

December 3, 2003

The Honourable Gord Mackintosh
Minister of Justice
104 Legislative Building
Winnipeg, MB
R3C 0V8

Dear Sir,

I contacted your office recently to express my concern with the process in which my children and myself have been subjected to through the legal process following my marital breakdown and separation from my children.

Below, please find a brief summary of events over the past two years. In my opinion, this case, simply put, is a family law case gone amok. The victims are my children. They have had no choice in the matter. As for myself, I am simply asking to be heard, so that the best interests of my children may be served. Families should not have to go through this type of ordeal. Litigants should not be allowed to mislead, obstruct or defeat truth and justice in judicial family proceedings. Litigating participants, lawyers included, should not be allowed to advance their case with such tactics that I describe in my summary.

I am requesting your review of the information I have provided. I am also requesting a personal meeting with you to discuss this issue. I will provide documentation to support my summary.

I may be reached during business hours at [omitted] or during the evening at [omitted].

Thank you.

Sincerely,

George Gracie [Not his real name]

September 1, 2001 Separation initiated by Ms. Gracie. I move from marital residence into boarding house. My children are as follows: Joshua, age ten years, Chris, age three years, Megan, age 13 months. [*The names of the children have been changed to protect their identity.*]

September 1, 2001 to December 31, 2001 Regular access to children. Ms. Gracie and I remained in close contact at her request for outings as a couple, outings as family with children. I care for children regularly in marital home at Ms. Gracie's request. At Ms. Gracie's request, I apply to Family Conciliation for Comprehensive Mediation services.

March 1, 2002 to March 17, 2002 Ms. Gracie informs me that she wishes no further contact with me. Ms. Gracie denies me access to children. She will not let me speak to the children on the telephone nor will she facilitate personal contact. My telephone calls, email messages are not returned.

March 18, 2002 I contact local police with complaint that Ms. Gracie will not let me see or speak with children. Constable suggests I hire a lawyer.

March 15, 2002 Advised by Family Conciliation that mediation is to be scheduled quickly due to withheld access to children.

March 21, 2002 Ms. Gracie obtains a Protection Order granted by Magistrate Peggy Sutherland. Ms. Gracie testifies that I am mentally ill and may harm or kill the children. Testimony given to obtain Order frivolous and vexatious. Evidence presented unsubstantiated. Ms. Gracie applies for relief for herself and all three children. Protection Order granted for relief for Ms. Gracie only. I do not have contact with children. Ten-year-old son calls me constantly expressing his desire to see me. Mediation services placed on hold due to existence of Protection Order.

March 25, 2002 I file Motion to Set Aside Protection Order in QB. Hearing date set for March 26, 2003.

March 26, 2003 Justice Duval adjourns hearing for Ms. Gracie to obtain legal counsel. Hearing adjourned to April 2, 2002. I have no contact with children. Ten-year-old son continually calls me. School expresses concern due to his change in behaviour.

April 2, 2002 Hearing for adjourned to April 9, 2002.

April 9, 2002 Hearing adjourned to April 23, 2002.

April 9, 2002 to April 23, 2002	Both parties legal counsel negotiate terms of access. Contact with children limited and irregular. Through legal council, Ms. Gracie advises access to children will not be considered until I find “more suitable” living arrangements”.
May 7, 2002	In a letter received from Ms. Gracie’s lawyer, Ms. Sharon Maltz, Ms. Gracie is requesting that the Protection Order be amended to restrict my access to local public streets <i>except</i> Monday to Friday 7:45 a.m. to 8:15 a.m. to drive my son to school.
May 27, 2002	Ms. Gracie files for sole custody of children. Hearing adjourned to call for time to respond. I move to “more suitable” two-bedroom apartment. Ms. Gracie will not grant me access to claiming I’m “mentally ill”.
June 1, 2002	Ms. Gracie constructs my arrest. No contact with children due to Undertaking. Protection Order remains. Comprehensive Mediation cancelled by Family Conciliation. Conditions of release: attend near marital residence between 7:45 a.m. and 8:15 a.m. to drive son to school but not to attend within 200 metres of the marital residence. For safety reasons, I chose not to drive my son to school.
July 9, 2002	Charges for Breach of Protection Order stayed.
July 14, 2002	Hearing scheduled for August 14, 2002. Voluntary assessment of my well being by registered psychologist. Report states that I am not mentally ill and have not exhibited any symptoms of mental illness or instability. Psychologist’s report sent to Ms. Gracie’s legal counsel. Ms. Gracie will now not allow access until I purchase “proper” furnishings for children.
July 18, 2002 to August 5, 2002	I purchase “proper” furnishings for children as requested by Ms. Gracie. Police incidences; I was advised to document in detail what I felt to be, and was considered to be by my professional contact, unusual incidences and circumstances regarding the police. With psychologist’s report, Ms. Gracie will not consent to regular periods of access again claiming I’m “mentally ill” in light of my disclosure of the police incidences. Ms. Gracie claims I’m having paranoid delusions. Ms. Gracie sends letter to Victoria General Hospital Psychiatric Department stating her concerns.
August 9, 2002	Ms. Gracie, in a letter written by her lawyer Ms. Sharon Maltz, indicates that I may see the children and pick them up at the

marital residence and “she will not make an issue regarding the Protection Order.” I declined this invitation to voluntarily breach the Order the week before appearing at our first court hearing.

