

October 28, 2009.

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The Premier of Ontario, Mr. Dalton McGuinty
Legislative Building
Queen's Park, Ontario
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Dear Premier McGuinty

RE: Significant waste of tax dollars by the Children's Aid Society through the frivolous and vexatious intrusion into the affairs of families

On the front page of your website you state, *"I'm always looking for new ideas on how to make Ontario an even better place to live and work. Please send me your thoughts and suggestions. And if you have a concern or a question, let me know about it. I look forward to hearing from you."*

In this letter my spouse Carolyn and I have outlined some specific concerns and suggestions which we believe will save the taxpayers of Ontario tens of millions of dollars annually as well as to eliminate much of the grief which families in Ontario currently experience when dealing with CAS agencies in Ontario.

As honest, law-abiding, hard working Canadian parents and good citizens of Ontario, my wife and I would like to express our outrage with the manner in which the actions of the children's aid society have harmed our young son, adversely affected our entire family and wasted significant taxpayer funds. Up until the closing of our matter in the court, the actions of the CAS and its workers have caused nothing but emotional and financial hardship to our family and adversely affected our community. In addition, the same could be said about the family courts and the lawyers who were dragged into a mess by clearly unqualified, incompetent and overzealous CAS workers who it turns out were not even registered as social workers in the Province of Ontario.

Our involvement with CAS of Haldimand and Norfolk began on September 10, 2008, when our property was searched by police as a result of a routine aerial sweep of the county for illegal marijuana grow-ops. A very small amount of personal marijuana was easily observed by police growing in a open area at our farm home near where our dog was kept tied up. I have a federal license to grow a small amount of marijuana by the Canadian government for personal medical reasons but unfortunately the police were unaware of my license when they came to search our property after thinking that they had uncovered an illegal operation. After searching our property, viewing our license, looking at the small number of plants we had and asking some questions the police were satisfied that we were not growing marijuana for illicit purposes and then acted in a reasonable and sensible manner by leaving our home in peace. The police knew that we were not criminals.

While that should have been the end of this whole matter, suddenly on September 18, 2008, eight

days later, we get a call from CAS workers wanting to know intimate details of our marijuana use and that this issue was of concern to them. CAS now wanted to become involved and now seemed to want to make it their business to harass our family. Up until CAS became involved, we lived a quite working life on our farm, my wife worked as a caregiver for seniors and our son was excelling in school. In all aspects, we were a fairly typical, law-abiding Canadian family living a quite home life outside of Simcoe, Ontario. I had been growing a small amount of marijuana for many years in a legal and responsible manner for medical reasons without incident. We declined to provide CAS workers confidential information about the marijuana for reasons of security as we have read newspaper reports of CAS workers in Ontario getting caught for being involved in the use and sale of illegal drugs and weapons. One CAS supervisor from Hamilton was arrested on drugs and weapons charges.

Shortly after, with the help of an illegally obtained court order which was obtained in secret, two incompetent and unqualified CAS workers showed up at our door at dinnertime with police in tow and terrorized our five-year-old son by forcefully removing him from our home and placing him in some strange foster home. We were told that the CAS had concerns about our home even though the workers had never been in our home prior to showing up with an apprehension order.

At the time our son was forcefully apprehended from our home, there was not one shred of legitimate evidence that CAS had gathered to justify forcefully terrorizing and apprehending our son. Prior to the apprehension CAS workers had not properly investigated any concerns, did not speak to our son, nor did they speak to any collateral persons having knowledge of either our son, our parenting or life in our home. Had CAS workers acted with any level of professionalism they would have easily found that we were good loving parents who maintained a good home and very involved in the community as well as our son's school. Unqualified and incompetent CAS workers just came in to our home with police to bully our family and to take our son without conducting any kind of competent investigation. As Canadians, both my spouse and I were shocked to see police at our door to take our child away. Things like this we only thought happened in movies.

