from Alberta, and the previous executive director of the Canadian Police Association as the vice-chair. We had seconded police officers, seconded victim witness people, and a variety of crime victims who had experienced crime in the worst way. All of those things provide for an interesting and challenging workplace.

But I can tell you that what grew out of it, the jewel that I think you're talking about, was our special victims unit. We saw it as two things: one, a unit where we could find out, for instance, as one example, what a horrible job the Criminal Injuries Compensation Board did of responding to crime victims. So certainly that was one of the things that we tried to work toward. But in addition, we also, in that special victims unit and the jewel that was the unit, were all able to sit down in that office as seconded police officers, somebody with a legal background, crime victims and victims serving people. So when somebody called in with these sort of layered, incredibly complicated issues—"The cops aren't listening. The Criminal Injuries Compensation Board is working us over. I'm not getting answers. I don't know what's going on"—we would sit down and conference these complaints. We were able to, if necessary—I remember at 5 o'clock on a Friday afternoon sending a letter after getting off the phone with the person in charge of the Don Jail, wondering about why somebody had gone on the lam. That went via fax. In 15 minutes, somebody who was going on holidays the next Monday was back on the phone: "We need to deal with this. This is a public safety situation." So there were lots and lots of files that we dealt with where people just were frustrated and getting worked over by the criminal justice system, that secondary revictimization.

We pumped out a lot of product too. A Voice for Victims was one example, and I know that some of you around the room have probably seen it, probably seen it waved—I certainly remember some opposition MPPs at the time waving it around in the Legislature. I think they probably broke the rules. But the point is, we were allowed by the government at the time to push the agenda of supporting crime victims and enhancing public safety, and we were full-time, so we could create that product, we could keep pushing things through. And of course we had the special victims unit, where we could respond to the very complicated problems. What happened was, of course, there was a natural sort of regeneration and those of us who were there left, and I quite frankly understand that 100%. People want to bring their own people in—they should. The problem is when you go from full-time to part-time, you really can't get that much work done, and you certainly can't have a special victims unit with folks who come in three or four times a year for a couple

of days to talk about issues and then go away. It doesn't work. So, apparently, the victim secretariat has their own special victims unit. The irony attached to that is the people we have referred—because we can't afford to have an ongoing special victims unit at the Canadian Centre for Abuse Awareness; we don't have the funds. But the people we refer, ultimately almost all, call us back saying, "We didn't get any help down there."

So I think it's difficult. I don't want to be critical of people, but I think it's difficult when you work within a bureaucracy to send a hard-hitting letter to a crown attorney saying, "What are you doing?" I think it's really difficult. I think it's hard if you're in the bureaucracy to send a letter to the deputy minister saying, "What are you doing?" or, for that matter, to the Attorney General or the Minister of Community Safety saying, "What are you doing?" That's what we did, and it was really good for crime victims. I think the government thought it was pretty good too, and that's okay, that's a nice by-product.

So the old office, they'd be here today, testifying, and if there's another day that they're coming, I take it back and I humbly apologize. It's a four-page bill, and it speaks to a very specific issue. This is a significant bill for crime victims, as big as it gets and as good as it gets. Since the Victims' Bill of Rights and the Victims' Bill of Rights Amendment Act, it's as good as it gets. The OVC would be here with bells on. I say that as an example of how crime victims in the province and ordinary Ontarians suffer as a result.

Another example was, sitting there, we were able to move quickly, and of course the Office for Victims of Crime—and it's sort of unique, arm's-length—works well when it has a connection to the people who are the ministers and the government in power, whatever government that would be. I use this as a small example; it's an example I'm very proud of: On September 11, 2001, we were all sitting watching the TV sets, like I suspect all of you were, going, "Oh my God, what happened?" And I remember having a conversation with Sharon Rosenfeldt and Scott Newark and saying, "We're the Office for Victims of Crime. We need to do something. We have to, even though we're not the Canadian government." The Canadian government wasn't jumping on it, so I remember spending all day and all evening writing a report, and within a handful of days, it went to the Premier's office and it went to the minister's office and within a handful of days, the Premier and the minister were announcing a fund and a response. Myself and three others from the OVC jumped into a car and raced down, because we knew there were dozens of Canadian victims. It turned out there were 25 or 26, but we knew there were people who needed help and we could help. Beyond sort of all hands on deck at the consulate in New York, there wasn't any real Canadian response. So we went down there and a couple of representatives of the ministry were sent down and—I want to be polite—we were sandbagged. Even though, with my badge, we had managed to get right into the inside of the victims' centre and met with Mr. Giuliani's reps there, who were in control and

shot the breeze with Bill and Hillary Clinton, we weren't able to set up the way we wanted, because at the end of the day, it wasn't supported.

I should keep it on a happy note. The reality is we were able to respond later when the victims came back after we dealt with some of the more petty issues. We were able to make sure that the Ontario victims were able to attend the September 11, 2002, memorial and we went with them and the ministers were there with them. It was an appropriate response to a cataclysmic crime. That's just one small example. We were able, as Mr. Jackson knows, to provide very specific advice on a number of projects, one of which was the ROPE squad.

1510

**The Vice-Chair:** Thank you. Your time is actually up, if you are able to wrap up very quickly.

*Interjection.*

**The Vice-Chair:** Okay. Ms. Horwath.

**Ms. Horwath:** Today we heard from a number of families who seem to have a common experience in that the systems failed them: police systems failed them, family courts failed them and children's aid societies failed them. Your group is dealing with abuse awareness. Can you tell me briefly if you believe that internal systems of review are working for people, in your opinion, or are external systems of review for these systems better and less biased?

**Mr. Muise:** It's a very good question. They work when there's an opportunity for accountability, but I'll give one example. You raise one of the organizations. The children's aid society, particularly the Toronto Catholic Children's Aid Society, is one example. We've had one disaster after another over the years. I find it bizarre that, for instance, the Ombudsman of the province can't wade in, I understand—and somebody can correct me—when the province funds children's aid societies to the tune of \$1.2 billion a year.

It's almost exclusively external accountability that at the end of the day makes a difference. That could include the Ombudsman's office. It certainly includes a coroner's inquest because you have people who come, you have all the players there and it's in an independent setting. I don't suspect the minister picks up the phone and calls the person in charge of the coroner's court that day and says, "Look, you know what? Let's take a bit of the edge off of this." I don't think it happens and I would never believe that it would happen. So that external pressure—there's no question. I always prefer it.

I use them as an example. I didn't want to have to go to the Ombudsman's office, but no one was listening about the Criminal Injuries Compensation Board. So I went there and I gave them names and I provided a two- or three-hour taped statement. I said, "Call me any time." If I wasn't in the wilds of Quebec last week, I would have been at the press conference. We didn't need to do it that way, but you can't ask the ministry to investigate the Criminal Injuries Compensation Board, because the end result—and I don't want to be sarcastic; I sometimes can't help myself—is more about how many paper clips

you used and less about, “What about the people we serve?” It’s the cops; it’s CAS. Whenever there’s an external opportunity, that’s when you have the opportunity to make a difference, and I can’t think of anything much better than either the Ombudsman’s office or a coroner’s inquest.

**The Vice-Chair:** Thank you, Mr. Muise, for your deputation.

**Mr. Muise:** Thank you very much. I appreciate the opportunity.

#### MINISTRY OF THE ATTORNEY GENERAL

**The Vice-Chair:** Next, we have representatives from the Ministry of the Attorney General: Marie Irvine and Judy Newman. Please come forward. There are three of you. You will have up to 30 minutes. Please identify yourselves before you speak.

**Ms. Judy Newman:** I wanted to thank the committee for inviting the Ministry of the Attorney General to attend to speak to the supervised access program that’s funded by the Ministry of the Attorney General. I’m Judy Newman and I’m the manager for the supervised access program for the ministry. Accompanying me are Marie Irvine, who is counsel for the policy division, as well as Andrea Strom, who is the director of policy for the ministry as well.

It’s my intention to provide you with a brief history and description of the supervised access program at this time and to entertain questions.

The supervised access program was created as a pilot project in 1992 as a joint project of MAG, or the Ministry of the Attorney General, the Ontario Women’s Directorate and the then Ministry of Community and Social Services to provide service to separating families with orders for custody and access who were ordered to have their access supervised.

When I refer to “supervised access” and when I refer to “access,” I’m referring both to fully supervised visits on-site as well as to supervision of the exchanges or the transfer of the children from one parent to the other for visits off-site that we don’t oversee. But we do oversee the exchange.

The program received ongoing funding in 1994 following a very positive evaluation. Province-wide expansion was funded in 2000. Prior to 1992, there was no government-funded service for separating families needing a place for safe contact between children and non-custodial parents. There were some services provided by a variety of organizations scattered across the province. Mostly, supervised visits were supervised by family members, and supervised exchanges were conducted in public places such as fast-food restaurants and police station parking lots.

Currently the ministry has transfer payment agreements with 37 separate non-profit organizations across the province that were selected by a competitive process. We have services in each of the 52 court districts across the province in 78 sites. Our service providers include the

YMCA and YWCA, children’s mental health centres, child and family service agencies, CASs and free-standing organizations formed specifically to provide supervised access.

In 2005-06, Ministry of the Attorney General supervised access centres provided service to about 1,800 children and conducted about 50,000 supervised visits and exchanges. Some 99.9% of visits and exchanges occur without critical incident being reported. The current base of the transfer payment for the program is a little under \$4 million. Centres charge fees for service and for reports that they provide using ministry guidelines, and they’re based on a sliding scale. The fees may be waived if someone is unable to pay. Fees account for no more than between zero and 6% of centre revenues.

The purpose of the program is to provide a safe, neutral, child-focused setting for visits and exchanges or transfers between the child and the non-custodial parent or another adult such as a grandparent where there is a concern about the safety of the child and/or the custodial parent. Trained staff and volunteers facilitate the visit or the exchange. They don’t enforce orders. It’s a facilitation, not an enforcement. Supervised access also gives integrity to access orders of the court where compliance has been an issue, and provides notes of factual observations of the parent-child interaction to assist the parties, their lawyers and the courts in making decisions about ongoing access.