- August 14, 2002 I am granted joint legal custody of all three children with the periods of care and control as mutually agreed by both parties. Motion to Set Aside Protection Order and all issues adjourned indefinitely. Referral to Family Conciliation Mediation Services.
- August 31, 2002 to October 31, 2002 Access to children at the times and conditions as dictated by Ms. Gracie.
- November 5, 2002 Mediation scheduled 2 ½ months after referral by Court. Ms. Gracie unable to attend session due to sudden illness. Mediator contacts Ms. Gracie. Subsequent sessions yet to be determined pending Ms. Gracie’s availability and suitability to her schedule. Our next session is tentatively scheduled for November 19, 2002. Access to children as dictated by Ms. Gracie.
- December 19, 2002 Ms. Gracie uncooperative. Mediator advises Ms. Gracie that the current access arrangement does not meet the needs nor is in the best interest of my children. Ms. Gracie states she will not allow any more access. Mediation cancelled by mediator.
- December 31, 2002 to February 2, 2003 Conflict between Ms. Gracie and my son Joshua is escalating. Joshua runs away from his mother’s care to my home. He is afraid of getting hurt. I am advised to call CFS as this has been reported to me by my son and also by neighbours near the marital residence.
- February 11, 2003 CFS interviews Joshua.
- February 13, 2003 Opt into Case Management at request of Ms. Gracie’s lawyer.
- February 21, 2003 Ms. Gracie retains new lawyer – now her second. First Case Conference scheduled for March 10, 2003. Court documents filed on behalf of Ms. Gracie by new lawyer duplicate of documents filed in May of 2002.
- March 10, 2003 Court referral to Family Conciliation regarding issues of access. Assessment ordered.
- March 21, 2003 My children and my parents and I travel to Grand Forks as vacation and attend my eldest son’s hockey tournament. Ms. Gracie consented to allowing me to take the children only after

being urged to consent by her legal counsel. Ms. Gracie was adamant that due to escalating conflict in Iraq, that I was endangering the children. Upon our arrival, I discovered Ms. Gracie, accompanied by a “friend”, later identified as Child and Family Services social worker Claire Laterveer, attended at the hockey arena where I was with my son and parents as well as attending at my hotel. Ms. Gracie and Ms. Laterveer were not registered guests of this hotel. Both Ms. Gracie and Ms. Laterveer publicly made disparaging remarks to me. I have reported this to Winnipeg Child and Family Services Program Director Mr. Partick Harrison.

- May 29, 2003 Case Conference. I still am encountering access difficulties.
- May 30, 2003 Friend moves in with me to help share expenses. My legal costs are escalating.
- July 2, 2003 Assessment begins. I am still not seeing my two younger children as much as I desire and not as often as recommended. Ms. Gracie appears not to want me to see the children. Joshua continues to express his fears for his safety and also his desire to see me more often. Ms. Gracie denies him further access.
- July 8, 2003 Joshua runs from his mother’s care claiming she is abusive toward him. Neighbours witness physical altercation between Joshua and Ms. Gracie. Joshua runs from his mother’s care to my home. I contact CFS and police attend to Ms. Gracie’s home. Both CFS and the police recommend that Joshua stay with me and the issue must be brought before the court on an emergency basis.
- Ms. Gracie makes allegation that my roommate sexually molested my daughter. CFS advises me that Joshua must be returned to her pending the completion of the investigation. Investigation into the allegations begins. Allegations are unsubstantiated. CFS worker Sara Yaeger reports the allegations are frivolous and vexatious. In Ms. Yaeger’s opinion, as stated in her report, Ms. Gracie is fixated on ensuring that I have not contact with younger children. Joshua returns to my care.
- August 26, 2003 Case Conference. I am granted primary care and control of Joshua. Ms. Gracie will now not consent to signing the order changing the primary care and control of Joshua. Access issues with regard to the two younger children still not settled pending assessment. Next Case Conference scheduled for November 4, 2003.

