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March 1, 2002.

The Honourable Michael Harris, Premier of Ontario Legislative Building Queens Park Toronto, Ontario Canada M7A 1A1

Dear Mr. Harris:

Re: Flagrant abuse of children and families by the "family justice system"

Three months have passed since I last wrote to share with you what I consider to be some very serious flaws in the Ontario Family Court Justice system. At that time I voiced my grave concerns regarding the inept services of the Office of the Children's Lawyer. But the serious issues surrounding the Office of the Children's Lawyer does in no way exhaust my concerns with the family justice system in general.

The article in the Toronto Star, Feb 7, 2002, exposing the fraudulent misappropriation of funds by members of the National Society for Abused Women and Children revived painful memories of our experience with those who "counsel" women who are looking to break up their families. I fear the Star has just uncovered the tip of the iceberg as far as fraudulence within the "violence against women" movement.

Someone should also be looking into the alleged "Domestic Violence Counselling" proffered by organizations who claim to be supporting abused women. In many cases, women, whose only qualifications are that they themselves have been abused and now hate men in general, are representing themselves to naïve clients as professional counsellors. Every day families who, with proper counselling might be salvaged, are being destroyed by these women whose primary focus is to counsel women to hate men, break up the families and ruin men emotionally and financially.

Of particular concern are the numbers of women who are counselled by their unscrupulous lawyers to falsely allege abuse and admit themselves and their terrified children to women's shelters. Without proper shelter personnel trained to detect these dishonest situations, these women receive the same "counselling" as do those who are genuinely abused. No one could possibly condone the tragic events of the Hadley murder/suicide case, however, it would be informative to know two things: 1 - to what extent did the frustration of the appalling anti-male bias of the courts drive this husband (and others like him) to this type of insanity? And 2 – how many of the beds that were not available to his genuinely abused wife were being occupied by

the claimants of false abuse? These are questions you might wish to consider as you are now being lobbied to pour more money into these facilities.

I am a grandmother who has personally witnessed the serious emotional damage inflicted on my three young grandsons by such a situation and also their tragic sensitivity to the very visible injustices perpetrated against the dad they adore by the so called "system". Because of the abuse I have seen perpetrated upon my family and because of the sadness I feel for my unjust country I feel compelled to do what I can in an attempt to restore justice to a family justice system that is at best, seriously flawed and biased, and at worst downright corrupt. The current family court "industry" discriminates inhumanely against fathers and is fuelled by organizations with a vested interest in perpetrating the fraudulent abuse of taxpayer's money in the name of "domestic violence against women."

As a taxpayer involuntarily supporting these very inept institutions, I am outraged at the appalling waste of money poured into them. So often one hears the old saw "government cut-backs", that there just is not enough money to go around. Having spent the last four years with a bird's-eye-view of many facets of our justice system, my answer to those who plead poverty would be that I agree with them completely. But the issue is not government cut-backs. The issue is that we simply cannot afford to keep pouring tax dollars into these institutions whose performances are so dismal that they would not survive months or even weeks if they were in the private sector.

When I attempted to obtain the budget of the Office of the Children's Lawyer they refused to give it to me. It is evident they don't want the taxpayers to be made aware of how much of the taxpayer's monies their lawyers and social workers are scamming from the taxpayers. But whatever it is, I am very confident that it greatly exceeds the cost of pressing a "print" key on a computer to deliver the standard custody order that is applied to more than 80% of child custody cases in Ontario. A trained monkey could do this for the price of a few bananas! To my thinking this is one obvious opportunity to save 80% of this "classified" budget. Who takes responsibility for sloppy and incompetent work done by the Office of the Children's Lawyer? It seems no one. Who suffers? The children they are mandated to protect! This is an absolute outrage to the citizens of Ontario.

To their credit, the CAS gave me the figures for their annual Ontario budget as \$800 million dollars. But to their great shame, even that was not enough to prevent the death of 7 year old Randy Dooley even when his abuse was repeatedly brought to their attention by responsible and sympathetic school authorities. Money was not the issue here. Indifference? Ineptitude? Or lack of accountability!

No one will ever persuade me that it is lack of funds and personnel that are at the root of the flaws in our justice system. I sincerely believe that it stems from lack of accountability and as the family court system is concerned, a clear and sickening anti-father bias. My own experience has convinced me that no one in Family Law is accountable to anyone. Lawyers charge exorbitant fees for their services and prolong cases unnecessarily, even while defending males, all the while knowing that they have virtually no chance of getting a fair deal in a system so radically biased against males. To whom are these lawyers accountable? No one! In any other facet of society exacting fees for doing nothing is called extortion. In the family justice system it seems that extortion is considered the norm.

