

court file No. C195/06

ONTARIO COURT OF JUSTICE
491 Steeles Ave. E. Milton, Ontario L9T 1Y7

BETWEEN

Children’s Aid Society Region of Halton

Applicant

and

John [REDACTED] [REDACTED] (father)

Vilma [REDACTED] (mother)

Respondents

AFFIDAVIT

I, [REDACTED] [REDACTED], of the City of Burlington, in the Regional Municipality of Halton,
MAKE OATH AND SAY:

- 1) I am 15 years old and attend Lester B. Pearson high school in Burlington, Ontario. I do not suffer from any psychological or physical disabilities.
- 2) I am writing this affidavit for the court myself as I feel as if I have to take matters into my own hands to get my wishes presented to the court. I don’t have faith in the lawyer from the Office of the Children’s lawyer who up until now has not been very helpful and has not represented me very well in court.

Background to my apprehension by the Halton Children’s Aid Society

- 3) On Thursday September 27, 2007 I called my dad from school asking for money for a dance that evening but my dad refused because he felt that I had not done my chores or homework earlier in the week. He told me that I had to come straight home on the school bus and that I could not go to the dance that night.
- 4) I argued with my dad over the phone about his decision while he was on his way to work and several times we argued over the phone. My dad remained firm about his

decision to not let me go to the dance and to not give me money. This made me angry and upset at him.

- 5) When I got home after school, I called my older sister, [REDACTED], and told her how my dad and I had been arguing and that Dad would not let me go to the dance. I told her that I was mad and I wanted to run away to a friend's house. My sister told me that this would not be a good idea because the police would likely just take me back home. She said I could call the CAS instead. I was so angry that I decided to call the CAS while my dad was at work. I told the CAS that I was afraid of my dad. I really wasn't afraid of him hurting me, but was just angry and thought that this would get him into some trouble and get me out of the house for a few days. The CAS worker said that someone would come to see me later and asked me if it was OK if the police came as well. I said that it did not matter to me.
- 6) When my dad came home, we talked about chores and about privileges. While I would have normally have gone to bed anyway, at about 10:30 in the evening, the Halton Police and a CAS came to my house to talk to me and my dad as a result of my call to the CAS earlier that day. My dad asked that the CAS worker stay outside.
- 7) Initially, my dad and I discussed with two officers with the Halton Regional Police and told them about our earlier disagreement over the phone while the CAS worker waited outside. At first, the police officers seemed to understand that my dad and I were just arguing and that there was no real danger to me. Things seemed to be OK with police but when I went outside to speak with the CAS worker he said that it would be better if I left my home with him just for a couple of days. He said that he could take me to a CAS home where there were other kids just like me and that I would be in a nice friendly place for me to stay. The CAS worker made it sound like it would be fun place and I thought that it would be a good way to teach my dad a lesson.
- 8) The CAS worker tried to get the police officers get my dad to sign a voluntary care agreement to allow the CAS to put me into care but my dad refused. The CAS

worker then told me that if my dad would not sign, then the CAS was going to take me anyway just because I had said I wanted to go.

- 9) Although I was not comfortable with leaving with the CAS worker, the worker gave me the impression that it would be just for one or two days while things cool off. The worker made it sound like it would not be that much of a deal if I left home and that I would be much happier where they would take me. I made it very clear to the worker that I would go along with him but only if it was for a couple of days and that I wanted to come back home soon. The CAS workers told me to come along and not to worry. The CAS worker tricked me to leave the house when I thought in my mind that I would be gone from home for just a couple of days.
- 10) As the presence of police officers was quite intimidating, I was lead to believe that I had no other choice except to leave home as this is what the CAS worker and the police wanted me to do.

My experience in care of the Halton Children's Aid Society

- 11) Overall, my experience with the Halton Children's Aid Society has been very frightening, unpleasant and disruptive to my relationships with family and friends. Staying in the care of the CAS was not what CAS workers had led me to believe and not what I had expected. I feel that I was tricked into going into care of the Halton CAS.
- 12) Prior to going into care, CAS worker, James Moriarty, led me to believe that I would only be with the CAS for just two or three days while things cooled off at home. The worker left me with the impression that I would be returning back home before too long. Had the CAS worker been more truthful and more clearly explained things so that I understood, I would have not wanted to have gone with CAS workers in the first place. Later, one of the other girls in care with the CAS told me that the same worker, James Moriarty, had lied to her in the same manner as he had lied to me.
- 13) The workers with the Halton Children's Aid Society made it sound like going into care would be a pleasant experience for me. The worker never told me the process that

they were going to go to court and to get a court order forcing me away from my family. The workers never explained to me what the agency was planning to do to me or my dad.

