

June 25, 2006

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TO:

The Honourable Dalton McGuinty
Premier of Ontario
Legislative Building
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And

Distribution List

Dear Mr. Mc Guinty

On February 3, I wrote to you requesting a response to some issues. At that time you forwarded my letter to the Minister of Community and Social Services, who then forwarded the letter to Michael Bryant, the Attorney General. I am still waiting for a response to those issues.

Although I am doubtful it would be any different than the last time, I felt a need make another attempt on different issues.

A little background

I have been paying spousal and child support for 11 years. I was completely up to date with my payments until I lost my job on June 30, 2005. In addition I have also been the sole parent of 2 kids of the same marriage not recognized by the court system because my ex is not employed. In December 2004, one of your judges made yet another irrational decision which forced me into bankruptcy.

Due to my job loss I needed to go to court to change my support order. Unlike my ex the respondent who has not contributed to one cent to the family in 11 years and has a lawyer, I had to represent myself as I don't have money for a lawyer, not eligible for legal aid and as I am bankrupt I have no access to credit.

It has taken me a year to get an order to vary support. The order again is ridiculous....so I will have to appeal. Even though this is my right I understand for a judge to overrule another is virtually impossible....

Are you aware (just in case you are wondering why there is a court backlog) that even under the fast track process to change an order when one loses their job requires....

- ◆ 11 months of process (and I'm not finished)
- ◆ 7 court appearances
- ◆ 8 inch stack of paper filed with the court (forms, affidavits, factums, financial statements, SS and CS guidelines calculations etc).

During this time the FRO started to take enforcement action after only 2 months. I've had to deal with this also which was the reason for my previous correspondence.

In the meantime I've had to find a job, take a temporary work assignment and get an employment offer.

As I am a Project Manager, the original project for which I was hired is coming to an end. There is a distinct possibility that I may lose my job and start this nonsense all over again. I will not!!!! **Call me a deadbeat or whatever but this is insane.** Although I've tried to do everything for my family, your courts have treated me like a criminal for 11 years. Might as well finish it off and throw me in jail.

I have just received a Notice that my wages will be garnished at 50% which still leaves a deficit compared the new order and although I've continued to pay what I can during this time, my support arrears according to the FRO have reached \$22,000. Although my support is varied somewhat, there was no consideration for the fact I was out of work. Without a retroactive judgement my ex continues to get the high level of support in addition to CPP while I was unemployed. Not only do I have make up for what I lost but also what she allegedly lost. In addition I am ordered to pay support on my costs to earn wages and self employed earnings were double counted to set the level of support. In fact paying support on costs to earn a living and money I will not make.

The totally dumb thing is I am willing to do my fair share. My ex who has not contributed a single cent in 11 years is better off than I am. Her house is almost paid off after 11 years of support yet my townhouse is totally mortgaged. The kids with her privileged to be adopted by the courts are graduating university with no debt and travelling the world while I'm bankrupt and the kids with me had to fend for themselves because they are not recognized by the law or the courts.

With this latest judgement my ex will have an after tax income double mine with no expenses other than waiting for the mail to arrive. After work expenses, my take will not even cover the mortgage.

As a final insult, I will have to go to court on June 29 for a costs hearing. The only way to vary support when you lose your job is to go through a year of court process yet I could end up having to pay not only my costs but hers as well. How can such an order even be a consideration?

In Short. – I did not leave the marriage, have had 2 of the 4 kids with me, been total support for now 2 separate families for 11 years....and for all my efforts dragged through the courts like a criminal.

Now....I lose my job, go through a year self representing myself in a ridiculous court process to get my order varied, get FRO enforcement within 2 months and while stuck in the court process, need to find a job, need to borrow from family as the court bankrupt me last time, ordered to pay support on money I did not make, ordered to pay support on expenses required to earn money in the first place, get garnished on my arrears, cannot get my tax adjusted to include the spousal support deduction, will have to pay back the little EI received and then may actually have to pay my ex's legal expenses.

I am 56 years old and need to plan for retirement. In the motion I asked the judge to confirm that pension monies already equalized at separation be protected from further support. He would not.

How can you call this no fault divorce? Is it justice that corrupt courts encourage a women to leave the family knowing she is guaranteed custody of the kids, life long

support and booty that comes with it. Even pensions already paid are not protected. Why would a women build assets for retirement when she can simple go to court with empty hands and get a double bonus.

What happened to the “Charter of Rights and Freedoms”.

And then we wonder why Canada has the world’s highest divorce rate.

My family has always been my first priority. What gives the court the right to destroy my life and treat me as a criminal. If divorce is “No fault” how come:

1. I had my rights as a parent taken away?
2. My son and I were thrown out of my home.
3. I had access with other kids restricted.
4. My ex was free to move 2 of the 4 kids 1,500 kms away from me and their siblings with no questions.
5. I had to pay out a pension for asset equalization that I can’t touch until I’m 60 and now understand I may still need to pay support on moneys already equalized.
6. Over the years have paid over about \$1/2 million in support, legal fees and related costs yet my ex has not paid a cent.
7. Kids living with me weren’t even acknowledged by the law.
8. I have done everything possible to solely take care of now 2 separate families and my thanks is to be treated like a criminal in Family Court. As a final insult another irrational judgement forced me into bankruptcy.
9. I have been subjected to demeaning enforcement for non-payment of support 2 months after losing my job when the process to change a support court order takes minimum of 8 months
10. I’m required to pay support for children living with my ex over the age of majority (who I love dearly) until they are finished University, yet children living with me were disadvantaged and not treated equally.

Please let me know if you consider this Justice? Why do Family Court judges feel the need to denigrate and bankrupt fathers and feed the excesses of the women. The only reason I can think of is greed and corruption by a self serving Family Court System that thrives on instigating conflict. How is this different from Organized crime?

Actually, the news coverage dealing with the rights of terrorist suspects recently again pointed out the discrimination of the courts. At what point will fathers be given rights at least equal to suspected terrorists in the Family Court System.

Last week the Supreme court ruled a women was to continue to receive support because of trauma caused by divorce. Essentially this says that although “no fault” is the default there are exceptions. Well in my case, why was there no exception? My family has been traumatized by the actions of my ex for 11 years and the court’s response has been to reward her for life.

Ontario has just written a statute that children of lesbian couples are legally co-parents. A Superior Court of Justice ruled that not doing so was discrimination on basis of sex and violates their rights to equality under the Canadian Charter of Rights and Freedoms. So, how about the rights of natural fathers after divorce.

I wonder how your judges will decide whom to discriminate against if these lesbian couples ever divorce?

Mr. McGuinty and those on the attached distribution list, I would appreciate your comments, suggestions and what plans you have to fix this dysfunctional system and to ensure that family courts and laws comply with the "Charter of Rights and Freedoms".

Regards



Frank Simons

Distribution:

Prime Minister of Canada – The Honourable Stephen Harper
Canadian Attorney General – The Honourable Vic Toews
NDP – Justice Critic, MP Stoney Creek – Wayne Marston
Ontario Attorney General – Michael Bryant
Ontario MPP Jennifer Mossop, Stoney Creek
Ontario Auditor General – Jim McCarter
Ontario Minister of Community and social Services
Ontario Director, FRO – Box 220
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Stoney Creek News
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