

Domestic Violence Studies

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IA Domestic Violence (Tables and partial analysis paraphrased from G Brown's study,
Enforcement . Gender as a factor in the Response of the Law
) System to Violence Against Women

Most criminal allegations between spouses on divorce are of domestic violence. Domestic violence statistics are necessarily under represented on Superior Court databases because charges fall to the Ontario Court of Justice. However they may be of great effect in divorce cases and are often mentioned. Regardless of whether criminal charges are laid allegations may result in restraining, or non contact orders. Special arrangements may have to be made to facilitate access to children. Such allegations may even cause restricted or supervised access as the court is concerned children might be exposed to the parents conflicts. Breaches may result in imprisonment or further sanctions. As can be seen from the Childrens Aid cases at the end of this section, domestic violence can be a key issue in custody assessments and therefore highly influential even if not a direct issue in the divorce. Even if the allegations are false.

To fully understand the nature and process regarding domestic violence it is useful to examine some

statistics generated by various government departments. Table 1 is from Statistics Canada's 1999 GSS study. It's victim based figures were generated by interviewing the general population regarding the frequency of domestic assaults. The general parameters used were similar to those required to lay criminal charges

Table 1
Number and percentage of women and men who reported violence by a partner,
preceding 12 months and preceding 5 years

	preceding 12 months				preceding 5 years			
	female victim		male victim		female victim		male victim	
	count (000s)	%N	count (000s)	%N	count (000s)	%N	count (000s)	%N
'n/a' means 'not available'								
(N x 1,000)								
1. Violence by current or previous partner (N = 8356 females; N = 8346 males)	220	3	177	2	690	8	549	7
2. Violence by current partner (N = 7310 females; N = 7558 males)	120	2	129	2	259	4	303	4
3. Violence by previous partner (N = 1554 females; N = 1205 males)	101	6	48	4	437	28	259	22
4. Violence ceased at separation								
5. Violence after separation (N = 437 females; N = 259 males)	n/a	n/a	n/a	n/a	264	60	173	67
6. Violence increased	n/a	n/a	n/a	n/a	172	39	83	32
7. Violence did not increase	n/a	n/a	n/a	n/a	39	22	23	28
8. Violence began after separation (N = 172 females; N = 83 males)	n/a	n/a	n/a	n/a	69	40	25	30
	n/a	n/a	n/a	n/a	63	37	35	42

Table 1 shows that propensities to commit domestic violence were roughly equal. 1.14 women reported being affected for every man making a similar claim in the preceding 5 years. 1.66 women reported violence in the preceding year for every man. Women surveyed in the sample reported an average 138 (1.65 %) incidents per year over the previous 5 years, but a rate of 220 (3%) in the previous year Men reported 110 (1.32 %) per year over the previous 5 years but a rate of 177 (2%) in the previous year. Depending on whether you use the high rate or the low rate, for a population of 32 million that's between 475,000 and 800, 000 incidents per year.

Tables 2 and 3 are incident based data from 2 years of URL data compiled by all Canadian police departments except the RCMP who did not divulge their records. Since the RCMP patrol roughly half of Canada it can be concluded that the actual total is less than twice the URL figures because a large portion of the RCMP's territory is rural where there are less people and rates are thought to be lower.

Table 2						
Violence reported to the police by partners and ex-partners,						
and incidence clearance status, by sex of victim, 1999 and 2000						
	female (N = 52,135)			male (N = 8,740)		
	Count	%N	%row	Count	%N	%row
By a current partner	34,355	65.9	86.3	5,455	62.4	13.7
By a previous partner	17,780	34.1	84.4	3,285	37.6	15.6
Not cleared	4,600	8.8	82.1	1,001	11.5	17.9
Cleared	47,535	91.2	86.0	7,739	88.5	14.0
Cleared by charge	39,322	75.4	88.3	5,208	59.6	11.7
Cleared otherwise than by charge	8,213	15.8	76.4	2,531	29.0	23.6
Not laid at complainant's request	5,908	11.3	77.1	1,758	20.1	22.9

Discretion exercised by police	1,090	2.1	72.8	407	4.7	27.2
Other	1,215	2.3	76.9	366	4.2	23.1

Table 2 shows that domestic violence confirmed by the police represents only 7.5 % to 12 % of the total claimed by victims in the victim based reports from Table 1. It can be seen that incidents the police did consider to be domestic violence, were reported at a rate of 6 to 1 by females (52,135 to 8,740). Charges were laid at a rate of 7.5 to one against men (39,322 to 5,208). The category of cases not cleared indicates there may be as high as 10 % error in this study due to cases where domestic violence was confirmed but the police could not identify which party was the perpetrator. It is supposed that in these cases the sex of the complainant may be determined by who made the call to the police.

Table 3
Injuries reported by the police from partner violence incidents,
by sex of victim, 1999 and 2000

	female (N = 51,481)			male (N = 8,652)		
	Count	%N	%row	Count	%N	%row
Not known	2,778	5.4	85.6	467	5.4	14.4
No injury	23,310	45.3	85.3	4,015	46.4	14.7
Minor injury	24,260	47.1	86.1	3,906	45.2	13.9

Major injury or death	1,133	2.2	81.1	264	3.1	18.9

Table 3 gives injury data from the same study as in Table 2. In Table 2 it was shown that 39,322 men and 5,208 women were charged. From table 3 it would appear close to 14000 men were charged with no evidence of any injuries to their spouses (39,322 men charged – 24,260 minor injuries – 1,133 major injuries = 13,929 men). only about 1000 women (1038 using the same methodology) were charged in the absence of injuries. Further data from the same study indicates only a very small handful of minor injuries required any sort of medical attention. Obviously some sort of discretionary bias had to have been used in the laying of charges. It would appear that there had to be real evidence of violence to charge a woman, but a claim of violence was sufficient to bring about charges against men.

Table 4														
Marital status in incidents of partner violence in Edmonton, 1999-2000														
	Charging Category													
	both charged (N = 118)			female charged (N = 155)			male charged (N = 2044)			neither charged (N = 617)				
	Count	%N	%row	Count	%N	%row	Count	%N	%row	Count	%N	%row	Count	%N
Married	15	12.7	2.5	29	18.7	4.7	394	19.3	64.5	173	28.0	28.3	611	20.8
Cohabiting	96	81.4	5.8	97	62.6	5.8	1142	55.9	68.4	334	54.1	20.0	1669	56.9
Separated	7	5.9	1.1	27	17.4	4.4	486	23.8	78.5	99	16.0	16.0	619	21.1
Divorced	0	0	0	2	1.3	5.7	22	1.1	62.9	11	1.8	31.4	35	1.2

Table 4 would indicate that over half of the domestic assaults reported were from cohabiting couples. Only about 1/5 were from separated, and about the same from divorced couples.

Tables 5 to 9 were taken from a much smaller survey by the Edmonton Police. As such it is far less statistically significant but does give insight into the full process.

<p align="center">Table 5 Taken into custody * Gender of the accused in incidents of partner violence in Edmonton, first half of 2001</p>						
	female (N = 75)			male (N = 291)		
	Count	%N		Count	%N	
Yes	29	38.7		176	60.5	
No	46	61.3		115	39.5	

Table 5 would indicate that 60 % of males were taken into custody compared to 40 % of females.

<p align="center">Table 6 Charges withdrawn at each injury level * Gender of the accused in incidents of partner violence in Edmonton, first half of 2001</p>	
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Injury level		female (N = 39)		male (N = 108)	
		Count	%N	Count	%N
None	Charged	16	21.3	107	36.8
	Withdrawn	6	15.0	34	85.0
	%	37.5		31.8	
Low	Charged	31	41.3	121	41.6
	Withdrawn	16	23.5	52	76.5
	%	51.6		43.0	
Medium	Charged	19	25.3	49	16.8
	Withdrawn	10	34.5	19	65.5
	%	52.6		38.8	
High	Charged	9	12.0	14	4.8
	Withdrawn	7	70.0	3	30.0
	%	77.8		21.4	
	withdrawn				

Table 6 would indicate that charges were dropped against women at a much higher rate than for men. Even in the most severe cases. So the earlier data shows women required more evidence to be charged, but this data shows that charges against them were dismissed more easily.

Table 7
‘Any term’ received * Gender of those who plea-bargained
in incidents of partner violence in Edmonton, first half of 2001

	female (N = 13)		male (N = 52)	
	Count	%N	Count	%N
Yes	4	30.8	42	80.8
No	9	69.2	10	19.2

Table 7 shows the results of plea bargains. It shows women took plea bargains 50 % less often than men. In fact 80 % of men accepted some sort of deal.

Table 8
Guilty / Not guilty * Gender of the accused
in incidents of partner violence in Edmonton, first half of 2001

	female (N = 75)		male (N = 291)	
	Count	%N	Count	%N
Guilty	33	44.0	156	53.6
Not guilty	42	56.0	135	46.4

Table 8 shows the results of trials for domestic assault. Acquittal rates were 10 % higher for females which is surprising because women were only charged when there was greater evidence and a much higher proportion of cases were dropped before trial. It would appear from this data that almost half the allegations that do finally make it to trial are ruled as false. 46.4 % of the allegations against men that the police believed had sufficient evidence to lay charges were acquitted.

<p align="center">Table 9 Sentencing outcome * Gender of those found guilty in incidents of partner violence in Edmonton, first half of 2001</p>						
Type of penalty			female (N = 33)		male (N = 156)	
			Count	%N	Count	%N
1. Jail term	Yes		2	6.1	40	25.6
	No		31	93.9	149	74.4
<i>p</i> = .014						
2. Probation or conditional sentence	Yes		15	45.5	99	63.5
	No		18	54.5	90	36.5
<i>p</i> = .055						
3. Any term	Yes		17	51.5	126	80.8
	No		16	48.5	63	19.2

No							
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Table 9 shows women were 4 times less likely to be imprisoned and also received lesser degrees of probation or conditions.

Conclusions

Several conclusions can be drawn from this data. It would appear the system is bias against men. Some degree of bias can be found at each step. From the victims reporting prevelances of 1.14 women affected compared to every man, the statistics rapidly deteriorate to where 7.5 men are charged for every female in incident based reports. 60,000 confirmed incidents resulted in 45,000 charges. And it appears half the charges that do make it to court, after withdrawls and plea bargains, are not sufficiently substanciated to result in convictions. If the Edmonton data held for all of Canada approximnately 22, 000 convictions could be expected. Men accept plea bargains at an especially high rate. Convictions may affect their employment and terms such as peace bonds, result in them not incurring criminal records. There is motivation for them to take pleas whether they are guilty or not. In the war against domestic violence, half the people thrown out of their own homes may be innocent They may confess regardless, so they can see their children and spouses again. So they don't lose their jobs. Because they do not have money to hire lawyers to fight the charges. Because they are afraid they will be convicted despite being innocent. Lawyers may advise them it is cheaper and preferable to risking conviction

Of the 60,133 confirmed incidents of domestic violence(table 2) only 1397 or 2.3 % caused major injury or death. Most minor injuries required no medical attention. A large portion of zero tolerance must be viewed as preventive. If half those charged were innocent, then 22,000 innocent people are removed from their homes by the government per year without cause. Over 20,000 of those convicted are for minor matters which may amount to little more than hurt feelings. With a population of 32,623,490 (Source Statistics Canada Population by Marital Status and Sex 2006), serious domestic assaults affect 0.0043 % (1397 / 32623,490 x 100) of the population. This study indicates 0.132 % (43133 / 32,623,490 x 100) are charged and to combat the epidemic. A larger proportion of women are at serious risk at 0. 00687 % (1133 / 16,486,036 x 100). This may explain why the focus is on men, even though from a percentage standpoint attacks on men are 8 times more likely to result in serious injuries.

In comparison the suicide rate was 0.0052 % for females of all ages, 0.0195 % for men, and 0.012 % for both sexes (Source Statistics Canada Mortality Rates 2003). Murder rates were 0.0015 %. Death from motor vehicle accidents, 0.009 %. Death from heart disease, 0.13 %. Death from cancer is 0.175%. The risk of male suicide is 2.84 times more likely than the risk of any serious injury to a female from domestic violence. Preliminary studies show the risk of suicide may be 3 times greater for divorced persons than amongst the general population. The risk of suicide for divorced men is likely more than 10 times the risk of death or serious injury to females from domestic violence. The Canadian government doesn't even bother to keep statistics. The emphasis on domestic violence against women, shows that social policies demonstrate a sexual bias.

Domestic Violence

	% of Population
Charged	0.136
No Injuries	0.0838
Minor Injuries	0.086
Serious Injuries and Death	0.0043

Mortality Rates

	% of Population
Death by Murder (including domestic)	0.0015
Death from Alcoholic Liver Disease	0.0031

Death from Motor Vehicle Accidents	0.009
Death by Suicide	0.012
Death from Accidents (unintentional)	0.025
Death from Lung Cancer	0.047
Death from Heart Disease	0.13
Death from All Cancers	0.175

The effects on men involved in divorces may also be very severe. If they are accused they will be removed from the home. Their wife is virtually guaranteed interim custody of any children, and possession of the family home. Interim custody often leads to full custody. They must hire 2 lawyers and find new living accommodations. Allegations may cost them their job. Effects of allegations on divorce will be further analyzed in the following segments. Compensation for those found innocent is unlikely.

1 B Domestic Violence Alleged Against Men in Divorce Cases

Data from the Superior Court divorce cases is reproduced below. In these cases, domestic violence was alleged against men. They include associated acts of threatening, mischief, harassment, administrative violations related to domestic violence, and abuse against children. Contempt and administrative

violations related to divorce rulings are excluded. All cases that fit the criteria were used. It is worth noting that several family cases such as *Greaves v. Greaves*, 2004 CanLII 25489 (ON S.C.), and *G.P.M. v. S.J.F.*, 2005 CanLII 19840 (ON S.C.), feature damage awards. In *Ruscinski v. Ruscinski*, 2006 CanLII 9982 (ON S.C.) the husband was acquitted in criminal court but found guilty in family court. He was also made to pay damages.

	Custody of Children	Outcome
1	<i>Stokaluk v. Stokaluk</i> , 2003 CanLII 2252 (ON S.C.)	w Restraining and non dissipation order for controlling intrusive behaviour and emotional abuse
2	<i>J.M.M. v. G.S.M.</i> , 2006 CanLII 6457 (ON S.C.)	w Convicted of domestic assault, restraining order, supervised access, hasn't seen kids in 2 years
3	<i>R. v. Nosworthy</i> , 2003 CanLII 4940 (ON S.C.)	na Wife seeks restraining order, calls police has man falsely charged, he resists arrests but has most other charges dropped after she admits she lied, she is charged with public mischief and convicted then conviction overturned on appeal
4	<i>Mercieca v. Merciera</i> , 2002 CanLII 2754 (ON S.C.)	w Wife obtains an ex parte restraining order which precludes access alleging child is afraid of father, order changed to restraining father from taking child out of Ont, court refuses to renew after it lapses with no trouble
5	<i>Sharf v. Sharf</i> , 2004 CanLII 5765 (ON S.C.)	w Man charged with assault, wife gets custody, 15 K per month total support
6	<i>Armstrong v. Armstrong</i> , 2004 CanLII 12100 (ON S.C.)	w Restraining order against man changed to mutual restraining order, access restored, contact at access allowed, retroactive support lump sum, imputed income

7	<i>Wozniak v. Brunton</i> , 2006 CanLII 273 m (ON S.C.)		Wifes access to child terminated for bizzare criminal behaviour including child abduction, restraining order
8	<i>Young v. O'Neil</i> , 2003 CanLII 2370 (ON S.C.)	j	Restraining order for harassment, arrears of support
9	<i>T. S. v. E. J. S.</i> , 2002 CanLII 2851 (ON S.C.)	w	Granted for wife and child, man convicted of domestic assault, denied access to children, assets frozen
10	<i>Berzins v. Straughan</i> , 2002 CanLII 2695 (ON S.C.)	w	Granted but award for damages denied, husband convicted of assault, daughter testifies, wife has custody,
11	<i>Romanenko v. Stolarsky</i> , 2005 CanLII 9677 (ON S.C.)	w	Woman swears to be in fear and 1 year order to let the respondents anger abate, 49 K equalization payment to go to FRO to secure support, 11K cost penalty
12	<i>Kirsteins v. Kirsteins</i> , 2004 CanLII 36077 (ON S.C.)	j	Mutual allegations mutual non harassment order, son testifies mothers allegations aren't true, joint custody with primary residence with wife, 1.8 K per month total support
13	<i>Roach v. Kelly</i> , 2003 CanLII 1991 (ON S.C.)	w	Man convicted of harassment, wife cuts his access to his child, man beats up wife's boyfriend and is put in jail, restraining order access to child terminated.
14	<i>L.A.G. v. M.E.F.G.</i> , 2004 CanLII 53222 (ON S.C.)	w	Restraining order granted, 16 charges related to protesting divorce laws, wife the complaintant, convicted of assault and threatening wife, flagrant disregard for court orders and judicial system, imputed income, supervised and no access to children
15	<i>S.D. v. T.D.</i> , 2005 CanLII 23681 (ON S.C.)	w	Restraining order, pleadings struck, ex parte motion, supervised access
16	<i>Stajkowski v. Stajkowski</i> , 2004 CanLII 26185 (ON S.C.)	w	An order restraining man from interfering with wifes relationship with children

17	<i>Mwangi v. Wahome</i> , 2004 CanLII 48888 (ON S.C.)	w	Interim restraining order due to history of assaultive behaviour,, wife gets custody, 1.5 K per month total support
18	<i>J.P.M.P. v. G.W.F.</i> , 2003 CanLII 2337 (ON S.C.)	w	Restraining order at motion without notice, complaints by both parties to the Childrens Aid and police, his gun seized by police, wife gets custody
19	<i>R.P.H. v. V.M.</i> , 2003 CanLII 2109 (ONw S.C.)		Restraining order for drunken abuse, police called, wife gets custody
20	<i>DeMarco v. DeMarco</i> , 2005 CanLII 6389 (ON S.C.)	na	Wife gets restraining order continued
21	<i>Dasilva v. Dasilva</i> , 2004 CanLII 5043 (ON S.C.)	w	Wife gets restraining order and custody, 1.8 K per month total support
22	<i>Buttarazzi v. Buttarazzi</i> , 2005 CanLII 5869 (ON S.C.)	w	Arrested for assault, he says she assaulted him, wife gets custody, 10 K per month total support, 116 K in arrears
23	<i>Beaumont v. Beaumont</i> , 2003 CanLII 2056 (ON S.C.)	w	Restraining order, 5 K recognizance in case of breach
24	<i>Maratib v. Zafar</i> , 2005 CanLII 19842 (ON S.C.)	w	Restraining order, wife claims abuse, wife gets custody, limited supervised access, Childrens Aid requests anger management course, 143 K from equalization held in trust for wife, 4.5 K costs
25	<i>L.L.B. v. D.A.</i> , 2002 CanLII 2769 (ON S.C.)	w	Ex parte restraining order, then complaint to Childrens Aid gets second restraining order and access temporarily suspended, wife gets custody and is allowed to move to Manitoba
26	<i>R.J.J. v. K.R.J.</i> , 2004 CanLII 34359 (ON S.C.)	w	Wife gets ex parte restraining order and limited supervised access for husband
27	<i>Richards v. Richards</i> , 2005 CanLII 3398 (ON S.C.)	w	Man charged with threatening wife, wife gets custody, man says he has no income, imputed at 60 K, 1.9 K per month total support, 50 K equalization
28	<i>Mondino v. Mondino</i> , 2004 CanLII	w	Man subject to restraining order, ousts