Ministry of the Attorney General supervised access centres do not provide service to children who are in the care of the children’s aid society or while the CAS is conducting an investigation. Ministry of the Attorney General supervised access is to be a fair and neutral setting where safety and child focus are the priority.

Service is provided on-site and in a group setting—that is, staff do not go to people’s homes or follow them into the community, and they don’t transport adults or children.

#### 1520

Most centres operate with one full-time coordinator and other part-time paid staff, and while many centres use the service of volunteers to enhance the service of paid staff, their availability has been diminishing. Service is usually available on weekends and some weekdays and evenings. Centres don’t provide counselling, mediation or other services to clients, but do refer them to appropriate community services. They also don’t conduct assessments or make recommendations about custody and access.

Supervised visits might be appropriate in cases where, for example, there are concerns about the safety of the child and/or the parent; for example, where there’s a history of domestic violence, where the non-custodial parent has a drug or alcohol problem or a psychiatric disability, where there are allegations or a history of sexual abuse or sexual offences, where there has been a lengthy disruption in the relationship between the parent and child, or where there’s a risk of abduction.

Supervised exchanges or transfers might be appropriate in cases where, for example, there’s an unresolved

conflict between the parents, where there's a need to determine if a parent is under the influence of drugs or alcohol, or where there is a concern about the safety of the custodial parent during exchanges.

Centre staff have a variety of academic backgrounds. Their skills and experience are taken heavily into account. All staff and volunteers are required to do job shadowing before providing service. They are trained to observe visits, to complete notes of factual observations of the parent-child interaction, and how and when to intervene if there is a safety issue.

The program requires that a minimum of two trained personnel be on-site at all times during visits and exchanges. Volunteers are not left on their own to deal with families, high-risk or otherwise. Safety precautions used by the centres, such as staggered arrival times, no contact between the parties, prohibition of cameras, cellphones and recording devices, children always being in sight and hearing of staff, including during washroom visits, and extensive, separate intake interviews, apply to all families regardless of the reason for referral.

Ministry program staff support the centres with regular training and clinical support. The ministry develops and updates program policies and procedures with the centres, including policies and procedures for working with families where domestic violence is an issue. There are peer review and mentoring processes in place for service improvement, and ministry staff review site locations regularly for safety and child focus. Thank you.

**The Vice-Chair:** Thank you. If there is no further deputation, we have about 21 minutes left. Each party will get seven minutes, and I'll start with Mr. Jackson.

**Mr. Jackson:** First of all, thank you for being here and thank you for being present for the hearings when they began this morning.

Your presentation was to do with that component of supervised access which is managed and mandated and funded by the office of the Attorney General. We also have the stream of supervised access provided by children's aid. Andrew McNaught has done a very good report for the committee members so that we can understand the difference. However, if we listened very carefully to the four presentations this morning, they struggled and, in one case, we weren't sure which kind of supervised access was being implemented at that time.

So my question to you is, having listened to the deputants, can you indicate to us, in your opinion, why in any of those cases there was not court-based Attorney General-supervised access but in fact the less predictable, if I can put a value on it, CAS-sponsored supervised access?

**Ms. Marie Irvine:** My understanding from some of the presentations this morning was that a few of the participants had actually gone through MAG's supervised access program. I believe Ms. Craven was using it in terms of supervised exchanges in terms of dropping off her son. I believe that it was Witness X who was talking about going to a supervised program. The difference tends to stem from, if it's a parent situation—that they

are separating or divorcing and one of the parents makes an application for access to the court—the court can order, under the Children's Law Reform Act, that access be supervised. In those situations it could either be supervised by MAG's supervised access program, by a private service provider or by a third party such as a friend or clergy member or family member.

**Mr. Jackson:** You mentioned the Ministry of the Attorney General's children's lawyer, the Office of the Children's Lawyer. We've had deputations today that talk about the inconsistencies in that office and/or the failure to engage that office by legal counsel. Is there anything you can share with this committee about any of the current challenges accessing the children's lawyer? If we were to put ourselves in the shoes of the four women this morning, they were unable to navigate through a system that didn't take seriously their concerns about their child's safety. That safety should somehow be better protected through the court system and, by extension, through supervised access.

So I'm asking you a general question about the Office of the Children's Lawyer and their involvement in access issues. I have to tell you that one of the deputants who left was seeking my advice, and she has not been able to secure any access to the children's lawyer in order to assist her. I was encouraging her to do that, although—again, I sound terribly subjective, but I've had a lot of cases where that did not work well. That doesn't mean there aren't cases that work well; I'm saying that I've had mostly the bad ones come to my attention, unfortunately. Is there anything you can share with us about the relationship between the Office of the Children's Lawyer and MAG's process for supervised access, because it seems that women who are in a violent relationship and have separated—we heard deputation that their concerns were legitimate: There was no way to get anyone independently to come in and assist, to do assessments on the perpetrator or to do assessments on—I'll just tell you the worst case I'm currently working with, in Hamilton.

A six-year-old girl had her jaw broken. When she came out of the hospital, she was told she was going back to her father, and she had a heart attack in the car on the way to being sent back to her father. I'm worried that there's no one in the system who's catching these danger signs for children. We heard Annette Sackrider-Miller: That was her plea, that no one would listen. Clearly, situations with her eight-year-old son, the police ripping him away from a building to deliver him—who steps in to help this child? That's why I'm hoping you're going to say that that is an appropriate role for the Office of the Children's Lawyer. Any one of you.

**Ms. Andrea Strom:** I'm sorry that we don't have representation here. As you I'm sure can appreciate, we have a very large ministry, with many programs, so there's nobody here who can deal with that question specifically right now. But we'd be happy to take that back and report back.

**Mr. Jackson:** Okay. And there's no one here from the Office for Victims of Crime or whatever we've reconstituted it? Okay.

Finally, does the Attorney General's office currently have any difficulty upholding the elements of the Victims' Bill of Rights, 1995, and the amendment act in terms of providing victims, as defined by that good legislation, as being eligible for the minister to approve funding so that they can have standing at a coroner's inquest and have those costs, at least in part, considered?

1530

**Ms. Irvine:** That's, in part, a policy question which I'm not sure how well I'm equipped to answer. The victims' justice fund is a special-purpose fund, and spending from the fund is determined by government policy. The fund is accumulated through victim fine surcharges. From a policy perspective, the concern is that if we start to legislate where funding is provided from the victims' justice fund, it may impair a government of the day's ability to determine which victims' services should be provided. The concern is that victims' services could change over time in terms of what is considered more of a pressing issue. There is some concern with impairing future governments' ability to allocate money from the victim's justice fund.

**Mr. Jackson:** Can I ask you a quick question, then? I wrote the policy guidelines for the fund when I first found out about them in the United States 20 years ago. I thought it was a hell of a good idea then. Unfortunately, it didn't come to life until the government was committed to it.

At this point, how can you suggest that it impedes a government if the legislation—even in this bill—says it's solely at the provision of the minister and their discretion? Or is it the fact that we don't want to put a Minister of the Attorney General in the uncomfortable position of saying, "You know what? You're not getting any funding"? Mr. Muise eloquently put the case. I've met families who have had to have garage sales in order to pay for the burial of their child; it's that bad at times. At some point, this at-one-time \$80-million fund has to find its way into some programs that victims actually can access.

I agree that there are good things being done helping the police go after pedophiles, but that's not what the victims' fund was originally constructed to do. I hope I'm not getting a policy signal that the Attorney General won't be supporting this section, because it gives him the full authority—it simply says that a victim in this province has the right to turn to its government and say, "I can't have standing at a coroner's inquest and I certainly can't have legal counsel there to assist me in the event that"—and as you well know, there could be civil litigation that flows later in a victim situation, and they need legal counsel in order to be effective. We don't want to have garage sales in order for people to have standing at a coroner's inquest.

Again, it's a policy response. I hope to God you're not speaking for the Attorney General on that point. If not this, what?

Thank you, Mr. Chairman.

**The Vice-Chair:** Ms. Horwath.

**Ms. Horwath:** I wanted to ask for a little bit of clarification from your presentation, if you don't mind.

At the beginning portion of your remarks, you were talking about the role that the staff of the supervised access centres have in working with families and their lawyers and the justice system to work out arrangements and changes to supervision. Then at the end of your presentation you said that the staff have all kinds of—not at the very end, but nearer to the end—different types of responsibilities and training. You were talking a little bit about some of the accountability issues, but said that they don't make recommendations.

Can you tell me exactly what kinds of recommendations and communications that staff of your supervised access programs are able to provide and are asked to provide?

**Ms. Newman:** Families come to supervised access with orders from the court for their access to be supervised, and the terms of that supervision and the access should be included in the order. Our staff don't make decisions about whether the access should be fully supervised or whether it should be exchanges, or whether it should continue or whether it should stop. We don't have a deadline for terminating service with people. Parents can also come with agreements that they make as well, if they don't have an order, although we prefer them to come with an order. They can agree to have exchanges if they're having conflict so that the children aren't caught in the middle. But we do not make recommendations or assess the ongoing relationship that a child should have with their parents because supervised access is only a small picture of the relationship and we can't predict from people's behaviour and what happens at the centres as to what will happen if they're not using our service. So we don't make those recommendations or give opinions. That's why we take notes. We make notes of the observations and we provide those notes on request to others who have a broader perspective who may be doing an assessment or to people to use as evidence in court. But they are what they are: They're factual observations; they're not recommendations or opinions. We don't give those.

**Ms. Horwath:** Would, for example, one parent who has concerns of behaviours that have been observed by them and perhaps by the staff be able to request notes or the log of observations?

**Ms. Newman:** Yes.

**Ms. Horwath:** Either parent could?

**Ms. Newman:** Either parent can request the notes and they're provided to both parties—or, if they're represented by counsel, to their lawyers—simultaneously.

**Ms. Horwath:** So if one party requests, both parties automatically receive.

**Ms. Newman:** Yes, we do that. That's the practice. There was something else that you said originally and I was going to—as you started that question it just sort of went out of my head, about the notes.

