



# Is this dead family yet another victim of Ontario's "Zero Tolerance" domestic violence policy?

By Mike March, Justice Reporter

In the past few days there has been a flurry of reports in the national media of what would appear to be yet another tragic murder-suicide involving an Ontario couple in the midst of family difficulties.

On April 2, 2006, a 40-year-old Ontario Father, Frank Maily, killed himself, his wife and their three children by blowing up their family home in the Ottawa region of Ontario. All family members perished as result of the blast.

Yet from information given by close family members, he was a hard working, loving and devoted father and husband and was very protective of his children.

Smith Falls OPP confirmed to Court Watch that there was a restraining order against Mr. Maily and that part of the conditions of his release was that he not to have any contact with his wife.

Strangely, just days earlier, on March 30, Ms. Maily went to court with her husband to apply for a variance to his release conditions which would have allowed the family to live back together.

Ms. Maily had already voluntarily moved back with her husband on March 10 in violation of her husband's release conditions and it appeared that the couple was managing to keep their family together.

However, the court refused to grant Ms. Maily's simple request to allow her and the children to be together with her husband in the family home. This is when things seemed to turn for the worse for the family.

The court's refusal forced Ms. Maily to have to separate from her husband and to take the children away.

In effect, the burden of separation and all of the economic and emotional problems which go along with trying to parent and support three kids in two homes were being forced upon the couple contrary to what the couple had felt on their own was in the best interest of themselves and their children at the time.

Many who are familiar with the domestic violence court system would say that the refusal of the court to grant the couple's simple and reasonable request to allow them to work things out between themselves may have been the straw that broke the camel's back and set the stage for the tragic event which occurred just three days later. The timing of the court's refusal and the tragic event which snuffed out this entire family are just too close together to be just merely a coincidence.

It would seem that in spite of Ontario's oppressive and draconian "zero tolerance" domestic violence laws,

Ontario's get tough approach to domestic violence is not working with this recent tragedy being evidence of that.

In fact, many on the street say that Ontario's zero tolerance domestic violence laws and the way in which they are being brutally enforced by police, Crown Attorneys and the courts is the cause of escalating family violence.

At the time of this tragedy, Frank Maily was likely in utter despair of the thoughts of seeing his family taken away from him. Both he and his wife were likely feeling dejected for being snubbed by the court and told that they must break up. Their wishes and pleas were ignored by authorities.

Based on reports from many other mothers and fathers in Ontario who have been experienced the domestic court system, the Maily couple were was likely facing and endless gauntlet of overzealous Crown Attorneys, criminal lawyers, domestic violence courts, probation officers, anger management courses as well as the Children's Aid Society.

Ms. Maily was likely being told that if she did not testify against her husband and help the Crown convict her husband and criminalize him, that she would be charged or have her children taken away from her by the CAS for not being cooperative. Other Ontario mothers have reported being threatened by authorities in this manner.

The "domestic violence" enforcement authorities may have taken the first step to push this man over the edge by imposing the condition that he have no contact with his wife in spite of his wife's wishes to the contrary.

It would be reasonable to conclude that Ms. Maily and the children would likely still be alive today, had the courts granted the couple's simple request to give them the opportunity to have some say in dealing with their own problems. Some counselling and family support would have likely have been much more successful.

After being dealt the first bitter blow from Ontario's draconian and uncaring domestic violence system, the couple was likely told that if they did not separate, then further charges would be laid against both of them for just being together as a family.

The couple had likely also come to the realization that the legal proceedings before trial would be very expensive and likely put severe financial pressure on the family.

Even at the best of times, legal proceedings often end up bankrupting families. Many citizens in Ontario refer to the domestic violence courts as kangaroo courts designed to punish the accused and to utterly destroy and humiliate

them after removing them from their homes and families.

Legal Aid lawyers often put liens on people's homes which in some cases totally eat up the family's equity in their home which they may have spent many years building up for the future of their children.

Zero tolerance is basically intended to punish and oppress without any concern as to the consequences in human lives. After all, zero tolerance means NO tolerance.