	21293 (ON S.C.)		wife from house, wife gets custody, 2 K per month total support
29	<i>Taylor v. Taylor</i> , 2004 CanLII 42952 (ON S.C.)	w	Wife gets 2 restraining orders, man in jail for third time misses trial, 19 K equalization, 10 K compensatory support
30	<i>Warren v. Gilbert</i> , 2006 CanLII 16488 (ON S.C.)	w	Restraining order, 100K bond, man complains about justice system, wife gets custody 90 K equalization held in trust as security, 10 K support arrears, imputed income
31	<i>Lanfrey v. Lanfrey</i> , 2003 CanLII 2162 (ON S.C.)	w	Both parties ask for restraining order, mans claim is accepted wifes claim dismissed, wife gets custody, wifes child support claim dismissed but reinstated on appeal.
32	<i>Belcastro v. Belcastro</i> , 2004 CanLII 10991 (ON S.C.)	w	Restraining order, police visit to get personal items, wife gets custody, underemployed, mans stated income doubled by court
33	<i>J.R. v. J.G.</i> , 2005 CanLII 14983 (ON S.C.)	w	Restraining order for threatening, police assistance in retrieving items refused, mans contempt motion dismissed as he violated court orders
34	<i>Roscoe v. Roscoe</i> , 2003 CanLII 1918 (ON S.C.)	w	Wife gets restraining order from false assault allegations, man acquitted, court gives wife permanent restraining order, strikes pleadings, wife gets custody, imputed income, intentionally unemployed
35	<i>A.J.K. v. S.L.M.</i> , 2003 CanLII 1969 (ON S.C.)	w	Restraining order for assault, wife requests it be made permanent denied, wife makes 2 unsubstantiated complaints to Childrens Aid, third party child exchanges, wife asks for access to children terminated or limited supervised denied
36	<i>Sh. É. C. v. G. P.</i> , 2003 CanLII 2028 (ON S.C.)	w	Domestic assault, wife given permanent restraining order, wife gets custody, man hasn't seen his children in 1 ½ years, 17

			K lump sums, charging order on house, supervised access
37	<i>High v. Green</i> , 2006 CanLII 4251 (ON S.C.)	w	Man convicted of assault, wife gets custody, permanent restraining order denied at trial
38	<i>V.S.J. v. L.J.G.</i> , 2004 CanLII 17126 (ON S.C.)	w	Restraining order, wife gets custody and asks access terminated, first unsupervised, then by parents, then supervised access center ordered, wife makes sexual assault allegation
39	<i>Ruscinski v. Ruscinski</i> , 2006 CanLII 9982 (ON S.C.)	j	Restraining order for assault, 5 K damages, court denies permanent restraining order, supervised access changed to joint custody with primary residence with wife, 2.3 K per month total support, wife gets exclusive possession of home
40	<i>N.S. v.D.S.</i> , 2002 CanLII 2711 (ON S.C.)	w	Man gets 18 month restraining order for assault, says wife assaulted him too, wife gets custody, allowed to move to Nova Scotia
41	<i>J.B.G. v. L.B.</i> , 2004 CanLII 53230 (ON S.C.)	w	Restraining order wife gets custody, answer struck, 20 K cost penalty
42	<i>P.S. v. J.S.</i> , 2005 CanLII 16590 (ON S.C.)	m	Restraining order for assault, false sexual assault allegations, joint custody changed to sole custody to man
43	<i>L.A.H. v. T.L.B.</i> , 2006 CanLII 2618 (ON S.C.)	w	Domestic assault, drugs, denied access, request for supervised access denied, mother remarried and child has new father, must pay support
44	<i>Kourany v. Salem</i> , 2006 CanLII 15908 (ON S.C.)	w	Some restrictions on contact and a provision for police enforcement, wife gets custody, child support secured by insurance policy
45	<i>M.M.F.1 v. G.R.</i> , 2004 CanLII 52811 (ON S.C.)	w	Man convicted of assault, then threats, hasn't seen son in 2 years, access denied
46	<i>R.W.L. v. K.A.L.</i> , 2003 CanLII 2453	w	Man first charged with assault takes anger management, second charges, wife

			gets custody, third party child center exchanges, makes allegations to Childrens Aid, access cut and must take parenting class
	(ON S.C.)		
47	<i>Reitsma v. Reitsma-Leadsom</i> , 2005 CanLII 47609 (ON S.C.)	na	Man convicted of assault and then breach of probation, assault used as a reason for extending spousal support, 15 K civil award
48	<i>Ayoub v. Osman</i> , 2006 CanLII 9309 (ON S.C.)	w	Man earlier convicted of assault, wife alleges and doesn't appear for trial so charges are dropped, then convicted for assaulting children, 46 K per year support
49	<i>Schmidt v. Seidel</i> , 2003 CanLII 2417 (ON S.C.)	w	Man acquitted of assault charges at separation, wife gets custody, claims wife is alienating children, denied an assessment
50	<i>Kerr v. Kerr</i> , 2005 CanLII 16613 (ON S.C.)	w	Mutual restraining order, womam harassed man at work and influenced children, and called police, man has yelled and been abusive , wife gets custody, 2.2 K per month total support,
51	<i>J.E.H. v. W.V.D.</i> , 2004 CanLII 16460 (ON S.C.)	w	Both parents have been convicted of assault, Wife is imprisoned and man gets custody, custody reversed to mother
52	<i>L.P.G.M. v. J.M.</i> , 2006 CanLII 5455 (ON S.C.)	j	Man catches wife changing locks on house and sprays liquid soap on her and mother, convicted of assault, wife tries to have him arrested 4 more times, 5 Children Aids complaints by wife, wife witholds access and is in contempt, sole custody changed to joint,
53	<i>Lindo v. Lindo</i> , 2002 CanLII 2702 (ON S.C.)	w	Man imprisoned for assault not allowed back home, vesting order on house to wife
54	<i>Dalgleish v. Dalgleish</i> , 2003 CanLII 1944 (ON S.C.)	w	Man convicted of assault, wife gets custody and exclusive possession of home, Wife gets 167 K equalization, imputed income

55	<i>Sawyers v. McKechnie</i> , 2003 CanLII 2232 (ON S.C.)	w	Both parents charged with assault, woman gets custody
56	<i>Purves v. Purves</i> , 2004 CanLII 6249 (ON S.C.)	w	Mutual restraining order, wife gets custody
57	<i>G.P.M. v. S.J.F.</i> , 2005 CanLII 19840 (ON S.C.)	w	Man charged with sexual assault, acquitted but wife wins civil damages 10 K, wife gets custody, Man in arrears gets variation
58	<i>Elrafih v. Halbouni</i> , 2004 CanLII 15455 (ON S.C.)	w	Man convicted of domestic assault, wife gets custody
59	<i>Papp v. Hunter</i> , 2004 CanLII 34336 (ON S.C.)	w	Arrested and police order says supervised access, father acquitted and mothers motion to vary back to supervised access dismissed
60	<i>A.F. v. I.V.</i> , 2006 CanLII 727 (ON S.C.)	m	Man charged and accused dozens of times, wife gets custody then loses custody then denied access
61	<i>Dobre v. Dobre</i> , 2004 CanLII 17889 (ON S.C.)	w	Wife makes false allegations against man and grandparents, wife gets custody
62	<i>Gingo v. Gingo</i> , 2004 CanLII 1546 (ON S.C.)	w	Man charged with assault, wife gets custody, Man must go bankrupt to erase support interest, denied variation
63	<i>Dababneh v. Dababneh</i> , 2003 CanLII 1959 (ON S.C.)	w	Man convicted of assault, wife gets children, equalization payment of 257 K to wife
64	<i>David v. David</i> , 2004 CanLII 46652 (ON S.C.)	w	Man convicted of assault, wife gets children, 4 K per month support
65	<i>Jhuman v. Moakhan</i> , 2005 CanLII 36266 (ON S.C.)	w	Man charged with assault, wife gets custody, imputed income 58 K, unemployed, arrears, 10 K contempt penalty
66	<i>Hatzidemetriou v. Hatzidemetriou</i> , 2002 CanLII 2789 (ON S.C.)	w	Man charged with assault, charges withdrawn, wife gets custody
67	<i>Dafoe v. Dafoe</i> , 2005 CanLII 19821 (ON S.C.)	j	Man convicted of assault, wife gets ex parte order for custody and supervised access, children move in with father and

			joint custody ordered
68	<i>Lavigne v. MacCaskill</i> , 2003 CanLII 2014 (ON S.C.)	j	Wife falsely alleges assault and theft, child testifies wife is abusive, joint custody
69	<i>Maceus-Agyekum v. Agyekum</i> , 2005 CanLII 10539 (ON S.C.)	j	Man convicted of assault, anger management courses, joint custody with primary residence to wife, paid 380 K equalization, 20 K lump sum retroactive spousal support arrears, 34 K retroactive child support arrears, 1.1 K per month child support
70	<i>L.J.J.C. v. V.S.C.</i> , 2006 CanLII 3470 (ON S.C.)	m	Wife makes sexual assault allegations, man gets custody, wife is not present at trial and case is dismissed
71	<i>Young v. Young</i> , 2003 CanLII 47887 (ON S.C.)	w	Man gets 3 years for assault, access denied and grandparents access denied
72	<i>B. P. v. T.-L. P.</i> , 2003 CanLII 2446 (ON S.C.)	w	Man convicted of sexual assault on daughter, access terminated
73	<i>Sovereign v. Sovereign</i> , 2004 CanLII 5087 (ON S.C.)	w	Wife alleges assault and moves to shelter violating court order, wife gets custody
74	<i>Blackwell v. Burden</i> , 1996 CanLII 4896 (ON S.C.)	w (m)	Man charged with assault, wife gets custody and denies access, requests to move and custody is given to father
75	<i>Marchese v. Marchese</i> , 2002 CanLII 40030 (ON S.C.)	w	Man charged with assault and acquitted, wife gets interim custody
76	<i>L.S.M. v. A.M.</i> , 2006 CanLII 13413 (ON S.C.)	w	Man jailed for domestic assault, wife claims he's a drug addict, wife gets custody, imputed income, intentionally unemployed
77	<i>D.K. v. D. K.</i> , 2003 CanLII 2365 (ON S.C.)	w	Man charged and acquitted of assault, wife hires private investigators, wife gets custody, denies access, contempt, 2 children don't want to see man, man gets

			custody of third child
78	<i>S. D. v. R. L.</i> , 2004 CanLII 6323 (ON S.C.)	w	Wife and husband are charged with assault, wife gets custody, wife moves in with boyfriend and has him charged with threats and harassment and changes locks on his house
79	<i>K. v. K.</i> , 2004 CanLII 12506 (ON S.C.)	w	Man charged with assault, charges withdrawn, wife gets custody, 15 K per month child support
80	<i>Hamid v. Hamid</i> , 2003 CanLII 2128 (ON S.C.)	w	Man charged with assault, wife gets custody
81	<i>D.F. v. J.S.</i> , 2004 CanLII 8474 (ON S.C.)	w	Man charged with assault, wife gets custody, 2.3 K per month child support
82	<i>Anshasi v. Ramlawi</i> , 2004 CanLII 9558 (ON S.C.)	na	Man charged with assault, no children, spousal support 1.6 K per month
83	<i>B.T v. N.T.</i> , 2004 CanLII 6320 (ON S.C.)	w	Man accused of assaulting child of wives former marriage signs peace bond, wife gets custody of child of marriage
84	<i>M.I. v. J.R.</i> , 2004 CanLII 52812 (ON S.C.)	w	Man charged with assault, wife gets custody, Childrens Aid orders no access then court orders supervised access, wife allowed to move to japan
85	<i>Marchildon v. Irwin</i> , 2004 CanLII 15738 (ON S.C.)	w	Man convicted of assault, wife gets custody, termination of access denied, man must pay \$ 200 extra per month on arrears of support
86	<i>Sanders v. Lacaille</i> , 2005 CanLII 18722 (ON S.C.)	na	Man accused of assault acquitted, no children, wife gets possession of home for 2 years and damages it when ordered to leave, wife given 40 K in constructive trust but must pay 14 K in damages and 14 K in occupation rent
87	<i>Haaksma v. Haaksma</i> , 2006 CanLII 2772 (ON S.C.)	na	Man charged with assault, wife gets possession of home, 775 K equalization payment, 3.5 K per month spousal support, 1 K per month arrears, costs and prejudgement interest, mans income

			impute
88	<i>Steffler v. McComb</i> , 2005 CanLII 25955 (ON S.C.)	w	Man charged with assault and threatening not allowed in town, wife gets custody, wife found in contempt with holding possession
89	<i>J.L.C. v. S.B.L.</i> , 2006 CanLII 13759 (ON S.C.)	w	Man accused of being abusive and threatening lawyer and assessor, court orders termination of access and restrictions on motions
90	<i>Richards v. Burch</i> , 2003 CanLII 2223 (ON S.C.)	w	Mutual non harassment order, both charged with assault, charges against wife withdrawn, man signs peace bond, wife gets custody
91	<i>K.(L.) v. G.(T.)</i> , 2006 CanLII 19333 (ON S.C.)	w	Wife alleges sexual assault of children and denies access,, supervised access ordered
92	<i>Williams v Ellul (1996) 19 RFL</i>	na	Man kills wife and still in jail 7 years later, no access arrangements to be made for children
93	<i>Aukstuolyte v. Balchun</i> , 2005 CanLII 27896 (ON S.C.)	w	Wife claims husband assaulted her and the children
94	<i>Y.T. v. J.K.1</i> , 2006 CanLII 4908 (ON S.C.)	w	Wife says husband threatened her with a knife, abused and tortured her, accused her of abducting the children, wife gets sole custody
95	<i>Kincl v. Malkova</i> , 2005 CanLII 25184 (ON S.C.)	w	Denied, wife alleges assault, wife gets custody
96	<i>Ruel v. Juodis</i> , 2004 CanLII 7247 (ON S.C.)	w	Wife claims husband has been spying on her, restraining order denied
97	<i>M.C. v. D.L.</i> , 2006 CanLII 26164 (ON S.C.)	w	Wife claims husband sexually abused daughter, denied access
98	<i>S. v. S.</i> , 2004 CanLII 1233 (ON S.C.)	w	Wife moves to Canada with children and starts action against man, claim psychological and emotional abuse and sexual abuse of children
99	<i>Kaplanis v. Kaplanis</i> , 2005 CanLII	w	Husband charged wife threatening until

	1625 (ON C.A.)		wife recants
100	Novakovic v. Kapusniak, 2005 CanLII na 23115 (ON S.C.)		Police remove husband from home at wifes request
101	Coscarella v. Coscarella, 2000 CanLII w 20376 (ON S.C.)		Wife gets award for damages for assault
102	Lawrence v. Peel Regional Police Force, 2005 CanLII 3934 (ON C.A.)	na	Wife alleges criminal misconduct in divorce, Husband charged and acquitted, sues wife
103	Marchese v. Marchese, 2002 CanLII 40030 (ON S.C.)	w	Teacher charged with assault loses job, later acquitted, wife gets interim custody
104	Hockey-Sweeney v. Sweeney, 2002 CanLII 2721 (ON S.C.)	m	Wife accuses husband of assault and abuse, claims dismissed, wife writes book slandering husband
105	MLP v GWP [2000] O.J. No. 4059	w	False allegations of assault against wife and sexual abuse against daughter
106	B. L. v. B. A. A., 2005 CanLII 2721 (ON S.C.)	w	Wife makes allegation of sexual assault by husband on daughter
107	<i>Wright v. Ingham</i> , 2006 CanLII 591 (ON S.C.)	w	Found guilty of assault, supervised access changed to unsupervised in minutes of settlement
108	<i>Harris v. Harris</i> , 2006 CanLII 9141 (ON S.C.)	w	Wife alleges controlling nature, verbal abuse, harassment, supervised access changed to unsupervised
109	Sten, Re, 2006 CanLII 62 (ON S.C.)	na	Wife alleges physical abuse and threats and that husband is concealing assets, husband declares bankruptcy
110	M. Al. O. v. Me. A. O., 2005 CanLII 2740 (ON S.C.)	w	Husband pleads guilty to assault on child, joint custody changed to sole custody to mother
111	Pawlus v. Pawlus, 2004 CanLII 53116 (ON S.C.)	w	Husband charged with domestic assault completes course and charges are dropped
112	Rosenberg v. Rosenberg, 2003 CanLII w		Husband takes peace bond for threatening on telephone, doesn't see

	2227 (ON S.C.)		children for a year
113	<i>Montgomery Montgomery (1992) OJ No 2299</i>	w	Allegations of sexual abuse, access to children denied
114	<i>Reinhardt v. Reinhardt, 2004 CanLII 35095 (ON S.C.)</i>	na	Wife claims rape assault and abuse, Husband has controlling behaviour, separation agreement set aside, \$ 1200 per month spousal support
115	<i>N.L. v. J.C., 2005 CanLII 4838 (ON S.C.)</i>	w	Wife asks for 50 K in damages for assaultive behaviour
116	<i>Greaves v. Greaves, 2004 CanLII 25489 (ON S.C.)</i>	w	Wife flees home with children. Civil award of 16 K for damages for assault, no criminal charges
117	<i>Takis v. Takis, 2002 CanLII 2818 (ON S.C.)</i>	j	Wife says husband makes her engage in sex parties, husband says wife took drugs and tried to commit suicide
118	<i>J.H. v. S.H., 2004 CanLII 29739 (ON S.C.)</i>	w	Husband arrested for harassment, fired from telephone job for tapping phone, imputed income, lump sum
119	<i>Matysiak v. Phillips, 2004 CanLII 45449 (ON S.C.)</i>	w	Husband threatens and harasses wife, access to child denied
120	<i>Lidkea v. Jarrell, 1999 CanLII 3699 (ON C.A.)</i>	w	Husband threatens wife and tries to convince kids to move in with him, access suspended, appeal denied
121	<i>P.F. v. E.J.J.F., 2003 CanLII 2115 (ON S.C.)</i>	w	Husband is on probation for threatening wife, breaches probation, supervised access to children
122	<i>Palinka v Palinka, 2003 CanLII 2195 (ON S.C.)</i>	na	Wife alleges abuse, no evidence and restraining order is denied, 2.5 K per month spousal support
123	<i>Goyal v. Singh, 2002 CanLII 2748 (ON S.C.)</i>	w	Father given supervised access, wife makes allegations and denies access, court orders investigation by Office of the Childrens Lawyer
125	<i>Lawrie v. Turcotte, 2006 CanLII</i>	w	Criminal charges, no contact with child school ordered, supervised access at

12971 (ON S.C.)		wifes discretion
126	<i>J.K. v. J.A.K.</i> , 2004 CanLII 16080 (ON S.C.)	w Sexual assault allegations, no charges, supervised access ordered, an assessment ordered to see if access can be unsupervised
127	<i>Aguilera v. Reid</i> , 2006 CanLII 6196 (ON S.C.)	w Assault charges, supervised access ordered, drugs, criminal record, final order for supervised access
128	<i>Reid v. Mulder</i> , 2005 CanLII 38108 (ON S.C.)	w Domestic assault, pushing, entered into peace bond, supervised access, then unsupervised access, wife allowed to move with child to Fiji
129	<i>Zeoli v. Field</i> , 2003 CanLII 2361 (ON S.C.)	m False allegations and criminal charges lead to supervised access, custody reversed to father
130	<i>Shoval v. Shoval</i> , 2005 CanLII 20817 (ON S.C.)	w Wife allowed to move to Isreal with child makes allegations of sexual abuse, access suspended, supervised access in Isreal offered by mother, court allows order
131	<i>D.J.C. v. N.C.</i> , 2004 CanLII 47783 (ON S.C.)	w Sexual assault allegations, wife gets custody, denies access, 10 K contempt penalty
132	<i>J.B. v. A.B.</i> , 2006 CanLII 12294 (ON S.C.)	j Husband takes peace bond for uttering threat, wife claims other incidents of abuse
133	<i>Berry v. Ollerenshaw</i> , 2003 CanLII 2405 (ON S.C.)	w Allegations of drug use and sexual abuse by non biological father, supervised access, leave to appeal granted
134	<i>Testa v. Basi</i> , 2005 CanLII 25186 (ON S.C.)	w Domestic violence, threatening charges, initially supervised access, custody to mother, one weekend per month, wife in Ottawa man in New York

Male Sole Custody After Domestic Violence Allegations

The domestic violence cases listed above show 134 examples of allegations against men. 10 did not involve children. 9 resulted in joint custody. 5 resulted in custody being granted to the husband. 23 cases resulted in supervised access and there were 6 cases where access was denied altogether. The results are as follows.

