The More Things Change,

the More They Remain the Same

An Analysis of the Proposed Changes to the
Child and Family Services Act of Manitoba
Bill 48

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Ladies and gentlemen of the committee, my name is Louise Malenfant, and for the past two and a half years, I have operated a family advocacy project known in the community as Parents Helping Parents. For those unfamiliar with my work, the family advocacy project assisted families who were dealing with the Child and Family Services, and it also provided assistance to those parents and family members who were deprived of access to children as the result of allegations occurring during the divorce process. It was not uncommon for families to be experiencing both problems at the same time, as 25% of the allegations CFS investigates occur during the divorce process.

I have spoken to the government regarding the problems in the child welfare system many times before, and it is usually my practice to provide a significant amount of research to substantiate the problems we have identified as we assist the families involved in the system. Today, however, I recognize that Bill 48 will be very difficult to change at this late stage of the process, and so I have decided to speak from the heart, in the hope that somehow, the members of this committee will be moved to take a little more time to examine the Child and Family Service Act and ensure that we all will not have to return to this process again for many years to come.

I have been called the "harshest critic" of CFS, and I have worn that title as a badge of honour. To me, it is a recognition of the commitment I have made to changing the child welfare system for the people of Manitoba. This critic, however, has some wonderful things to say about the new CFS. I'm going to begin my comment on Bill 48 by noting some of the dramatic changes I have seen taking place in the child welfare system in the past year, for they have been nothing short of revolutionary.

In early 1996, the Minister of Family Services named Mr. Phil Goodman to the post of Director of Child Welfare, and not long after, Mr. David Langtry was named to the office of Assistant Deputy Minister responsible for child welfare. What a team and what a difference these two men have made in the short time they have held these offices.

If I may use a Hobbesian analogy to describe their impact on the system, I would say that Mr. Goodman has provided a new heart to the child welfare system, pumping the blood of ideas

throughout CFS in a dramatic and healthy way. Mr. Langtry provides the soul of the new child welfare mentality. With his thoughtful compassion, his refreshing honesty, and hard working commitment to change, Mr. Langtry has earned the admiration and respect of the family advocacy project right along side Mr. Goodman.

What can I say about the Minister of Family Services Bonnie Mitchelson? Only that I credit her with the courage to address the long standing problems of this portfolio, with the fortitude to make the tough decisions which have been made over the past year, and with the creative intelligence which has brought this revolutionary spirit of change to the child welfare system of Manitoba. In the eyes of this harsh critic, The Honourable Bonnie Mitchelson has achieved greatness as Minister of Family Services, and I reserve my highest respect and admiration for her and her accomplishments.

To give this committee an idea of the magnitude of change which has taken place, in the first year of operation of Parents Helping Parents, we were receiving an average of twenty complaint calls per month regarding the conduct of the frontline of social work. Two and one half years later, I am pleased to advise that I have not received a new complaint about social worker conduct in five months. Though divorce complaints continue, it would appear that I have advocated myself right out of a significant role to play in the new child welfare system, and I couldn't be happier about that.

In addition to the reduction of complaints, which has exceeded even my most optomistic expectations, there is a new openness to the child welfare office. Today, when I request information about operations, the information is not only provided with courtesy and swiftness, but there is a reciprocal request for my thoughts and opinions on the operation of child welfare in Manitoba. Let me advise this committee that it was not so long ago when no one in child welfare gave a tinker's damn about the opinion of anyone in the community, nor could anyone obtain information about anything in the system.

And now for the bad news. I wish I could assure the people of Manitoba that these changes will be made permanent by the implementation of Bill 48, but I can't do it. I am now going

to move directly to the specifics of Bill 48, and make some recommendations for additional changes required to guarantee Manitobans a healthy child welfare system.

ACCOUNTABILITY AND FAIRNESS

There are several proposed changes in Bill 48 which speak to establishing institutional accountability and fairness in the child welfare system, but they do not go far enough. The absence of accountability and fairness is one of the more significant problems described by families who complain about CFS. The Report of the Child and Family Services Review Committee summarized the problem in the following way:

> From one end of the Province to the other, the repeated theme in child protection was that the mandated agencies were a force lacking in accountability to families and the community they serve. The legal system which supports the apprehension of children at risk currently contains systemic impediments which sometimes work to the detriment of the children it serves[1].

I draw the Committee's attention to section 4(2)d on page 4 of Bill 48, where we see that the section which provided the Director with the power to establish a three member review panel to hear complaints is repealed, and replaced with the following:

4(2)d (the Director will) *establish procedures to hear complaints under this Act.*

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[1]Zuefle, Helen, Chairperson (February, 1997) Report of the Child and Family Services Act Review Committee on the Community Consultation Process. Presented to the Honourable Bonnie Mitchelson, Minister of Family Services. pp 13.