We also are required, as every citizen is, to report to the children's aid society. So we don't make judgments

about whether or not we should or we shouldn't. Staff are instructed to report to the children's aid and let the children's aid make a decision as to whether or not an investigation should occur.

**Mr. Jackson:** Do they ever ask if the children's lawyer can be involved?

**Ms. Newman:** We can't ask for the children's lawyer to be involved, because they're only involved by order of the court. So it's not something that we have any jurisdiction over.

**Ms. Horwath:** You had said 99.9% of supervised visits and exchanges go without critical incidents being reported.

**Ms. Newman:** Yes.

**Ms. Horwath:** When a critical incident occurs, what's the procedure?

**Ms. Newman:** Centres are required to have a written process for dealing with a variety of different types of incidents. They do have to report them to the ministry and we do follow up with them about what the consequences are of critical incidents. Critical incidents, strangely enough, tend to be—critical incidents for us are reporting if a third party has to become involved, like the police or the children's aid, or if there is some type of accident that occurs on-site, like a child falling and having to go to hospital or something like that. Most of our critical incidents are us reporting something to the children's aid society that hasn't happened during the visit but that may have happened in the custodial parent's home and the child is reporting it to us and then we report it to CAS, or something that's happened that we're hearing about. So we're obligated to report that.

1540

**Ms. Horwath:** I have just one last question about the staffing of these centres. You said that there's required training, minimum standards. Can you lay that out for me a little bit? What is the required training and minimum standards? We heard one deputant this morning talk about a total lack of life experience and how difficult it was for her to deal with some of the accusations that came from someone. I don't think it was your program, actually; I think it was a CAS worker.

**Ms. Newman:** If it was a CAS program, I really can't comment on the CAS.

**Ms. Horwath:** I'm not asking that; I'm asking about your program.

**Ms. Newman:** For our programs, we have best practices for both training and policies and procedures. The mandatory requirements for service providers are in our service agreement. They have to do with the fact that they have to provide training to staff and volunteers, and supervision to staff and volunteers.

Their skills and knowledge: Coordinators need to be knowledgeable about the effects of separation and divorce on children and families, substance abuse, domestic violence, child abuse reporting, child development—a wide range of topics.

**Ms. Horwath:** Those are the coordinators, though, not necessarily every—

**Ms. Newman:** Actually, we're just completing a survey of all of our providers as to what training they're providing, both mandatory and optional, so that we can help them to create some consistent training materials that they can all use. But they are all trained in how to conduct observations, how to take observation notes, and they all do job-shadowing so that they can be knowledgeable before they begin providing service and monitoring visits.

**The Vice-Chair:** Thank you. Members from the government side.

**Mr. Levac:** Thank you, Marie, Judy and Andrea. Listening to what the questions are and the discussion that's going on convinces me even more, when I listened to the four deputants talk about their stories and the snapshot they've given us, that there's layer after layer after layer. It's like an onion: You need to keep pulling it back to find out, because we've had references to Family Court, criminal court, CAS, victims' services. There's a myriad of things that seem to be bumping into each other, and I want to be specific about the bill, quite frankly. We've got a situation where we want to try to stop these things from happening. I did not want to talk about anyone not trying to fix this problem; I want to talk about what is the best practice.

I've asked a couple of people as to whether or not the bill will be successful in achieving its goal, and I need some information about that. I want to talk about the coroner here, and inside of that the question lies. In one of the deputations it became quite clear that there are slight differences. Although Mr. Jackson has made comment about this, and I agree with him, there seem to be themes coming through and weaving in and out of all of these cases. There are some differences. Inside of those differences, in Bill 89 will we cover off those concerns that are being raised by the families, by the incidents, so that we can assure ourselves that we're covering the widest swath we can to prevent this from happening again, such as any one of those cases? In the wording of this bill, is there something happening that we can make sure we cover off, getting this covered, getting it affected in a way that we don't see this happening again—possibly happening again; we cannot predict and stop this from happening. We've got to get some answers for these people, specific to the coroner.

**Ms. Irvine:** I can't really speak specifically to the coroner because I'm not from the Ministry of Community Safety and Correctional Services.

In terms of your question about whether the bill will be doing everything that we hope it can achieve, I'd just like to flag for the committee that there are two streams of supervised access. This may have come out of our discussions. There's the stream that occurs under the Children's Law Reform Act where parents are separating and courts usually order access and custody under either the Children's Law Reform Act, which is a provincial statute, or under the federal Divorce Act. The second stream is where the children's aid society is involved and where they bring an application for access under the

Child and Family Services Act. As I interpret the bill, it deals with the Child and Family Services Act types of access. It doesn't deal with access to—

**Mr. Levac:** It's not the access I'm talking about; I'm talking about the inquest.

**Ms. Irvine:** The inquest, I'm not really equipped to talk about. Sorry.

**Mr. Levac:** Okay. I'll save that for another day.

**The Vice-Chair:** Ms. Sandals.

**Mr. Sandals:** Can I take another run at the question that I think Dave is asking but maybe in a slightly different way? As I listened to the deputants this morning, I was hearing different ways, which you've just confirmed, of arriving at access orders, either supervised or unsupervised. As I read the bill, it looks like the bill is setting us on a track that, where children's aid is involved, that would be covered, but if the criminal courts are the route for getting the access order, that isn't necessarily covered. I'm becoming confused as to which access orders would be covered in terms of getting access to the coroner. You folks understand access orders. I don't think Dave is asking so much, "What's the coroner going to do?" as this whole route of how we are getting to the coroner.

**The Vice-Chair:** Mr. Jackson would like to make a comment.

**Mr. Jackson:** Mrs. Sandals, I'm not interrupting, but as the author of the bill, my bill doesn't distinguish between the two, so they are covered, if that's of any help to you. I'm saying any child who dies at the hand of a parent or a family member, where there is any degree of supervised access order in place—it can be from the CAS, which goes before a judge and has the order in place, or something that's initiated by MAG through mediation in a marriage situation where separation and custody issues are dealt with. It covers both because they're both supervised access. So it's not the one or the other, or one is more significant or has a greater impact.

If I can explain why I wrote it that way, they exist because there is some concern that there may be some risk associated with the parent having unsupervised access. That's all I'm flagging. Where it existed and a child then dies, then there should be an automatic coroner's inquest. I'm not asking for an automatic coroner's inquest every time a child dies in the custody of a parent when there's a separation or a separation agreement. It's only when the courts had within their hands the ability to listen to evidence that may have made the child more safe and it may have let that slip through their hands. That's what I'm trying to achieve here.

We can't have hundreds of coroner's inquests. We're trying to narrow it down to find out what happened that went wrong inside our court system, with the CAS, with the Office of the Children's Lawyer or whomever. We'll start to see themes and inconsistencies and then we as legislators can react to it. I hope that's helpful.

**Mrs. Sandals:** Yes. I must admit that I'm still lost in the details of what's in and what's out here. When I look at the bill I think I'm seeing the court changing an order,

yet when I hear the description from some of the deputants, the original order says step one is supervised and then some sort of anger management takes place and it automatically becomes unsupervised. So it isn't that there was a change in the court order—

**Mr. Jackson:** Right. It's just that it existed at one time.

1550

**Mrs. Sandals:** So that's what I'm not clear is actually covered in the language of the bill. That's what I want to be certain of, because the deputants are describing very specific situations which have a variety of legal twists. I think it's important that we make sure that all that variety of legal twists, which seem to be—although there are conceptual themes, the legal route by which they got there seems to vary from case to case. We want to make sure that the conceptual threads are tied together, even though the legal details are different. We probably need some more advice from lawyers before we finish on all this.

**Mr. Jackson:** But it's clear that at any point there was some consideration of supervised access—it could have been for a brief time. In the case of Luke, who died in Oshawa, he died with the first visit when the supervised access was removed. On his first unsupervised access, his father murdered him. When I drafted the bill, it didn't matter if the child was now unsupervised. The risk that the court thought was there still probably exists. Mostly, these children are dying after the supervised period is over. I hope that's helpful to you.

**Mrs. Sandals:** Yes, and that's what we need to make sure we're capturing.

**Mr. Jackson:** But I don't want to get into the long verbiage of "under these eight circumstances." I've narrowed it to just say, "If a child has been the subject of an access order or a supervised access order."

**The Vice-Chair:** Thank you, Mr. Jackson. Members, I don't want to have a discussion, and I appreciate that Mr. Jackson is trying to help in answering that question. I also note that Mr. Craitor would like to speak, but before that, I want to ask ministry staff if they have any further comments to Ms. Sandals's question.

If not, then Mr. Craitor.

**Mr. Kim Craitor (Niagara Falls):** I do have a couple of questions on this supervised access program, so help me out. You follow whatever the court order is to—I guess you're like a transfer station, basically, between the two parties, and you act as a third party for supervised access. That's how this thing works.

One of the presenters, it seemed to me when I listened, also had outside of that a criminal case going on where she was being abused, and that was going through the courts. So I was trying to understand. With your program, if outside of that there's some criminal activity—say, the husband is being charged with abuse—is that not something that you look at, even though you have a court order that says you're supposed to allow approved supervised access? The reason I'm asking is because, when I was listening to the women who were

speaking, I got the impression from them that it was like the lesser of two evils. They had to go to supervised access or else the other option was to go through that custody battle, and they decided, because of some legal advice, not to go through a custody battle. They just signed some papers to get supervised access. Do you look at anything else, or do you just say, "Whatever the court order says, we're just going to follow it," even though there could be some other charges out there against the husband?

**Ms. Newman:** During the intake process, there's a separate intake interview with each party. Our centres do look at a variety of different things. They have to have the court order that says that access is to be supervised and how it's to be supervised. They also may get permission from the parties to get in touch with the police, probation officers, counsellors, other people who might be relevant. Supervised access centres do have the ability to refuse to provide service, but not on the condition that we're making a judgment about whether a judge has been right or wrong in ordering access between a parent and a child, but because our centre feels that they cannot safely provide that service within the context of the service that we provide.

