

# Children's Aid accused of four-year 'vendetta'

## Family's lawyer asking minister to intervene

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By Kate Harries, ONTARIO REPORTER

Social Services Minister John Baird is being asked to take unprecedented action against the Haldimand-Norfolk Children's Aid Society for its conduct in a legal fight with a former foster family.

The case centres on two siblings, aged 6 and 4, apprehended from abusive biological parents in 1998, when they were 2 and 11 months old.

Their lawyer, Jeffery Wilson, told a news conference yesterday that matters have dragged on because the society is engaged in a "vendetta" against the former foster family, which wants to adopt the children.

The minister should intervene because the lack of resolution is harmful for the children, Wilson said.

"Children are not supposed to be in limbo for a period now of just under four years," said Wilson, adding that the expectation in Ontario is for placements to be settled within a year because of the importance of permanency to a child's development.

In a letter sent Friday, Wilson asked Baird to use section 23 of the Child and Family Services Act, which allows him to intervene if he considers that a child welfare agency's actions are causing or likely to cause harm.

"The minister has a duty to protect the children and the minister's duty extends to protecting them from on-going litigation," Wilson said.

To his knowledge, section 23 has never been used, said Wilson, a leading lawyer in the field of children's rights.

A spokesperson for Baird could not be reached for comment.

Lawyer Ian Mang, who's acting for the society, said he doubts that section 23 is meant to deal with this situation. "It's almost like an emergency measure," he said, and the children face no imminent harm.

"There's no vendetta against the (family) here," Mang said, adding that the society only wants an independent assessment of the children's needs and the family's parenting capacity "and the case will go away."

But Wilson said two judges have rejected the need for such an assessment. An adoption home study carried out on Wilson's instructions has been rejected as biased by the society.

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The children, who were returned to the family in

March, are doing well, Wilson said. They are being supervised by Brant Children's Aid Society, acting for Haldimand-Norfolk.

Visited this weekend by a Star reporter, they and three of the family's four children were playing quietly in a vast basement playroom filled with toys. A baby was asleep upstairs.

The 6-year-old, likened by an expert who evaluated her earlier this year for the society prior to her return to the family as "a shell-shocked war veteran, the survivor of a concentration camp," chatted amicably about the family's pets and appeared composed and confident.

The society has been criticized by two judges for "arbitrary use of government power" and unreasonableness "verging on blind obstinacy" in the case.

Wilson said society at large suffers because of the waste of economic resources.

His clients say they face a power of sale on their home and loss of business after paying \$220,000 of around \$260,000 in legal costs.

They have been awarded \$220,000 by the courts, but they have not been able to collect from the society because of appeals.

Wilson estimated the society's own legal bills at half a million dollars and said the taxpayer has incurred further unknown costs for the involvement of the Office of the Children's Lawyer and three weeks in court time.

The legal battle started in January, 2000, when the society closed the family's home down as a foster home and removed the siblings following allegations of abuse, subsequently found by a judge to have been false.

In February, the two were ordered returned to the family, which wants to adopt them.

But that can't happen, Wilson said, because of the legal delays. "That's why we want the minister to intervene."

Wilson said he does not understand why the society is dragging matters through the courts, despite clear rulings from two judges that the family would be the best placement for the children.

He accused the society of "using the disparity of dollars to hopefully force the (family) into some form of capitulation."