N = 134 Cases of Domestic Violence Alleged against Men

NC = N - # of Cases With No Children

$$= 134 - 12$$

$$= 122$$

$$\% \text{ Female Custody} = \# \text{ Females Granted Custody} / \text{NC} \times 100 = 107 / 122 \times 100 = 87.7 \%$$

$$\% \text{ Male Custody} = \# \text{ Males Granted Custody} / \text{NC} \times 100 = 6 / 122 \times 100 = 4.9 \%$$

$$\% \text{ Joint Custody} = \# \text{ of Joint Custodies} / \text{NC} \times 100 = 9 / 122 \times 100 = 7.4 \%$$

$$\% \text{ Male Supervised Access} = \# \text{ of Men ordered to Supervised Access} / \text{NC} \times 100 = 23 / 122 = 18.8 \%$$

$$\% \text{ Male Denied Access} = \# \text{ of Men Denied Access} / \text{NC} \times 100 = 8 / 122 \times 100 = 6.6 \%$$

A study done by the Ministry of Justice (*A Study of Child Support Awards : Interim analysis of Phase II Data, 2001*) tracing custody awards in 2001 concluded that the court awards custody to women 80.4 % of the time. Joint or split custody was decided in 10.3 % of the cases. Male custody was awarded 8.6 % of the time. These results from the general population can be compared to the subgroup where domestic violence was alleged against men. It can be seen that the odds of female custody increased 8.8 % from 80.6 % to 87.7 % ($100 - [87.7 / 80.6 \times 100] = 8.8 \%$) with allegations. Female odds improved by making allegations. Joint custody decreased from 10.3 % to 7.4 %. The odds of joint awards decreased by 28.1 % ($[7.4 / 10.3 \times 100] - 100 = 28.1 \%$) in cases involving allegations. Sole custody to males went from 8.6 % to 4.9 %. Men's odds dropped by ($[4.9 / 8.6 \times 100] - 100 = 43 \%$) 43.0 %

when allegations were made against them. It must be concluded that allegations of domestic violence had significant impact on men's chances of gaining custody of their children. It also appears this group had far higher rates of supervised access, and access denial than the general population

The cases would indicate that some small percentage of allegations against men are deemed to be false and met with recriminations impacting on custody or access to children. Since the number of cases resulting in male custody are small, it is possible to examine them in detail to see what criteria is used by the court. The database contains 6 cases regarding false allegations. It would appear that all are blatant and extreme. In *Wozniak v. Brunton*, 2006 CanLII 273 (ON S.C.) the wife clearly had some major psychological problems. In *A.F. v. I.V.*, 2006 CanLII 727 (ON S.C.), so many serious false allegations were made the court had to make lists. In *Hockey-Sweeney v. Sweeney*, 2002 CanLII 2721 (ON S.C.) the wife even published a book slandering her husband. Both *P.S. v. J.S.*, 2005 CanLII 16590 (ON S.C.), and *L.J.J.C. v. V.S.C.*, 2006 CanLII 3470 (ON S.C.), involved repeated false claims of sexual abuse. In *Hockey-Sweeney v. Sweeney*, custody was with the father since separation, and in *P.S. v. J.S.*, a separation agreement gave joint custody. Only 3 of the cases truly could be called custody reversals. These cases would indicate that only the very most serious examples get relief. The mothers must be psychotic, conducting a major criminal vendetta, or otherwise totally unfit. More typical allegations do not receive the same treatment. It means that the odds in more typical cases would be exaggerated by inclusion of these extreme examples. In more typical cases allegations would serve to lower a mans odds by more than half. It also indicates that men must disprove allegations and obtain a ruling to have any hope of success. The onus was on them to refute. In respect to custody and access, men were guilty until proven innocent. The allegations against them did not need to be proven, and acquittal in criminal court was not necessarily sufficient.

Wozniak v. Brunton, 2006 CanLII 273 (ON S.C.)

[2] It is highly unusual for a court at a motion before trial to refuse access to a child by the parent who formerly had primary care of the child. This is a highly unusual case.

She is a citizen of Trinidad and Tobago illegally in Canada.

The mother took the child to Ontario to live, in breach of the order. Mr. Cummings withdrew his sponsorship of the mother. She was ordered deported in December 2000, arrested in Ontario in January 2001 and immediately deported to Trinidad. The daughter went into and remained in the care of Mr. Cummings.

In October, she breached the terms of her release and was placed back in immigration detention, this time with the son.

[10] The son was in his mother's primary care, whether she was in or out of detention, from birth. That changed in November 2004, when the mother drank bleach while caring for the son, after an argument with the father. She required hospitalization briefly as a result. On 15 November, the court transferred primary care to the father on an emergency motion. The mother tried to have the court set aside the order of 15 November but Justice Nelson refused to do so on 26 November 2004. Nine days later, on 5 December 2004, the mother had the father charged with sexual assault and forcible confinement. He was held for several days and then released.

[11] On 15 April 2005, the mother swore an affidavit in which she repeated in detail her report of the sexual assault the father supposedly perpetrated on her on 5 December 2004. I say "supposedly" because it was a lie. The mother made up the accusation of sexual assault to have the father removed when he was acting as a primary care parent to the son.

[13] The mother served a notice of motion for permission to appeal from the order of 27 May 2005. However, instead of proceeding toward an appeal, on 12 August 2005 the mother arranged for the son to be abducted by two men (strangers to the son) at a fast food restaurant during one of her supervised access visits. She paid them \$500 to abduct her son and bring him to her later. Immediately after the abduction that she had organized, the mother pretended to be a concerned and co-operative parent helping the police in their search. By the next day, the mother's role in the abduction became known. She was arrested and charged with abduction and mischief. She remained in custody until the trial. On the father's motion on 15 August 2005, Justice Nelson suspended the mother's access.

[14] The mother's diary, which came into the possession of the police in their investigation of the abduction, contained an admission that she had made up the accusation of sexual assault that led to the charges against the father on 5 December 2004. As a result, the Crown withdrew all charges against him, but only when the diary came to light in August 2005.

[15] The mother pleaded guilty to abduction and was sentenced on 23 November 2005 to the time she had served (52 days) plus one day, as well as three years' probation on rather stringent terms. The terms include staying at least 500 metres away from the father, his parents, the son and their place of residence, except that she may have supervised access to the son at an access centre if permitted by Family Court order.

[27] In the result, the risks of again exposing the son to the mother at all, even in a supervised setting, outweigh the potential benefits to the son at this stage.

A.F. v. I.V., 2006 CanLII 727 (ON S.C.)

[1] This is an exceedingly sad case where the animosity of the respondent towards the applicant has propelled the issues of custody and access into litigation that has lasted 11 years.

[8] The respondent has no concept of the truth. Her false allegations, outright lies, distortions, half-truths and complete fabrications have left her with no credibility before this court.

[10] The applicant testified that on November 29, 1994, the respondent made a false allegation against him, that he had threatened her and assaulted her. He was arrested and was released on the same day on an undertaking to abstain from communicating with Ms. I.V.. He was criminally charged with assault and uttering threats.

[11] On December 20, 1994, Ms. I.V. called the police and reported that Mr. A.F. communicated with her. Mr. A.F. was then charged with:

1. criminal harassment,
2. failure to comply; and
5. attempt to obstruct justice.

[12] On December 23, 1994 Mr. A.F. was released on bail, after 3 days in jail

The respondent then asked the applicant for full custody of the child, J.A.I.F.. The applicant refused. On April 29, 1995 the applicant was charged, having been reported to the police by the respondent that he had talked to her. He was then charged with failure to comply, uttering threats, attempted obstruction of justice; and extortion.

[17] On January 11, 1997, Mr. A.F. was arrested for breach of recognizance for attending at Ms. I.V.'s residence for access to pick up J.A.I.F.

[18] On June 25, 1997, a Preliminary Hearing was held before Mr. Justice Kerr. On that date the criminal harassment charge was dismissed.

[19] On November 26, 1997, Mr. A.F. pled guilty to one count of uttering a threat and one count of failure to comply. Mr. A.F. received a conditional discharge. The remaining outstanding 6 charges were withdrawn.

[20] In all, the respondent made approximately 31 calls with allegations to the police and approximately 36 calls with allegations to the Children's Aid Society. All the allegations to date, have been determined to be unfounded. The unfounded allegations made to the Children's Aid Society were as follows:

Summary of Ms. I.V.'s Allegations to CAS

#	Date	Reason/Allegation	Action Taken/ Disposition	Reference
1	Jan. 20, 1997	Ms. I.V. alleged that Mr. A.F. physically disciplined J.A.I.F. in an inappropriate manner leaving a red mark on her cheek.	Peel CAS conducted an investigation, including an interview with J.A.I.F.. No child protection concerns were verified	Volume 6, Tab 2, Page 3, Common Book – Investigation Closing Summary dated Jan. 31, 1997
2	Jan. 22, 1997	Ms. I.V. claimed that she was concerned because she was not present for the visit and feels that Mr. A.F. could possibly harm J.A.I.F.. She also stated that she does not want Mr. A.F. to have access with J.A.I.F. and at least wants access supervised.	Daria Allan advised Ms. I.V. that she would follow-up with any inappropriate discipline and encouraged Ms. I.V. to call Peel CAS immediately if J.A.I.F. returned with any concerning marks or injuries or disclosed any inappropriate behaviour by Mr. A.F..	Exhibit 14 – Peel CAS Case Note dated January 22, 1997.
3	Jan. 30, 1997	Ms. I.V. showed Daria Allan a small bruise on J.A.I.F.'s left shin that was fading and brown, but could not explain where the bruise came from. Ms. I.V. also stated that she contacted Peel CAS in order to have Mr. A.F.' access either supervised or terminated.	Daria Allan found that the location of the bruise was a common place for bruising. J.A.I.F. became upset by this process and was crying. Ms. I.V. stated that J.A.I.F. likely thought the process was like seeing the doctor and J.A.I.F. did not like to see the doctor. Ms. I.V. was explained the role of Peel CAS in investigating situations of risk and that there was no evidence that J.A.I.F. was harmed.	Volume 6, Tab 15, Page 46 and 47, Common Book – Case Noted dated Jan. 30, 1997
4	Feb. 10, 1997	Ms. I.V. alleged that Mr. A.F. masturbated in front of J.A.I.F. during an access visit.	A joint investigation with Toronto police was conducted, including 2 videotaped interviews with J.A.I.F.. No child protection concerns were verified.	Volume 6, Tab 4, Page 6 and 8, Common Book – Investigation Closing Summary dated Apr. 29, 1997
5	Jul. 3,	Ms. I.V. alleged that Mr.	After speaking with Ms.	Volume 6, Tab 5,

2001

A.F. told her that he would disappear with J.A.I.F. and that she would never see J.A.I.F. again. She also repeated the allegation that Mr. A.F. sexually assaulted J.A.I.F. when she was four years old.

I.V., Peel CAS determined that a full investigation was not required because there were no new disclosures.

Page 9, Common Book – Referral/Report/ New Information dated Jul. 3, 2001

6 Aug. 11, 2001

Ms. I.V. alleged that Mr. A.F. forged a court order for access. She also repeated the allegation that Mr. A.F. sexually assaulted J.A.I.F. when she was four years old.

After speaking with Ms. I.V., Peel CAS determined that a full investigation was not required because there were no new allegations.

Volume 6, Tab 6, Page 12, Common Book – Referral/ Report / New Information dated Aug. 11, 2001

7 Sep. 7, 2001

Ms. I.V. reported that Mr. A.F. was charged with uttering death threats. She also repeated the allegation that Mr. A.F. sexually assaulted J.A.I.F. when she was four years old.

After speaking with Ms. I.V., Peel CAS determined that a full investigation was not required because there were no new allegations.

Volume 6, Tab 7, Page 15, Common Book – Referral/ Report/ New Information dated Sept. 7, 2001

8 Jan. 4, 2002

Ms. I.V. reported to an Interim Place worker that Mr. A.F. has taken J.A.I.F. to parties until 4:00 a.m. where he drinks a lot.

After speaking with the Interim Place worker and Mr. A.F., Peel CAS determined that no child protection concerns existed.

Volume 6, Tab 8, Page 18, Common Book – Disposition at Completion of Protection Investigation dated Jan 14, 2002

9 Jan. 27, 2002

Ms. I.V. alleged that Mr. A.F. was not meeting the medical needs of J.A.I.F. during an unsupervised access visit

After speaking with J.A.I.F.'s physician, Peel CAS concluded that there were no child protection concerns. Dr. Zachary revealed that Ms. I.V. admitted J.A.I.F. a number of times for abdominal pains but an organic reason for the pains was never discovered. Peel CAS found Ms. I.V. uncooperative and had some concerns about her mental health.

Volume 6, Tab 11, Page 24, Common Book – Disposition at Completion of Protection Investigation dated Mar. 12, 2002

10	Jan. 29, 2002	Ms. I.V. called asking for CCAS assistance because she had concerns about Mr. A.F. having unsupervised access.	CCAS concluded that a full investigation was not required because it did not have jurisdiction. Ms. I.V. was advised that because she and J.A.I.F. lived in Brampton, she would have to call Peel CAS,.	Volume 3, Tab 102, Common Book – Referral/ Report/ New Information dated Jan. 30, 2002
11	Feb. 26, 2002	Ms. I.V. stated that she did not feel that Peel CAS was protecting J.A.I.F. from Mr. A.F. and inquired as to what she should do if Mr. A.F. tried to pick up J.A.I.F. from school that day.	Ms. I.V. was advised to speak with her worker. See reference below.	Volume 6, Tab 17, Page 103, Common Book – Case Note dated Feb. 26, 2002
12	Feb. 27, 2002	Ms. I.V. reported that she needed immediate assistance because Mr. A.F. manipulated the court system to obtain unsupervised access with J.A.I.F..	Ms. I.V. was advised by the worker that Peel CAS could not intervene and stop the court order as requested by Ms. I.V..	Volume 6, Tab 17, Page 106, Common Book – Case Note dated Feb. 27, 2002 Volume 6, Tab 17, Page 110, Common Book – Case Note dated Feb. 28, 2002
13	Jul. 8, 2002	Ms. I.V. claimed that J.A.I.F. called her and told her that she wanted Ms. I.V. to come and get her.	CCAS referred the information to Peel CAS	Volume 4, Tab 147, Page 7, Common Book – Case Note dated Jul. 25, 2002
14	Jul. 17, 2002	Ms. I.V. claimed she was worried because she did not hear from J.A.I.F. that day.	CCAS emergency after hours worker advised Ms. I.V. not to panic and to check with J.A.I.F.'s school the next day to confirm her attendance.	Volume 4, Tab 147, Page 12, Common Book – Case Note dated Jul. 25, 2002
15	Jul. 25, 2002	Ms. I.V. claimed that J.A.I.F. was crying during her visit because Mr. A.F. would not let her go to an audition. She also claimed	After speaking with Ms. I.V., Michelle Lewis advised that she would intervene when there was a child protection concern and that	Volume 4, Tab 147, Page 14, Common Book – Case Note dated

that Mr. A.F. transferred the Peel CAS file to CCAS.	Mr. A.F. had no control over where the file was transferred.	Jul. 25, 2002
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16 Aug. 1, 2002	Ms. I.V. claimed that Mr. A.F. was a sexual pervert, a transvestite and shared a room with J.A.I.F.. She also alleged that J.A.I.F. brought a bag full of rats to her home.	After meeting with Ms. I.V., Michelle Lewis provided her with a business card and encouraged her to call if she had further concerns with J.A.I.F.'s well-being. No further action was taken.	Volume 4, Tab 147, Page 16, Common Book – Case Note dated Aug. 1, 2002
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17 Aug. 1, 2002	Ms. I.V. alleged that Mr. A.F. forged court documents to gain custody, chose the judge to hear the case, committed fraud and smashed her face.	Ms. I.V. was advised that the role of CCAS was to assess risk and to ensure J.A.I.F.'s safety. No further action was taken.	Volume 4, Tab 147, Page 17 – Case Note created Aug. 1, 2002
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18 Sep. 30, 2002	Ms. I.V. alleged that Mr. A.F. uttered a threat to Ms. I.V., but it was unknown whether J.A.I.F. heard the threat.	Peel CAS was advised by Peel police that Toronto police conducted an investigation and concluded that J.A.I.F. was fine. Peel CAS concluded that a full investigation was not required.	Volume 6, Tab 12, Page 27, Common Book – Referral/ Report/ New Information dated Sep. 30, 2002
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19 Oct. 10, 2002	Ms. I.V. claimed that J.A.I.F. was crying about Mr. A.F. threatening her and that J.A.I.F. was scared of him because he was very abusive.	Michelle Lewis made several unsuccessful attempts to contact Ms. I.V.. On November 29, 2002, she left a voicemail message for Ms. I.V. stressing the difference between child protection concerns and other concerns.	Volume 4, Tab 147, Page 38, Common Book – Case Note dated Oct. 10, 2002 Volume 4, Tab 147, Page 52, Common Book – Case Note dated Nov. 29, 2002
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20 Oct. 23, 2002	Ms. I.V. alleged that Mr. A.F. gained custody of J.A.I.F. by filing fraudulent court papers. She asked for a missing persons report to be	Peel police advised Peel CAS that an investigation found no evidence of fraud. The offence of perjury was discussed with Ms. I.V.. The	Volume 6, Tab 13, Page 30, Common Book – Referral/ Report/ New Information dated
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	filed on J.A.I.F. because Ms. I.V. was unable to contact her at Mr. A.F.'s residence.	request for a missing persons report was refused because J.A.I.F.'s whereabouts were known.	Oct. 23, 2002
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21	Dec. 26, 2002	Ms. I.V. alleges that Mr. A.F. does not let her talk to J.A.I.F..	No record of CCAS taking any steps.	Page 10, para. 90, Ms. I.V.'s diary dated April 24, 2005
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22	Jan. 6, 2003	Ms. I.V. claimed that J.A.I.F. did not call that day, that Mr. A.F. was violent and aggressive and that J.A.I.F. was terrified of him	After speaking with J.A.I.F., CCAS concluded that J.A.I.F. was safe with Mr. A.F..	Volume 4, Tab 147, Page 55, Common Book – Case Note created Jan. 13, 2003 Volume 4, Tab 147, Page 56, Common Book – Case Note created Jan. 9, 2003
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23	Jan. 13, 2003	Ms. I.V. left a voicemail and alleged that Mr. A.F. kept J.A.I.F. locked up in the garage and was yelling and screaming at her.	Michelle Lewis received a telephone call from Ms. I.V. later that day. See reference below.	Volume 4, Tab 147, Page 59, Common Book – Case Note created Feb. 18, 2003
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24	Jan. 13, 2003	Ms. I.V. claimed Mr. A.F. falsified 3 court orders and was charged with smashing J.A.I.F.'s head when she was a child.	Michelle Lewis clarified her child protection role and stressed to Ms. I.V. that she was not aware of any specified incidents of physical, emotional or sexual harm. No further steps were taken.	Volume 4, Tab 147, Page 61, Common Book – Case Note created Jan. 13, 2003
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25	Jan. 16, 2003	Ms. I.V. reported that J.A.I.F. was missing and wanted to know if she was back at home.	CCAS contacted J.A.I.F.'s school and confirmed that she was fine.	Volume 4, Tab 147, Page 64, Common Book – Case Note created Jan. 16, 2003 Volume 4, Tab 147, Page 65,
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Common Book –
Case Note created
Jan. 16, 2003

26 Mar. 20, 2003 Ms. I.V. alleged that Mr. A.F. made death threats to J.A.I.F..

No CCAS or Peel CAS record has been produced indicating any steps taken.

