

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN

F.K.

**Petitioner (Wife)
(Respondent by Counterpetition)**

and

J.K.

**Respondent (Husband)
(Petitioner by Counterpetition)**

AFFIDAVIT

I, [REDACTED], of the Town of [REDACTED], in the Regional Municipality of [REDACTED], MAKE OATH AND SAY:

- 1) I am a child and family advocate and have been actively involved in helping children and families involved with separation, divorce and child protection matters since about 1996. Further information about my court relating experience and qualifications was contained in a previous affidavit to the Honourable court and is part of the court record.

- 2) I was been previously involved as an advocate for H.K., the child in this matter and acted as his advocate based on both the verbal and written request of the child H.K. I have been unable to advocate for H.K. as he was forcefully taken away in August of 2003 by the Jewish Family and Child Services and all communication between H.K. and myself, blocked. I verily believe that H.K. wished to speak to me after he was

forcefully taken away, but that he was physically prevented from doing so by workers with the Jewish Family and Child Services.

- 3) Very recently, I was forwarded a copy of an affidavit sworn by Fran Cappe, a clinical investigator from Ontario's Office of the Children's Lawyer and was asked to provide a my comments, especially in response to statements made in paragraph 16 of Ms. Capp's affidavit which make reference to my involvement with H.K. and his family and the matters before the court. Due to the fact that little time was given for me to prepare a document, my affidavit will be somewhat limited in scope.
- 4) As I stated in my last affidavit, I verily believe that this whole case involving H.K. and his family has been a gross miscarriage of justice which has been primarily the result of abuse of power and authority and the manipulation of the justice system by certain workers with the Jewish Family and Child Services (JF&CS) and by certain workers with Ontario's Office of the Children's Lawyer. I verily believe that these two agencies have misled professionals and agencies which have close ties with them, including this latest clinical investigator from the OCL, Ms. Fran Cappe. I verily believe that these powerful government funded agencies have obstructed the administration of Justice in their efforts to protect their interests above the interests of the child, H.K.
- 5) The last time I saw H.K. he was leaving my home after enjoying a barbeque with other children and their families. At that time, H.K. stated to me, "Mr. [REDACTED], please help me. JF&CS have told me that they will make sure that I never see my dad again if I don't say that I hate my dad and that I want to live with my mom. Please don't let them take me away. I'm afraid of these people" That is the last time I saw H.K. before workers with the JF&CS took him away and cut off all communication between H.K. and those he trusted. Even mail to H.K. was intercepted and I suspect destroyed by JF&CS as part of a plan to isolate H.K. from those he trusted and to keep him from disclosing the abuses he had suffered as a result of the action of workers with the JF&CS and the OCL.

- 6) I am deeply disturbed by the statements which Ms. Cappe claims were made freely by H.K. for her report. I am also deeply disturbed by the unprofessional manner in which these statements from H.K, were collected by Ms. Cappe. I verily believe that these statements from H.K. as reported by Ms. Cappe are fabrications intended to mislead the honouable court. These statements do not represent the truth. If H.K. is saying such things, then he is either under duress of his abusers or the victim of a long-term brainwashing campaign of those who have controlled him for the past two and one half years. Having Ms. Cappe interview H.K. in the presence of, those he had previously discussed are abusing him would clearly be suspect to putting H:K. under duress.
- 7) Another observation about the statements made by H.K is that it seems highly unusual that it has taken almost two years since the day that H.K. disappeared with the JF&CS for H.K. to now change his original statements that he had previously made on videotape. H.K. has been in the care and control of those who he has alleged were abusing him and only after so much time has elapsed does he suddenly change his story. The entire manner in which the JF&CS have handled this matter, is nothing but an outrage to the Administration of Justice.
- 8) The manner in which the JF&CS and Ontario's children's lawyer's office have handled this case are highly questionable and their course of action at various times during the carriage of this file not supported by facts at the time. If anything, the manner in which these two agencies have secretly handled this case over the past two and one half years could reasonably support a conclusion that this child is the victim of the very agencies who seized the child, kept the child hidden from friends and family and blocked all forms of communication in contravention to the Child and Family Services Act and in violation of the very Principles of Fundamental Justice.
- 9) The JF&CS and the OCL have since the beginning acted in a manner which has ensured secrecy and ensured unaccountability for their workers. Files and notes have not been disclosed. Both the Jewish Family and Child Services and the OCL have refused and obstructed any attempts for maintain proper records as far as H.K's

