

David Beyo
175 Hilda Ave. Apt 702, Toronto, Ontario M2M 1V8
Tel# (416) 222-7643

Sent by Fax – 5 pages total

Feb 15, 2002.

The Right Hon. Jean Chretien, Prime Minister of Canada
Room 309-S, Centre Block
Ottawa, Ontario. K1A OA6

Dear Prime Minister:

RE: Abuse of children by the Brampton family court

Attached, please find a copy of a complaint letter sent to Senior Regional Justice Ian Cowan in follow-up to a court appearance I observed as a witness in the Brampton Family Court on Tuesday Feb 12, 2002.

The contents of my letter to the Senior Judge make it quite clear that what I witnessed was nothing short of flagrant abuse of a child and her family by this family court judge and the court process. What I witnessed in court was not justice but gross **INJUSTICE!**

I am ashamed as a Canadian to see this sort of goings on happening here in Canada. The abuse of this family and other families in the family court system must be stopped. I would hope that you would bring this matter to the attention of Parliament and start passing some laws that will get these incompetent judges under control and take away their discretion to destroy children's relationships without any good reason. Children need both of their parents.

A response would be welcomed.

Yours truly

A handwritten signature in cursive script that reads "David Beyo".

David Beyo

Attachment: letter to Justice Ian Cowan

David Beyo
175 Hilda Ave. Apt 702, Toronto, Ontario M2M 1V8
Tel# (416) 222-7643

February 14, 2002

The Honourable Senior Justice Ian Cowan
A Grenville & William Davis Courthouse
7755 Hurontario Street
Brampton, Ontario
L6W 4T6

Dear Justice Cowan

RE: The utter and dismal failure of Madame Justice Juliet Baldock and the Brampton family court to give justice to a young child on February 12, 2002.

On Feb 12, 2002, I sat as a witness in the Brampton family court and observed the proceedings of a case involving a middle-aged father who was trying to restore the relationship between himself and his child which had been broken as a result of the adversarial family court process. What I witnessed in this court I found absolutely disgraceful, and no less a gross violation of the rights and freedoms of a child and parent as guaranteed under the Canadian Charter of Rights and Freedoms, and nothing less than the gross violation the fundamental principles of justice.

I communicated with this father after the hearing and he was kind enough to provide copies of the materials that were before the court. Evidence showed that he had been in supervised access for over two years yet the evidence also showed that he had never done anything to harm his child or to put his child at risk. In court on this day, he was simply trying to normalize his relationship with his daughter, broken from what appeared to be nothing but allegations and twisted half truths by the mother and her lawyer in the past. It seemed however, that this unfortunate father was caught in the endless maze of the family court system and seemed to be one of those that the system just forgot about.

The most recent evidence in the case revealed that:

On December 4, 2001, the father applied to the court for help to restore more reasonable access. At that time, a community based group submitted a proposal to the court for a supervised parenting transition program to assist this child and her father. At that court hearing the judge rejected the offer from this credible community group (which would have cost the taxpayers nothing) and ordered that the Children's Lawyer speak to the child (at expense to the taxpayers). The matter was adjourned until Feb. 12, 2002.

On Feb 12, 2002, after patiently waiting for a response from the Children's Lawyer, the father went back to the scheduled court hearing hoping to make some progress. Instead, he was told on that day that the Office of the Children's Lawyer have declined to speak to the child. The father then asked the court to look at the parenting transition program that was submitted to the court. Again, the community-based group presented a second updated proposal to the court and were ready to take the father and daughter into their community-based program within four days and provide a full report to the court in less than 30 days. The program was being offered with the involvement of a court

approved supervised access centre, a child psychologist, a registered nurse with the Hospital for Sick Children, and others volunteers. Most people would think that the court would welcome such a well thought out proposal from the community, but what does the court do? It again rejected the parenting transition program offered by the community group and in spite of the refusal of the Office of the Children's Lawyer to take the case, orders the parties to go back to the Children's Lawyer and apply again (All of this at great expense to the taxpayers of course).

As a citizen and taxpayer what I find absolutely unacceptable is that the court would refuse the offer of a community-based group, that had on both occasions to the court, once in December and once in Feb, presented a very impressive, well written and detailed presentation to the court. They offered to answer any questions that the lawyers or the solicitors may have had. Did the lawyers or the court bother to call? Of course not! The community-based group offered to supervise this young girl and her father out in the community and to give the girl the opportunity to get out of the sterile environment of the one room access center and to take both the parent and the child out into the community so that they could simply spend some quality time together in a more friendly environment. The community-based group offered to report to the solicitors after each visit and to submit a comprehensive report to the court. They offered to do this free of charge without the taxpayers having to pay a cent.