Page 14, Para. 121, Ms. I.V.'s diary dated Apr. 24, 2005.

27 Mar. 24, 2003 Ms. I.V. reported that Mr. A.F. abuses women and children and has killed their pet cat and frog.

CCAS attempted to visit Mr. A.F.' residence, but was unable to do so. CCAS also spoke with school staff and with J.A.I.F.. See reference below.

Volume 4, Tab 147, Page 74, Common Book – Case Note created Mar. 25, 2003

28 Mar. 24, 2003 Ms. I.V. alleged that Mr. A.F. squeezed J.A.I.F.'s head and pulled her ears.

CCAS contacted J.A.I.F.'s school and confirmed that there were no marks on J.A.I.F.. CCAS also interviewed J.A.I.F. who did not admit to any part of her body being hurt.

Volume 4, Tab 147, Page 73, Common Book – Case Note created Mar. 24, 2003

Volume 4, Tab 147, Page 82, Common Book – Case Note created Mar. 28, 2003

Volume 4, Tab 147, Page 93, Common Book – Case Note created Apr. 7, 2003

29 Mar. 25, 2003 Ms. I.V. claimed that Mr. A.F. lives off her, that he is a psychopath and that he damaged the children from his first marriage completely. She also alleged that the court secretary and school secretary were from Goa and have been helping him.

CCAS advised Ms. I.V. that even though she was asking for J.A.I.F. to be placed in her home, CCAS would place J.A.I.F. in foster care and not in her care. Ms. I.V. was advised that J.A.I.F. was the focus. Ms. I.V. was further advised that custody and access must be dealt with through her lawyer and the courts, not through the police waking J.A.I.F. up at

Volume 4, Tab 147, Page 78 – Case Note created mar. 25, 2003

night and questioning her.

30	Apr. 30, 2003	Ms. I.V. reported to an emergency after hours worker that she had not spoken with J.A.I.F., that Mr. A.F. was forbidding J.A.I.F. from calling her and that she was concerned for J.A.I.F.'s well-being.	A report was filed for Michelle Lewis' information listing the nature of the problem as a custody/guardianship dispute. No further steps were taken.	Volume 4, Tab 147, Page 100 – Case Note created May 2, 2003
31	Jun. 14, 2003	Ms. I.V. alleged that J.A.I.F. told her that Mr. A.F. struck J.A.I.F. on her forearms, leaving bruises.	An investigation was conducted and no child protection concerns were verified. Dr. Ghazala testified she now doubts the explanation given to her by J.A.I.F. as to how the bruises occurred.	Volume 4, Tab 147, Page 117, Common Book – Case Note created June 16, 2003 Cross-examination of Dr. Ghazala
32	Jul. 23, 2003	Ms. I.V. alleged that Mr. A.F. had not enrolled J.A.I.F. in camp, that he locked up J.A.I.F. in the house and that J.A.I.F.'s teeth were falling out and her hair was falling out in patches.	Cindy Ross advised Ms. I.V. that it was not a child protection concern that J.A.I.F. was not enrolled in camp. No further steps were taken.	Volume 4, Tab 147, Page 147, Common Book – Case Note dated Jul. 23, 2003
33	Aug. 16, 2003	Ms. I.V. alleged that Mr. A.F. refused to bring J.A.I.F. to Brampton	No Peel CAS or CCAS record has been produced indicating any steps taken.	Page 27, Para. 273, Ms. I.V.'s diary dated Apr. 24, 2005
34	Jul. 2, 2004	Ms. I.V. called to advise of the history of past allegations and how Mr. A.F. obtained interim custody of J.A.I.F..	Cindy Ross advised Ms. I.V. that this was already documented and that she did not need to hear it again. When asked if she had any new information or concerns to report, Ms. I.V. said that she did not.	Volume 4, Tab 148, Page 13 – Case Note dated Jul. 2, 2004
35	Aug. 20, 2004	Ms. I.V. alleged that Mr. A.F. refused to bring J.A.I.F. to Brampton, so she	Ms. I.V. claimed Archie Gillis left a message for Mr. A.F. who refused to answer	Page 73, Ms. I.V.'s diary dated April

contacted CCAS. She later went to 42 Division to file a complaint.

the phone. Officers #8499 and #8742 attended with her at Mr. A.F.'s home to enforce access. No record from CCAS has been produced indicating any steps taken.

24, 2005

[36] Oct. 26, 2004

Ms. I.V. sent Cindy Ross a complaint that Mr. A.F. hit J.A.I.F. with erasers.

Cindy Ross spoke with Mr. A.F., who denied the allegations, and with J.A.I.F., who did not mention any problems with Mr. A.F. when asked. No further steps were taken.

Volume 4, Tab 148, Page 6 – Case Note created October 27, 2004

[30] The applicant and the child have endured and suffered a life of harassment by the respondent for the past 11 years. The respondent has made a career of making false allegations, trivial and heinous, concerning his care of J.A.I.F. and against him personally since their separation in 1994. Ms. I.V. has falsely alleged physical, emotional and sexual abuse over and over and over again.

[31] There are heinous and ridiculous false allegations made against the applicant by the respondent from an allegation of masturbating in front of the child, to denying the father access because the court order was allegedly fraudulent. The applicant has been arrested several times, he has spent 3 days in jail awaiting a bail hearing on one occasion, he has been totally embarrassed and humiliated before the police, C.A.S., his former employer, his family, his friends, the court and his daughter among others.

As a result of false allegations made by the respondent against the applicant, the applicant was terminated from his long-term employment.

[33] I accept the applicant's evidence concerning his job loss, that in 1995 the respondent stole his briefcase in which he kept confidential income reports concerned with individuals that he was investigating for his employer. It was necessary for the applicant to obtain a court order to have his briefcase returned (Order of O'Connell, J. dated February 10, 1995 – para. #8). The briefcase was returned but the briefcase had been broken into and the contents were missing.

[34] As a result of the respondent's false allegations, the applicant has had numerous criminal charges laid against him and numerous investigations undertaken by the police. All the investigations and the charges have been initiated by the respondent. They are as follows:

Summary of Ms. I.V.'s Allegations to Police

#	Date	Reason/Allegation	Action Taken/ Disposition	Reference
1	Nov. 29, 1994	Ms. I.V. alleged that Mr. A.F. assaulted her and threatened to kill her.	Mr. A.F. was charged with assault and threatening death. The assault charge was later withdrawn and he pleaded guilty to threatening death to avoid the cost of trial. He received a conditional discharge	Tab 1, paragraph 9, Applicant's Affidavits Brief
2	Dec. 20, 1994	Ms. I.V. reported that Mr. A.F. was in breach of recognizance when he began communicating with Ms. I.V. with the belief that Ms. I.V. and he were reconciling.	Mr. A.F. was arrested and charged with failure to comply, obstruction of justice and criminal harassment. The charge of criminal harassment was dismissed. He pleaded guilty to failure to comply in order to receive a conditional discharge. The charge of obstruction was withdrawn.	Tab 1, paragraph 10, Applicant's Affidavits Brief Recognizance of bail dated Dec. 23, 1994
3	Apr. 29, 1995	Ms. I.V. reported that Mr. A.F. was in breach of recognizance. After Ms. I.V. disallowed Mr. A.F.'s sureties from picking up J.A.I.F. for access, he agreed to allow Ms. I.V. to come along during his visits so that he could have access.	Mr. A.F. was arrested and charged with extortion, uttering threats, failure to comply, and obstruction of justice. These charges were later withdrawn.	Recognizance of bail dated Apr. 29, 1994
4	Jan. 11, 1997	Ms. I.V. reported that Mr. A.F. was in breach of recognizance by attending at her residence for access with J.A.I.F..	Mr. A.F. was arrested for breach of recognizance, but later released unconditionally because Ms. I.V. invited Mr. A.F. into her apartment	Tab 52, page 1, Common Book – Occurrence report dated Jan. 11, 1997
5	Feb. 8, 1997	Ms. I.V. alleged that J.A.I.F. told her that Mr. A.F. masturbated in front of J.A.I.F..	The police interviewed J.A.I.F. on several occasions, including 2 videotaped interviews, and concluded that there was no evidence to support criminal charges.	Tab 52, page 4, Common Book – Occurrence report dated Feb. 8, 1997 Tab 53, Common Book – Occurrence

report dated Feb. 8,
1997

6	Mar. 18, 1997	Ms. I.V. reported that Mr. A.F. attempted to contact her by phone in breach of recognizance.	PC Preddie attempted to call Mr. A.F., but there was no answer. An occurrence report was filed for information purposes only.	Tab 52, page 8, Common Book – Occurrence report dated Mar. 18, 1997
7	Jan. 6, 1998	Ms. I.V. alleged that she received an obscene phone call from Mr. A.F..	Ms. I.V. was advised to have her phone number changed. Ms. I.V. was re-interviewed on Jan. 28, 1998 and was advised to get a Bell trace if calls continued. No further steps were taken.	Tab 147, page 85, Common Book – Case Note created April 16, 2003
8	Feb. 1, 2001	Ms. I.V. attended at 21 Division to report a fraud.	An occurrence report was filed which states only that Ms. I.V. reports a fraud. No other documents have been produced which indicate that the police took any further steps.	Tab 52, page 11, Common Book – Occurrence report dated Feb. 1, 2001
9	Sep. 23, 2001	Ms. I.V. wanted to file a missing persons report because she did not hear from J.A.I.F. since going with Mr. A.F. on her first overnight visit. Ms. I.V. also told police that she felt Mr. A.F. was going to flee the country.	The police refused to file a report because Mr. A.F. had not violated the court order. The police refused again when Ms. I.V. returned a couple of hours later. Ms. I.V. was advised to return at 5:00 p.m. for the access exchange. The police felt that Ms. I.V. was just trying to disrupt the visit.	Tab 147, page 85, Common Book – Case Note created April 16, 2003
10	Dec. 26, 2001	Ms. I.V. alleged that Mr. A.F. did not bring J.A.I.F. back to 21 Division on time, despite an agreement to change the time of the access visit to allow J.A.I.F. to attend a party.	Mr. A.F. complied with the request of the police to return J.A.I.F. at exactly 9:00 p.m.	Tab 52, page 21, Common Book – Occurrence report dated Dec. 26, 2001
11	Dec. 30,	Ms. I.V. alleged that Mr. A.F. followed J.A.I.F. and	An investigation was conducted, including an	Tab 52, page 24, Common Book –

2001	her after an access visit and assaulted Ms. I.V. behind her apartment building.	interview with J.A.I.F., and concluded that Ms. I.V. was not credible and that she fabricated the incident to gain advantage for herself in court.	Occurrence report dated Dec. 30, 2001
12 Jan. 27, 2002	Ms. I.V. claimed that she was concerned about J.A.I.F. who called her mother crying and complaining.	The police interviewed J.A.I.F. who said that she had not eaten since breakfast the day before and was still feeling sick. J.A.I.F. also stated that Mr. A.F. started yelling and pulled the phone out of the wall so that she could not call her mother. A report was given to CCAS and Peel CAS. No further steps were taken by the police. See call to Peel CAS on same date.	Tab 147, page 107, Common Book – Case Note created Apr. 22, 2003
13 Mar. 6, 2002	Ms. I.V. alleged that Mr. A.F. was following her at the mall.	The police concluded that the incident was unfounded after speaking with Mr. A.F. who was waiting to pick up J.A.I.F. from school then drop her off to Ms. I.V..	Tab 147, page 85, Common Book – Case Note created April 16, 2003
14 Mar. 14, 2002	Ms. I.V. called the police with false allegations of abuse which resulted in 6 officers in 4 cruisers being sent to Mr. A.F.’ home before a trip with J.A.I.F. to the zoo.	After interviewing J.A.I.F. and speaking with Detective Diviere, who was aware of Ms. I.V.’s history of false allegations, PC Molyneaux apologized for disturbing J.A.I.F. and Mr. A.F. and left with the other officers.	Tab 15A, paragraph 7(a), Applicant’s Affidavits Brief
15 Apr. 7, 2002	Ms. I.V. alleged that Mr. A.F. kidnapped J.A.I.F.. Two officers were sent to the home of D.D. and C.D. looking for J.A.I.F..	The police interviewed J.A.I.F., reviewed the interim custody order of Justice O’Connor and apologized for the intrusion.	Testimony of D.D. Tab 15A, paragraph 7(b), Applicant’s Affidavits Brief
16 Jun. 7,	Ms. I.V. alleged that Mr. A.F. falsified court orders	The police contacted the court and found no evidence	Tab 147, page 85, Common Book –

2002	and paid her lawyer to falsify child support documents. Ms. I.V. alleged improper conduct against court staff.	of improper conduct and noted that the minutes of settlement were signed by Ms. I.V.. The police also contacted Mr. Tschinkel who confirmed that he was retained by Ms. I.V. even though she said he was not. The police concluded that the court orders were valid.	Case Note created April 16, 2003
17 Sep. 9, 2002	Ms. I.V. claimed that she was concerned about J.A.I.F..	The police attended at Mr. A.F.' home and saw that J.A.I.F. was in good health and that there were no signs of neglect.	Tab 147, page 85, Common Book – Case Note created April 16, 2003
18 Sep. 29, 2002	Ms. I.V. alleged that Mr. A.F. had disappeared with J.A.I.F. and was neglecting her.	The police attended at Mr. A.F.' residence at approximately 12:50 a.m. and informed Mr. A.F. of the allegation and again at approximately 10:00 a.m. to interview J.A.I.F. and confirm that she was in good health and that there were no signs of neglect.	Tab 155, Common Book – Occurrence report dated Sep. 29, 2002 Tab 15A, paragraph 7(c), Applicant's Affidavits Brief
19 Sep. 30, 2002	Ms. I.V. claimed that she could not contact J.A.I.F. while she was at Mr. A.F.' home and wanted to file a missing persons report.	Ms. I.V. was advised that Mr. A.F. had custody in accordance with the court order and that she should contact her lawyer.	Tab 147, page 85, Common Book – Case Note created April 16, 2003
20 Jan. 9, 2003	Ms. I.V. contacted the police and two officers attended at Mr. A.F.' home to confirm that J.A.I.F. was with him.	After seeing J.A.I.F., the officers apologized and left.	Tab 155, Common Book – Occurrence report dated Jan. 9, 2003 Tab 15A, paragraph 7(d), Applicant's Affidavits Brief
21 Mar. 15, 2003	Ms. I.V. alleged that Mr.	Ms. I.V. stated that she	Tab 147, page 85,

□	<p>A.F. committed criminal acts and abused J.A.I.F.. Ms. I.V. provided the police with a videotaped statement alleging that Mr. A.F. intimidated her lawyers until they refused to work for her, wrote false letters to her employers which lead to her dismissal, falsified court orders to obtain custody, threatened to write letters to her current employers if she contacted the police, transferred all of his property to third parties, threatened to remove J.A.I.F. to India,</p>	<p>never saw signs of physical injuries and that the incidents took place over a lengthy period of time. None were supported by documentary evidence.</p>	<p>Common Book – Case Note created April 16, 2003</p>
22	<p>Mar. 20, 2003</p> <p>Ms. I.V. alleged that Mr. A.F. threatened J.A.I.F..</p>	<p>Detective MacDonald attended at J.A.I.F.'s school to interview her. No further action was taken.</p>	<p>Para. 121, Ms. I.V.'s diary dated Apr. 24, 2005.</p> <p>Tab 15A, paragraph 7(e), Applicant's Affidavits Brief</p>
23	<p>May 20, 2003</p> <p>Two police officers were sent to Mr. A.F.' home to investigate another allegation of abuse by Ms. I.V..</p>	<p>The officers saw that J.A.I.F. was fine, apologized and left.</p>	<p>Tab 15A, para 7(f), Applicant's Affidavits Brief</p>
24	<p>Jun. 11, 2003</p> <p>Ms. I.V. alleged that J.A.I.F. told her that Mr. A.F. hit J.A.I.F. on her forearms, leaving bruises.</p>	<p>An investigation was conducted and Mr. A.F. was cautioned. Dr. Ghazala testified she now doubts the explanation given to her by J.A.I.F. as to how the bruised occurred.</p>	<p>Tab 157, Common Book – Occurrence report dated Jun. 14, 2003</p> <p>Cross-examination of Dr. Ghazala</p>
25	<p>Jun. 22, 2003</p> <p>Ms. I.V. reported that she was concerned for J.A.I.F.'s safety. Two officers were sent to Mr. A.F.' residence.</p>	<p>The police spoke briefly with J.A.I.F. and determined that she was safe.</p>	<p>Tab 15A, paragraph 7(g), Applicant's Affidavits Brief</p>

26	Jul. 27, 2003	Ms. I.V. alleged that Mr. A.F. showed up totally drunk to pick up J.A.I.F. at 7:17 p.m. at her apartment.	Ms. I.V. claimed that officers #2364 and #2587 called, but Mr. A.F. switched off both of his phones. No record has been produced indicating any action taken by the police.	Para. 220, Ms. I.V.'s diary dated Apr. 24, 2005
27	Aug. 2, 2003	Ms. I.V. alleged that F. showed up drunk to pick up J.A.I.F. at 9:40 p.m. instead of 9:00 p.m. and ran to the washroom in the police station to vomit.	Ms. I.V. claimed that officers #2647, #2541 and #1094 called but could not get him on the phone and that 2 officers went out to check on him, but he drove away as fast as possible. No record has been produced indicating any action taken by the police.	Para. 221, Ms. I.V.'s diary dated Apr. 24, 2005
28	Aug. 15, 2003	Ms. I.V. alleged that Mr. A.F. refused to bring J.A.I.F. to Brampton despite an "official agreement".	Ms. I.V. claimed that she went to Scarborough to pick J.A.I.F. up at 42 Division, but could not find her. She also claimed that Staff Sergeant Reagan and CCAS called Mr. A.F., but there was no answer. No record has been produced indicating any action taken by the police.	Para. 227, Ms. I.V.'s diary dated Apr. 24, 2005
29	Dec. 20, 2003	Ms. I.V. alleged that Mr. A.F. failed to bring J.A.I.F. to Brampton. She also alleged that he used to carry a gun because he was a Federal Government employee, but was fired.	Two officers attended at Mr. A.F.' residence. The officers accepted Mr. A.F.' explanation that the access times were changed by agreement between the parties.	Tab 73, Common Book – Transcript of telephone conversation between Ms. I.V. and a Police Communications Operator. Tab 158, Common Book – Occurrence report dated Dec. 20, 2003

30 Aug. 20, 2004	Ms. I.V. alleged that Mr. A.F. refused to bring J.A.I.F. to Brampton.	Ms. I.V. claimed that when she attended at Mr. A.F.' residence with officers #8499 and #8742 from 42 Division, Mr. A.F. came out and yelled at her and the officers. She claimed that J.A.I.F. said that she wanted to go and ran out of the house. No record has been produced indicating any action taken by the police.	Page 73, Ms. I.V.'s diary dated Apr. 24, 2005
31 Apr. 23, 2005	Ms. I.V. alleged that Mr. A.F. systematically denied phone access for 4 days.	She claimed that officers #8354 and #8326 from 42 Division attended at Mr. A.F.' home and reported that J.A.I.F. seemed to be fine and was watching cartoons. She further claimed that Mr. A.F. advised that she could call before 9:00 p.m. and that when she called from the station at 2:30 p.m., Mr. A.F. answered and said, "fuck off bitch" and hung up. No record has been produced indicating any action taken by the police.	Page 97, Ms. I.V.'s diary dated Apr. 24, 2005

[36] During the four year period of the supervised access order, the applicant attended each visit and spent positive, appropriate, loving time with his daughter. This court heard the testimony of Ms. Howe, the supervisor of the Peel Supervision Project. Ms. Howe has 18 years of experience with C.A.S.