disclosures. H.K has disclosed being lied to and coerced by the workers, yet workers refused to keep any kind of audio or video records of their interviews with him.

- 10) As an advocate for many other children, and a developer of training programs related to the videotaping of children, I have videotaped other children, who like H.K, have disclosed that they do not trust the workers with the Office of the Children's Lawyer nor do they trust workers with the CAS. These other children have stated that they would feel safer and better protected if workers with these agencies tape recorded their interviews. Many of the children I have interviewed stated that OCL workers and CAS workers have lied to them and attempt to coerce them to take a position with one parent over the other. My findings are to be part of a investigative report to be released to the Ontario Government at some time in the future in an effort to change Provincial Legislation to make CAS agencies more accountable.
- 11) I verily believe that Ms. Cappe has failed to exercise due diligence relating to the manner in which she has collected statements from H.K. Specifically, H.K. had specifically indicated that he did not trust the Office of the Children's Lawyer and that his children's lawyer had attempted to coerce him in the past to live with his violent and abusive mother. H.K. had previously disclosed that his mother had also threatened him and told him what he had to say to the Children's Lawyer's Office. Yet, Ms. Cappe interviewed H.K. in the very presence of those persons H.K. had previously indicated that he most feared and those he had previously indicated had threatened and terrorized him.
- 12) I verily believe that Ms. Cappe, as a clinical investigator, has failed to exercise due diligence in the collection of collateral information as is her duty under the law and to her profession. I verily believe that she has failed to properly and competently investigate all of the relevant circumstances surrounding this case and the interests of H.K. There are glaring mistakes in the way that she conducted her investigation. Just one glaring failure was the fact that she did not interview some of the key witnesses in this case. I verily believe that that Ms. Cappe has allowed herself to be spoon-fed information which the JF&CS and the Children's lawyer's office wanted her to see. Contact with key collateral witnesses appears to have been carefully

controlled to ensure that she has no contact with these key witnesses. I verily believe that this was to keep certain information which contradicted the position of the JF&CS "off the record" and to not be a part of her report. In summary, I verily believe that Ms. Cappe's was manipulated by the JF&CS and Ontario's Office of the Children's Lawyer to compromise her position as an independent investigator and to come up with a report that in effect protected the interests of those agencies involved and not the interests of the child, H.K. I verily believe that information relevant to Ms. Cappe conducting a proper investigation was withheld from her and if this matter goes to trial that cross examination of Ms. Cappe on the stand will reveal this.

- 13) In sections of paragraph 16, Ms. Cappe reported that H.K. told her that he had been forced to come to my office, forced to be videotaped and that he was nervous during all of this. This is not true, and the videotaped record of these interviews clearly show otherwise. Mr. J.K. has advised me and I verily believe this to be true that efforts have been made by the Office of the Children's Lawyer to prevent these tapes from being seen by the court.
- 14) Ms. Cappe alleges that H.K. said he was forced to come to my office and that he was nervous. This is a total fabrication. I verily believe H.K. has been forced to make these statements by those who have held him captive, isolated and brainwashed him over the past two and a half years. H.K. was always communicative when he came to my home office and always willing to be interviewed. On his visits he would sometimes interact with my daughter or with other children who were at my home. On his last visit H.K. played games and was a willing part of a barbeque I was hosting which involved other children. At that visit I took pictures of H.K. and his father.

Attached as exhibit "A" is a copy of a picture of H.K on my backyard deck happily playing with other children.