**Mr. Craitor:** All right. And the last question I had was—

**The Vice-Chair:** Members, we're really running over time, so please ask your question quickly.

**Mr. Craitor:** Give me a chance.

Critical circumstances: The child says, "I don't want to see my father," and I've heard that said by a couple of the ladies who spoke. If that's something you hear, is that a critical circumstance?

**Ms. Newman:** No, that doesn't necessarily create a critical incident. We sometimes have children who refuse to or who say that they don't want to visit. There are a variety of reasons why children may say that they don't want to spend time with the other parent. I really can't make guesses about the specific circumstances of the people who were here. We can suspend service if a child is extremely upset and is refusing to go for a visit, but we can't change an order. It would be up to the parent to go back to court to try to get that order changed.

**Mr. Craitor:** Thank you.

**The Vice-Chair:** Thank you, ministry staff, for your deputation and answering questions.

Ladies and gentlemen, the next deponent has agreed to come forward on an anonymous basis. As a reminder to the press, although I don't see any press member here, no photographs can be taken of this deponent.

I don't see anyone coming forward.

Mr. Jackson?

**Mr. Jackson:** Mr. Chairman, I do recognize that the Auditors, the Canadian Family Watchdog and Anne Marsden are present. I believe she's accompanied by several people who have to commute back. If the Ministry of Children and Youth Services are ready, we could proceed with them, but if we were to allow the Auditors their 20 minutes, it would allow them to get back on the road at a reasonable time.

**The Vice-Chair:** The Ministry of Children and Youth Services' staff are scheduled to speak at 4. I don't know if they are here yet.

**Mr. Jackson:** It is 4.

**The Vice-Chair:** It is 4? My clock says 3:58.

**Mr. Jackson:** Oh, that's okay. It was just a suggestion to facilitate members of the public who commute, rather than staff, who I'm sure aren't punching out until after 5 or later tonight. It's fine. I was just trying to be helpful to the deputants. They're going to have to sit in traffic for several hours. I know: I've been doing it for 22 years. It is not fun.

**The Vice-Chair:** Is this agreeable to members of the committee, to allow this group to speak first?

**Mr. Levac:** Sure.

**Ms. Horwath:** Yes.

#### THE AUDITORS, THE CANADIAN FAMILY WATCHDOG

**The Vice-Chair:** Okay. I'm going to invite the Auditors, the Canadian Family Watchdog group, to come forward. You will have up to 30 minutes, but it would be appreciated if you can spend 20 minutes on your deputation, leaving 10 minutes for members to ask questions or give comments. This is Anne Marsden. Welcome.

**Ms. Anne Marsden:** Thank you. First of all, I'd like to express my appreciation for those of you who believe it's necessary, when considering a bill like this, to go out to the people who have the experience that people who sit in ivory towers don't always have.

**1600**

As a way of introduction to let you know about my credentials and why I believe that you should be listening to me, I'd just like to give you some of my background. I've been involved in advocating for the best interests, protection and well-being of children in several Ontario jurisdictions since 1990. My advocacy has taken the form of auditing of child protection case court files and acting as a friend of the court and agent in several jurisdictions. I was very interested in a lot of the questions, and the obvious things that come out is you and other people don't often get an opportunity to actually see what is going on in the court that shouldn't be going on in the court. That's my role and that's what I do. I audit it and then I bring it to the attention of people when it's affecting the best interests and well-being of our children.

The organization that I co-founded—and I'm now the audit manager—is the Canadian Family Watchdog and its predecessors. We've been in existence since 1990. We do not accept donations. We do not charge for any of our services regardless of the financial status of those we serve, whether it be a government with its unlimited resources, whether it be a millionaire whom we've provided service for, or if it's a homeless person or whatever. All our funds come from my husband's paycheque, for which he goes out to work five days a week. He works very hard and he funds all the court, all our audits and everything else. So that's the nature of our work.

I've audited several cases—I would say at least 20—where we were able to impact on the best interests, protection and well-being of children because the court agreed with us that the orders that we were seeking were in fact in the best interests of the child as opposed to the order that was being sought by the children's aid society.

Some of the cases have been in Halton, some of them have been in Durham, some of them have been in Toronto and probably one of the most famous of them, which made the national headlines in the *Globe and Mail*, was when a SWAT team was present on three occasions in the Halton Family Court before I became involved in the situation. This was a Muslim family. They had walked into court and found a fully armed SWAT team in Milton and Burlington family court. When I heard about it and was asked to help, immediately the SWAT team was disbanded and the girl was immediately returned home after she had been able to explain to the court that she came from a family who loved her unconditionally, and while she'd been in the foster home that she'd run away from, she'd been sexually assaulted.

I don't understand how these situations come to this degree of complexity, because by the time I go over the court files, I find it has either been—this particular one with the SWAT team was all over a figure of speech. The people knew it and yet they were putting all those resources into protecting everybody and their aunt with a fully armed SWAT team and the child, who is the paramount objective of the Child and Family Services Act, still hasn't been protected; nor have the ones who followed her from that sexual assault, which she claims took place by a CAS worker who's still doing the same job. So I have a little bit of concern that somewhere our priorities are always in the wrong place.

I heard some questions posed while I sat there, and one of the questions was, are we covering off what we need to with Bill 89? I can tell you no, you're not. I can tell you from my audits that the Child and Family Services Act is very good at protecting our children. The problem is that nobody is abiding by it. All the court files that I have audited show a deliberate ignoring of our law. For example, the legislation states that there has to be a child protection hearing within 90 days of an apprehension. In the audit I'm presently working on, which has been submitted to the children's minister, the child has been apprehended since December 5, 2002, and there still has not been a protection hearing. There's supposed to be a temporary care hearing within 25 days of apprehension. In this particular case there has not yet been a temporary care hearing. There are orders which say, "On consent," but our audit shows there was no consent other than the lawyers in question who decided they would consent. So what we have is legislation that has been ignored, legislation whose paramount objective is the best interests, protection and well-being of our children.

We talk about access orders. Presently, one of the audits I'm doing in Brantford is for a baby that was born on July 7 this year and was apprehended, I believe, outside the rule of law. That's what my audit shows. There

was an access order made giving the mother general and liberal access to maintain a healthy attachment to her child while this was sorted out before the courts. No other access order was issued. The father has not been allowed to access the child, the grandmother has not been allowed to access the child and the sibling has not been allowed to access the child. However, the supervised access centre, on the authority of the Brantford children's aid society, has given unlimited, unsupervised access to someone who isn't even related to the child. She takes the child home, there's nobody around there, and this person has a very, very serious emotional problem at the moment. You see, she lost her baby, so she's trying to use this baby to fulfill what she has lost. This is a very serious matter.

We've taken it before the courts. The CAS stepped in and the motion wasn't heard, because they put in wrong information, because they don't want this position to be exposed in the court. So we don't know what the truth is when access orders are made. There are a lot of things said in which, our audits have shown, there isn't one word of truth, and when you don't actually have a trial, which over and over again is what we've found, that the legislation is not complied with, what's the point?

I heard Mr. Jackson, my own MPP, bring up the issue of children's lawyers. Children's lawyers are very involved in the problem, very much a part of the problem. We had a case in the Durham jurisdiction where a child was being sexually assaulted. She had been a crown ward for six years. When I did the audit, there was no reason that that child should even have been in care, never mind being a crown ward for six years. We put her in a position where she was sexually assaulted in a foster home.

I received a call from this young girl asking me to help her, asking me to get her out of the children's aid and back to her parents. I asked her if she had a children's lawyer. She said yes and gave me the name. So I called the children's lawyer, put her in touch with her, told her what the situation was, and the children's lawyer refused to take the matter before the courts as a status review, which your legislation gave the right to. I had to pull all my resources together, drive up and down between Cobourg—and I don't like driving to Toronto, never mind Cobourg—and eventually, we got that child released back to her parents. I happened to switch on CBC the other night, and there was this beautiful young lady—the sun seemed to shine out of her—being interviewed. It was that young girl. But if I had not responded to that cry for help, if I'd acted like the children's lawyer acted, I wonder if she'd even be alive today.

#### 1610

What I'm saying, or what I'm trying to say—I don't know whether I'm expressing myself rightly—is you can have all the legislation in the world, you can have all the bills in the world, but until you people decide you're going to take your responsibilities and act on evidence that our legislation is being ignored to the detriment of our children and our elderly and everything else, the most

vulnerable—I have submitted audits and evidence going back to before Tsubouchi's time, so you know how many children's ministers we've had, the last one being—I can never pronounce it—Bountrogianni and the present one. I have provided them with evidence that they should, at the very least, have a section 67 investigation, which is available to the minister. André Marin is saying right now there's not enough review. The executive director of Hamilton CAS, on a program with Ms. Horwath, said, "Oh, we're overregulated." Yes, they're overregulated. You know why? You're always overregulated if you don't take advantage of what is there to protect the most vulnerable in our society.

This bill is as useless as all the ones that have gone before them until the children's minister accepts her responsibility and takes the evidence that's presented to her by an impartial person who has credibility. I do have credibility in this area. I've been invited to speak at the ninth international conference of the International Center for the Study of Psychiatry and Psychology in Washington DC, to an audience of lawyers, psychiatrists and psychologists who are going to pay to hear me present. One of those issues is around how Ontario deals with the best interests, protection and well-being of its most vulnerable, or should I say, does not deal with it.

I am very concerned that I have been speaking into a vacuum over the last 15 years. My heart is broken—it's broken many times over—for what I see and where I see our child protections going. It's more than \$1.2 billion that goes to the children's aid society; it's the billions that go into our court system, our police, our psychiatrists, our psychologists and all of those. All of it is inappropriately spent when it's spent outside the rule of law, and it is spent outside the rule of law in the 20 cases that I've looked at where the law has not been properly upheld.

Now then, one of the tools which I have used, one of the encouragements I have used was a ministry document put together in 1985. It says, "Whether children are living with their parents or with others in care, they have the right to expect that their safety will be ensured. While in either situation the parents have the moral and legal responsibility to protect the child's interests and rights, the children in care are unique in that they may have limited access to their parents."