[37] The respondent was clearly unhappy about Ms. Howe's positive reports and so the respondent wrote at the time to Ms. Howe's supervisor making false and malicious allegations against Ms. Howe. She accused Ms. Howe of:

- (1) taking money from male clients for good reports,
- (2) asking men if they were married or single,
- (3) meeting men (who were being supervised) outside of the centre,
- (4) and accused Ms. Howe of disliking women in general and favouring abusive men.

[44] The respondent has manipulated the police repeatedly to try to obtain an advantage in this proceeding. She initially had some success in appearing to be the victim. This success fuelled her.

[73] Ms. I.V. testified at trial that the police drew a gun on her on this occasion but denied that they placed the gun to her head. However, in her cross-examination on April 20, 2005 at line 3762. She swore under oath that the officer put a gun to her head twice. She changed her story at trial under cross-examination. When confronted with the transcript she then testified that the police handcuffed her and at that time the police officer had a gun to her head. She testified that the police officer was running around her apartment with a drawn gun. She testified that she considers this police enforcement of this Court's order "an abduction". Her evidence was totally incredible.

[81] The court orders that:

1. The applicant (father) shall have sole custody of the child J.A.I.F., born [...], 1993.
2. The respondent (mother) shall have supervised access with the child
3. The respondent shall pay child support to the applicant in the amount of \$ 421.00 based upon her present salary of \$49,000.00 per year.
12. The respondent shall pay a fine of \$5,000.00 to the Treasurer of Ontario forthwith with respect to her contempt

[82] I decline to make a further punitive order of \$65,000.00 as requested by the applicant and a fine in the excessive amount of \$250,000.00 (suspended). It is clear that the respondent has suffered at the loss of her daughter's custody

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The parents currently jointly parent their children under the order of Justice Belch dated April 10, 2002, which was granted on the consent of both parties. The parties had reached final Minutes of Settlement on July 12, 2001. As can be seen from tabs 6 and 7 of the trial record those Minutes of Settlement were finally incorporated into the order of April 10, 2002, which provides, among other things, for the parties to have joint custody of their children with primary residence shared equally with the children moving from one parent's residence to the other on a weekly rotation

For Mr. P.S. this was his second marriage. He had two children from his first marriage who were in the custody of their mother. For Ms. J.S. this was her first marriage. After the birth of the three children and a marriage of some six years, the parties finally separated in December of 1998. The final physical separation occurred after Mr. P.S. physically assaulted Ms. J.S. and was removed from the home by the police.

The evidence demonstrates that by the end of December 1998, Ms. J.S. was equally unhappy in her marriage but at trial did not recognize any personal responsibility for the sad state of affairs. She saw that it was rooted in her husband's abuse of alcohol and behaviour from the very beginning of their marriage

[9] In February of 1999, Mr. P.S. pleaded guilty to an assault charge against his wife and was placed on probation with a number of conditions, including anger management and the stopping of access to the children if Ms. J.S. felt physically threatened.

[12] The next significant event occurred when Ms. J.S. was hospitalized at the Queensway-Carleton Hospital in the spring of 1999, having suffered "major depression". Ms. J.S. was hospitalized for a six-week period. During this period, Mr. P.S. moved back into the matrimonial home to care for the children. After a period of time, Ms. J.S. was able to return to the home on weekends to be with the children. Mr. P.S. would then vacate the home for the weekend.

[14] It was during Ms. J.S.'s hospital stay that her allegations of Mr. P.S.'s inappropriate sexual behaviour with the children began to surface. As a result, the Children's Aid Society of Ottawa (the Society) became involved through contact from Ms. J.S. and from other professionals with whom Ms. J.S. had communicated her allegations

[14] It was during Ms. J.S.'s hospital stay that her allegations of Mr. P.S.'s inappropriate sexual behaviour with the children began to surface. As a result, the Children's Aid Society of Ottawa (the Society) became involved through contact from Ms. J.S. and from other professionals with whom Ms. J.S. had communicated her allegations

[31] On May 7, 2001, after a contested motion, I granted temporary joint custody of the children to the parties. The children continued to reside with their mother but had access to their father from Fridays after school until Monday mornings, three weekends per month in addition to one overnight per week.

[34] Mr. P.S. began to fear for the effect that the existing regime was having on the children. Consequently, he started these proceedings in June of 2003 seeking sole custody of the children. As indicated, in the beginning, Ms. J.S. contested Mr. P.S.'s motion. She filed her own cross-motion in September of 2003 requesting various items of relief, including a restraining order, a contempt order and an order for damages against Mr. P.S.

[59] Sadly, this trial does seem to have brought both parents to one common understanding. That is that

they both now agree that joint custody cannot work in this case,

[60] There is substantial case law to support the conclusion that in a case where there is intense conflict between the parents and no basis for cooperation then joint custody cannot be found to be in the best interests of children.

[94] The same can be said about the allegations of sexual impropriety. The evidence unequivocally shows that these allegations too should be put to rest. Once again, Ms. J.S. has continued to raise them and rely on them in her conflict with Mr. P.S. for far too long. There is also evidence to indicate that in the course of these long proceedings Ms. J.S. had not been completely candid with the court as to the status of the sexual abuse investigations. The fact that the Society had closed its case on the sexual abuse allegations when the parties appeared before Master Schreider in July of 1999 should have been communicated to the court.

[95] Equally, much has been made by Mr. P.S. about the diagnosis of Ms. J.S. as having a “narcissistic personality disorder” that was made by Dr. Crowe at the time of her admittance to the Queensway-Carleton Hospital in the spring of 1999 (see exhibit #37).

The following are only some examples of such conduct and lack of judgment that was completely within her control.

- (a) Her inability to recognize the children’s need to see their father and the children’s need to foster their relationship with their father
- (b) Her indiscriminate use of the police and her discussions with the children about calling the police to resolve the details of the conflicts between herself and Mr. P.S.;
- (c) Her failure to shield the children from Mr. C.Y.’s identification with her matrimonial conflict and his unacceptable aggressive and negative treatment of the children’s father.

[109] For the above reasons, I ordered on April 14, 2005 that, in the best interests of the children, Mr. P.S. be granted sole custody of the three S. children

Zeoli v. Field, 2003 CanLII 2361 (ON S.C.)

[2] The father testified that he commenced a relationship with the mother in 1999 and that although they resided together, Ms. Field was his housekeeper with whom he had limited sexual contact. Ms. Field testified that they lived in a common law union until Mr. Zeoli commenced a relationship with Michelle Molloy, with whom he now resides in a common law relationship.

[3] Whatever the extent of their sexual contact, Ms. Field became pregnant and their relationship

became tumultuous due to their conflicting values and priorities. Mr. Zeoli claims that even when she knew she was pregnant, Ms. Field continued to smoke cigarettes as well as marijuana and her substance abuse became a source of raw conflict between them. After Dante was born, Mr. Zeoli was so concerned about the baby's welfare that a routine developed where he would take the child each morning to the home of his girl friend, Michelle Molloy, who lived in Dundas with her parents. Mr. Zeoli would care for Dante until approximately 4 o'clock in the afternoon, at which time, he would drop the child off at his parents' home in St. Catharines. His mother, Domenica Zeoli, would then look after the child, until Ms. Field picked him up. Sometimes, Ms. Field would pick up Dante around 6.30 or 7 pm. However, frequently, she would not arrive until later and the child would have to be awakened to go to his home with his mother. Mrs. Zeoli testified that sometimes when Ms. Field came, she was under the influence of drugs or alcohol. This routine was faithfully followed for the first 1½ years of the child's life. The parties separated in June 2001 and relations between the two parents worsened considerably thereafter.

[4] Dante however was not Ms. Field's first child. Prior to her relationship with Mr. Zeoli, Ms. Field already had given birth to another child, Antonio, who was fathered by Philip Iuliani. She and Mr. Iuliani advanced competing custody claims of Antonio but ultimately the father secured sole custody of this child. Ms. Field has alternating weekend access.

5] Once separated, the relationship between Mr. Zeoli and Ms. Field became acrimonious and violent. Mr. Zeoli testified that he was physically attacked by Ms. Field on several occasions when he was holding the baby although he never laid charges against her. His evidence in this regard, is supported by Ron Bell, who was an eyewitness to two of these attacks.

Mr. Zeoli reported incidents of child abuse to the CAS on several occasions and although his allegations were investigated, the CAS was not able to verify his complaints. However, I am satisfied that many of Mr. Zeoli's complaints were valid.

Various photographs were filed as exhibits illustrating the condition of several of the 4 residences which Ms. Field has had over a span of approximately two years. The photographs speak for themselves, and although Ms. Field explained that these photos exhibited conditions created by others, I do not believe or accept her evidence on this issue. I believe and accept the evidence of Nick D'Amelio and Kari Syri, two of her landlords, that Ms. Field had been an irresponsible and delinquent tenant who not only did not pay her rent on time, but in addition, permitted the premises to fall into such a deplorable state that at least at times, the premises were barely fit for occupation.

[8] In addition, Ms. Field has a history of drug abuse. Although she denies it, I am satisfied that she has been a chronic user of drugs and quite recently was continuing to use illegal substances and perhaps to even traffic in them.

On two separate occasions, once in January and once in October 2000, Ms. Field was so negligent in the care of her child that he was able to get outside when he was completely naked while she slept or was trying to recover from the effects of her lifestyle. In the one instance the child was returned to the

mother by the police and in the other case, by Rob McIntyre, who was a neighbour. The lack of proper supervision could have led to serious harm.

As previously indicated, she deceived the motions court about her landlord and tenant status to preserve her custodial claim and she lied to CAS workers about the lack of supervision incidents to ensure that they did not take Dante into protective custody.

[9] In addition, although the mother denies using physical force on her child, I reject her evidence in this regard and accept the testimony of Sheryl Penner, Erik Schonewille and Taylor Penner Zuk

[10] I also regret to conclude that the mother has used the child to accommodate her own agenda.

When the father became increasingly critical of the mother's life style and her neglect of the child, and perhaps also because he had become involved with another woman, Ms. Field had Mr. Zeoli charged with criminal offences. In the aftermath of those charges, she misled the family court into believing that curtailment and supervision of the father's access was necessary and appropriate.

When it became necessary to protect her own custodial claim, she permitted the family court to believe that Mr. Zeoli had abducted the child when she knew very well that no such abduction had occurred.

Ms. Field has alleged serious allegations against Mr. Zeoli. The most serious is that he is a drug dealer and that it is only a question of time, before he is charged and convicted of drug offences. She also predicts that he will also be charged with possession of a prohibited weapon, (AK-47).

[11] With regard to the criminal charges laid against Mr. Zeoli, there were two sets of criminal charges arising out of their domestic relations. The first set of charges was withdrawn by the Crown at Ms. Field's insistence. Although Ms. Field claimed that she was pressured by Mr. Zeoli to drop the charges and was counseled by Mr. Zeoli's counsel to do so, I prefer and accept the evidence of Ms. Sandulak, that it was Ms. Field who initiated the withdrawal of the charges. The second set of charges was defended by Mr. Zeoli and all of the charges were dismissed. Accordingly, it is clear that Ms. Field has abused the criminal justice system to advance her own personal interests.

[24] Although the Children's Lawyers Office intervened in this action to file a report which recommends custody to the mother, I am not satisfied that the review conducted by that office was sufficiently informed to warrant my acceptance of the recommendation. The report relied on the fact that Dante has lived for the past 1 ½ years with his mother, but did not seem to take into account that the change in the child's care was triggered by misrepresentations by the mother that led to restricted and supervised access.

I award custody of Dante jointly to the applicant, his mother Domenica and Michelle Molloy, principal residence of the child to be with the father.

Hockey-Sweeney v. Sweeney, 2002 CanLII 2721 (ON S.C.)

[1] Louise Helen Hockey-Sweeney (Louise) caused a petition for divorce to issue against her husband, Lawrence Percival Sweeney (Lawrence), dated September 28, 1999. Lawrence delivered a counterpetition. There were many interim motions. The trial took place over five weeks between May 13

[10] In the fall of 1998 Louise fell in love with Greg Ogier, who was her next door neighbour. Greg Ogier is a homosexual. He did not reciprocate the intense feelings that Louise had for him. Greg Ogier did not testify. However, it is obvious that he readily agreed with Lawrence that the relationship between him and Louise must terminate. When she continued to pursue the relationship he delivered a letter to her dated May 29, 1999 in which he warned her that if she continued to pursue him he would seek protection from the police. A year later he brought an application against Louise for a peace bond. This was granted after a trial in November, 2000 for one year. Louise still has strong feelings for Greg Ogier, which are reflected in a recent letter to him and also in her evidence and submissions at the trial. After receiving the letter dated May 29, 1999 Louise vowed revenge against her husband for interfering with her relationship with Greg Ogier. She set out her intentions clearly in her novel, "In Perspective – Bitch to Bitch". In pursuit of this objective she caused a petition for divorce to issue dated September 28, 1999 in which she sought a divorce on the grounds of adultery based on an alleged homosexual relationship between Lawrence and Greg Ogier. She had no evidence to support this. It was a complete fabrication.

[12] Louise was represented in the proceedings prior to trial by eight lawyers in succession. There were many motions. An orders brief was filed at the trial containing 16 orders.

[17] Louise's position throughout was that Lawrence had enormous hidden wealth. I made the following findings of fact:

It is my view that Lawrence has no hidden assets. It is also my view that Louise knows this and has always known this

In pursuing alleged hidden assets by her husband, Louise was pursuing a secondary agenda. Her objective was to prolong the trial and thereby increase her husband's legal fees.

[18] Louise's objective throughout these proceedings was to embarrass her husband and to cause him to incur substantial legal fees. Her conduct from the date of the issue of the petition for divorce to the end of the trial made it apparent that this was her objective as confirmed by the above memorandum

[27] She made allegations of assault, intentional infliction of mental suffering and a homosexual adulterous relationship against Lawrence. She alleged that he was hiding assets and income. She had no

credible evidence to support any of these allegations. She made factual allegations against Lawrence which, if believed, would support an inference of attempted murder of her by Lawrence although she said that she was not prepared to go this far. She could not offer any suggestion as to any other inference that the court might draw as a reason why she gave this evidence.

[30] Louise has net assets of perhaps \$300,000 which she could make liquid. She squandered several hundred thousand dollars on legal fees pursuing hidden assets of her husband that do not exist and which she knows do not exist.

[39] Any litigant who attempts to use the court for a purpose other than the resolution of honest differences between the parties on the facts or the law or both must suffer the consequences in costs.

[40] Louise shall pay costs to Lawrence set in the amount of \$200,000

Male Joint Custody After Domestic Violence Allegations.

In this study, 9 cases were found where joint custody was given after allegations of domestic abuse against the husband. The cases are as follows.

	Custody of Children	Outcome
1	<i>Ruscinski v. Ruscinski</i> , 2006 CanLII 9982 (ON S.C.)	j Restraining order for assault, 5 K damages, court denies permanent restraining order, supervised access changed to joint custody with primary residence with wife, 2.3 K per month total support, wife gets exclusive possession of home
2	<i>L.P.G.M. v. J.M.</i> , 2006 CanLII 5455	j Man catches wife changing locks on

	(ON S.C.)		house and sprays liquid soap on her and mother, convicted of assault, wife tries to have him arrested 4 more times, 5 Children Aids complaints by wife, wife witholds access and is in contempt, sole custody changed to joint,
3	<i>Dafoe v. Dafoe</i> , 2005 CanLII 19821 (ON S.C.)	j	Man convicted of assault, wife gets ex parte order for custody and supervised access, children move in with father and joint custody ordered
4	<i>Lavigne v. MacCaskill</i> , 2003 CanLII 2014 (ON S.C.)	j	Wife falsely alleges assault and theft, child testifies wife is abusive, joint custody
5	<i>Maceus-Agyekum v. Agyekum</i> , 2005 CanLII 10539 (ON S.C.)	j	Man convicted of assault, anger management courses, joint custody with primary residence to wife, paid 380 K equalization, 20 K lump sum retroactive spousal support arrears, 34 K retroactive child support arrears, 1.1 K per month child support
6	<i>J.B. v. A.B.</i> , 2006 CanLII 12294 (ON S.C.)	j	Husband takes peace bond for uttering threat, wife claims other incidents of abuse
7	<i>Young v. O'Neil</i> , 2003 CanLII 2370 (ON S.C.)	j	Restraining order for harassment, arrears of support
8	<i>Kirsteins v. Kirsteins</i> , 2004 CanLII 36077 (ON S.C.)	j	Mutual allegations mutual non harassment order, son testifies mothers allegations aren't true, joint custody with primary residence with wife, 1.8 K per month total support
9	<i>Takis v. Takis</i> , 2002 CanLII 2818 (ON S.C.)	j	Wife says husband makes her engage in sex parties, husband says wife took drugs and tried to commit suicide

It has already been noted the odds of joint custody for men dropped by over 1 /4 when domestic violence allegations were made against them as compared to the rate for the general population. An examination of these cases shows that 3 of them had children who were old enough to choose to live

with their father. In another the wife had psychiatric problems. 2 cases were settled by agreement of the parties. Events that were extraneous to the actual litigation were significant to these decisions of joint custody.

Male Supervised Access to Children After Domestic Violence Allegations

From the earlier study in this series on Superior Court Penalties, an appraisal of the entire Canlii database was done for supervised access cases. The results were as follows. The cases used in this study are listed in Appendix 1

For family cases where supervision of access was an issue the outcomes were as follows

Party	Number of cases	Joint or sole custody	Unsupervised access ordered	Supervised access continues	Access terminated
Male	45	2	14	24	5
Female	8	2	3	2	1

Summarized in percentage terms

Party	Number of cases	Joint or ..sole custody	Unsupervised . access ordered	Supervised ...access continues	Access terminated
Male	100	4.4	31.1	53.3	11.1
Female	100	25.0	37.5	25.0	12.5

In the current study, 23 cases were identified where supervised access was imposed on males, and 8 cases where access was denied. Cases where domestic violence was alleged therefore involve ($23 / 45 \times 100 = 51.1\%$) 51.1 % of the total male database for supervised access. Just over half of the cases where supervised access was imposed involved allegations of domestic violence. When duplicates were adjusted, 22.1 % of cases where domestic violence was alleged brought about a major access restriction. As can be seen from the statistics from the general population, the odds of sole or joint custody were low when supervised access was ordered. Domestic assault allegations increased the odds of supervised access substantially. It also appears that the extreme cases where custody reversals happened in this study are responsible for the recovery from supervised to sole or joint custody in the general population. All 5 cases where access was terminated after supervision involved allegations of domestic violence. Of the 3 other cases found in this study where access was denied, 2 involved incarceration. The third involved criminal allegations of another nature.