In spite of the reasonable, simple, professional and cost effective proposal made available to the court, Madame Justice Baldock chose to reject this proposal and instead ordered the transcripts (at great expense to taxpayers) and then to have the parties make a second application to the Office of the Children's Lawyer (at more expense to the taxpayers) and then set another court date two months away (at more cost to taxpayers again). All that Madame Justice Baldock ended up accomplishing at that court hearing was to delay justice, further clog up the court system, further subject the taxpayers to more unwarranted expenses and further subject a young innocent child and a parent to more abuse and further violation of their rights and freedoms when a reasonable remedy was brought to the court. This decision by Madame Justice Baldock, under the circumstances and evidence before her at the time is utterly disgraceful and in contempt to the basic principles of justice!

What is so sad and unnecessary was that this community based group could have had the child and her father enrolled in their program in less than 4 days. Yet, the court decided to adjourn this matter again so that matters could be delayed again to the middle of April with still no guarantees as to what services that the Office of the Children's Lawyer may provide, if anything. Just what kind of service can one expect from an agency who has been forced to take on a case they do not want. You can be sure that they are not going to be too interested in this young girl or her father and the quality of their work will likely reflect this.

What do we need judges in the family court system anyway, if they can't use just plain common sense? Why not just get a representative of the Office of the Children's Lawyer to sit on the bench at a mere fraction of the cost of a judge. Can't your judges make decisions based on the reasonable evidence that is before them? Are your judges so helpless that they can't make a decision without the Office of the Children's Lawyer being there to hold their hand?

In court, Madame Justice Baldock also suggested that the 10 year-old girl may be happy visiting her father at the access center. What kind of mindless thinking is this? These supervised access centers confine parents and children in a room with old toys to play with which generally are geared to children in the under 8 age bracket. A 10 year-old child should be out with her parent, skating, going

to movies or doing other age appropriate activities with the parent. From the documentation before the court, this is exactly what the community-based group was proposing to do to help in this situation.

Overall, after reading the court materials, all I can say is that I am sickened by what Justice Baldock did in family court that day. If this is what you call judicial independence then its time that the citizens start taking away some of the judge's discretion. It is the lack of common sense and the failure to ensure fairness and equality by judges that is fostering disrespect for the Canadian family justice system. Maybe its time we start electing judges. They claim that there are some inherent flaws with electing judges but if the present system is going to allow children and families to be abused as in this case, then I'll go for elected judges any day. At least we can kick them out when they do abuse children as the courts seem to be doing these days.

For your information I have attached some complaint letters about the Office of the Children's Lawyer as well as a copy of a report called "The failure of the Office of the Children's Lawyer in the case of Mayfield v. Mayfield." The OCL is on record for being in contempt of court and is on record for doing terrible harm to children, yet your justices rely on this agency to make decisions for them?

I would suggest that you circulate this information I have attached to the judges in your area and let them see for themselves what the some of the parents in Ontario think about what many in Ontario consider is an incompetent government bureaucracy.

For your added interest I have added the mission statement of the Office of the Children's. It is also very clear that the Office of the Children's Lawyer does not represent the child's best interest. Wilson McTavish testified before the Joint Senate and House of Commons Committee in 1998 and said the same thing then. Why do your judges rely on the Office of the Children's Lawyer when it is clear that this agency DOES NOT represent the child's best interests?

It's no wonder why the people of Canada are getting fed up with our family courts. It seems that the family court justices have lost touch with the people of our land and have not the foggiest idea of what children need. A Compass poll taken a couple of years ago showed that the people of Canada overwhelmingly want shared parenting for children of divorce. Everyone except morons know that children need and want both of their parents in most cases. Why is it that good loving parents have to spend tens of thousands of dollars and in many cases go bankrupt through the court process just to protect the rights of their children? Why do parents have to repeatedly go back to court just so that their children can have a meaningful relationship with both parents. The Charter is supposed to do this automatically for each and every Canadian yet your justices just brush the rights and freedoms of Canadian children and families aside as if it was garbage!

There have been recent complaints raised about the courts being clogged and that too many people are being forced to represent themselves. The reason is simple. The family courts simply are failing to ensure justice and equality as they are supposed to do under the Charter and the principles of fundamental justice. If the courts cannot deliver justice and equality then they do not deserve the respect of the people of Canada.

It is the family court system itself and Justices like Justice Baldock who are abusing the children of our country and responsible for the destruction of children's relationships with their loving parents.

In closing, I hope that for the sake of many other children, you will take the initiative to provide some better direction to those judges who work in your region and to help repair what many people of Canada, including many lawyers on the bar, see only as a biased, disgraceful and utterly broken-down family court system.

Yours truly

A handwritten signature in black ink that reads "David Beyo". The signature is written in a cursive style with a large, sweeping initial 'D'.

David Beyo

attachments

cc Ontario and Canadian Judicial Councils
All members of the House of Commons and the Senate of Canada
All Members of Parliament for the Province of Ontario