- 14) When I was first taken into care, I was taken to a home called Pathways in Milton, Ontario. I found that experience frightening. At Pathways there were other teenagers who were tough and had been involved with crimes. Never before in my life had I been exposed to such tough teenagers like this.
- 15) While in Pathways, one day I came back to the facility to find one of the other kid's room in a mess. I found out that the boy who lived there had been taken away and that he had cut his wrists with a knife because he was so depressed being in the care of the CAS and just wanted out of the facility.
- 16) Another teenage girl staying at Pathways was so stoned and on drugs that she was visibly shaking. She also had attempted to cut her wrists as well.
- 17) Other teenagers at Pathways spoke of how they hated the CAS as well and wanted out. Many of the teenagers were angry and depressed because of CAS. The teens lived in constant fear of workers and the attitude of the teens in the facility was it was us (teens in care) versus them (CAS workers). Teens were afraid to disclose problems to workers out of fear of getting punished by the CAS workers.
- 18) While at Pathways, I was physically assaulted and robbed of my money by one of the other girls. The girl who did this to me was eventually arrested and charged by police and my money returned to me. At the time I was being assaulted in the facility, the CAS supervisor on duty at the time did nothing to help although I am sure that the supervisor could clearly hear what was going on. It was like CAS workers did not care if the residents got into a fight. I was frightened and felt trapped while at Pathways. One of the other kids went AWOL while I was there but everyone talked like going AWOL was a normal thing for the teens in CAS care to do.
- 19) After the assault, I told my father about what it was like at Pathways and he took steps to have me taken back home but was not successful in court. Nobody at the

CAS seemed to care much about me or what I wanted. In fact, CAS workers did not seem to care about any of the other teens in care as well. In my opinion, Pathways was nothing more than a building where teens are given a roof over their heads but where kids are unhappy and where a lot of bad things go on inside.

- 20) After getting out from Pathways, I was placed in a foster home in Burlington, Ontario. While the foster family has a nice house, living in someone else's house is never as good as living in one's own home and with one's own family. The food at the foster home was terrible and there was little to eat. I had to buy my own lunches at school as there was not much of selection of food at the foster home to make lunch with. One time myself and another foster teen found mould growing on the bread. It was gross and we had to throw it out. The foster home was boring.
- 21) On one of the court appearances, the worker with the CAS tried to lie to the court. Before going to court, the CAS worker told me that they were not going to supply transportation any more to take me to work and that I would have to quit my job. When we went into the court, the CAS worker lied to the judge and told the judge that the CAS was taking care of my transportation to work. I had to put up my hand in the court and tell the judge that what the CAS workers were telling the court was not what they were telling me outside of the court and that I had been told that they were going to stop driving me to my work. The judge was not pleased when I told this to him. The CAS worker told the judge that it was too expensive for them to drive me to work in Milton.
- 22) On one occasion, CAS messed up with my transportation. I got off work on evening and found out that nobody from the CAS was scheduled to pick me up. My employer was almost at the point of having to lock me out because they were closing up the business. My employer was not pleased that I was left there without a ride home. This incident almost cost me my job. I believe that the CAS workers may have deliberately done this hoping that this would cause me to lose my job and that they would not have to drive me to work anymore as the CAS worker had wanted. If I was at home with my dad, my dad would have never forgotten about me as did the CAS.

- 23) While my dad and I may have argued at times, deep down inside I know he cares for me. Foster parents just don't take the same level of interest or involvement as do members of your own family. The foster home I am in now is boring and there is nothing to do. I feel isolated and alone. My activities with my friends have been adversely affected.
- 24) To date, I feel that Halton Children's Aid Society workers have not listened to me nor have they really cared about me once they got me into care. The CAS has simply screwed everything up in my life. I simply want to go back to my home and to be with my dad, but nobody seems to be listening to doing anything about what I want. Nobody with the CAS wants to believe the truth when I tell them that I called the CAS to make my dad upset, not because I was fearful of him hurting me.
- 25) Being in care of the CAS is much worse than being at home with my dad in spite of the differences I have with him as a teenager. It seems that the CAS workers don't really understand the issues that teens fight with their parents about.

My experience with my children's lawyer

- 26) Overall, my experience with my children's lawyer has been unpleasant as well.
- 27) My lawyer told me that if my father did not do what he was told by the Halton Children's Aid Society that he would get into a lot of trouble with the court. I was upset with my lawyer telling me this and it sounded like a threat to bully me and my dad. It seems as if my lawyer was more concerned about doing what the CAS wanted than about protecting my interests.
- 28) I asked my lawyer to let me read the court documents so that I could see for myself what was being said in court about me. My lawyer refused to allow me to read the court documents. While I may be only 15 years of age, I certainly feel that I am mature enough to read the documents and to ask my questions about them. It seemed that my lawyer did not want me to be fully informed about the court matters. I felt very insulted.