I C Domestic Violence Allegations against Women in Divorce Cases

Domestic violence allegations against women were not nearly as common as allegations against men. Only 13 examples could be found. In comparison there were 134 allegations against men. That's a rate

of 10.3 to 1 In the victims reports from the general population depicted by Statistics Canada in it's 1999 General Social Survey, the rate was determined to be 1.14 to 1 (5 year average). Police reports in the Uniform Crime Reporting survey data from 1999 and 2000 show a 7.5 to 1 arrest rate. Either men are more violent on divorce than average, or women make allegations to gain advantage. The data would not support the proposition men are more violent. Records from the UCR survey and that of the Edmonton Police for the first half of 2001 show that that most men were arrested with no evidence of injuries. Most violence was committed by cohabiting men, not married or divorced. Half the charges in criminal court were acquitted. It would be hard to expect greater honesty on divorce where allegations may bring personal gain.

Another obvious detail is that the effects of allegations on custody and access were not as severe for women. 9 out of 13 got sole custody and 2 more got joint custody. Two were put on temporary supervised access, and no women were denied access to their children as a result of allegations.

It would also appear that allegations against women had to be substantiated by a criminal charge or court ruling, given the sparsity and description of these cases from the divorce database. In contrast the statistics showed that men must actually obtain a ruling disproving allegations, and the allegations need not be backed up by criminal charges. No men who could not disprove allegations received custody, whereas women received custody even if they'd been charged and convicted.

	Custody of Children	Outcome
1	m	Wife rams husbands car, arrested for impaired driving, wife is jailed for stalking, Chilrens Lawyer recomends joint custody, husband gets custody, temporary supervised access
2	w	Woman has called mans work, and influenced children, and called police, man has yelled and been angry , wife gets custody, 2.2 K per month total support,
3	w	Wife charged with assault pleads guilty, wife imprisoned for 30 days, wife gets supervised access, then unsupervised,

Fredriksen v. Lehane, 2003 CanLII 2122 (ON S.C.)

Kerr v. Kerr, 2005 CanLII 16613 (ON S.C.)

J.E.H. v. W.V.D., 2004 CanLII 16460 (ON S.C.)

			then sole custody
4	<i>Monague v. Monague</i> , 2005 CanLII 33584 (ON S.C.)	w	Wife charged with assault, takes children and leaves, wife gets custody
		j	Mutual allegations, son testifies mother is lying and assaulted him, refuses to live with her, joint custody, father pays \$ 1000 spousal support and \$ 783 child support per month
5	<i>Kirsteins v. Kirsteins</i> , 2004 CanLII 36077 (ON S.C.)		
6	<i>Shaw v. Shaw</i> , 2005 CanLII 18878 (ON S.C.)	m	Non harassment order against wife, man gets custody
		w	Father has made numerous complaints to police and contempt motions, claims wife has abused and assaulted children, he is ruled aggressive and controlling, wife gets custody
7	<i>Purves v. Purves</i> , 2004 CanLII 6249 (ON S.C.)		
8	<i>Collins v. Trimble</i> , 2005 CanLII 25109 (ON S.C.)	m	After separation wife charged with assault, man gets custody
		w	Mutual non harassment order, both charged with assault, charges against wife withdrawn, man signs peace bond, wife gets custody
9	<i>Richards v. Burch</i> , 2003 CanLII 2223 (ON S.C.)		
10			
11	<i>Sawyers v. McKechnie</i> , 2003 CanLII 2232 (ON S.C.)	w	Both parents charged with assault, woman gets custody
12			
		w	Wife is charged with assault and says man assaulted her, court gives mutual restraining order, wife gets custody, 4 K per month total support
13	<i>Fair v. Fair</i> , 2004 CanLII 16762 (ON S.C.)		

Conclusions

91.2 % of domestic violence allegations in the divorce database were against men. Allegations against men decreased their odds of custody by 43 %. They decreased odds of joint custody by 28.1 % and increased odds of female custody by 8.8 %. Allegations against women decreased their odds of custody by 14.2 %. They increased the odds of joint custody by 48.1 % ($100 - [15.5 / 10.3 \times 100] = 48.1 \%$) and increased odds of male custody by 75.0 %. However the court only took note of allegation against females at a rate of 10.3 to 1 compared to men. Higher than the 7.5 to 1 rate of arrest statistics. 8 times higher than the victim report rate of 1.14 to 1. The only women primarily affected were examples of extreme cases where it was plain and obvious that they suffered from some sort of problems which would bring their fitness into question. Allegations of domestic assault also resulted in a high rate of men receiving supervised access or being denied access altogether. Once such measures were emplaced, recovery to joint or sole custody was difficult.. Females in this study were not similarly affected.

It can be seen that there is substantial incentive for divorcing couples to make allegations to enhance their odds at getting custody of children. Domestic violence allegations exceeded any of the data in any of the penalty categories studied such as imputed income or default. It would indicate that these allegations are common features of divorce actions. They may also affect other issues such as access to children, or possession of the family home. Monetary awards may also be given for violence allegations. Even if the party accused is acquitted in criminal court. There is no record of a man ever receiving an award. The next segment will show that even where it is not a direct issue these allegations may play a significant indirect role through government agencies and third parties.

ID Government Agency Influences

Sometimes the family court rules directly on offenses and allegations. Administrative offenses may

have some impact on custody and access. Criminal allegations may be impossible to ignore or defer to the provincial court. The link between rulings and allegations is often not as direct. In a large number of cases custody assessments are ordered. Private assessors can be very costly and frequently assessments are done by government agencies. Court decisions do not always follow the reports of assessors but they are often highly influential. The most significant government agencies involved in the family law regime are the Childrens Aid Society and the Office of the Childrens Lawyer.

The Childrens Aid is not usually contacted to do formal assessments, however may become involved through private allegations, or at the request of the court to conduct an investigation or risk assessment. Given the more serious nature, Childrens Aid reports are generally followed. Assessments done by the Office of the Childrens Lawyer are more directly focused on resolution, though the cases indicate the court feels slightly more latitude in accepting or rejecting their conclusions. In review, it would appear that criminal allegations, - particularly those of domestic violence, - carry much weight in their reports. So the family court itself may not litigate criminal issues but may rely on reports from government agencies which use it as a major criteria. A male accused of domestic violence may not only need to convince 2 courts he is innocent but a custody assessor as well. And innocence may not be the most important fact. That may be the level of conflict between the 2 parties. A criteria that may be beyond the control of one of the parties and used to advantage by the other. Since half the reports that result in charges by the police are deemed of insufficient evidence for conviction it shows that there may be little factual basis for such determinations.

Data from the Ontario Court of Justice has been included in this segment as it appears that many protection cases go to that court instead. Further, many divorces in remote areas where there is no Superior Court of Justice are conducted in the Ontario Court. This data is in no way meant to be quantitative. It is to illustrate the attitudes of these agencies that are often involved and respected. Cases where the Childrens Aid had recommended custody or joint custody to males could be found though very rare. The Office of the Childrens Lawyer appears to have even more cases where men were given favorable recommendations however they were still the vast minority. Usually the mother had to have some major flaw as a parent before the father was considered. It must be concluded that allegations of violence and abuse are a major consideration in the process.

The Childrens Aid Society

C.J.A. v. L.R.G., 2004 CanLII 18593 (ON S.C.)

[4] On March 22, 2000 the court ordered that the wife have custody of the two children and the husband would have generous access.

[6] In July 2002 the wife was charged with impaired driving while the two children were with her in her car. She eventually pleaded guilty to the charge. As a result of this incident the Children's Aid Society in Halton took the children into their care and released them to the father's care.

[7] The wife entered into extensive rehabilitation programs and in October 2002 the Children's Aid Society determined that the children were no longer in need of protection and in November the Children's Aid Society advised the Court that they were content that the children be returned to the custody of the wife.

[8] The husband would not consent to the return of the children to the wife. The Children's Aid Society brought a motion returnable February 25, 2003 to have the children returned to the wife and it was at that time that the husband consented to the order.

Kawartha-Haliburton Children's Aid Society v. V. C., 2003 CanLII 2292 (ON S.C.)

Kay Roberts was concerned for the children and she contacted the Children's Aid Society. Ms. Roberts confirmed that V.C. told her that C.A. had to smoke dope in order to be able to care for D.C. Ms. Roberts also confirmed that on several occasions, V.C. told her that C.A. had threatened to leave and take the children such that she would not see the children again.

Ms. B. E. testified to the fact that V.C. was a different person before she met and lived with C.A. In her prior life, she described V.C. as a good mother who kept a clean home and clean children. After she met and lived with C.A., V.C.'s home was so unsavoury that B.E. rarely would go into it, always visiting by sitting outside.

[36] As a result of Ms. Forest's observations, she could not support V.C.'s parenting skills while V.C. was in a relationship with C.A. She advised that she believed that V.C. was unable to do what she needed as a parent while she was living with C.A.

[42] V.C.'s evidence was to the effect that the Children's Aid Society was unnecessarily intrusive in their affairs.

Upon review of the evidence, I find the evidence of the workers was more plausible than that of V.C.

[110] These children are entitled to have stability and live in a healthy environment. Given the fact that the evidence points to a tenuous attachment between the children and the parents, there is no need to offer the children institutional care by awarding access to the parents.

Children's Aid Society of Algoma v. N.(R.) (No. 2), 2000 CanLII 17228 (ON C.J.)

Father had interim care and custody of 3 children under terms of supervision by children's aid society when he was convicted for offences that earned him prison time during which children came into care of children's aid society — Upon his discharge, father sought children's return to his interim care — Father had never made arrangements for children's care when he was arrested — His history of impulsiveness, his indifference to consequences for himself or for his children and his refusal to cooperate with any authority such as children's aid society meant that supervision order would likely be ineffective, regardless of conditions imposed — In fact, father's undisciplined behaviour was at heart of troubles that drove this case — Finally, upon his discharge from prison, father had no accommodations for children even if they were returned to him

Just before her brief arrest on questionable criminal charge, mother had made arrangement for her daughter's care by another person from whom children's aid society thereafter apprehended child — Society never contended that mother's emergency care arrangement was somehow improper or created risk of harm to child — Likewise, court had no basis for inference that her alleged inability to control her own behaviour in this incident showed recklessness to risk of arrest with consequent inability to care for child — Society's affidavit of information and belief that merely repeated information about incident from police office that, in turn, repeated information from yet another person carried less weight than mother's first-hand account of this incident — Court directed child's interim return to mother subject to society supervision.

Children's Aid Society of Thunder Bay v. K.(K.), 2006 ONCJ 158 (CanLII)

[10] On 14 March 2005, the society received information that Ms. K.K. had given birth to a boy, D.F., on 12 March 2005. It was later revealed that Ms. K.K. gave birth to the child in the bathroom of her residence and that the child had fallen and hit his head on the floor during birth. At this time, Ms. K.K. and Mr. A.F. were still in a relationship and wanted to parent D.F. Contrary to her evidence at trial one month earlier, Ms. K.K. indicated she had no concerns regarding Mr. A.F.'s anger problems and domestic violence.

Ms. Brassard expressed the following concerns about the parents based on her interaction with them at her office, at their home and during access visits:

1. Mr. A.F. continues to have anger management problems. He has poor impulse control and is verbally aggressive to society staff and Ms. K.K.
2. Mr. A.F.'s parenting skills are suspect. He is intrusive, he has a low tolerance when D.F. is in distress and is critical and sarcastic towards Ms. K.K.
3. Mr. A.F. has not addressed his issues surrounding domestic violence.
4. Ms. K.K. lacks confidence and self-esteem. She continues to be victimized by Mr. A.F., although she has admitted to instances of verbal and physical aggression towards Mr. A.F.

If Ms. K.K. maintains her relationship with Mr. A.F. and does not address her parenting deficiencies, either through parenting courses or individual counselling, Ms. Brassard believes that D.F. remains at risk

Windsor-Essex Children's Aid Society v. J.(K.), 2005 ONCJ 270 (CanLII)

[11] The society's account of the charges of assault brought by the mother and the father consists of hearsay from the children and statements of denial and explanations offered by the mother or father. There is little to no investigative analysis reflected in the society's material.

[33] I am satisfied that the children's best interests can be maintained by having them remain in their mother's care, subject to the following terms and conditions and subject to an interim order of supervision in favour of the applicant society.

[34] The following order shall issue:

1. The mother shall have no direct or indirect association or communication with the father pending this adjournment.

[35] As for the father's access, I have the following to say: The unfortunate events of 2 October 2005 have now appeared to result in an allegation of assault against the father. This court is mindful of his concerns related to access and his prolonged separation from the children. In light of the undertaking that he has executed, I will not make an order that would be inconsistent with the terms of his release. For that reason, I make no order for access in his favour at this time.

Catholic Children's Aid Society of Toronto v. B.(S.M.), 2004 ONCJ 444 (CanLII)

The society alleges that, when C.B. was four months old and while he and his sister J.B. were in the care of their mother, Mrs. Su. M.B. shook C.B. and inflicted permanent brain damage. The other members of the family, Mr. F.B. (father), Mrs. M. Ca. (maternal grandmother) and Mr. Li. C. (maternal uncle) were at work. The society now wishes to provide permanency planning for both C.B. and J.B. by way of adoption.

[2] Both parents filed answers seeking return of the children to their care. Prior to the trial, Mr. F.B. consented to the finding in need of protection and a Crown wardship order. At the trial, Mr. F.B.'s position was that he wished to maintain an access relationship with his children.

[33] In December 2002, Mr. F.B. left the family home. He filed a motion and plan of care with the court seeking return of the children and unsupervised Christmas access. The case management judge denied Mr. F.B. the relief sought. Mr. F.B. then filed a second plan of care, which was subsequently withdrawn. In March 2003, Mr. F.B. consented to a finding in need of protection and an order of Crown wardship.

[149] Dr. Kushnir, an expert in the area of child psychology, also spoke of the significance of permanency planning and its effect on children's emotional well-being. She highlighted the fact that children who are adopted view themselves differently from children who are wards of the State. In simplified terms, permanency encourages stable family relationships; stable family relationships encourage emotional well-being.

[155] For all of these reasons, I have concluded that the society's request for Crown wardship without access for the purposes of adoption is appropriate, reasonable and in the best interest of these children.

Children's Aid Society of Algoma v. P.(D.), 2006 ONCJ 170 (CanLII)

[3] If a "finding" is made, the society requests the child be placed with her mother subject to the supervision of the society for a period of 12 months on terms and conditions

The involvement with Mr. C.S. has put the mother and the child at serious risk.

Children's Aid Society of Nipissing and Parry Sound v. P.(C.), 2004 ONCJ 432 (CanLII)

CHILD PROTECTION — Form of order — Crown wardship — Likelihood of change in circumstances — Despite terms of previous supervision orders, mother persisted in her “on-again, off-again” volatile relationship with child’s father that resulted in frequent changes of residence, drug use and incidents of domestic violence — Mother had repeatedly demonstrated that her first loyalty was to child’s father and not to her parenting responsibilities — Mother’s attitudes and level of immaturity were unlikely to change — Because child’s stay in society care had now exceeded statutory ceiling, court’s options were reduced to Crown wardship and returning child to mother under supervision — Supervision option was unworkable in light of mother’s behaviour — Court ordered Crown wardship without access

Children's Aid Society of Halton Region v. K. J. H., 2004 ONCJ 119 (CanLII)

4] As a result of the deteriorating relationship between the parents, the respondent mother brought a motion without notice to the respondent father on 18 July 2003, seeking an order for temporary custody of the three children, for supervised access by the father, for no access unless the children consent, a restraining order against the respondent and an order for police assistance. As a result of this motion, Justice P.H. Marjoh Agro made a temporary order on that day awarding custody of the three children to the respondent mother, no access to the respondent father without further court order and a restraining order against the respondent father

On 22 December 2003, the court ordered that the respondent parents have joint custody of all three children and that the children have various periods of residence with the respondent as set out in their temporary minutes of settlement.

[6] Throughout the time that the parties were separated up to just prior to the time of the making of the temporary joint custody order on 22 December 2003, A.J.H. continued to demonstrate behavioural problems including being engaged in self-harming behaviour in November 2003. At that time, A.J.H.’s destructive behaviour had been escalating and the respondent mother expressed to Lisa Potts that she could not cope with A.J.H.’s behaviour and asked that A.J.H. be placed in the care of the society pursuant to a temporary care and custody agreement. Ms. Potts, on behalf of the society, rejected that suggestion and refused to take A.J.H. into “care”. Instead, she encouraged Ms. K.J.H. to continue to try to work with A.J.H. and her problems.

A.J.H. then moved in with her father.

[8] On 12 January 2004, A.J.H. disclosed to Lisa Potts that she had been sexually assaulted by her

father. As a result, A.J.H. was interviewed and Ms. K.J.H. was then asked to have A.J.H. return to her care. To this request she agreed and A.J.H. was, in fact, returned to her care by the Halton society on 12 January 2004

[11] On 19 January 2004, the applicant society apprehended all three children from the care of their mother, allegedly on the basis of her failure to follow through with the terms of the current custody and access order, which the society claims was designed to protect the children, as well as on the basis of the mother's alleged failure to comply with the request that she not have any contact with the father during the ongoing criminal investigation, the mother's alleged refusal or inability to believe A.J.H.'s allegations that she had been sexually abused by the father, the father's belief that he had done nothing wrong and the mother's alleged failure to acknowledge that the children needed to be protected from the father

Children's Aid Society of Peel Region v. K.(M.), 2006 ONCJ 459 (CanLII)

[1] JUSTICE J.D. KARSWICK:— By notice of motion and with respect to the two children, S.K. and Mk. K., the Children's Aid Society of the Region of Peel (the "society") seek a finding of parentage pursuant to subsection 37(1) of the *Child and Family Services Act*, as amended.

[3] Prior to proceeding upon the motion for summary judgment and upon a review of the affidavit of Ms. Mary Beth Moellenkamp, sworn on 12 September 2006, and the mother's answer, and upon submissions from both counsel, and with respect to the child S.K., the court made a finding that Mr. J.F. is not a "father" and, pursuant to subsection 37(1), he is not entitled to notice. There is no male person who qualifies as a "parent" pursuant to the Act.

Children's Aid Society of Metropolitan Toronto v. H.(M.), 1994 CanLII 5235 (ON C.J.)

[6] At that time, Ms. Ma. H. took up an interest in Satanism.

[7] Through the auspices of her friends in the cult, Ms. Ma. H. met Mr. Au. Ho. who is admitted to be the father of D.H., Ms. Ma. H.'s first child. I note here that Mr. Au. Ho. has not been found to be a "parent" within the meaning of the *Child and Family Services Act*.

[11] Although Mr. I.G. is the father of two of Ms. Ma. H.'s children, his help and guidance to the family has been minimal. Mr. I.G. and Ms. Ma. H. have separated on a number of occasions between early 1991 and the spring of 1993. Mr. I.G.'s behaviour towards D.H. was a matter of great concern to

Ms. Ma. H. and to the society. In fact, his conduct led to the first application made by the society in January 1993. The basis of that application was real or apprehended physical harm to D.H. at the hands of Mr. I.G.

He has assaulted Ms. Ma. H. and D.H. It is also alleged that he, at one stage, abused Me. H. sexually, although this allegation has no support in the evidence before me. Mr. I.G. has a criminal record and he has refused to co-operate with the children's aid society respecting counselling.

[40] The society has filed with the court its position on terms of supervision and access. The supervision terms requested by the society are as follows:

1. Mr. I.G. to continue residence outside the H. home.
2. Mr. I.G. to have no direct or indirect contact with D.H. unless approved by the Children's Aid Society of Metropolitan Toronto. Mr. I.G. not to attend the family home at any time, without the approval of the children's aid society, unless satisfactory progress reports of counselling services are received by the society. Mother to report any breaches to the society immediately.
3. Ms. Ma. H. to ensure that Mr. I.G. and Ms. E.H. have no access to D.H. other than that which is approved by the Children's Aid Society of Metropolitan Toronto.