Once CAS workers apprehended our son and actually came into our home, they saw that they had made a big mistake but because of the illegally obtained court order obtained by CAS workers lying to a justice of the Peace, we believe that they now found themselves in a situation where they had to fabricate a case to cover their backs and to divert discovery of their unwarranted and unlawful actions. In their attempt to justify their unlawful actions some of the frivolous things which CAS workers reported in their affidavits included the following:

- 1) **That a section of drywall on our bathroom wall was open. (We were doing some renovations to our bathroom at the time)**
- 2) **That that they observed a "brown streak" on our stove. (I had chocolate cake I had just baked and some of the icing was on the stove when the CAS workers arrived at dinnertime.)**
- 3) **Reported that they say brown stains in our toilet bowl. (we live on a farm and use well water. Stains are known as tannin and are common because of the hard water.)**
- 4) **Reported that they observed a hand saw hanging on the wall. (we live on a farm and of course such tools are about our property.)**
- 5) **Reported that they observed an axe outside of our home. (We live on a farm and the axe was in a chopping block at our woodpile outside of our house.)**
- 6) **Reported that the carpet in our son's room had a stain on it.**
- 7) **That toys were scattered about the living room thus making it unsafe for our child. (It seems that CAS workers consider it a crime for a child to have too many toys lying around.)**

- 8) **Reported that trees partially blocked the view of the house from the road. (The house was originally built as a farm many years ago. It was common for trees to be planted around houses for wind breaks. What have trees got to do with child protection?????)**
- 9) **Reported that there was a dog running on the property not chained up. (We live in the country. Many people permit their pets to have free reign of their property. What's this got to do with child protection)**

In reality, what these CAS workers reported about our home was an absolute joke. CAS workers did their best in their affidavit to try to make our rural farm property and our pet dogs look like there was some drug kingpin living here with vicious dogs running loose on the property to attack visitors. Judging by the way these CAS workers write their affidavits, they should be writing mystery novels, not screwing up the lives of children and their parents as CAS workers. Nothing the workers wrote about in their affidavit could be considered as putting our son at risk and the CAS workers knew it. Below is a picture of our living room in our home which the CAS workers claimed posed a risk to our then 4-year-old son because of too many toys in the room. While the CAS had obtained the apprehension order in secret in the morning and could have apprehended our son during the day at school, the CAS workers deliberately came at suppertime with police knowing that this would create the most confrontational situation. The child could have been easily picked up during the day without police and then simply called the parents to come down to the CAS offices after work. Instead, the CAS workers chose to confront us at our home in a show of force with the fully armed police at their side.



A picture of the living room in our house which CAS workers claimed posed a risk to our son because of too many toys cluttering up the room. Most children would thrive in an environment such as this where there are many age appropriate toys to keep them occupied.

Even though digital cameras are very inexpensive these days, CAS workers did not take any pictures to back up their so called concerns because there never were any legitimate concerns to begin with and they knew that if any reasonable person was to see the real situation in a photo that the CAS workers would be laughed at. Had CAS workers included pictures with their affidavits, the judge would have laughed at them. CAS workers are experts at slanting and twisting words in court documents and seem to be masters of deception which is why they are afraid to use pictures and recording devices.

Below is a picture of the wall with the drywall removed which CAS workers thought was so important that they had to include it in their affidavit to the court. It seems that parents who may be considering renovations to their homes could become targets of CAS for exposing their children to risk of harm.



A picture of the bathroom where drywall had been removed for renovating. CAS workers felt this important to put in their affidavit to the court to infer that our house was in a state of disrepair.

Below is a picture of our kitchen where CAS found a “brown streak” on the stove which was chocolate icing from a cake. CAS workers attempted to twist something as simple as icing into something that would sound to the judge to be gross and unsanitary.



Picture of our kitchen where CAS found a “brown streak” on the stove which in reality was chocolate icing from a cake. CAS workers attempted to twist something as simple as icing into something that would be viewed by a judge as being gross and unsanitary.