When you attempt to challenge lawyers who have accomplished nothing, or worse, made serious errors impacting your case in a negative way, you are referred to the Law Society of Upper Canada. There you are confronting a closed society of lawyers protecting lawyers and again accountable to no one. I personally prepared 75 typewritten, well-documented pages of the very negligent, damaging (and potentially criminal - he consistently demanded payments of several thousand dollars at a time and refused to provide receipts) performance of one family law lawyer who had billed us for \$18,500 over nine months and accomplished absolutely nothing (mostly because he left the entire case in the hands of his paralegal and neglected to inform himself as to even the most basic aspects of the case). I received the response that the LSUC could "see nothing wrong" with what he had done (or more importantly to us, had failed to do).

Another complaint to the Law Society against a very blatant conflict of interest on the part of the opposing lawyer received a response (after one full year, and repeated inquiries on our part) saying "Why don't you present a motion and let a judge decide?" It took these people at the Law Society fifty-two weeks to come up with that solution?

But finances aside, it is my sincere belief that The Ontario Family Court System, however unintentionally, is destroying families and children in a way that, given the track record of the above government institutions, it would not accomplish if it were to set up yet another institution for that very purpose. I had always been proud to be a seventh generation Canadian until I encountered our Family Court Justice System. Now, having witnessed the systematic, if not wilful, destruction of children and families by the government institutions allegedly set up to protect them, I am no longer proud to be Canadian. I am truly saddened to live in a country which can no longer be considered to have a "just society" for its people.

When a childless couple divorces it is a decision affecting only themselves and they ought to be allowed to make that decision without state interference. It is possible to dissolve the relationship between husband and wife. It is not possible, nor in any way desirable, to dissolve the parent-child relationship.

Research abounds on the emotional damage that is done to the children of divorce. Where children are involved the state, particularly a state that must accept part of the responsibility for this carnage by making divorce so readily available, has an obligation to protect the children involved and the present Office of the Children's Lawyer is clearly the wrong way to go about it. Children need emotional protection far more than they need legal protection.

It doesn't take more reports by high priced consultants to figure out what do to stop this abuse of families. Some of my thoughts are:

1) The pope is right! Divorce, especially where children are involved, ought to be taken out of the hands of lawyers. Lawyers only exacerbate the adversarial aspects of the relationship and have a vested interest in prolonging the battle as long as possible. Inevitably lawyers destroy any possible hope of reconciliation.

- 2) The whole concept of custody should be abolished parents divorce, children do not. Except in extreme cases where abuse can be proven (not alleged), children should have equal and unrestricted access to both parents under a shared parenting agreement.
- 3) "Shared Parenting" should be mandated under law as the norm. If the best interests of the children remain paramount, parents would make a concerted effort to remain geographically close to each other for the benefit of the children. If circumstances require one parent to move away, he/she would have to make a decision regarding the relative importance of the move and the welfare of the children. As it now stands parents are forced to fight in the winner- take-all mentality of the current family justice system. Of course the lawyers are laughing all the way to the bank with this very lucrative family law procedure so carefully crafted for their own personal benefit.
- 4) Divorcing parents should be required to take extensive counselling by well qualified child-care specialists regarding the emotional fall-out they are about to inflict on their children. Ideally, marriage counselling should be a *pre-requisite* for marriage but it should be *mandatory* prior to granting of a divorce.
- 5) All issues apart from custody should be handled by highly trained and skilled community-based mediators with the authority to arbitrate where there is disagreement based on standards established by the community, not by the biased justice system.
- 6) If all else fails, lawyers should be brought in only in the final stages to verify the legality of the agreements reached.

As an elected representative I would urge you to press these issues of family law reform before your caucus for immediate action. Our children are suffering and our economy is suffering as a result of the destruction being done to children and families through our present biased and corrupt family court system. We need less government intervention in families, not more. and fewer lawyers and courts! Start making changes now and there will be thousands of kids in Ontario who will one day rise up and call your blessed! If we fail to protect our children and families today, we will all reap a very barren harvest tomorrow.

The courtesy of a reply would be appreciated.

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Sincerely,

Rosemary Underwood, Reg. N., B.Sc. (Psych.)