41] I have concluded that these terms are appropriate and they are to be included in the supervision.

Children's Aid Society of Thunder Bay v. E.-S.(S.), 2005 ONCJ 517 (CanLII)

Statutory ceiling on temporary care had expired long ago and court's options were limited to Crown wardship or returning children to mother — Latter option, however, was not viable — Mother's plan of care, although well-intentioned, effectively invited court to conduct experiment with children's lives — Mother was currently living with drug dealer with criminal record and her attempts to address her problems by herself, given her fragile state, was foolish and would impact negatively not only upon her health, but upon her ability to parent and would ultimately pose risk to children — Sole viable option for court was Crown wardship.

Tikinagan Child and Family Services v. S.(I.), 2005 ONCJ 147 (CanLII)

12] She described the visits that she had with the children since apprehension and found it difficult with the children placed in Dryden and stated that the agency worker did not appear for one visit. She described the one-week Christmas access visit of 2004 as a happy occasion where the children visited with their father.

13] Since February of 2005, visits were cancelled because the mother and the father had resumed cohabitation.

Children's Aid Society of Algoma v. S.(P.) (No. 1), 2004 ONCJ 382 (CanLII)

34] From any reasonable point of view, their prior relationship — dysfunctional at best and destructive at worst — was over. There was no need for her to have any direct contact with him. There were many reasons for her to not have any further contact with him, the most important of which from the court's standpoint, was the risk that such contact might create for the children.

35] Yet the evidence of the society, not contradicted or even commented upon by the mother, is that she admitted not only to being at his home on a number of occasions, but that she had been struck by him. These disclosures were made 22 December last year. The mother was questioned for details. I interpret the evidence to state that she refused to provide any details to the society.

37] How credible is the mother's assertion that she does not presently have a relationship with the father? I am ready to believe her. But she is not asking to have the children back for the present. She wants them for the future. I am, however, less sanguine about the prospect that her relationship with the father will remain non-existent in this future, on the basis of the evidence of what has happened in the past — and I would add, in the not too distant past.

38] The mother is alleged to have disclosed to the society not only that she had been at the father's home and that he had struck her, but also that he had been using drugs and that he had both swore at and struck the children. Then she refused to provide details of what could only have referred to her first-hand observations.

51] I do not propose to order that the mother's access be unsupervised at this point. The society will continue to have discretion whether any occasion of access is supervised and to what extent.

Children's Aid Society of Algoma v. R.(D.), 2004 ONCJ 339 (CanLII)

In this case, society had been involved with family for more than decade but apprehended children only recently when father (whose substance abuse had made him “thorn” in family’s side) was briefly sole custodian — Since that time, mother (who was always primary caregiver) had returned

Children's Aid Society of Toronto v. C.(S.A.), 2005 ONCJ 274 (CanLII)

CHILD PROTECTION — Child in need of protection — General — Nature of “risk” — Risk inherent in household with spousal battering — Where child lives with caregiver who is perpetrator of spousal violence, there is very serious and significant failure in parenting (failure to protect the child’s caregiver and failure to protect child emotionally and in some cases physically), which meets any definition of child abuse — Child faces risk of harm on several levels: (1) perpetrator may also be directly, physically or sexually abusive to child; (2) exposure to spousal violence, anti-social and aggressive behaviour may have detrimental impact on child’s development; (3) perpetrator may include child abuse as part of violence against partner; (4) child may feel guilty, assume burden of blame and feel depressed; (5) child may develop fears, insecurity and low self esteem after witnessing domestic violence; and (6) child may suffer emotional confusion that manifests itself in bed-wetting, nightmares, sleeping or eating disorders, self-harm and weight loss — Where mother perpetually returned to dangerous relationship with totally irresponsible and dysfunctional man who almost killed her on at least two occasions, who had little or no child-care knowledge or skills and against whose behaviour she could not protect herself, let alone protect child, court had no doubt that child was at risk of significant harm unless it issued Crown wardship order that would remove child from abusive environment.

If she were adopted, any disruption in superficial attachment to mother would be minimal compared to overwhelming risk associated in returning child into care of mother and her partner — Any further access to mother would impair child’s future opportunities for permanent adoption placement — Crown wardship without access.

Catholic Children's Aid Society of Toronto v. R.(S.), 2006 ONCJ 212 (CanLII)

Court saw several problems, however: (1) Mother track record of rarely accepting suggestions from service providers and of little or no follow-through on her commitments; (2) Court had no confidence in mother’s ability to shield her children from contact with violent and abusive father who would be released from prison in less than 2 years because history of her relationship with this man (even recent events) showed that mere existence of court order directing her to take appropriate action would mean nothing to her; (3) Mother’s plan hinged on maternal grandfather as primary caregiver but this man held children’s aid society in low regard and would tolerate none of its prying into his affairs, refusing

even to show his face in courtroom during entire 19-day trial; court had no confidence in his willingness to co-operate with society under terms that it would supervise

Children's Aid Society of Renfrew County v. G.(R.) (No. 2), 2005 ONCJ 471 (CanLII)

When boy (then 4½ years old) made allegations of sexual impropriety against his father, local police investigated but decided not to lay charges, probably because case was too weak to support prospect of conviction — Nevertheless, local children's aid society began its own investigation and father's access to child was thereafter strictly supervised — Society's lawyer suspected that mother had fabricated and had carefully coached child in repeating allegations — Ten months later, after tightly supervised visit at paternal grandparent's home, child made fresh allegation that police again investigated and again decided not to lay charges — Society, however, chose not to conduct investigation into second incident despite availability of several persons who could have indicated impossibility of child's allegation and decided to pursue child protection hearing — Less than two weeks before trial, father made reasonable offer to settle that was supported by Office of Children's Lawyer but that society rejected — Court found that, at all times, society acted in good faith and that, until second allegation, society had conducted itself appropriately and professionally — Nevertheless, because of different standards of proof in criminal and civil proceedings, society should have embarked upon its own investigation after police found no basis for criminal intervention with respect to second allegation — Court concluded that, if society had done so, it would realized that there was insufficient evidence to persuade child protection court on balance of probabilities that another act of sexual impropriety had occurred and it could then have pursued other options to resolve case — Child protection trial could have been entirely avoided if society had accepted father's offer that turned out to be consistent with ultimate decision made in trial of this case — For its failure to investigate and to re-assess case, society had to be accountable in costs for needless trial

Children's Aid Society of the Region of Peel v. S.R.-T., 2003 CanLII 52497 (ON C.J.)

Father's limited intelligence and other personality traits left him childlike and inappropriate with children, incapable of providing guidance, structure or imparting values to them and unable to put child's needs above his own — Father had not harmed his children directly but he was easily frustrated and quick to anger and, when angry, he used physical aggression to get his point across — He was verbally, if not physically, abusive of children's mother — Stresses and frustrations inherent in parenting several young children would present significant problems for him — Father's history of aggressive behaviour, poor anger control and alcohol abuse presented risk of physical harm — Mother was also of low intelligence and, although capable of some parenting with constant supervision, was unable to retain lessons taught to her — She had effectively abandoned 3 older children by previous union, apparently sacrificing them in order to maintain abusive spousal relationship with father of her last 4 children

Children's Aid Society of Waterloo Region v. B.(N.), 2006 ONCJ 502 (CanLII)

Despite previous order of supervision with very specific terms (including absence of mother's abusive and drug-dealing boyfriend from home), mother ignored order and repeated warnings from children's aid society

Court gave her credibility very low rating and noted that she could not be trusted to comply with any order that the court might make — Court ordered Crown wardship for all three children

Children's Aid Society of the County of Lanark v. B.S., 2006 CanLII 36955 (ON S.C.)

[3] Without detailing all that evidence, I would confirm that I have read those affidavits, and that the facts stated therein support the Society's position that this child cannot be adequately protected while in the care of these parents for the following reasons, as articulated in their Plan of Care. B.S. is unable to care for this child due to continuing issues around mental health, anger and impulse control. He has consistently presented as both angry and aggressive as well as paranoid. T.A. is unable to care for E.M.S. due to her relationship with B.S., in which he is controlling and abusive towards her, and her inability to protect E.M.S. from him

Ottawa (Children's Aid Society) v. H. C., 2003 CanLII 38754 (ON S.C.)

Child's return to "care and custody of the person who had charge of the child immediately before intervention" — Terms of supervision — Interim restraining order against access parent — Court ordered non-custodial father to avoid vicinity of child's school and of mother's home, but did not raise court's jurisdiction to include such conditions as terms of child's supervision under clause 51(2)(c) of *Child and Family Services Act*

Reasonable grounds to believe in risk of likely harm to child — Custodial father had attempted to alienate 11-year-old son's affection for mother and had actively involved him in stalking mother — Father now faced serious criminal charge and was out on bail on conditions that he not communicate with mother and that he submit to mental health assessment — Court had evidence of father's own sister and of mother's brother about father's obsessive and disturbed behaviour towards them and

towards mother — Police considered father a high-risk offender and regarded child to be at high risk if returned to father — Court persuaded that children's aid society met onus of showing that child would not be adequately protected by terms and conditions of temporary supervision order if returned to father's care — Child placed in mother's care and custody subject to society's supervision on terms.

Reasonable grounds to believe in risk of likely harm to child — Custodial father had attempted to alienate 11-year-old son's affection for mother and had actively involved him in stalking mother — Father now faced serious criminal charge and was out on bail on conditions that he not communicate with mother and that he submit to mental health assessment — Court had evidence of father's own sister and of mother's brother about father's obsessive and disturbed behaviour towards them and towards mother — Police considered father a high-risk offender and regarded child to be at high risk if returned to father — Court persuaded that children's aid society met onus of showing that child would not be adequately protected by terms and conditions of temporary supervision order if returned to father's care — Child placed in mother's care and custody subject to society's supervision on terms.

Children's Aid Society of Sarnia-Lambton v. S.(D.R.), 1995 CanLII 5593 (ON C.J.)

Despite every effort from children's aid society to assist family, father with history of drug addiction and domestic violence had repeatedly failed to follow through with commitments — For considerable period, he ignored society's efforts to contact him and failed to exercise any access — On eve of status review, he re-appeared with plan of care but all evidence indicated that prospect of his adherence to it was quite remote

In meantime, children were quite adoptable and any delay now would threaten their acute need for appropriate and stable adoptive home — Attempt to experiment with father's plan would only expose children to further risk if he should fail to follow through as he had so often in past — Crown wardship without access with view to adoption.

Durham Children's Aid Society v. T.B., 2003 CanLII 2450 (ON S.C.)

Apprehension occurred when she had contact with T.B., who had a history of being abusive to her and the children. The Society and the children's lawyer are concerned about a return of the children at this time in case there is another contact with Mr. T.B.

I am satisfied that the relationship between Mrs. T.R. and Mr. T.B. does not continue to exist. The information suggesting otherwise is anonymous.

Mother is cooperative. She will continue with her own counselling and agrees to supervision by the C.A.S.

Children's Aid Society of the United Counties of Stormont, Dundas & Glengarry v. L.F., 2003 CanLII 1922 (ON S.C.)

[2] At the commencement of trial, Mr. Giovaniello asked for permission to withdraw on the basis that the position of the Office of the Children's Lawyer in this matter with respect to the child was identical to that of the Applicant Society and that, therefore, the Children's Lawyer had nothing to contribute to the trial and was satisfied that all relevant material evidence would be put before the Court. In the circumstances, I allowed Mr. Giovaniello and the Office of the Children's Lawyer to retire from this case.

When confronted by the Society, Mr. D. agreed to leave the home and Ms. F. was instructed by the Society to refuse him access to the home when the children were present. She was warned that her failure to do so would cause the Society to apprehend the

[23] On June 12, 2001, the Society decided to apprehend all four children. When apprehended, the children advised the Society that they had earlier lied about Mr. D. being at their home when they were present. They advised the Society that Mr. D. had stayed over at their home upon his removal from the hospital and they stated that "they had to lie as Mr. D. had advised them that if they told they would be put in foster care".

[102] In the result, therefore, I refuse the Society's application pursuant to section 57 to make R.J.S.D. a ward of the crown and place him in the care of the Society with no access with a view to adoption. I order that the child be returned to Ms. F. and Mr. D. subject to the supervision of the Society for a period of twelve (12) months

Family, Youth and Child Services of Muskoka v. D.F., 2002 CanLII 2660 (ON S.C.)

The matter was adjourned for a myriad of reasons, including the unavailability of Counsel for the Applicant, the Respondent mother's plan to move to Thunder Bay, Ontario and the Respondent father's involvement in a separate CAS trial from September 30 to October 8, 2002

[15] Counsel for the Respondents submit that the several Affidavits of the child protection worker Cate

Schenk filed in relation to this proceeding are unreliable, lack clarity and do not comply with the Rules.

[28] The Reasons for Judgment also relate an assessment report prepared by the Office of the Children's Lawyer in July, 2000 in a custody and access case. That report deals with the Respondent father and his parenting capacity. The Trial Judge characterizes the report as the most damning assessment he has ever read concerning parents.

. Accordingly, based on these findings of fact, I conclude that an Order shall issue pursuant to s. 51 (2) (d) for temporary care and custody of the child with the Society.

The Office of the Childrens Lawyer

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[4] On 23 May 2002, Cavarzan J. granted an order requesting the involvement of the Children's Lawyer. Ms. Nancy Katzsch, a social worker and clinical investigator, was engaged by the Children's Lawyer to investigate and report on matters of custody and access pursuant to section 112, *Courts of Justice Act*. Her report was completed on 18 December 2002.

[5] The trial started on 11 February 2004. Both parties testified and called witnesses. As no evidence was presented by either party as to the views and preferences of the children, on 18 February 2004 I granted an order requesting the re-involvement of the Children's Lawyer. Ms. Katzsch was engaged to investigate and present an updated report. Her assignment was completed on 23 April 2004.

[6] Father served a dispute regarding these reports. Accordingly, I directed Ms. Katzsch to attend court to be cross-examined by both parties.

[7] On 4 June 2004, at the conclusion of the trial and after hearing submissions, I granted judgment, in part, with written reasons to follow, whereby sole custody of the children was granted to the mother

[14] Father is demanding and controlling, although I suspect he is not aware of such personality problems.

[15] Father fails to recognize mother's role as a parent. He has been demeaning of her in the presence of the children.

[17] Father has been frustrated with the issues not being resolved. He initiated several contempt motions and has contacted the police on numerous occasions.

J.P.M.P. v. G.W.F., 2003 CanLII 2337 (ON S.C.)

[18] Both assessors recommended sole custody.

[19] There will be an order for sole custody in favour of Ms J.P.M.P..

[26] Drummond White conducted the first assessment on behalf of the Children Lawyer and recommended that the two children not have access at the same time.

[27] His report completed in March 2001 also recommended that Mr. G.W.F. undertake counselling to deal with the ongoing access difficulties:

Mr. G.W.F. is a loving father who appears to be easily distracted and who has no immediate feedback or model regarding parenting skills. The services of a professional counsellor or therapist might help him develop insight regarding childhood behaviour and development, including the effects of separation and divorce upon children. Using professional guidance would supplement those resources. Mr. G.W.F. might also benefit from help in dealing with his personal issues of loss and anger management.

B.F. v. V.L., 2006 ONCJ 112 (CanLII)

[11] The Children's Lawyer, expressing the child's wishes as set out in an affidavit of its social worker, seeks a continuation of the suspension order. If the court is not prepared to grant that, she seeks a supervised access for her young client.

[41] The disposition of this motion is as follows:

ORDERS

1. The order suspending access between W.F. and his father, B.F., is to continue pending a trial adjudication of the competing claims between these parents.

For clarity, that suspension applies to telephone as well as to face-to-face contact.

2. The father is also to stay away from the child's home, school, day care and any extra-curricular program in which he knows the child to be engaged.
3. During this suspension, the father may make written communication with this child through the Children's Lawyer, provided that the content of such communications expresses the father's acceptance of the child's need for a break from contact between them and places no pressure on the child to resume contact until he feels ready.
4. The Children's Lawyer is authorized to read each communication before delivery to the child and to withhold any communication that does not comply with the conditions for communication. Any undelivered communication is to be retained by the Children's Lawyer, with father advised accordingly.
5. The mother is to sign whatever releases are needed to enable a full and frank disclosure to the father and to the Children's Lawyer on the child's management of his school life.
6. Toronto Police Services are authorized to assist in the enforcement of this order.

T.(P.) v. A.(S.), 2004 ONCJ 295 (CanLII)

[27] I have adopted the recommendation of the Children's Lawyer that would require the father to attend for post-separation counselling, as I am satisfied that he lacks an appreciation of how his behaviour towards the mother is affecting his son.

[30] For the above reasons, I make the following order:

- (1) The applicant, Ms. P.T., shall have sole custody of the child, A.J.A. (the child), born on [...] 1999

G.M. v. A.M., 2006 ONCJ 344 (CanLII)

[17] *Viva voce* evidence before me established that Mr. Chmielewski has master's degrees in psychology and social work and has 26 years' experience working for the Family Service Association as a family therapist. He has done contract work as a clinical investigator for the Office of the Children's Lawyer for 6 years.

[18] Mr. Chmielewski testified that he interviewed T.M.2, as well as the other children, separately and at their schools. T.M.2 expressed to him a clear wish to have no contact with his father. When asked why, T.M.2 said that he had "bad thoughts" about his father and that he was fearful of the consequences of his father's following him home from visits — "this wasn't supposed to happen".

Mr. Chmielewski recommended that the father undertake counselling for anger management, parenting and substance abuse

[41] As the father currently has no access to any of the children, there is no right for him to obtain information about them under subsection 20(5) of the *Children's Law Reform Act*,

L.(Y.Q.) v. H.(T.T.), 2006 ONCJ 127 (CanLII)

Local children's aid society and Office of Children's Lawyer had intervened because father's intemperate statements had frightened child badly on several occasions — Statements included suicidal threats and threats of harm to child and even mother, which were repeated to third parties, such as children's aid society worker — Even if father did not mean them to be taken seriously, he knew or should have known that such statements would at least cause extreme anxiety and he was reckless and indifferent to impact that these statements would have on child's emotional stability — Court had no evidence to lead it to believe that father would not heedlessly continue to make such statements to child if he had unsupervised access

There was no genuine issue for trial and court granted mother's motion for summary judgment of sole custody.

No genuine issue for trial here and court allowed mother's motion for summary judgment of supervised access.

T.R. v. R.T., 2006 ONCJ 173 (CanLII)

the social worker from the Office of the Children's Lawyer, Ms. Wendy Kirk

[43] The report of Ms. Wendy Kirk recommends sole custody to the mother, even though she acknowledges the problems that the mother has had in controlling C.T. and protecting A.T.. I agree with those recommendations.

The respondent father, R.T., shall have supervised access to the child, A.T., on alternate Saturdays for a period of two hours at the supervised access centre at Child and Parent Place.

If C.T. wishes to have access to his father, he may do so at the Child and Parent Place.

K.(M.) v. K.(M.), 2004 ONCJ 75 (CanLII)

[45] Dr. Phillips, in his up-dated report (September 2000) stated that any access to the children by their father would still to be considered a highly risky endeavour. In his view, the children remained intimidated and might well regress at an emotional level if challenged with issues resulting from exposure to their father.

[62] The court makes the following orders:

- (a) The applicant, Mrs. M.K., shall have sole custody of the children, E.K. (born on [...] 1985), K.J.K. (born on [...] 1989), S.E.K. (born on [...] 1992) and A.J.K. (born on [...] 1995);
- (b) There shall be no access by the respondent, Mr. M.K., to the children;

S.H. v. M.E. (No. 1), 2004 ONCJ 406 (CanLII)

However, his allegations of abuse were never substantiated and the report of the Children's Lawyer favoured B.J.E.-H.'s remaining with his mother.