Below is a picture of the toilet bowl in our home. CAS workers described to the court how our toilet was stained to imply we were unsanitary parents who did not clean their toilets. In reality, the toilet in our home has hard water stains which are common to many rural homes which use well water. Sometimes, no amount of scrubbing will get the hardened stains out. It is a condition (tannin) which has nothing to do with health or cleanliness which country folk learn to live with.



Picture of the stained toilet bowl which is a common problem in rural areas of Ontario where ground water is used in bathroom fixtures. CAS workers described the tannin stains in their affidavit to the court in a manner clearly intended to infer that the parents were unsanitary.



Picture of our son's room. Instead of honestly reporting that our son had a child friendly room, the CAS workers only reported that there was a stain on the carpet and that there were some adult clothes in the child's closet. How many kids in Ontario would be appreciative of a room like this? What do adult clothes in a child's closet have to do with child protection?

Mineral stains in the toilet bowl have no relevance to child protection nor does an old stain on a carpet yet CAS workers attempted to use such "dirty" and disgusting tactics in their campaign to paint us as bad parents to justify their grossly unethical and unlawful actions. These CAS workers selected tidbits of what they wanted to see and twisted the description of these around in a manner intended to cast us as parents in a bad light before the court. Using such tactics intended to paint a bad image of parents CAS workers could go into any good home in Ontario and find things which they could twist around to paint parents as unfit.

Finding no real problems with our home that they could build a real case on, CAS workers implied that we were drug users and forced us to take drug tests without a court order. We were told that if we did not "cooperate" and do what the unqualified and incompetent CAS workers told us to do that there would be "consequences" for us. Veiled threats were used against us repeatedly. CAS even paid to have drug testing technicians come from a lab in Toronto to our homes to do drug testing. The CAS appointed drug testing lab messed up and even wanted to come back a second time to redo the test! My wife and I cannot understand why CAS would waste tax dollars on drug tests knowing well that I was prescribed marijuana by a medical doctor. While to the glee of the CAS workers, the drug tests came back positive, these expensive drug tests were never used for any purpose whatsoever! Positive or negative, concerns about drug use were merely based on speculation by untrained and unqualified CAS workers. There never were any allegations or concerns by anyone that our parenting was being impaired by marijuana. The whole drug testing scam amounted to nothing more than more money wasted by incompetent CAS who had no idea of what they were doing in the first place. Of course, the drug testing lab did not mind getting a piece of the taxpayer's pie for themselves and most likely had CAS as one of their regular customers.

For more than a year now, CAS workers have been interfering with our family. They come to our home on a regular basis to intrude and inconvenience us. They have involved themselves with family members. There have been numerous court appearances and meetings with lawyers, with CAS workers, court workers and judges with nothing getting resolved except for CAS workers and lawyers charging taxpayers for all these wasted services. From what we have seen, tens of thousands of tax dollars are being spent on lawyers, CAS workers and a bunch of services to mess around with a family.

Each time, the workers come into our home they engage in frivolous chit-chat, comment on the weather and look around a bit, ask our son how he is doing and then walk back out. Each time they come they find nothing wrong and they walk out again. This has been done over and over and over again. They involved themselves with the maternal grandmother and had similar visits to her home

as well. These so called “home visits” are nothing but a joke clearly with no real benefit to anyone. At one point new workers were sent in to our home to cover for the CAS workers on our file while they were on holidays. When the new workers came out to our home they stated that they had absolutely no idea what the purpose of the home visits were or what they were supposed to be doing. Even they could see that our home was clean and safe. Even our son says he can’t understand why these workers keep coming back to “bug” and annoy him. About the only purpose of these visits appears to be is to consume time and resources and to serve as a make work project. Ultimately the taxpayers of Ontario are paying for the CAS to create all of this nonsense.

On October 25, 2008, at the very first visit after the apprehension of our son, the CAS workers admitted that there was nothing wrong with our home (we have this clearly recorded on audio tape), yet in spite of this continued to tow the company line that that CAS had to continue to supervise our family for 6 months to a year and that matters had to continue in court to be resolved. In spite of there being “no concerns” incompetent CAS workers continued on with their silly and unwarranted visits. Our son remained at his grandmother’s home while CAS spent more of the taxpayer’s dollars to pay the maternal grandmother to care for her own grandchild. Imagine – CAS paying families to take care of their own offspring!

