

Jan 2, 2006

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Attention: Ms. Sydney Misener, Executive Director

Dear Ms Misener

**RE: Second assault on my daughter by her mother as a result of interference and obstruction of justice by Owen Sound CAS workers**

On Tuesday, December 27, my 13-year-old daughter, K [REDACTED] M [REDACTED], was physically assaulted for the second time by her mother, R [REDACTED] M [REDACTED]. This time, the mother tried to choke my daughter after becoming enraged at my daughter over an issue involving Christmas gifts. This assault, which was witnessed by the other children, occurred while my daughter was with her mother at the mother's boyfriend's home.

What is so tragic about this incident is that the mother was already out on bail for charges resulting from an assault on my daughter in May of 2005. As workers at your agency were very well aware of previously, the mother was charged by police for assaulting my daughter and was waiting to go to trial for the assault. In addition, the mother had been charged by police for assaulting me, but that I asked that charges be dropped.

As a parent, what angers me so much is that this entire unfortunate incident in which my daughter was assaulted could have been avoided if workers with the Owen Sound CAS had simply exercised due diligence in investigating and competently assessing the risk to the children in light of the mother's history of violence at home and her history of abusing the children. It would have helped greatly if CAS workers had taken the time to sincerely listen to the children's concerns about their mother's abusive behaviour in the home. At the time of the mother's first arrest for assaulting our daughter, Owen Sound CAS workers should not have interfered with normal procedures of police and the Crown Attorney which is to apply conditions to protect the victim.

According to normal police protocols in the Province of Ontario, when a parent has been charged for assaulting a child during a domestic violence incident, it is normal for steps to be taken by the police and the Crown to put strict controls involving future contact between the abusive parent

and the child so that the child can be protected from intimidation and further harm by the abuser. Usually, there are restrictions placed on abusive parents until steps put in place to resolve the issues or the parent has appeared in trial. Some of these restrictions include having the parent attend supervised visits or to attend anger management and parenting courses. I have been told that this is quite normal in other jurisdictions in Ontario and with other CAS agencies.

The workers with the Owen Sound CAS should have also been aware that when the mother was charged for assault the first time, that the child is automatically considered a Crown witness and steps should have been taken to prevent the victim from being intimidated by the abuser. Yet it seems that the workers with the Owen Sound CAS were totally oblivious to this simple and obvious concept of protecting a child Crown Witness.

When my daughter was assaulted and the mother charged back in May of 2005, workers with the Owen Sound CAS did not take appropriate steps to protect the children but actually interfered with what police and the Crown normally would have done. In fact, the actions of the Owen Sound CAS workers actually put the children at greater risk of harm which recent events and disclosures by the children have confirmed. When my daughter was assaulted back in May of 2005, workers with the Owen Sound CAS actually ordered police to turn the children back into the care and control of their abusive mother with no conditions attached. Police advised me that they were shocked to have the Owen Sound CAS override their normal protocol and order them to turn the children back to their mother who had just been charged for assaulting one of the children. Had Owen Sound CAS workers not interfered with having reasonable conditions placed on the mother the first time to prevent a reoccurrence of the abuse, the assault which occurred this past Tuesday would likely not have occurred.

After the charges were laid for the previous assault, my daughter reported being punished by her mother for telling the truth to police about the mother's abuse. On one occasion, as a form of punishment, my daughter was made to sit in a vehicle alone while the mother took the other children into a restaurant to eat. She was also grounded for three weeks for what the mother considered as "lying" to the police. Intimidation of a Crown Witness, is supposed to be a criminal offence, yet some workers with the Owen Sound CAS appear not to have had the foggiest appreciation of the risk to my daughter when they ordered the police to put my daughter back into the care and control of the very person who had just abused and assaulted her. My daughter felt powerless. She did the right thing and told the truth to the police and in return, the CAS turn her back into the clutches of her abuser only to be further tormented and punished. Obviously some workers at the CAS lack common sense.

The response of the Owen Sound CAS workers to the first assault on my daughter make absolutely no sense. I believe that this lack of common sense by workers at the CAS played a crucial role in further incidents of abuse by the mother, because the mother obviously could see after her first criminal charge, that there were no consequences for her actions. She abused our daughter, yet was allowed to continue on by the CAS as if nothing had happened. Whoever was responsible from the Owen Sound CAS agency for telling the police to turn our abused daughter back into the control of her abusive mother obviously was not very competent.

In light of these most recent unfortunate incidents which I believe are largely the result of the

lack of due diligence on the part of CAS workers, I am deeply concerned about the competency and professionalism of CAS workers to handle our family's matter. I am also concerned about the relationship between CAS workers and the children's mother. My daughter has reported that CAS worker do nothing for her and when they do come to the home, drink coffee and smoke cigarettes with the mother but do not speak with the children. CAS workers seem to have time to socialize with the mother, but little, if any time to spend with the children or other family members to properly investigate the children's circumstances. I am beginning to wonder if visits by CAS works are turning into social visits with the mother or if CAS workers are providing the mother with private counselling and support services outside of their official mandate under the Child and Family Services Act. My daughter has a serious health condition in which she is not supposed to be around smoke, yet she reports CAS workers coming to her home and smoking cigarettes with the mother. This certainly is not setting a good example for the children. My daughter also reports that the mother's boyfriend smokes cigarettes in the car without any consideration as to the affects on our daughter's health.