Attached as exhibit "B" is a copy of a picture of H.K on my backyard deck happily smiling with his father

Attached as exhibit "C" is a copy of a picture of H.K smiling while he was eating with others at the patio table.

- 15) I verily believe that the only reason why H.K. would make such statements is because he has fallen victim to brainwashing by workers at those agencies who have a vested interest in covering up the abuse that H.K. suffered at the hands of workers with the JF&CAS and Ontario's Children's Lawyer's Office, abuse which he disclosed on videotape. I verily believe that this brainwashing has been going on for the past two and one half years after H.K. was forced into the care and control of the agencies involved and confined from communicating with those he truly trusts.
- 16) There were other witnesses present when H.K. came to my office who would contradict H.K.'S statement about being nervous and forced, yet in over two and one half years, no one from the JF&CS or the Children's Lawyer's office have bothered to inquire about these witnesses or to ask to interview them. Suddenly, almost two and a half years later when those who have control over the boy want to circumcise him, H.K.'s story suddenly changes. I verily believe that JF&CA did not want these eye witnesses interviewed because that evidence did not suite their agenda of placing the boy with his Jewish mother and forcing the child to become a follower of the Jewish faith. On videotape, H.K. states that he does not want to be Jewish and does not want to be circumcised.
- 17) I have recently spoken to reputable persons in the community who have come forth with information about the Jewish Family and Child Services which supports claims that the JF&CS will resort to underhanded and questionable tactics and use its influence amongst other professionals to achieve its objectives.
- 18) In two and one half years, no one from the JF&CS have spoken to the eye witnesses who witnessed H.K.'s mother physically and emotionally abuse H.K. and the father J.K.
- 19) Also contradicting Ms. Cappe's report about H.K, being forced to do things, is the fact that H.K. sent letters in his own handwriting while he was under the total care and control of the Jewish Family and Child Services. Two handwritten letters were sent by H.K. from the JF&CS summer camp and at least one letter from the Ragesh Group Home where H.K. was being forcefully detained in violation of his rights and freedoms. I believe these letters are in the court record. H.K. told me in person that

he had to write the letters and mail them without workers from the Jewish Family and Child Services workers finding out. H.K. told me that he would be severely punished by workers and would lose his rights to see his father if he attempted to communicate with anyone. H.K. had disclosed being locked in a room at the JF&CS group home.

- 20) It is well documented that full grown adults can be brainwashed effectively in far less time than the amount of time that H.K. has been under the influence and control of JF&CS and the OCL. Both of these agencies have unlimited taxpayer money at their disposal to overwhelm the will and a young child in order to achieve their objectives. Under such overwhelming pressure a young boy such as H.K, could never be expected to stand up for any length of time. Information provided by H.K. on videotape before his "disappearance" from friends and family, would provide reasonable evidence to show that both the JF&CS and Ontario's Office of the Children's Lawyer had a motive to take this young boy away, to hold him in secret and to ensure that he never disclosed information about their agencies again. In summary, both of these agencies and their workers had a significant vested interest in "silencing" this child. Much of this information is included in my previous affidavit on the court record.
- 21) Ontario's Ombudsman recently spoke before a Parliamentary Committee and reported that Children's Aid Agencies were out of control and needed to be reined in under the umbrella of the Ombudsman's office. This case involving H.K. is yet another example of how a child has slipped through the cracks and has been abused by the very agencies which claim to be protecting children
- 22) I verily believe that Adam McIvor, the child's lawyer appointed by the Ontario Office of the Children's Lawyer has mislead the court and had acted contrary to the child's wishes, preferences and instructions and has assisted in preventing H.K.'s true wishes and preferences being heard by the court and by those he most trusts. I verily believe that the child has been mislead into believing that he could not see his father and that there was other option except to live with his mother if he wanted to be released from the threats, intimidation and torture he was being subjected while

under the care of the Jewish Family and Child Services and the Ragesh Group Home agency.