In one instance the CAS lawyer threatened us by refusing to communicate with us if we asked to have a support person with us during an examination of the CAS worker. The lawyer appeared very nervous and scared. The question must be raised as to what the CAS lawyer was so afraid of and what did the CAS workers and the CAS lawyer have to hide. It is grossly unfair that a lawyer who is being paid for by the taxpayers of Ontario use his/her power and influence to isolate families and to take away their rights to have support from others in their community. After spending thousands of dollars on lawyers of our own and getting nowhere, when we did try to represent ourselves, we were told that if we did not have a lawyer that the CAS lawyer would not deal with us.

In the end and likely after CAS spent tens of thousands of dollars, they dropped their case against us. However, even after matters were dropped in court on October 7, 2009, we got yet another telephone call from CAS several days after court telling us that workers needed to come to our home to do a “final visit” so that they could close the file. In spite of everything already closed down in court and all matters against us dropped, the workers were so brazen as to think that they had the right to come to our home to harass our family one more time. All of this at the expense of taxpayers of Ontario of course!

As a result of the unwarranted intrusion of into our family by the children’s aid society the following have been only some of the adverse effects:

- 1) **That thousands of taxpayer dollars have been needlessly wasted by bumbling and incompetent CAS workers through needless home visits, paperwork and court attendance in our family matter.**
- 2) **That significant taxpayer dollars were paid out needlessly by CAS to an immediate family member (grandmother) who never asked for the money and who was financially well off. CAS just went ahead and using tax dollars assigned a relative the role of “foster home” even when this was not even requested. The grandmother of our son would have gladly taken our son on a temporary basis without payment by the CAS. What happened to the concept of families taking care of their own loved ones?**
- 3) **That thousands of tax dollars have been needlessly wasted on lawyers paid for by the CAS in a matter which was eventually dropped by CAS. Even the judge in court stated that CAS had made a mountain out of a tiny marijuana hill.**

- 4) **That tax dollars have been spent to needlessly consume court resources and services. Judges have been tied up along with court workers, secretaries and staff. Yet in the end the case which unqualified CAS workers attempted to build against us went nowhere.**
- 5) **That tax dollars have been misused to force our family into spending thousands of dollars to defend ourselves. Yes, we had to hire lawyers who said that going up against CAS was a waste of time.**
- 6) **That tax dollars have been misused to violate our basic rights and freedoms and those of our son.**
- 7) **That taxpayer's funds have been misused on needless drug tests which were never used and only enriched the private drug testing companies.**
- 8) **That tax dollars have been misused when CAS had police come to our home in force. There never was a need for an apprehension in the first place. The police were used strictly as a display of brute force so that CAS could flex its muscles.**
- 9) **That tax dollars and government services been misused while CAS applied to have the child tax credit sent to itself while at the same time going through all the time and expense to pay the maternal grandparent as a paid foster care provider. All of this shuffling and redirecting of government paperwork and services could have been easily avoided.**

In addition to the significant unnecessary financial costs to the taxpayers, these are more of the consequences to the unwarranted intrusion by the CAS into our family:

- 1) **That our son no longer trusts CAS workers and does not like them**
- 2) **That we, as parents, no longer trust the CAS or its workers**
- 3) **That we have lost confidence in the ability of the courts to administer justice to the citizens of Ontario in a cost effective manner.**
- 4) **That we have lost confidence in Ontario's legal establishment to defend children and parents from the CAS. Many lawyers report that fighting the CAS with its unlimited financial resources is hopeless. Many lawyers refuse to take on CAS cases because of this.**
- 5) **That many of our friends in the community have lost faith in the CAS and the Province's justice system after having seen our family abused by the system using our own tax dollars against us.**