- September 8, 2003 Ms. Gracie retains new lawyer – her third.
- September 26, 2003 Ms. Gracie instructs her legal counsel not to sign the Interim Order granting me primary care and control of Joshua. Joshua continues to reside with me.
- October 24, 2003 Ms. Gracie files complaint with “minister’s office” that Maintenance Enforcement is not enforcing child support order.
- October 27, 2003 Maintenance Enforcement threatens to garnish my wages if I do not pay the child support and day care costs (arrears) for my son Joshua, whom resides with me and does not attend day care. I advise Maintenance Enforcement that I will be appearing in court to obtain a variation order. I am requested by MEP to fax a financial statement and agreement to pay as per the existing order pending the anticipated variation order. I faxed the documents as requested.
- October 30, 2003 Assessment completed and filed in QB.
- November 4, 2003 Legal counsel and both parties have reviewed Assessment Report Judge has not reviewed the report as report is not in file. My legal counsel requests Ms. Gracie consent to a variation to child support due to the change in care and control of Joshua and day care costs. Judge urges her to do so stating “that Maintenance Enforcement is ruthless” and that returning to court, “the judge will grant the variation”. Ms. Gracie refuses to consent to a variation order. No further Case Management Meetings are scheduled.
- November 5, 2003 My employer is served with a Garnishee Order. Maintenance Enforcement advises me that my file was transferred for immediate enforcement as they claim that they did not receive my fax. My wages will be garnished. I write to MEP to ask they did not inform me that they did not receive my fax given the urgency of the circumstances. To date, I have not received a reply to my query. The fax was sent from my employer’s fax machine. The fax transmission was successful. I have never missed making a payment.
- November 14, 2003 Ms. Alana Brownlee, Provincial Investigations Co-ordinator from the Province of Manitoba Family Services and Housing, Child Protection Branch interviews me at my workplace to investigate allegations by Ms. Gracie of me abusing my son Joshua, age 12. Allegations unsubstantiated as per Ms. Brownlee.
- November 19, 2003 My employment is terminated by my employer without notice.

December 2, 2003

Motion filed in Court of Queen's Bench (Family Division) to suspend enforcement action by Maintenance Enforcement. Ms. Gracie instructs her legal counsel to contest motion. Hearing adjourned to January of 2004. Current support order is still in effect (order requiring me to pay support for child living with me as well as support for him to attend day care; he is not in day care). Lois Bernstein of Maintenance Enforcement advises me that Maintenance Enforcement will continue to enforce the existing order. I do not have current source of income. Motion may be filed to impute child support payments as per Ms. Frances Telford, lawyer of record for Ms. Gracie.

Additional Facts, Information and Opinions

- 1) Ms. Gracie has received legal aid even though it has been determined that she was in the financial position to pay litigation costs on her own.
- 2) I am of the opinion that Ms. Gracie obtained a Protection Order against me in an effort to alienate me from my children. Due to the no contact clause of the Order, I was unable to call my children, exercise my right to access and unable to fulfill my children's requests to spend time with me. Shortly after obtaining the Order, my son Joshua was taken by Ms. Gracie from the school he attended and enrolled in another school without my knowledge, input or authorization and against the advice of the school psychologist. He was also sent to an Ontario camp without my knowledge or consent. Ms. Gracie has also negotiated the terms and conditions of the jointly owned marital residence without my knowledge or input. Her response to my query regarding the mortgage renewal was to threaten to call the police for engaging in verbal communication, a violation of the Protection Order.
- 3) Ms. Gracie intentionally constructed my arrest prior to our first access and custody hearing to advance her case. Ms. Gracie has used the Winnipeg Police Services to construct scenarios whereby her desired outcome would have advanced her custody case.
- 4) I am of the opinion that Ms. Gracie has intentionally engaged in excessive litigation to cause me financial harm. She has stated to me that she will drag the process out as long as she can until my financial resources are depleted and I can no longer return to court on issues related to custody and access of my children. To date, I have paid \$4,500 in legal fees and owe a further \$25,000. I am unable to afford to return to court to settle the issues of custody and access. There is no existing access order.
- 5) Ms. Gracie made false allegations of sexual abuse of my three-year-old daughter in order to alienate me from my children and to advance her custody case.
- 6) Ms. Gracie has made false allegations that I physically abuse my twelve-year-old son to advance her custody case.
- 7) Ms. Gracie has made false accusations that I have "kidnapped" my son as reported to my legal counsel by her lawyer Mr. Leandre Buisse.
- 8) Ms. Gracie has made false allegations claiming and reporting that I am mentally ill to advance her custody case.
- 9) The Assessment Report by Family Conciliation is completed and has been submitted to the Court of Queen's Bench. The report recommends that I have primary care and control of Joshua. The report also expresses concern over Ms. Gracie's primary care and control of my two younger children. They remain in her care. The Assessment Report has yet to be reviewed by a Court of Queen's Bench judge.
- 10) My children are now ages twelve years, five years and three years of age.
- 11) My children and I are now into the third year of this process.

Summary

It is patently obvious that Ms. Gracie is fixated on punishing me. She has done so through the only ways she knows of; depriving me of my personal and marital property, financial resources, restricting access to my children and the use of the courts and other civil authorities to control me and construct her custody and access case. She is fueled by anger and resentment toward me. Her motivation is revenge, pure and simple.

She has cried child abuse, sexual abuse, mental illness and unfit parenting and continues to make such allegations. In so doing she has attempted to destroy me, my reputation and most importantly, my relationship with my children.

What can you do to assist my children and me?

How can you help me stop Ms. Gracie from such harassment?