As far as I am concerned, a significant portion of the physical and emotional harm that my children have endured is directly related to the failure of the workers with the Owen Sound Children's Aid Society to do their jobs professionally and competently. My children, especially my oldest daughter, have absolutely no faith in the CAS and are living in some degree of fear of their mother.

I believe that the time has now come that some questions be answered and the issue of accountability with CAS workers be raised. At this time I would kindly ask for the cooperation of the Owen Sound CAS in the following ways:

- 1) **That any workers from the Owen Sound CAS who are to be involved in my family's case from this date forward be properly qualified social workers and registered with the Ontario College of Social workers.** In light of the failings of CAS workers with the Owen Sound CAS, only qualified social workers should be permitted carriage of my family's file from this point in time forward.
- 2) **That I be advised of the name(s) of the worker(s) who instructed the police to turn care and control of the children back to their mother after she had been charged by police with physically assaulting the oldest child.**
- 3) **That the worker(s) who were responsible for having my daughter turned back into the care and control of the abuser, be fired from their jobs for incompetence and for putting children at risk of harm and ultimately causing harm to children.** The workers responsible for this are putting children at risk and putting the agency at risk of lawsuits.
- 4) **That all interviews with the children be conducted at my home as the children, especially as the two older children have indicated that it is embarrassing and degrading with teachers and their peers to have CAS workers come to their school to question them.** There is no valid reason why my children cannot be interviewed outside the school. In fact, I would suggest that it be policy that schools be used as a last resort to interview children and only where children have to be interviewed without the knowledge of the parents.

- 5) **That the CAS take steps to ensure that the children's mother attends appropriate counselling, parenting and anger management courses which may help to correct her own emotional problems and difficulties in parenting.** It is clear that the mother has a problem parenting the children and controlling her temper so steps should be taken which will work towards rebuilding a normal relationship between the children and their mother over a period of time.
- 6) **That all interviews between our children and CAS workers be audio or video recorded for accuracy.** My children do not trust CAS workers. I do not trust the CAS workers. The presence of a recording device will help ensure accountability. I would ask that a copy of the recordings be given to the children or released only to someone who the children feel comfortable with.
- 7) **That a memorandum be put out to all workers within your agency, advising them that they should not be setting a bad example for children (or even adults) by smoking at the homes of clients.** Having a coffee and a smoke in a client's home as my daughter has described she saw CAS workers do, just does not look very professional. Perception by others means a lot. I would appreciate receiving a copy of this memorandum.

At this time, I would also like to obtain as soon as possible copy of my family's complete CAS file so that it can be reviewed to see what role workers played in what has gone wrong. The cooperation of the CAS in obtaining our family's file would be greatly appreciated because I do believe that there may be information contained in the file which may be useful in preventing not only further abuse of our children but abuse of other children in the community by identifying where wrong decisions were made by CAS workers. Please be advised that if my family's file is not forthcoming then I will be filing a complaint and applying to the court to obtain an Order for its disclosure. There should be no reason why families should be prevented from having reasonable access to their own personal files.

Since the CAS became involved with our family, nothing has been done by the agency to help the children. If anything, involvement of your agency has only made matters worse and caused further damage to the children's relationships with their mother. Since involvement of the Owen Sound CAS, my children have lost faith in the CAS and police. Not only has the involvement of the CAS caused a lot of emotional stress on my children but caused them further emotional and physical harm as a result of continuing abuse by their mother. I recently read in the newspapers about the Ontario Ombudsman, Andre Marin, raising issues about accountability of CAS agencies and workers. After experiencing how incompetent the CAS were in dealing with my family's case, I can see valid reasons for his concerns. In fact, I will be copying this letter to him. Based on my family's experience with the Owen Sound CAS, all I can say is that the incompetence and bias of workers is very evident. Well, they say that the proof is in the pudding, and this recent assault on my daughter provides further evidence as to the incompetence of some workers at the Owen Sound CAS.

Please be advised that I will also be copying my letter to the Province's Attorney General as I am at a total loss to understand why police would appear to be taking orders from CAS workers contrary to all common sense and logic which would indicate that a victim should be separated from the abuser. Have workers with the CAS (likely unlicensed) been added to the chain of

command at our local police agency? I have spoken to a couple of lawyers and they were dumfounded when I told them how the CAS had instructed police to return an abused child back to the care and control of the abuser. Placing Crown Witnesses who are the victims back into the care and control of those who have assaulted them makes absolutely no sense whatsoever. Whoever the CAS workers at your agency who were responsible for telling police to do this should be immediately fired for gross negligence of their duties as CAS child protection workers. Obviously, those workers responsible are clearly lacking in competence and by their actions are putting the CAS at risk of future lawsuits.

Please be advised that should any further harm come to the children again as a result of the failure of Owen Sound CAS workers to exercise due diligence in my family's matters, that my children and I will hold the Owen Sound Children's Aid Society responsible for damages for any harm that may come to myself or my children and will take appropriate legal action against your agency and the Board of Directors who are supposed to ensure that your agency's workers are protecting children, not helping those who are abusing children. I will be expected strict compliance to my request that interviews with children be recorded, that the children be interviewed outside of their school and that all workers involved with my family be licensed social workers.

Your response in writing would be most appreciated.

Yours truly

Signature Erased for Confidentiality

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cc: Ombudsman of Ontario, Andre Marin  
Minister of the Attorney General  
Ontario College of Social Workers  
Bill Murdock, MPP