While we don't claim to have all the answers to fix the many of the problems with the CAS a lot of the problem seems to stem from the lack of accountability and transparency. These CAS workers seem to think that they can do anything and get away with it. The problem is that they seem to get away because they are masters of deception. Some suggestions that we would make a big improvement with CAS and save a lot of tax money include the following:

- 1) **The province should incorporate a simple amendment to the Child and Family Services Act which will make it the right of every parent and child to electronically record all meetings between themselves and CAS workers and/or their solicitors. This would be similar to the provision of section 136 of Ontario's Courts of Justice Act which allows parties to record their court hearings. Giving parents and children the right to record will put an end to the lies, half truths and twisted information which CAS workers and their lawyers do to justify their actions and to rip off the taxpayers of Ontario.**
- 2) **The province should incorporate a simple amendment to the Child and Family Services Act which will require CAS workers to videotape all initial interviews with children where removal of a child from his/her home might be a possible outcome. This will put an end to the leading and suggestive questions that CAS workers often use when they have children alone and when no accurate records are kept other than the worker's personal notes.**
- 3) **The province should incorporate a simple amendment to the Child and Family Services Act which will make it a right for family members to have a support person of their choosing attend any meetings with CAS workers and/or lawyers and also to attend court. This will put an end to**

the threats and intimidating by CAS workers and their lawyers in these private settings which is used to ensure that children and families are kept isolated and in fear.

- 4) **Get the authorities to do their job to enforce the existing Ontario College of Social Workers Act that requires registration with the Ontario College of Social Workers. Enforce that all CAS workers engaged in the practice of Social work be required to register with the College.** The Ontario College of Social Workers was brought in to existence to protect the public's interest so why is the Province of Ontario not enforcing the intent of its own legislation. Everyone knows that the use of the title, "child protection worker" by many of the Province's CAS workers is merely a deception to avoid registration of workers with the College and thus to avoid oversight and accountability by the College's disciplinary body. Ombudsman oversight would not be needed if existing legislation was enforced and the College required to carry out its mandate to protect the public's interest as existing legislation requires it to do. Let's not kid ourselves, CAS workers across the Province of Ontario are engaged in the practice of social work. They know it and so do the CAS agencies who hire them.
- 5) **The province should incorporate a simple amendment to the Child and Family Services Act and/or the Courts of Justice Act if necessary to give members of the family involved in a case the right to decide if they wish the court hearings to be open and to whom.** This will put an end to the secrecy in the courts which CAS agencies use to hide their abuses, not to protect children as they claim. Open up the courts to greater scrutiny and accountability and a lot of this CAS nonsense against families will suddenly disappear. CAS workers and lawyers would not be so brazen and hostile to families once they know they are being watched in court by caring citizens from the community.
- 6) **The province should incorporate limits to how much money that CAS agencies can spend on individual court cases.** Placing limits on legal expenditures by CAS will put an end to CAS agencies spending unlimited amounts of money to enrich lawyers and to financially crush and devastate families who do not have the financial resources to fight the CAS which has unlimited tax dollars to spend on cases. Families on legal aid have set limits to the hours that legal aid will pay so why not have similar limits set on the billable hours that CAS can charge the province. At least put families on some kind of equal footing to the CAS.

The above is just a few of our simple suggestions which would help to make Ontario a better place to live and work and if implemented would save the taxpayers of Ontario tens of millions of dollars annually. The problems resulting from the culture of abuse of power by CAS workers in this province are significant and we believe warrant your immediate and personal attention. Expanding transparency and accountability will significantly reduce this problem without any further financial expense to taxpayers. Simply give the citizens of Ontario the ability to legally protect themselves and their children from these over-zealous CAS workers who literally are abusing their power to destroy families in communities across Ontario. It's time to put these unaccountable, privately owned and operated CAS agencies in check and accountable to the people of Ontario.

We thank you for your time. Your personal response would be greatly appreciated by our family and by all of our friends.

Sincerely,



Wayne XXXXXXXX (father)



Carolyn XXXXXXXX (mother)

cc: all members of the Provincial Legislature
The Ombudsman of Ontario
Canadian Taxpayers Federation