I know we're not just talking about children in care; we're more talking about people who are outside care. However, all parents have a moral and legal responsibility to protect their children. But the number of parents whom I have tried to assist to exercise those legal rights are met with disdain: disdain by our children's minister, disdain by our politicians—MPP Dave Levac has turned them away left, right and centre—and disdain by our police, who force their way into a Brantford home and threaten a young mother with arrest if she does not hand her child over to the CAS, even though she has a court order saying she should be in her care and there's no other order that they have. When finally it gets before the court and I'm able to produce information, the judge agrees with me and sends the child straight home. Then

we get a good lawyer, Ian Mang of Toronto, involved, and the case is closed, but there has been no accountability for the trauma that young three-year-old has been through. She's had to move out of the province to get away from the "bad ladies" and the police, and she really believes her mother gives her away to strangers.

I've been to the Brantford chief of police. I've been to the chairman of the board. I went to the Ontario Civilian Commission on Police Services, and nobody will hold those police officers accountable for what they did, which is, they took a three-year-old child out of the supervision of a parent without lawful justification. Check your Criminal Code. That is the Criminal Code offence of abduction, and it's happening over and over again. And when we go to the people to protect the children, to allow parents to protect their children, we're turned away.

I have two letters here. One is for the honourable children's minister and one is for André Marin. I'm going to be giving them to MPP Andrea Horwath, and ask that they be personally delivered to those two people. I'm asking for a section 67 investigation into these circumstances that see children not protected as our legislation has said they should be.

I will entertain any questions that you have of me. I just hope that this time, what I brought forward is listened to and we can start getting access, whatever it is that's causing these problems, back on track.

**The Vice-Chair:** Thank you, Ms. Marsden. Normally, deputants would file documents with the committee, but you have indicated that you would like to hand these to MPP Horwath. I don't know if she is willing to accept them.

**Ms. Marsden:** This is a personal delivery I'm asking you to take. I've tried faxing; I've tried sending them special delivery; I've tried everything else. But I believe that if I hand them to Andrea Horwath, MPP—who, by the way, sat here only because she beat me out at a nomination meeting—I'm sure that she will deliver these, ensure they are delivered, and I can be assured they will get the attention that they are supposed to get.

**Ms. Horwath:** I'll take them, Mr. Chair.

**The Vice-Chair:** Thank you, Ms. Horwath. Now, members, we have about 11 minutes left, so I will allocate four minutes to each party, and I will start with Ms. Horwath.

**Ms. Horwath:** Anne, I wanted to ask you about the comments you made about the children's lawyer failing children. Can you, maybe not with a specific case, describe where you see the pressure points of that failure, where the system is failing in regard specifically to the children's lawyer?

**Ms. Marsden:** From my perspective, I've always found, from the audits that I've done, that there's an incestuous relationship between the children's lawyer and the children's aid society. Whatever the children's aid society wants, the children's lawyer gives.

**1620**

We pay for children's lawyers to represent our children to ensure that the legislation is followed and

they're properly protected, as people, in their wisdom, have set out in legislation and bills.

In the particular case where I said that after 90 days you're supposed to have a protection hearing, and it didn't happen in three and a half years, the children's lawyer was on the case. The children's lawyer knows it; I'm bringing it to her attention. I'm saying she has a conflict of interest for now representing the sibling in this matter—no response. I called Clare Burns, the children's lawyer, and brought this information to her attention and asked her to respond—nothing.

The children's lawyer has one purpose, and that's to properly represent those issues before the court that impact the best interests, protection and well-being of a child. I would believe that following the legislation, making sure the legislative process is followed, is something which a children's lawyer should uphold. I really believe they should be disbarred if they're not doing that.

**Ms. Horwath:** You've obviously been aware of some of the work that I'm trying to do to get Ombudsman oversight over children's aid societies, mostly because of these systemic problems that seem to keep coming up, certainly not in every single case, but in the cases that tend to be the troublesome ones and the ones that I'm sure you and others work on. There seem to be system problems that go without being fixed. Currently, the government has a different idea of how they're going to have accountability within the system of child protection. Do you know what the government's solution has been in terms of the direction they're going with children's aid societies?

**Ms. Marsden:** All I could say is that minister after minister after governing party after governing party has ignored what is happening and the need for review. A section 67 review is there. It's a means for investigating concerns—never used. I've gone to the court and tried to get the children's minister to use that. I'm not really sure that the Ombudsman's office can do it either. I don't think they can delve deeply enough into the court, but at least it would be better than it is now, because our children's minister, our politicians, are not responding. Our child protection dollars are being spent outside the rule of law and for criminal purposes.

**The Vice-Chair:** We'll turn to members on the government side. Mr. Levac.

**Mr. Levac:** An opinion has been expressed that I treat people with disdain, and I reject that. I want to make it perfectly clear. I was an educator for 25 years and an MPP since 1999. I do not treat people with disdain, and I want to make sure that's clear for the record. However, I will suggest to you that there have been differences of opinion as to how one proceeds with trying to find the right answer to serving the people and making sure that children are safe. I'll just leave it at that.

**Ms. Marsden:** Am I allowed to respond?

**The Vice-Chair:** He did not ask for a response, but if you like, you can respond briefly.

**Ms. Marsden:** I always steer the parents to their MPP. This was a very, very serious issue that had happened in Brantford. This parent went and was turned away. She's still waiting. She has had to take her child out of the province. She's still waiting for Mr. Levac to help find some means of putting right the situation which saw her child dragged out of her home, put in the police car and driven away, with absolutely no lawful reason or justification—and the court agreed and returned her immediately.

**The Vice-Chair:** Are there any further comments from the government side? Mr. Ramal.

**Mr. Khalil Ramal (London–Fanshawe):** Thank you very much for your presentation. It's a very complex issue and you address it very well.

You mentioned that Bill 89 is not going to change the whole atmosphere. It's going to be one of the additional sections to the many different bills in the government.

You mentioned section 67, and you said that regulations and rules are already in place but are not being implemented. What do you mean about section 67 needing to be changed or to be strengthened?

**Ms. Marsden:** No, there's no need to change it or strengthen it; it just needs to be acted on by the children's minister. Section 67, the Child and Family Services Act, allows the minister—it says "may": She "may" appoint a judge to investigate the circumstances of any child in care.

We have taken to her, over and over again, cases where they really should be investigated, not for that child but for all the thousands of children who follow down the same path.

When I said that Bill 89 won't fix the problems, what I'm saying is, until the legislation is enforced, no bill—the Child and Family Services Act is useless if the protection hearing, all those things which are set out to protect the best interests and well-being of a child, are ignored.

If children are taken from their home, from their parents, and placed in a situation of sexual assault when they were in a perfectly normal, loving home to start with, and now they're in a position where they're being sexually assaulted—as happened in Halton and has happened in Durham and in Toronto, and it has happened over and over and over and over again—what's the point of having legislation? Section 67 is a very valuable tool that could have been used by our minister and is not being used.

I hope I answered your question, sir.

**Mr. Ramal:** Thank you very much for your answer.

**The Vice-Chair:** Mr. Jackson.

**Mr. Jackson:** Anne, I feel the same way about the section in the Coroners Act that gives the Minister of Community Safety and Correctional Services the right to call coroner's inquests. I understand why he doesn't wish to do that, but that's essentially why we're calling for this legislation: to add one additional mandatory provision along with the three that are currently in there. I hear your point very clearly, that there is legislation that

doesn't seem to be used effectively or to the advantage of the vulnerable person.

Mr. Chairman, I have no questions but I do want to commend Ms. Marsden for her tenacity and her passion for advocacy and the work that she has done, and thank her for coming before the committee today.

**Ms. Marsden:** Thank you.

**The Vice-Chair:** Ms. Marsden, thank you for your deputation.

#### MINISTRY OF CHILDREN AND YOUTH SERVICES

**The Vice-Chair:** We have the Ministry of Children and Youth Services now. I don't know if they have arrived.

Please come forward. You have up to 30 minutes for your deputation, and if there's time left for comments or questions from the members, that would be appreciated. Please identify yourself.

**Ms. Trinela Cane:** Thank you very much for the opportunity to appear before the committee.

My name is Trinela Cane and I'm the assistant deputy minister with responsibility for policy development and program design in the Ministry of Children and Youth Services. I am responsible for policy with respect to child welfare and child welfare transformation as well.

I was invited here today to provide an overview from the ministry's perspective with respect to child protection supervised access matters, and how the supervised access system works with respect to child welfare. I'm very prepared to do that and very happy to answer questions as well at the end of the presentation.

Can people hear me well enough?

**The Vice-Chair:** Yes.

**Ms. Cane:** Thank you.

As has been mentioned previously, and people around the committee table are well aware, we have 53 children's aid societies across Ontario, and they're responsible for carrying out child protection services under the jurisdiction of the Child and Family Services Act within their own designated geographic areas across the province. As you will know, the Child and Family Services Act gives agencies an exclusive mandate to protect children under the age of 16 from abuse and neglect, and to investigate situations where children under the age of 16 or in the society's care or supervision may be in need of protection. In addition, they provide residential services for children who are unable to remain in their family home. They also provide counselling and support to families in order to prevent circumstances requiring child protection and entry into the child protection system. They're also responsible for the provision of adoption services in the province.

**1630**

Supervised access is one part of this broader spectrum of child welfare and protection services across the province, and a very important component. In terms of what supervised access is in a child welfare context, as

you know, access more generally refers to contact and visits between a designated child or children and another person. The other person could include siblings, a parent or a member of the child's extended family. In an aboriginal context, it could be a member of an Indian band or aboriginal community more generally.

Supervised access actually occurs when it's determined, most often by a court, that the child's contact with a specific person may represent a risk to that child's best interest and emotional or physical well-being. In these cases, another adult, or several adults, must be present during a specific visit to monitor the contact between the visitor and the child, and to intervene if necessary to protect the child or the child's interests. A children's aid society may also supervise access to evaluate a person's parenting capacity or the appropriateness of their relationship with the child, and to determine whether in the future that person should have unsupervised access or custody of the child or whether in fact there's information that could inform a plan of care that would govern that child into the future.