- 23) I verily believe that H.K. would welcome the opportunity to speak to those who he trusts in an environment truly free from the influence of those government funded workers and agencies which evidence to date would reasonably suggest have abused this child and suppressed his wishes and preferences. I verily believe that it is in the child's best interests to have this boy be allowed to have a private meeting with those which evidence would suggest he trusted before being hidden away by the Jewish Family and Child Services sometime after August 15, 2003.
- 24) Based on all the information I have gathered, including personal testimony from the child in person and from other witnesses, I verily believe that there has been a terrible miscarriage of justice, a gross violation of this child's rights and freedoms, a gross violation of his father's rights, all caused by what this writer verily believes to be an abuse of power and influence of workers with the Jewish Family and Child Services, the Ragesh Group home and the Office of the Children's Lawyer. I also verily believe that other agencies having ties or a working relationship with the Jewish Family and Child Services have used their power and influence to maintain secrecy and have turned a blind eye to evidence and the boy's cries to have his rights and freedoms respected and have failed to properly investigate and to deal with this matter in a transparent and accountable matter.
- 25) I verily believe that in the years to come, when H.K. is mature enough to no longer feel threatened by those who have perpetrated these injustices against him, that he will come forth to seek justice and to make those responsible accountable for their actions. For this reason, I wish the court record to show that I did my best as a child and family advocate to advocate for this boy's interests and to get the truth before the court. When that time does arrive, I want H.K to be able to see on the record and to know who it was who truly stood up for his rights and freedoms and to know who those were who were responsible for these injustices against him.

26) I also verily believe that this case should be the subject of a public inquiry into the conduct and practices of both the Jewish Family and Child Services and Ontario's Office of the Children's Lawyer.

27) With God as my witness, I make this affidavit to seek justice in this matter and for no improper use.

Sworn Before Me in the town/city)
of Toronto, in the)
Sharon Region of Ontario)
_____)
this 30th day of January 2006)





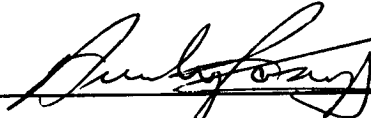
THIS IS
EXHIBIT
“A”

Referred to in the affidavit of

~~XXXXXXXXXX~~

Sworn before me

THIS 30th DAY OF January 2006



A COMMISSIONER, ETC.

Exhibit A



H.K. (in yellow shirt) playing with friends in the backyard of Mr. [REDACTED] home. Contrary to the report of Ms. Fran Cappe of the Ontario Children's Lawyer's Office, H.K. does not appear to be nervous and is smiling at this event.

THIS IS
EXHIBIT
“B”

Referred to in the affidavit of

~~XXXXXXXXXX~~

Sworn before me

THIS 30th DAY OF January 2006


A COMMISSIONER, ETC.

Exhibit B



H.K. with his father in the back yard of Mr. [REDACTED] home. Contrary to what Ms. Fran Cappe of the Office of the Children's Lawyer has indicated in her report, HK appears to be more than willing to provide smiles and hugs to his father. It would appear that Ms. Fran Cappe has been misled by Ontario's Office of the Children's Lawyer and the Jewish Family and Child Services.

Note: This was the last time that H.K. was photographed before being forcefully taken from his loving dad and away from his father by the Jewish Family and Child Services. The boy has not been heard from since he was forcefully taken away in 2003.

THIS IS
EXHIBIT
“C”

Referred to in the affidavit of

~~XXXXXXXXXX~~

Sworn before me

THIS 30th DAY OF January 2006


A COMMISSIONER, ETC.

Exhibit C



H.K. smiling with ketchup on his face during his mealtime. Contrary to the report of Fran Cappe of the Office of the Children's Lawyer, H,K does not appear to be under duress or nervous at this event as Ms. Cappe has claimed. Again, it would appear that Ms. Cappe has failed to exercise due diligence in the gathering of information and has failed to be professional in her work.