Cormier v. Abu-Safat, 2004 ONCJ 169 (CanLII)

[40] The final witness was Pauline Walsh who was a clinical investigator appointed by the Office of the Children's Lawyer at the request of the court.

[41] In cross-examination by the father's counsel, Ms. Walsh defended her report and its conclusions and, in particular, her relating that, by her observation, the father was angry and very bitter with no respect for Canadian society and that he wished to raise the children in his traditional societal beliefs. Further, she noted that the father saw himself as a victim and, without any specific evidence, she determined in her report that he would be capable of taking the children away from the mother if he chose to do so.

Ms. Walsh's impression, however, was that, although Mr. Abu-Safat would not knowingly want to undermine the mother to the children, it could happen because his beliefs were very strong and very different from the mother's beliefs and he wants the children to be raised differently

She stated that, if the parties were the same parties that they were when she last saw them over a year ago, it was likely that they would not be able to co-parent.

[60] My order therefore commences as follows:

1. The applicant mother will continue to have custody of the children.

Kawartha-Haliburton Children's Aid Society v. B.P., 2002 CanLII 2736 (ON S.C.)

[2] Initially, the Children's Aid Society sought to make the two older children Society wards for a period of four months. On January 17, 2001, the court ordered that the status review application be amended to Crown Wardship without access.

[34] During the period August 26th, 1999 through to October 13th, 1999 difficulties with housing persisted such that the mother and children relocated to Colborne without advising the Children's Aid Society and further the reason for the relocation was because of arrears of rent. At this time, Mr. D.C., N.C.'s father, was not to have contact with Ms. P. as a result of a recognizance order as a result of an alleged assault on her by Mr. C. Not only did Ms. P. and Mr. C. continue to have contact during this period of time in face of prohibition to do so, they had removed the children from the community contrary to the supervision order.

Perrault v. Eady, 2004 ONCJ 248 (CanLII)

[6] The mother is a single mom who does a very good job raising Kyle. She is to be commended.

[7] The father has had his problems but is settled now with his partner Ms. Natalie Olsen in Sturgeon Falls, some 34 kilometres west of North Bay.

[9] It is odd that so much is made of this and that nothing is made of his complaints to the assessor against his mother and members of her family. The assessor from the Office of the Children's Lawyer seems to feed in to this feeling against Ms. Natalie Olsen

Lawrie v. Turcotte, 2006 CanLII 12971 (ON S.C.)

[1] On this motion, the mother seeks orders from the court for summary judgment for sole custody of Seon, aged 8, and for the Father to be granted final or temporary access to Seon only in accord with the second report of the Office of the Children's Lawyer. That report recommended that access to the Father be supervised, and that consideration be given to unsupervised access only once the Father has agreed to undergo psychiatric assessment and treatment

Hewitt v. Hewitt, 2004 ONCJ 325 (CanLII)

[6] The lawyer representing the Office of the Children's Lawyer and the children agrees with the recommendations of the assessment report

[8] As far as I am concerned, Mr. Hewitt has now met many of the conditions that the assessors felt that he had to meet prior to being given unsupervised access. He still has to connect with an individual therapist or counsellor

[11] I will expect a report from the children's therapist by return date of 2 June 2005 for this matter so that I can determine whether I should allow unsupervised access at that time. I will also expect a report from Mr. Hewitt's therapist or counsellor at that time to see whether he is ready for unsupervised access.

Peters v. Rodway, 2006 ONCJ 329 (CanLII)

[21] The applicant father has already filed a dispute to Ms. Hopkins' report as he disagrees with her conclusions and believes that the report is flawed as she has ignored critical information. He argues that it is now necessary for him to cross-examine Ms. Hopkins in order to determine whether he requires a new assessment.

Parkes v. Zayachkowski, 2005 ONCJ 106 (CanLII)

[38] The report from the Office of the Children's Lawyer, dated 7 October 2003, was authored by Karen Logan, clinical investigator. She recommended sole custody to the mother with the father to have immediate unsupervised access every Saturday for seven hours, and one week night for three hours.

[39] The father filed a dispute to this report. He claimed that it was inaccurate, incomplete and biased.

Islam v. Rahman, 2005 CanLII 16607 (ON S.C.)

[21] Ms. Meredith Melnuck was the clinical investigator contracted by the Office of the Children's Lawyer to conduct the original 2002 clinical investigation and the 2004 clinical investigation update.

[27] In summary, the respondent made numerous negative, unfair and false statements with respect to the applicant in his five page, self-serving note given to the investigator,. The Investigator had an obligation pursuant to s.112 of the *Courts of Justice Act* to conduct her investigation in a fair and unbiased manner. This was not done. I reject her recommendations.

[28] The applicant has been consistent and credible in her very serious concerns about the best interests of Saad since separation.

[41] **This Court orders:**

(a) That the applicant mother shall have sole custody of the child Saad Rahman born August 4, 1995.

Osama v. Sayegh, 2004 CanLII 22960 (ON S.C.)

The applicant father has custody of Simone (age 13) and Sonia (age 6) by virtue of a custody order made in April 2001. The custodial status quo has remained in place since then, until 2003 without appeal or request for variance by the respondent. Since September 2003 when the respondent mother brought her first motion for access and later claimed custody, the parties have been engaged in bitter litigation over the children.

[2] The Office of the Children's Lawyer was appointed to investigate and report. An affidavit was filed by the Office of the Children's Lawyer recently and the respondent mother now moves before trial for custody and removal of the children not only from Barrie, but from Canada to her residence in Las Vegas, Nevada. An affidavit has been filed by Lois Chouinard who describes herself as a clinical investigator who was engaged by the Children's Lawyer "to provide a clinical assist".

There is very little analysis or observations of her interaction with the parents and their respective interaction with their children. Her affidavit, as well as her reply affidavit to the applicant's evidence, make clear that Simone in particular, as well as Sonia, want to live now with their mother

[3] Ms. Chouinard's conclusions are described as impressions from her interviews. They are listed as follows:

- i) one primary parent must be chosen and the siblings cannot be separated;
- j) the children have expressed a clear, consistent and strong preference to live with their mother and visit their father;
- k) the children require a plan, with adult permission, that allows them to effect this change in residence.

M.C. v. D.L., 2006 CanLII 26164 (ON S.C.)

5. The court ordered that the Office of the Children's Lawyer (OCL) become involved and a very experienced assessor was assigned to investigate and report to the court. Rachel Birnbaum authored the report of the OCL, which is found at Exhibit A to the respondent's affidavit sworn on June 21, 2006. Ms. Birnbaum has noted in her report of June 15, 2005 at page 7 as follows:

"The children present as traumatized and M.G.C. in particular continues to fear her father. Whatever occurred or did not occur it is clear that the children at this point in time cannot even tolerate having their father's name mentioned in their presence.

There is not benefit at this time to force any type of access on these 2 children and in fact it could be more harmful to them. The children require further counseling to explore their feelings. They have grown since the initial allegations and can benefit from further therapy.

Therefore, the Children's Lawyer is recommending that there be no access between the children and their father at this time. The issue of access needs to be explored at some future time when the children have acquired sufficient internal controls to help them master their thoughts and feelings."

Forte v. Forte, 2004 CanLII 7631 (ON S.C.)

[4] I have decided that it is in the best interests of the children to terminate the shared arrangement in place now in favour of full time residence with Daria.

I have included in this consideration the assessment report from the Office of the Children's Lawyer. That assessment, prepared by Dr. Linda Janzen, recommends that sole custody be with Daria, with specified access to Sandro.

Korevaar v. Allard, 2003 CanLII 2151 (ON S.C.)

[1] The Respondent moves for adjustment of child support and the Applicant cross-moves for increased access with reduced restriction and for the supervision to be eliminated.

[3] In separate proceedings relating to Brandon, there was a Report of the Children's Lawyer by Clinical Investigator, Paula Carter, which speaks to the concerns about the Applicant's involvement with alcohol.

[4] On the evidence before me there is a strong indication that alcohol is a serious problem for the Applicant, that his judgment has historically been reduced to the point of driving while impaired with a child in the car, that he has incidents of domestic violence past and present and that he is in denial. There is also evidence that while under bail conditions, access restrictions and the scrutiny of this court, he has not had alcohol in his system when screened.

Richards v. Burch, 2003 CanLII 2223 (ON S.C.)

[10] The C.A.S. was called in on several occasions by both sides. Charges were laid against the

respondent Christopher, and one charge is still outstanding against him.

[11] The respondent was also placed on a Peace Bond as a result of a complaint by the applicant.

[25] The Office of the Children's Lawyer provided a report dated 18th day of July 2002. It recommended that their be joint/shared custody of Jocelyn with both parents.

[27] Custody of Jocelyn will be with the mother Nicole Louise Richards.

Appendix A— Ontario Supervised Access Cases Studied

		sex	Outcome
1	<i>Crewe v. Crewe</i> , 2006 CanLII 3656 (ON S.C.)	m	4 months interim supervised access continued, 2 ½ hours every second Sunday
2	<i>Wozniak v. Brunton</i> , 2006 CanLII 273 (ON S.C.)	w	Womans access terminated, first unsupervised and she abducted son, then supervised, then terminated, drug problem, criminal record
3	<i>Matysiak v. Phillips</i> , 2004 CanLII 45449 (ON S.C.)	m	Mans access terminated, first unsupervised, then supervised, then terminated, drug problem, criminal record
4	<i>Mindzak v. Turner</i> , 2006 CanLII 9705 (ON S.C.)	m	2 ½ years supervised access changed to unsupervised 4 hours a week, completed parenting classes, mother objects, support increased
5	<i>L.J.J.C. v. V.S.C.</i> , 2006 CanLII 3470 (ON S.C.)	w	Doesn't appear at trial, was already on

	S.C.)		supervised access, supervised access continued.
6	<i>V.S.J. v. L.J.G.</i> , 2004 CanLII 17126 (ON S.C.)	m	Mans supervised access is continued, mother asks it be terminated, criminal record, ron stewart, child support increased
7	<i>M. Al. O. v. Me. A. O.</i> , 2005 CanLII 2740 (ON S.C.)	m	Plead guilty to assaulting kids, minimal supervised access with unspecified increased, imputed income
8	<i>Dobre v. Dobre</i> , 2004 CanLII 17889 (ON S.C.)	m	False domestic violence charges, supervised access, woman also accuses grandparents of threats
9	<i>McLane v. Kilby</i> , 2006 CanLII 2619 (ON S.C.)	m	Supervised access to father, mother asks to change childs name postponed
10	<i>Wright v. Ingham</i> , 2006 CanLII 591 (ON S.C.)	m	Found guilty of assault, supervised access changed to unsupervised in minutes of settlement
11	<i>Papp v. Hunter</i> , 2004 CanLII 34336 (ON S.C.)	m	Arrested and police order says supervised access, father acquitted and mothers motion to vary back to supervised access dismissed
12	<i>Goyal v. Singh</i> , 2002 CanLII 2748 (ON S.C.)	m	Father given supervised access, wife makes allegations and denies access, court orders investigation by Office of the Childrens Lawyer
13	<i>Roach v. Kelly</i> , 2003 CanLII 1991 (ON S.C.)	m	Supervised access, criminal harassment and assault charges, jailed, access terminated by court order
14	<i>J.E.H. v. W.V.D.</i> , 2004 CanLII 16460 (ON S.C.)	w	Charged with assault, jail, gets supervised access, both have been charged and convicted before, then

			unsupervised, then sole custody
15	<i>M.M.F.I v. G.R.</i> , 2004 CanLII 52811 (ON S.C.)	m	Charged with assault, plead guilty, harassment charges, wife denies access, supervised access at wifes discretion ordered, wife requests access terminated
16	<i>Shamli v. Shamli</i> , 2004 CanLII 12363 (ON S.C.)		Abducts child, no charges, supervised access at wifes discretion, must give up passport to get access
17	<i>Lawrie v. Turcotte</i> , 2006 CanLII 12971 (ON S.C.)	m	Criminal charges, no contact with child school ordered, supervised access at wifes discretion
18	<i>J.K. v. J.A.K.</i> , 2004 CanLII 16080 (ON S.C.)	m	Sexual assault allegations, no charges, supervised access ordered, an assessment ordered to see if access can be unsupervised
19	<i>McKenzie v. McKenzie</i> , 2002 CanLII 2803 (ON S.C.)	m	Though primary caregiver in past made by wife to undergo supervised access, custody and access settled prior to trial
20	<i>R.J.R.H. v. A.A.H.</i> , 2004 CanLII 34792 (ON S.C.)	m	Fathers unsupervised access reduced to supervised
21	<i>Aguilera v. Reid</i> , 2006 CanLII 6196 (ON S.C.)	m	Assault charges, supervised access ordered, drugs, criminal record, final order for supervised access
22	<i>Pearson v. McAteer</i> , 2005 CanLII 32002 (ON S.C.)	m	Unsupervised access disallowed by wife, arrears of support, access terminated , charging order
23	<i>Korevaar v. Allard</i> , 2003 CanLII 2151 (ON S.C.)	m	Supervised access, both spouses have other children, domestic violence history, impaired driving, urine testing and AA meetings ordered, inspection for alcohol by supervisor, must turn over car keys to supervisor install device on car ignition, supervision during visits

			relaxed, 2.4 K per month total support ordered
24	<i>Eloranta v. Eloranta</i> , 2002 CanLII 2710 (ON S.C.)	m	Unsupervised access for 7 years then supervised access for guns and alcohol, breach of order, wife requests supervised but unsupervised restored, contempt sentence suspended but must sign undertaking not to breach
25	<i>R.J.J. v. K.R.J.</i> , 2004 CanLII 34359 (ON S.C.)	m	Domestic violence, impaired driving, drugs, jail, supervised access ordered, children want unsupervised, set to trial
26	<i>A.F. v. I.V.</i> , 2006 CanLII 727 (ON S.C.)	w, m	Wife makes multiple false allegations resulting in 4 years of supervised access, man given custody and wife supervised access, contempt, 5 K fine
27	<i>Zeoli v. Field</i> , 2003 CanLII 2361 (ON S.C.)	m	False allegations and criminal charges lead to supervised access, custody reversed to father
28	<i>Mahood v. Mahood</i> , 2005 CanLII 19841 (ON S.C.)	m	Man given reasonable supervised access, complains of access denials, support increased
29	<i>Sekhon v. Jawanda</i> , 2002 CanLII 2645 (ON S.C.)		Granted supervised access changed to unsupervised changed to interim custody, man and family found to be interfering with relationship
30	<i>Milunovic v. Milunovic</i> , 2004 CanLII 19101 (ON S.C.)	m	Mans supervised access changed to unsupervised, increas in support
31	<i>L.A.G. v. M.E.F.G.</i> , 2004 CanLII 53222 (ON S.C.)	m	Protesting against divorce system, 16 criminal charges, walks out on trial, arrears 35 K, income imputed at 40 K, supervised access would be allowed, he has declined
32	<i>Jones v. Scheltgen</i> , 2003 CanLII 2389 (ON S.C.)	m	Criminal convictions and charges, drugs and jail, supervised access, access suspended and cut, many conditions

33	<i>Reid v. Mulder</i> , 2005 CanLII 38108 (ON S.C.)	m	Domestic assault, pushing, entered into peace bond, supervised access, then unsupervised access, wife allowed to move with child to Fiji
34	<i>C.G. v. M.V.G.</i> , 2006 CanLII 12715 (ON S.C.)	m	Supervised access at wifes discretion, changed to unsupervised access
35	<i>Shoval v. Shoval</i> , 2005 CanLII 20817 (ON S.C.)	m	Wife allowed to move to Isreal with child makes allegations of sexual abuse, access suspended, supervised access in Isreal offered by mother, court allows order
36	<i>Harris v. Harris</i> , 2006 CanLII 9141 (ON S.C.)	m	Judge imposes supervised access when man says he's too upset for trial, removed after trial despite wifes request
37	<i>Berry v. Ollerenshaw</i> , 2003 CanLII 2405 (ON S.C.)	m	Allegations of drug use and sexual abuse by non biological father, supervised access, leave to appeal granted
38	<i>Sleiman v. Sleiman</i> , 2003 CanLII 1982 (ON S.C.)	m	Man given supervised access with conditions for unsupervised, conditions never met, no more contact, pleadings struck, uncontested trial, custody to wife no access order made, lump sum and imputation
39	<i>M.I. v. J.R.</i> , 2004 CanLII 52812 (ON S.C.)	m	Domestic assault, Childrens Aid orders no access, court then orders supervised access, wife given custody and allowed to move to Japan
40	<i>B.K. v. A.P.</i> , 2005 CanLII 27602 (ON S.C.)	w	With holds child in violation of custody order, contempt, 30 days in jail and 2.5 K suspended, , no access 1 month, supervised access 1 month, then unsupervised if no breaches
41	<i>D.E.W. v. E.C.</i> , 2005 CanLII 16603 (ON S.C.)	w	Mother has custody for 11 years. Children taken by Childrens Aid, father given custody, initially supervised access then unsupervised, child support offset against fathers arrears
42	<i>J.M.M. v. G.S.M.</i> , 2006 CanLII 6457 (ON S.C.)	m	Domestic assault, supervised access, hasn't seen children, pleadings struck,

	S.C.)		imputed income, 45 K retroactive support, 35 K cost penalty
43	<i>L.A.H. v. T.L.B.</i> , 2006 CanLII 2618 (ON S.C.)	m	Domestic assault, drugs, denied access, request for supervised access denied, mother remarried and child has new father, must pay support
44	<i>J.L.C. v. S.B.L.</i> , 2006 CanLII 13759 (ON S.C.)	m	Unsupervised then a dozen motions on access before trial, supervised, more motions, access denied, must seek leave for more motions, mental illness, 46 K cost penalty wife makes allegations to Childrens Aid
45	<i>Maratib v. Zafar</i> , 2005 CanLII 19844 (ON S.C.)	m	Domestic assault, no access to children for 1 ½ years prior to trial, transitional supervised access ordered
46	<i>P.F. v. E.J.J.F.</i> , 2003 CanLII 2115 (ON S.C.)	m	Domestic assault, threats, jail, denied access, supervised access ordered to be unsupervised if successful, retroactive support
47	<i>Salvador v. Salvador</i> , 2004 CanLII 5861 (ON S.C.)	m	Only seen daughters 2 times in 2 years for 5 minute supervised access, extensive court and assessment delays, access motion adjourned
48	<i>Dafoe v. Dafoe</i> , 2005 CanLII 19821 (ON S.C.)	m	Wife gets ex parte order for custody and supervised access, children move in with father, joint custody ordered
49	<i>Sh. É. C. v. G. P.</i> , 2003 CanLII 2028 (ON S.C.)	m	Domestic violence, wife given interim custody and man supervised access, supervised access for 2 ½ years, to be expanded if child wishes, support arrears, security against family home
50	<i>Testa v. Basi</i> , 2005 CanLII 25186 (ON S.C.)	m	Domestic violence, threatening charges, initially supervised access, custody to mother, one weekend per month, wife in Ottawa man in New York
51	<i>Fredriksen v. Lehane</i> , 2003 CanLII 2122	w	Wife has custody, arrested for drunk

(ON S.C.)

driving, temporary supervised access,
custody given to father

Ruscinski v. Ruscinski, 2006 CanLII 9982
(ON S.C.)

m

Domestic assault, supervised access,
joint custody at trial, lump sum, imputed
income, 2.4 K per month total support,
non harassment order, 4 K damages for
assault