- 29) I told my children's lawyer that I would like to present a letter into the court to explain what the real situation was but my lawyer said that this would not be a good idea and that my father would be blamed for making me do it. My lawyer did not want to put anything in writing from me to the court because he said it would only make things worse for me and my dad. In court, my lawyer did not tell the court what I wanted him to say very well. I feel that he did not represent me very well.
- 30) On one court appearance, my children's lawyer did not even show up for court and he did not call me to let me know. Yet, on the previous court date, he had indicated that he would attend court on the day he did not show up.
- 31) If anything, my children's lawyer has given me the feeling that that I must remain silent about the truth and that any attempt to speak the truth would only cause more problems for me. I get the feeling that my lawyer is not really interested in helping the court know what the truth is. In court, he waters down the truth. I am not happy with him.
- 32) Overall, I feel totally uniformed by my children's lawyer even though I have tried to understand things better. Sometimes when I tried to call my children's lawyer, he did not return my calls. I have had to seek answers to my questions elsewhere and feel that I have received more helpful and honest answers from others rather than my own lawyer. I had better luck in getting some of my questions answered over the internet.
- 33) The CAS contacted my mother about my apprehension and she submitted a letter in which she said my dad was a bad parent. My mother does not know what the situation between my dad and I believe that my mother is angry at my father just because I live with him and not with her. I would hope that my mother will respect my wishes and my decision and to not make matters worse by saying things which are not true. While my father encourages me to communicate with my mother, I really wish to stay living with my dad.

My current wishes and preferences

34) My sincere wishes are very simple and as follows:

- a) To be allowed to return immediately to my father and to live in my family home where I feel the most safe and secure. No CAS foster home or group home can ever replace my own home and my family.
- b) That I be allowed to resolve my own issues with my family and that my rights to make my own choices and to be properly informed be respected.
- c) I have discussed my situation with two of my close friends and their parents and both families have said I am welcome to come to their homes anytime I feel that an argument with my dad heats up to a point where I feel I need to cool down. My dad and I have agreed that this is what I will do in the future should the need arise. My dad knows both families very well.
- d) My one friend C [REDACTED] J [REDACTED] lives close by to my dad's house in Kilbride. We are close friends and I have gone on vacation with Charlene and her parents for the past 4 years. My other friend M [REDACTED] lives in Burlington close to my school. I have had many sleepovers at M [REDACTED]'s house and have gone camping and on outings with their family in the past.
- e) That I be given the opportunity to speak to the judge directly without my children's lawyer should this matter continue on in the courts. I'm 15 years old and feel that I can speak for myself better than my children's lawyer.
- f) That my current children's lawyer not represent me any further. I do not think he represented me very well in court. I am not happy with his performance in my case.

Conclusion


35) I have come to realize that a lot of harm has been caused by me calling the CAS out of frustration and without fully understanding the consequences. Prior to this incident, I never realized the kinds of problems that would be created by a simple phone call to the CAS. I now realize that calling the CAS was not the best thing for me to do for

the circumstances but I also believe that the CAS over-reacted to just my dad and I having an argument about money and chores and that the CAS misled me about what they were going to do.

- 36) My father has never hurt me and I have never, ever been truly afraid for my safety in the presence of my dad as the CAS has claimed. The only thing that I can say about being afraid is that I get afraid of my dad getting angry at me for doing the same sort of things that most teenagers get afraid of when they get in trouble with their parents over something they did wrong.
- 37) I have never been afraid in the sense that I am afraid that my father would physically hurt me. I know that my father cares for me. I believe that this whole incident was blown out of proportion by the Halton Children's Aid Society. My disagreement with my dad over doing chores and getting money was nothing more than the same issues which many other teenagers fight with their parents over.
- 38) Had the CAS better informed me and simply told me beforehand that they wanted to take matters to court and to get a court Order to have me placed in care, I would have told them no way and demanded to go back home right then. The CAS workers told me nothing about going to court to get a court Order to have me stay in care and made me believe that I would simply be with them for a few days. I feel insulted that CAS workers did not properly inform me of their intentions. I feel that my rights have been violated.
- 39) I am more than willing to speak to the Judge in person and to answer any questions that the judge may have for me if this will help to clear matters up in court.
- 40) My father did not assist me in the preparation of this document nor did he tell me what to write in this document. As I was told by my children's lawyer that my dad would get blamed and get into trouble should he help me to write an affidavit to the court, I sought and received help elsewhere from other persons in the community. It seems that others have taken a lot more sincere interest in helping me than the CAS workers who never seemed to really listen.

41) I have made this affidavit because I want the truth known and my wishes conveyed to the court so that the CAS workers will stop twisting things and saying untrue things about my relationship with my dad. I just want to go back home to be with my friends and my family and to get on with my life before CAS messed everything up. I have no concerns whatsoever about my safety at my dad's house as the CAS workers have claimed.

Sworn before me in the town/city)
of Milton, in the)
Region of Halton)
_____)
this 13 day of Dec 2007)


Josephine Clark, a Commissioner, etc.,
Regional Municipality of Halton, for the
Government of Ontario, Ministry of the
Attorney General.
Expires May 16, 2009.



Note: As Ontario law makes it illegal to identify any child who is the subject of an ongoing child protection hearing, all information which may lead to the identity of the child by members of the public has been erased or blocked out from this document as required under provincial law.