A society worker may supervise the child's care in the home of a parent, as I've indicated, or another person as part of ongoing supervision, or the child may be in the formal care of the society and reside in a foster home or a group home, as the case might be. In any of these situations, the society may also supervise the child's access. That would most often be a designated caseworker, as appropriate. In many of these cases, you will know by example from your own constituencies, a child may reside with one parent and the society may be responsible for supervising access with another parent under various circumstances.

In general terms, the children's aid society gets its authority and mandate to supervise the child's access through a court order made through the court by application, either by the society or an individual. There are various ways that court orders happen with respect to supervised access. As you may know, part III of the Child and Family Services Act permits any person, which could include a child, the child's band or other individuals, to apply to the court for access at any time during a child protection proceeding, with certain exceptions and limitations. For example, an access application can't be made when the child has been placed for adoption. That's one example of a limitation.

Societies may apply to a court for a supervised access order when they've applied for an order for a child's care or supervision—so it's in that context—because they believe the child is at risk of abuse or neglect, or otherwise at risk. They may identify that supervised access is required where there are concerns for a child's safety and well-being during contact with one or more family members.

When the society does apply for access, the society must provide notice of the application to specified parties that could include—and you have a list before you—the child, if they're age 12 or older; the child's parents; the child's caregiver; and the child's band, in the case of an aboriginal child.

When an application is made by anyone other than the society itself, that person must provide notice of the application to the society and the society is responsible for giving notice to the other parties that I have mentioned.

The court receives evidence from the applicant for the order in support of their application. Other parties may also provide responding or corroborating evidence or other information to the court. In many cases, the court will decide the issue based on written material. They may also, as you will know, hear oral evidence from various witnesses, as they see fit.

Usually, the children's aid society in most cases will provide the court with information related to and focused on the safety and well-being of the child. This information could include specific information about the child and their emotional, developmental and physical needs, and the appropriate care and requirements to meet those needs. It will provide information about the child's current relationship with the person seeking access and identify some information related to the previous history of the person or persons seeking access to the child. This could include information about the person's previous involvement with a children's aid society or the person's criminal record. The society usually provides the court with current information respecting any criminal charges or convictions related to the child or the child's parent as contemplated by Bill 89, if it is passed. This is very similar.

The court itself, then, must determine whether or not to grant the request for access in accordance with the child's best interests—the best interests being paramount—and the court can and may specify the frequency, location and level of supervision for the access. So they can actually designate terms and conditions with respect to that. If appropriate, the court can also order the society to determine the schedule and the conditions of the access. It depends on each individual situation.

It must be understood the court also has authority to change an access order if the court decides that the order is no longer in the child's best interests. Any person may make application to change a court order.

It is important to note that orders that are made with respect to a criminal proceeding, which may themselves prohibit or restrict access between a child and a specific person, must be complied with and they overrule any access order made under the Child and Family Services Act. So the Criminal Code matters would have paramountcy with respect to that area.

There are a number of arrangements that are made with respect to supervised access, and the arrangements really depend and vary according to the circumstances and needs of the child. Societies will arrange supervised access in compliance with a court order, so where terms and conditions are articulated they are to comply with the court order. Access visits may occur in the agency's office itself or in a community setting; they may take place in a home or in a family member's home, or at other specific sites that may be designated or specified by

the agency. In some cases, agencies operate their own supervised access sites, as you will know.

In terms of who provides the supervision for supervised access, that too may vary but it's generally staff from the children's aid society. Some staff who provide supervision are on contract with the agency. In addition, we have trained volunteers, and all staff involved in supervised access are trained in the issues that they may face and trained to perform the functions that they are performing. We know that in addition to volunteers, we have foster parents and grandparents who sometimes supervise the visits, and that can be determined based on the specifics of a case.

In terms of how supervised access is paid for with respect to the child protection system, children's aid societies pay for supervised access through their funding allocation for protection and children's services. It is included in their allocation. We recognize that there are often additional costs for maintaining facilities for access and providing transportation, and those are to be included in the operational budget of the agency. That is the intent and the focus. Agencies are required to provide this service.

#### 1640

In terms of Bill 89 and what it means with respect to supervised access and the current process that we follow, section 1 of Bill 89, if passed, would introduce a new section to the Child and Family Services Act, as you're well aware. This section creates a presumption of supervised access in specified circumstances related to family violence. So when a society applies for an access order to a parent charged with or convicted of such an act of violence, either against their child or in some cases against another parent of the child, the court must make a supervised access order unless the court determines that the order itself is inappropriate.

In general, our experience is that children's aid societies currently do seek a supervised access order in cases where parents have been charged with or convicted of a criminal offence either against the child or against a parent of the child or other person. The society would normally request a supervised access order until they're satisfied that that person or that parent no longer presents a risk to the child. What section 59.2 of Bill 89 would do would be to ensure that the practices now in the field are reflected in the child protection legislation, and the ministry is very supportive of that direction.

Another component of Bill 89 that I'd like to speak to includes a provision to the Child and Family Services Act related to the duty to report a child's death. It was our feeling that the committee could benefit from some new information related to child death reporting and review procedures that are in place at the direction of the Minister of Children and Youth Services for children's aid societies across Ontario. This is a component of the child welfare transformation, and it's part of an overall plan to strengthen accountability for child welfare and, in particular in this case, child death reporting.

What we've done is worked, as part of child welfare transformation, in collaboration with the Office of the

Chief Coroner to develop what we call a joint directive on child death reporting and review. This directive came into effect on March 31, 2006. It replaces an earlier directive which didn't have as significant a level of accountability as the current directive, and it was made under section 20.1 of the Child and Family Services Act. All 53 children's aid societies are required to comply with this directive, and the ministry is monitoring their compliance. I have provided copies to the clerk of the committee of the joint directive for members' information.

The new directive sets out the procedures to be followed by children's aid societies, but not just children's aid societies alone; for the Office of the Chief Coroner and for ministry regional offices as well. The procedures themselves apply in two circumstances: when a child dies who was receiving services from a society at the time of his or her death or any time in the 12 months prior to the death. The directive supplements a new approach that the ministry has put in place early in this calendar year around serious occurrence reporting procedures, which have been strengthened and include the requirement to report to the ministry all deaths of clients—including children—who are receiving a service from the ministry. So this is a reporting requirement for all agencies providing service.

The directive that we've worked on with the Office of the Chief Coroner demonstrates what we consider to be a mutual commitment and a cross-sectoral commitment to collaboration and working together on very serious matters. The directive itself, which I'll speak to in a moment, reinforces clear roles and responsibilities for reporting a child's death in order to avoid duplication and confusion. In addition, it provides opportunity for analysis and lessons learned, as well as an annual report card, which I'll speak to in a moment.

The procedures to be followed under the new directive: When a child dies, the society must immediately notify the local coroner and the ministry. As I mentioned, it must complete a serious occurrence report that is sent to the ministry. It's also sent to the regional supervising coroner in the province of Ontario and the deputy chief coroner's office.

Within 14 days of learning of the death, the society must complete a child fatality case summary report, which is a standardized report across the province, and send that report to the ministry and the chair of the pediatric death review committee for review. As you may know, the pediatric death review committee is the committee which assists the coroner with complex medical cases, and all members are experts in pediatrics.

Within seven days of the committee receiving notice of the death of a child, the chair reviews the report provided by the agency and tells the agency whether they must conduct an internal child death review. So the decision-making with respect to whether an internal review will be undertaken is undertaken by the chair of the child death review committee.

Where the coroner directs—and the deputy chief coroner of course is the chair of this committee—the society

itself must conduct a review and complete a written report within 90 days of the coroner's direction. So this provides very prescribed timelines and expectations.

The copies of the child death review report are sent to the ministry and to the chair of the committee itself, and based on the report the Office of the Chief Coroner will determine if the committee will conduct any further review, and that's a case-by-case review based on the report that's provided.

If a review is done by the pediatric death review committee, it is done within one year of the child's death. The PDRC itself may also make recommendations and these recommendations must be followed. The report of the pediatric death review committee is sent to the society and to the ministry. The society must consider the recommendations of the committee and implement, as appropriate, and provide progress reports to the ministry. The ministry will use this information both to inform ongoing operations and agency operations in that regard but also policy and practice at a more macro-corporate level, which is a very important piece if we're looking for systemic change.

Under this directive, the Office of the Chief Coroner has lead responsibility for the analysis of a child's death and the material that comes forward, the dissemination of findings and recommendations and the production of an annual report, which will be issued publicly, jointly with the Ministry of Children and Youth Services and the coroner's office.

Bill 89, if passed, would introduce a new section that requires a person or society to report a child's death in some very specific circumstances. As you are well aware, the society or person would be required to report the death to the Minister of Children and Youth Services as the legislation is currently drafted. The Minister of Children and Youth Services would be required to report the death to the Minister of Community Safety and Correctional Services. The Minister of Community Safety and Correctional Services must then direct the coroner to hold an inquest.

Bill 89, in our view, builds very well upon our new child death reporting and review processes. It would expand the duty to report to include children who have received services of a children's aid society at any time, not just limited to the time frames I mentioned earlier, provided they meet the other requirements that are set out in the section.

The ministry supports the expanded duty to report, but would ask the committee to consider a more streamlined reporting process, more consistent perhaps with the existing joint child death reporting and review directive. We would suggest that if a death occurs in the specified circumstances that have been identified, that a person or society should report directly to the coroner. We feel that the process currently drafted in the bill is overly complex and may not be timely. That would be our advice on that matter.

I would like to thank the committee for the opportunity to present on the current approach with respect to

supervised access in child protection matters, and I'd be happy to entertain questions you may have.

**The Vice-Chair:** Thank you, Ms. Cane. We have 11 minutes left. I will allocate about four minutes to each party, starting with Mr. Jackson—sorry, it should be members for the government side. Mr. Levac.

