

January 10, 2003.

2118 Wiseman Court  
Mississauga, Ontario  
L5J 1P2

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

Dear Prime Minister:

### **The suicide death of a loving and caring member of our family because of the family court system**

On Monday October 21, 2002, my brother committed suicide, just three days after he left Brampton family court after appearing before Madame Justice Caswell on Friday October 18, 2002. My brother left court feeling totally frustrated and totally helpless to get justice for his children and himself.

This needless and senseless tragedy has fallen upon our family because of what appears to be a major failing of the family court system to ensure justice and to protect the rights and interests of children and parents. The family court system appears to promote the exclusion of loving fathers and their extended families from the lives of the children and to promote a situation in which a mother can break up a marriage and walk away from a marriage with virtually everything. It seems that children's relationships with their fathers are meaningless in the eyes of the family courts. Prior to his death, my brother had been denied meaningful access to his children for months by his ex-wife who was using every dirty, disgraceful and unethical trick that she and her lawyer could dream up, just to extract as much money as they could out of him, while at the same time, keeping him from being with his children that he loved so dearly.

What my family and I find most shocking is the disgraceful way in which my brother was treated by the family court system. The family court system did nothing to help my brother or his children. There was no support for him and no justice for him. The whole family court system seemed geared to financially and emotionally destroy him and to let his former wife get away with anything she wanted.

Since the time my brother and his wife separated, nothing was done by the system to help my brother see his children and nothing was done by the system to help protect the children from their mother's abuse and vindictive actions. The court would not even enforce its own orders giving the father access to his children. The mother just ignored the court orders and seemed to do so with impunity. In terms of justice, the family court in Brampton was not much more than a big show for the lawyers and judges. It was a big joke.

Even though my brother was trying to hold down two jobs to survive, with the burden of oppressive child support obligations and the costs of just trying to live, he could not afford a lawyer and was forced to represent himself in court. Prior to one court appearance my sister-in-law's lawyer, threatened my brother and said that the kids would be moving far away unless he handed over money which had been saved for the children's education. It was clearly an act to intimidate and harass a man already beaten down by the family court system.

Through the use of false allegations, my brother was placed under supervised visits to see his children and yet even with the court ordering the mother to allow supervised visits, she did not comply. My brother would never hurt his children but it seems that the family court judge took the mother's allegations without question. My brother did not see his children for months. Not being able to see his children and up against a family court system which clearly is against fathers and their children, he was pushed into a corner and ended up taking his own life.

My brother could see no hope for justice in our family courts. After looking into the situation of our family courts, quite frankly, I am beginning to see why. There appears to be no justice in our family courts and it seems that many other Canadian fathers have taken their lives as well and that there is an epidemic of suicide among divorced fathers.

The children's custodial mother did everything she could to sabotage the children's relationship with their father and actively worked to sabotage the children's relationship with any other extended family members. My brother's children have been alienated from their other cousins, aunts and uncles. All of this with the sanction of the family court!

At one point, the mother lied to the court system to get a restraining order claiming she did not want to have any communication with my brother, yet she continued to see him and to harass him at his place of work. **The restraining order was a tool given to her by the courts for her to use at her disposal and to make his life a miserable hell!** My brother was made to look like the abuser with the use of a restraining order made under false pretences, yet it was the mother who was the abuser. It seems that these restraining orders are given out to ex-wives like candy is to children. It seems that a woman just has to ask and she will get a restraining order. Even the police did nothing to the mother when it was her who was violating the father's court Order.

The mother's unrelenting psychological warfare on the father and the children will ultimately affect these children for the rest of their lives. The mother is so vindictive that she would not even allow the children to see their father at the funeral home after he had passed away. At one point she tried to interfere with the funeral arrangements in yet another attempt to intimidate our family.

My brother was a good loving family man who comes from a very large and close knit family. He was a good father who very much loved his children. Yet, his life was ruined by a vindictive ex wife who was easily able to use the family court system against him. My brother went to family court thinking that he was going to get justice but all that ended up happening was for him to be terrorized by his wife with the support of the family court system.

I feel solace in the fact that I can speak out for my brother against a system that he felt helpless against. It appears to members of our family that bias and injustice is so rampant in our court system, that fathers are considered to be disposable commodities. My brother never did receive

justice in the courts. His needless death is further proof that the current adversarial family court system is failing to meet the needs of children and families. The current system is just not working!

I would like to see the government implement changes that will guarantee a child's rights to a meaningful relationship with both parents and deliver swift justice for those being denied access to their children. If the rights for children to have meaningful relationships with their parents was enshrined in law, my brother would likely be here with us today and his children would likely still have a father.

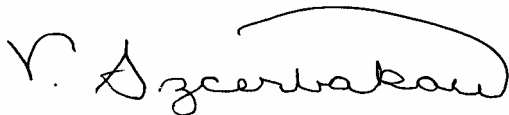
Something has to be done about those who make false allegations in courts to gain the upper hand in family court as it seems that the mother and her lawyer were able to fabricate all kinds of false allegations with impunity.

On behalf of members of our family, I would request that you urge the government to take action to restore justice and fairness back into our family courts before the situation where fathers taking their lives becomes a national epidemic. Enough families, such as ours, have already been devastated by the family court system.

The recent proposed changes to the Divorce Act by Justice Minister Cauchon are meaningless and will do nothing to help parents facing similar persecution by the courts as was my brother. More judges, more taxpayer funded court services and changing a few words but not the concept of one parent having "primary" control of the children will only make matters even worse than they already are today. The only hope for change will be will be the implementation of laws that guarantee children the rights to both parents and punish any party that does not obey a court order – and that included mothers too.

Your interest and your personal comments on this matter would be most appreciated by our grieving family members. What we would really like to know is when this government is going to put an end to this carnage in our family courts and enshrine a child's rights to both parents in law and to uphold them. Within our family we have many sons, grandsons and nephews who we know are going to be adversely affected in the future if meaningful changes are not made to our laws now. Help end this insanity.

Respectfully yours,

A handwritten signature in black ink, appearing to read "V. Szczerbakow". The signature is fluid and cursive, with a large loop at the end of the last name.

Vivian Szczerbakow