With charges and court appearance pending, in all likelihood, Mr. Maily came to the realization as to what was in store for him and his family down the road so he decided to end his life and to take his family with him as his final act of desperation and revenge against his wife whose earlier affair with another man may have been yet another factor which contributed to this tragedy.

Ralph Hadley was another Ontario father who also killed his wife and then took his own life. His case was the subject of a public inquiry just a few short years ago.

Prior to his death, Hadley had been relentlessly punished, vilified and beaten down into the ground by a ruthless domestic violence system geared to humiliate and destroy men, including good and loving father and husbands. His wife was cheating on him as well.

He too, had been forced out of his home and away from his children by the same uncaring zero tolerance domestic violence court system as was Mr. Maily.

Walter Fox, the well-respected and highly experienced criminal lawyer who represented Fathers Are Capable Too at the Hadley Murder-Suicide inquest stated afterwards, "we all know what they do to men in family and domestic violence courts" and that Ralph had nowhere to go for help.

Events which unfolded at the Hadley inquest revealed that the inquest was being used as a political staging ground to divert hundreds of millions of tax dollars to special interest groups and organizations involved with domestic violence relating initiatives.

False and misleading statistics were presented at the inquest by domestic violence advocates in an effort to convince jurors that all men were a bunch of violent evildoers and that Ontario must divert millions more of its tax dollars into programs designed to benefit women only and to punish men for the smallest thing.

Many would argue that Ontario's zero tolerance domestic violence laws only increase the likelihood of violence because it often places huge emotional stress on all family members. The parents who get charged are often put in a hopeless situations with Crown Prosecutors and Courts usually keeping those charged from seeing their children and disrupting their lives so badly that many of those who are charged see no light at the end of the tunnel.

Over-zealous Prosecutors make life a living hell for most of those accused in an effort to force the accused to plead guilty under duress. Many times this strategy works but in some case, like in the Maily and Hadley cases, it backfires with tragic results.

To help put an end to some of these senseless tragedies, it could be reasonably argued that Ontario would do better to end the practice of zero tolerance in domestic

violence situations where conflict was a first time occurrence and relatively minor in nature. Such situations would be when spouses push or shove each other or make threatening but baseless, threats to each other in the heat of a quarrel.

For situations involving real harm to a partner, arrest and jail would still be an option.

Just like gun control legislation has been an utter failure and a waste of taxpayer's money, Ontario's zero tolerance domestic violence policy is failing with tragic costs in human and economic costs.

Compassion, help and involvement of the community is what is needed most to help families, especially for those families who have children. Lawyers, courts and police are not the answer and will only escalate conflict and the potential for violence in most situations.

Using restorative justice processes in minor cases will give those involved a chance to separate, to cool off and to get their heads clear. Couples should be given a reasonable chance to work things out before being thrown into a feeding frenzy of lawyers and courts. Currently, in the vast majority of minor domestic cases, both parents and the children end up being victimized by the domestic violence courts in one way or another.

Until domestic violence is dealt with in a more humane and logical manner, there will be an increase in the number of men and women killing their partners and/or children after being sucked into the bottomless black hole of the domestic violence court system under Ontario's "Zero Tolerance" domestic violence policies.

New innovative programs which use collaborative and restorative justice practices must be introduced.

Not only will such programs save the Province of Ontario hundreds of millions in tax dollars, but likely the lives of many mothers, fathers and their children will be saved. Many marriages will likely be salvaged as well.

If anything, it's time to apply a zero tolerance policy to those in the domestic violence industry whose real agenda is to pad their pockets with taxpayer's monies and to maintain an industry where lawyers and women's programs benefit off the pain and suffering of children and families forced to run the gauntlet of the domestic violence system.

Ontario's zero tolerance laws are not about saving lives or even about justice. They are about destroying parents and families and are a by-product of those radical feminist organizations which benefit the most from the millions of tax dollars they receive as a result of the promotion of zero tolerance domestic violence policies.

Ontario's elected officials must wake up to the carnage being caused by the province's domestic violence policy and to put an end to this politically motivated social experiment gone mad before any more families are destroyed or killed. The Maily family died because of these harsh government policies.

It's time to put an end to Ontario's draconian "Zero Tolerance" domestic violence laws once and for all.

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