**Mr. Levac:** Thank you, Trinela. There are two quick questions from me, and my colleagues have another one. One is, the process that you just went through, a relatively new process, indicated that the committee would make recommendations. Does it have the same authority as an inquiry would have in terms of calling witnesses and making recommendations that are to be listened to by the CASs and the ministries?

1650

**Ms. Cane:** My understanding is that that is subject to the discretion of the chair of the pediatric death review committee, but it doesn't, as I understand it, have the same stature as a public inquiry would.

**Mr. Levac:** Backing that up, if I'm not mistaken, it made it clear that it was mandatory in any child's death, or "under supervision"?

**Ms. Cane:** There are a number of circumstances where the coroner undertakes a child death review. Any death of a child in CAS care is subject to review by the committee. A report goes to the committee, and they make a determination as to whether internal review is required by the agency, and if so, whether they'll undertake further review at the committee level themselves.

**Mr. Levac:** If I heard correctly, you indicated that Bill 89 would go further.

**Ms. Cane:** In terms of the duty to report a death, our current requirements under our death review directive pertain to a child who is currently in children's aid society care or has been in the care of a children's aid society within the past 12 months. My understanding of this bill is that it would actually generalize to any child who has been in the care of the children's aid society and has been subject to a supervised access order.

**Mr. Levac:** Because we know, in some of the cases, that has not been the case. The question that I'm asking all of the people I've put this to is trying to capture as many people as possible who would not fall under some of the circumstances, and making sure that Bill 89 does that as well. Mr. Jackson made reference to a situation in his clarification that at any time there has been some kind of supervision, even an invited one—but then, once that stops, does the continuation of that rule allow the coroner to declare that as mandatory under Bill 89?

**Ms. Cane:** I'm not sure if I understand the questions. I'm sorry.

**Mr. Levac:** I'm not clear either. I have it in here, but I'm trying to get it out here.

Mr. Jackson made reference to the fact that his attempt is not to make it as broad as possible, so you don't have inquiries all over the place, but to be specific—

**Mr. Jackson:** Inquests.

**Mr. Levac:** Inquests, yes—choosing the words is important—in an inquest situation, that is under the cir-

cumstances of supervision, and that would be broad enough to include that if the supervision is even voluntary, when two people agreed to do their own supervision at an access centre, not court-ordered. Then, as long as that took place, the coroner's inquest would take place?

**Ms. Cane:** I guess I would ask for clarification in terms of the intent of Bill 89.

**Mr. Levac:** Cam, is that where I'm coming from? Just quickly.

**Mr. Jackson:** I would ask your question this way: There are cases where a child will die, having been the subject of an access order, where the CAS has no jurisdiction, nor has ever met the child. Correct?

**Ms. Cane:** That's correct.

**Mr. Jackson:** And so therefore my bill is written in a way that it covers all children in the province. It does embrace CASs—so for those children in care, it would speak to that—but it doesn't limit it just to CAS care; it's all children who die in the hands of a parent having had any concern about access orders.

**Ms. Cane:** That's why I think, Mr. Jackson, the bill is actually considerably broader than just the child protection focus. It does focus on matters of supervised access and children who have been subject to that.

**Mr. Jackson:** Because we have two tracks.

**Ms. Cane:** That's correct.

**Mr. Levac:** I'll pass it quickly for—

**The Vice-Chair:** Quickly. Ms. Sandals?

**Mrs. Sandals:** Yes, just a quick question, because on page 4 of your presentation, Trinela, you verge into this business about criminal proceedings. A number of the deputants talked about unsupervised access being as a result of a criminal plea bargain. So where does the authority to do that derive from? Are we now into Criminal Code matters?

**Ms. Cane:** I've been passed a little note here. In response to your question, I think, as I mentioned, Criminal Code matters are paramount in these cases. For example, a probation order might indicate that a specific person is not to have contact with a child or a specific person designated, even if there was a supervised access order in play through the Child and Family Services Act. The actual Criminal Code requirement and the court order in that matter would take precedence.

**Mrs. Sandals:** Because what we seem to have been hearing about is where there was pre-existing supervised access and then the plea bargain has turned that into unsupervised access. I'm following some of the incidents that we've heard. It's like your system is looking for assistance to children but then the criminal system is overriding your rules, but you may not be even involved with the child at all—

**Ms. Cane:** But it would serve to undermine the intent of the Child and Family Services Act.

**Mrs. Sandals:** Yes, exactly. So that's the problem we seem to be running into to some degree: the conflict between criminal proceedings, which are ordering access, and family and children's services, which—given your legislation, you're more concerned with the child.

**Ms. Cane:** Yes, but given the paramountcy rule, you're right that one could undermine the other.

**Mrs. Sandals:** But the criminal—okay. Now I at least sort of understand what's going on, whether I like it or not.

**Mr. Jackson:** Just to follow on Ms. Sandals' point—because that is the point—that in a criminal case the two lawyers have to be satisfied in the eyes of the judge, and the child never really gets a say in court; this is why my legislation is so broadly based, in that all children in the province would be protected.

I want to put on the record that I support the increased reporting mechanisms that the government has brought in, in the shadow of the Jeffrey Baldwin death with Toronto CAS, with the death of Jared Osidacz and with the death of the three children outside of Orléans near Ottawa, all in the month of March.

I'm concerned that we do not get bogged down in a much more bureaucratic process. Your flow chart—Hansard won't pick this up but I'm pointing to a seven-step box system, and I know Ms. Horwath will be raising the issue of, when does this process become transparent and when does this process become accountable? Why I recommend we jump in very small circumstances in this province—we're probably looking at the deaths of fewer than 10 children a year, but probably four or five children a year who die in this province under these circumstances—that they get an automatic coroner's inquest is so that all aspects are covered, but it's done in a transparent, open fashion.

A child has died; therefore, privacy issues are no longer an issue. When a person dies, their entire life history is an open book; it doesn't matter if you're an older person or a young person. My worry is that a good process of reporting and review, which I believe is still being done in-house, where the CAS is examining its conduct and its role—and again, this came out of the Jeffrey Baldwin incident, which was not Ontario's finest hour when it came to CASs and their performance of their legislated duty.

So I guess, Trinela, my question to you is, do you clearly see the distinction between Bill 89 trying to protect all children versus the circumstances under which the CAS becomes involved? I would hope that the ministry sees a value in making sure all children are protected, regardless of whether they had ever been contacted by CAS, since they can't always participate in the process which I consider the most offensive of all, and that is the mediation in custody, support and divorce when there's violence involved. At the root of this problem is when mediation occurs and then they start horse-trading, the child gets caught in the middle and CAS never gets brought in to say, "Excuse us, but we personally feel this child is at risk and something should be done about it." Not enough of that is occurring in our province.

So if I could get you to respond to that, and I thank you for your positive comments in your presentation today with respect to Bill 89.

**Ms. Cane:** Certainly, Mr. Jackson, I appreciate the intent to cover a broader range of children who die as part of very unfortunate circumstances in the province. While our purview is within the context of the Child and Family Services Act, I share that view and that understanding of the importance of that.

**1700**

In terms of the actual child death review and directive, its timing seems to coincide with the Jeffrey Baldwin case, a very unfortunate case, and it does actually, in some ways, perhaps not address the specific issues of Jeffrey's circumstances. Rather, as part of that process, we've actually implemented what we call regulation with respect to kinship care that provides additional safeguards.

But we were concerned, in terms of the child death review process, separate from any one incident, that there wasn't sufficient independence in the oversight of the work that was being done at the agency level, and many agencies themselves raised this as a concern with us as well. That's why we have paid for an analyst to be placed in the Office of the Chief Coroner to actually undertake the case analysis and preparation for the child death review committee. It's precisely why we've asked the coroner to be the arbiter in determining under what circumstances—and it's normally in cases of homicide, suicide or other suspicious deaths—an agency must perform an internal review; it's not subject to an agency's discretion or the ministry's discretion, which is an important point.

In addition, it is up to the chief coroner on the review of the internal report, where they have additional questions or they feel that the report has missed the mark, to have further undertakings with respect to that. In addition, they are able to have a full and more in-depth review of the case as they require.

I think our intention has been to promote better accountability, to provide an opportunity for more public transparency and reporting, and to put a certain amount of the decision-making in the hands of the chief coroner of Ontario, an independent overseer of these types of things.

**Mr. Jackson:** In order to be abundantly clear here, my question also included, Trinela, at what point does the public have access to that information? The coroner reports in general terms. I've seen hundreds of reports and I've seen his annual report. But where does the public get to look at that report? At which stage in these seven boxes will Andrea Horwath or I or the families be able to look at that report to determine the recommendations? If they just sit as recommendations, you used the phrase—Oh, Lord, where did I write it down?—talking about the important part of the process, where you can look at providing additional improvements. That's code for regulatory changes. But how do we know that as the public or how do we know that as legislators, that we would have a serious problem here if the Jeffrey Baldwin case were about to repeat itself under these protocols? When would we find that out?

**Ms. Cane:** I guess in attempting to respond to your question, I'm not certain in the process at what point reports are divulged. But I'd be happy to get back to the committee, if I can provide some further clarification, Mr. Jackson.

**Mr. Jackson:** That is my concern. I don't see in this process where the public or the family who's lost a child or I, as an advocate for child safety, can read it. If it's not transparent, it can't inspire us to do better.

**Ms. Cane:** And you are correct, Mr. Jackson, that the annual report would summarize the work of the committee, as you point out, and would make recommendations for a more sweeping, systemic change that the ministry and others will be beholden to, but it may not address the specific needs of a specific family, as you indicate.

