

A divorced dad is horrified to learn his 7-year-old girl must share her mother's home with mom's boyfriend -- a convicted sex offender

Toronto Sun - Sun, March 26, 2006

By Mark Bonokoski

COBOURG -- There are few secrets in small towns such as this, and therefore there were many whispers at various water coolers when the local newspaper told the tale of a man being sentenced to house arrest for sexually molesting his teenaged stepdaughter's best friend.

But sometimes two and two take their time adding up.

In the case of one father, it took almost five weeks before all the rumours swirling about were confirmed -- that, horror of horrors, his 7-year-old daughter was living in the same house where the house arrest was being served.

Indeed, the convicted sex offender in the newspaper was the same man who had been living with his ex-wife for the past two years, and therefore the man who was ultimately sharing the joint custody of his child.

But could he get his daughter out of harm's way? Would the Children's Aid see any absurdity in these living arrangements, or the inherent danger in a 7-year-old child having an admitted sex offender as an authority figure?

Would the courts?

Courts no help

The answer to both questions is no.

"All I am asking is for one of two things to happen," said the girl's father. "Either give me full custody of my daughter or get him out of that house.

"Right now my daughter is living with a sex offender. She's at a vulnerable age, and he is

what he is.

"He even pleaded guilty to being what he is."

The 39-year-old accused appeared here before Justice Rhys Morgan back in January, with a publication ban enacted so that the name of his victim could be protected.

That ban, in turn, has the downside of also protecting the identity of the accused -- which, in turn, prohibits the father of the 7-year-old girl, as well as any interested media, from putting any names into play.

'None of this is real'

"So everything has to be anonymous," says the father. "It's as if none of this is real, and none of it happened.

"But it did happen, and my daughter is living with a sex offender who is under house arrest until mid-April.

"How could this possibly be okay?"

According to Crown prosecutor David Thompson, the assault occurred when the accused found himself alone with his stepdaughter's best friend late one evening. He began fondling her as they watched television.

At another time, he masturbated in front of a web camera when he believed the girl was watching.

She was 14.

It was a pang of guilt which eventually had him confess his actions to his girlfriend -- the mother of the 7-year-old in this story -- but it was an unnamed third party who took it to the police, who in turn laid the charges.

In the end, Justice Morgan sentenced him to three months of house arrest with counselling. He was also ordered to surrender a DNA sample for the national data bank and have his name added to the sex offender registry.

His house arrest lockdown, in fact, is virtually 24/7. He is allowed out for three hours on Saturdays to run errands and he has Sunday mornings to attend church.

To cap it off, he has a non-communication order when it comes to his victim.

But he has no restrictions-- absolutely none -- when it comes to contact with either the 15-year-old stepdaughter who was the victim's best friend or the 7-year-old little girl who, because of a joint custody order, lives under his roof one week out of every two.

There was no attempt here to contact the Children's Aid about its side of the story or why, for example, it has apparently seen no problem in having a 7-year-old girl living in the same house as a convicted sex offender who doesn't even have the hook of a blood relationship.

Privacy laws

Privacy laws prevent the agency from talking specifics.

Even the father knows this. When he went to the Children's Aid to inquire whether the man in the newspaper was the same man his ex-wife and daughter were living with, he was told the agency was legally unable to either confirm or deny.

All this was when small-town whispers were at their peak.

The father who wants his young daughter out of that house, and with seemingly justifiable reasons, has had a shared parenting agreement and joint custody of the child for five years. He has a steady job. He has no criminal record.

"Yet," he says, "everywhere I turn to get my daughter out of the house, I get the door slammed in my face.

"Put it this way: Would you want your child living with that man? Would you?"

"Sure, I've thought of keeping her with me," he says. "But what would happen then? I'd be charged with kidnapping or failing to comply with a court order. And then I'd never see her again.

"Men don't win those sort of court battles," he says. "Women win those battles. Regardless."

In recent days, however, it has gotten worse.

Moved out of town

The man's ex-wife, along with her convicted sex-offender boyfriend, have packed up and moved the entire family to Peterborough because they have supposedly "found God," and the church where that "God" exists is apparently nowhere else to be found but in Peterborough.

Even the lawyer who represented the man's ex-wife and helped with the shared parenting and joint-custody agreement regarding their 7-year-old child has had enough.

Her client's move to Peterborough was the last straw.

"She does not seem to grasp the seriousness of the issue," the lawyer wrote, indicating that she would no longer be representing the woman in any further legal proceedings.

In the meantime a 7-year-old little girl wakes up in the morning with a sex offender in the house.

And today, being Sunday, they'll be off to church.

**mark.bonokoski@tor.sunpub.com or
416-947-2445**