**The Vice-Chair:** Ms. Horwath.

**Ms. Horwath:** Thank you, Trinela, for being here for the ministry. The first things that struck me in your remarks were the issues around protecting a child from abuse and neglect. When I think about some of the cases that we've heard about today, I particularly recall the testimony of Ms. Craven, her experience with the children's aid society and how they failed her as a parent, failed to protect her child and in fact accused her of being the abuser. How does that happen? And further to that, the remarks that were made to her by staff of a CAS indicating that her estranged partner, the father of her child, was "driving a nice car"; in other words, reducing her concerns and comments and her ability to relate her concerns about her child, pretty much ignoring those and instead turning to the abuser as someone who was more credible: How does that happen and what is in place from the ministry's perspective to prevent those kinds of situations from occurring? What kinds of requirements exist? What kind of reporting exists? What kind of checks and balances exist to prevent that kind of situation?

**Ms. Cane:** I wish there was an easy answer to say how that might have happened. I'm not familiar with the specific circumstances of that case, but what I can tell you is each agency is mandated, as part of its own review of cases coming forward or children and parents coming forward to ask for assistance, to use one standardized tool, a risk assessment tool called the eligibility spectrum. The eligibility spectrum identifies various risks in quite a number of dimensions, and that actually leads to the decision on the part of the worker as to whether the child is deemed to be in need of protection. As you know, that is subject to a court decision within five days as to whether the decision by the agency would be supported by the court.

That is the process agencies are to follow. Each of them uses the same tool. As part of our child welfare transformation we've actually enhanced the tool and added more instruments that allow a worker who is trained in the use of the tool. We've really reinstated a very rigorous training program for this, as the legislation is hoped to be proclaimed in November and they are to

administer this tool and the sets of supplementary tools that would allow them to delve more deeply into that matter and hopefully get to the crux of the issue. In this case that you mentioned—and as I say, I don't know the details—it sounds like there was information, potentially, that may not have been followed up on or not appropriately analyzed as part of that assessment. I think what we've tried to do is put a standardized assessment in place. Every worker will be trained in the use of the tool and every supervisor will be actively monitoring the decisions made by the individual workers.

**Ms. Horwath:** I appreciate that blunt response because it's important that you're aware that there is opportunity for failure of these systems. I guess that brings me back to—and I'm glad Mr. Jackson raised it, because the government side raised an issue that I was going to ask as well, which was the unbelievable situation where if a criminal proceeding results in an order that is more lax than a child and family services order, it actually supersedes, and that's got to be changed. That's absolutely frightening.

Nonetheless, the concern that I have is, as we look through the ministry's flowchart of response to concerns about transparency and review of systems, again it seems as if the process for determining what went wrong or how, perhaps, there could have been different actions taken in a situation where there has been a death of a child, it always goes back to: The society will make the initial report. But nobody is checking to make sure that even the initial report is reflective of the experience of the people involved in the situation. That's where the whole thing falls apart from my perspective, and that's at step one or two. Certainly there has to be an acknowledgement that the society doesn't operate in isolation from all of the different people and systems that affect it. Having said that, if you're going to go through a whole process of review with the steps that are indicated in the flowchart but the very beginning inputs don't include all of the appropriate information or, at least don't include all of the information that could have a bearing on what comes out at the end, then you have a failed system from the get-go.

I just want you to take that back because I think that if there's one thing that we heard today strongly, loudly and clearly, it is that these women's voices were not being heard, through the whole process of their nightmare. Whether they weren't being heard by the CAS, whether they weren't being heard by the justice system, whether they weren't being heard by the police, their voices were not being heard. Now we have a new fix to the problem, or at least we have a new system of trying to understand what the problems were, where again those voices are still not going to be heard. They'll be heard from the perspective of how the CAS saw things go down, but from what I can see anyway, there's no direct voice of these women in this flowchart. I would just hope that you can take that back. Maybe with the horrors we went through with these women this morning, we can bring back the fact that their voices need to be heard in these

processes and that the bureaucracy certainly needs to understand that that's important, and that will help us at the end of the day to come up with systems that will better protect women and children.

1710

**Ms. Cane:** What I can tell you in that regard is that as we obtain the advice of the deputy chief coroner, Jim Cairns, with respect to individual cases coming forward as part of the process, there is an opportunity and potentially advice that would be given by the chief coroner around the need to have an external consultant or external person or persons undertake the review, and our intention is to have an independent review as part of the process as that first step. But I can appreciate your concern that the appropriate views be taken into consideration.

**The Vice-Chair:** Thank you very much, Ms. Cane, for your deputation and answers.

**Ms. Cane:** Thank you very much. Good luck with the work.

**The Vice-Chair:** Members of the committee, those are all the deputations we have today. I'd like to draw your attention to the written submission provided by Margaret Patterson, who was originally scheduled to be here. She cannot make it because of health problems but has requested that her submission be read out in committee. I'm in your hands.

**Mr. Jackson:** I move that the matter be inserted into Hansard and we don't necessarily have to read it.

**The Vice-Chair:** Is this agreeable?

**Mr. Levac:** That's reasonable.

**The Vice-Chair:** Agreed.

As a reminder, the deadline for filing amendments is Thursday August 31, 2006, at 12 noon. The research officer will be preparing a summary of the testimony heard.

**Mr. Andrew McNaught:** I wonder if I could just get clarification on that. The evidence we heard today was largely the details of individual cases and some overviews of ministry programs. In light of that, maybe you can give me direction on what you would like in the summary. Traditionally, we would only include recommendations to amend specific provisions in the bill, and really only the last witness addressed that. I'm in your hands.

**The Vice-Chair:** Any comments?

**Mr. Levac:** We did ask at the end of each deputation to get hard copies of the full deputations. I think that would accommodate us because that's more than an overview; that's the actual words used. So I think that would accommodate at least the ones we heard. Cam, I don't know what the normal practice is, but in terms of the review it would be, as has been pointed out, that we would receive a summation spoken to the bill. Is that not what we normally do?

**Mr. Jackson:** Yes, a brief report on what each of the deputants had to say pertaining specifically to the bill and sections thereof.

**Mr. Levac:** Amendments. Yes.

**Mr. Jackson:** I don't think we're expecting a fulsome report, but I do believe we've asked for additional information on the role of the Office of the Children's Lawyer. We had an additional request for information. I'm trying to remember where I wrote that down. But we had two items that we were going to have follow-up: one from the Attorney General's office and I believe one from Trinela in the Ministry of Children and Youth Services. So there's that.

**The Vice-Chair:** Is that an agreeable arrangement?

**Mr. McNaught:** All I was pointing out is that really nobody addressed, with the exception of the last witness, specific provisions of the bill, so I don't know how useful it would be to summarize the details of individual cases.

**Mr. Jackson:** If you've got other plans, Andrew, that's fine.

**Mr. McNaught:** I don't have other plans.

**Mr. Jackson:** Well, then, I think we've given you sufficient direction. If you're asking us to say you don't have to do a report, we're not prepared to say that. Okay?

**Mr. Levac:** If there are materials available for what we've asked for, I think it would end up being a small two-pager.

**Mr. McNaught:** The ministries will be providing notes, yes.

**Mr. Levac:** Mr. Jackson made reference to the one request of the Office of the Child Advocate. I think that was where we went with the Attorney General. I supported that too. I recommended that we make sure that we mention that.

**Mr. Jackson:** Trinela was going to get back to us with respect to the reporting mechanisms with respect to the process she has described for us regarding the CAS responsibility to report and that new procedure. I want to underscore that that narrowly deals with children in the CAS's care, and I purposely didn't write the bill. So although her concerns are legit and the government is to be commended for taking the reporting one step further, it's not the issue on the table, which is very simply the mandatory access to a coroner's inquest. I cannot summarize it better than Julie Craven, who's still in the room, who said that the murderer, the father, gets an automatic one and her child won't get one unless it's made mandatory or if we can prevail upon the coroner.

I don't want us to lose sight of the fact that we're not trying to fix the supervised access issue today, or in this legislation. We believe that there should be several forums like this occurring if more children die and we don't have solutions, because we're not coming up with them today.

Our understanding is that we will have amendments. The clerk will get those to us by noon on Thursday, and then we reconvene on Friday at 10 o'clock.

**The Vice-Chair:** That's correct. Clause-by-clause consideration of this bill will take place on Friday, September 1, 2006, at 10 a.m.

**Mr. Jackson:** My final question, Mr. Chairman, would be, when might we, as committee members here today, have access to today's Hansard?

**The Clerk Pro Tem (Mr. Katch Koch):** It usually takes a couple of days. The House is not sitting right now, so let me—

**Mr. Jackson:** As a Chair myself on a committee, we generally try and encourage Hansard to see the merit in the priority of this Hansard as opposed to the other two committees that are operating this week that won't be doing clause-by-clause this week. That's my subtle way of saying please make sure that we at least have that, that the ministry, which is considering amendments to this bill, has access to that Hansard, and that we, as com-

mittee members who are trying to make this bill work, have access to that as soon as possible. That direction generally always should come from the Chair.

**The Vice-Chair:** Thank you, Mr. Jackson. I will do my best to make sure that it is available as soon as possible.

**Mr. Levac:** I'd definitely support that request.

**The Vice-Chair:** Any other business? If not, then the committee has adjourned until 10 a.m. on September 1, 2006.

*The committee adjourned at 1718.*







## CONTENTS

Tuesday 29 August 2006

<b>Kevin and Jared's Law (Child and Family Services Statute Law Amendment), 2006, Bill 89, <i>Mr. Jackson</i> / <b>Loi Kevin et Jared de 2006 modifiant des lois en ce qui concerne les services à l'enfance et à la famille</b>, projet de loi 89, <i>M. Jackson</i>.....</b>	T-101
Ms. Jenny Latimer .....	T-101
Ms. Julie Craven and Mr. John Craven.....	T-108
Witness X.....	T-122
Ms. Annette Sackrider-Miller.....	T-125
Canadian Centre for Abuse Awareness .....	T-129
Mr. John Muise	
Ministry of the Attorney General .....	T-134
Ms. Judy Newman, program coordinator, supervised access program	
Ms. Marie Irvine, counsel, policy branch	
Ms. Andrea Strom, director, justice policy development, policy division	
The Auditors, the Canadian Family Watchdog.....	T-139
Ms. Anne Marsden	
Ministry of Children and Youth Services.....	T-143
Ms. Trinela Cane, assistant deputy minister, policy development and program design	

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