I mean no disrespect to the Director, but it is a fact that he is responsible for the implementation of the Child and Family Services Act, and ultimately responsible for the conduct of all investigations and case management plans undertaken with families by the Child and Family Service system. It is therefore illegitimate to invest his office with the responsibility of establishing complaint procedures to review the effectiveness of his own office. To do so abrogates the rules of natural law, and invalidates the legitimacy of a review process.

The criminal justice system has effectively dealt with this problem. While police officers have the power to arrest and detain, I suggest that CFS has even more power than the police, as it can change the history of entire family systems by removing children from their homes and labelling adults as child abusers. Yet, the police have a respected and external review process (L.E.R.A.), established to ensure that abuse of power does not occur, while CFS will retain its right to review itself.

On the positive side, we are very supportive of the increased powers provided to the Director to investigate and review the conduct of the agency, as articulated in sections 4(2)a through to 4(2)b.2. It has been our experience that the Director's office did not have sufficient powers over the Child and Family Services offices to even obtain sufficient information to provide a comprehensive review of agency conduct. We note, however, that the Director will still be without the power to act, in that there is no provision to enforce recommendations made by the the Director's Office.

RECOMMENDATION: THAT AN ADDITIONAL PARAGRAPH BE ADDED TO THIS SECTION TO PROVIDE THE DIRECTOR WITH THE AUTHORITY TO MAKE RECOMMENDATIONS TO CFS AGENCY OFFICES, AND FURTHER, THAT THE DIRECTOR'S OFFICE SHOULD BE INVESTED WITH THE AUTHORITY TO ENFORCE THE IMPLEMENTATION OF RECOMMENDATIONS. PROVISIONS SHOULD BE MADE TO PROVIDE A DIRECT APPEAL TO THE MINISTER'S OFFICE, THROUGH THE DEPUTY MINISTER, WHERE AGENCY OFFICES DISPUTE THE DIRECTOR'S RECOMMENDATIONS.

RECOMMENDATION: IT IS RECOMMENDED THAT THE RESPONSIBILITY TO ESTABLISH COMPLAINT PROCEDURES BE RETAINED BY THE MINISTER OF FAMILY SERVICES, WHO SHOULD GIVE SERIOUS CONSIDERATION TO THE ESTABLISHMENT OF AN EXTERNAL REVIEW PROCESS FOR CFS COMPLAINTS. THIS WILL NOT ONLY BE FAIR AND JUST, BUT WILL BE SEEN TO BE FAIR AND JUST.

FAIRNESS FOR FOSTER CAREGIVERS

Though Parents Helping Parents is not a voice for foster caregivers, we have had interaction and information sharing with foster care providers. This is because we have many issues in common, such as dealing with allegations which may be false, dealing with autocratic social workers who do not provide explanations for their actions, and dealing with an inadequate review process for complaints.

I am sure that the foster care community is going to be less than thrilled that they will now have to appeal to the Director if they are in disagreement with the Director's decisions, as spelled out in section 8(2) of Bill 48 (page 4). Prior to Bill 48, foster caregivers had the right to appeal to the external review process provided by the Social Services Advisory Committee. Foster caregivers can take some small comfort that they are at least entitled to the Director's decision, in writing, within 30 days of an appeal. Families who deal with CFS are not entitled to a decision in writing.

In making enquiries about the review process provided by the Social Services Review Committee, I was advised that the Committee did not feel they had the adequate knowledge to deal with foster care complaints. This begs the question, if they are not adequate to deal with foster care provider complaints, than why are they adequate to deal with complaints regarding other child care facilities maintained by CFS?

Again, I made enquiries and learned that there is a difference between complaints made by foster caregivers, and those made by larger institutional care providers, in that the

former complaints are usually in the area of protesting a false allegation of child abuse or the inadequacy of explanation provided by social workers, while the latter complaints are of a more generalized institutional nature.

Parents Helping Parents has heard of a number of complaints made against institutional care providers that include child abuse allegations, so we respectfully suggest that review procedures for all caregivers need to be equally mindful of child abuse issues.

RECOMMENDATION: THE TECHNICAL EXPERTISE AVAILABLE ON THE SOCIAL SERVICES ADVISORY COMMITTEE SHOULD BE ENHANCED WITH NEW MEMBERS FAMILIAR WITH THE INVESTIGATIVE METHODS AND ASSESSMENT PROCEDURES REQUIRED FOR CHILD ABUSE ALLEGATIONS.

RECOMMENDATION: FAMILIES WHO INITIATE A COMPLAINT PROCESS SHOULD BE ENTITLED TO A WRITTEN DECISION OF THE CONCLUSIONS MADE, JUST AS ARE PROVIDED TO THE FOSTER CARE COMMUNITY.

RECOMMENDATION: THE SOCIAL SERVICES ADVISORY COMMITTEE SHOULD BE ENHANCED TO PROVIDE A LEGITIMATE THIRD PARTY REVIEW PROCESS FOR ALL COMPLAINTS REGARDING CFS PRACTICE, AND THIS SHOULD INCLUDE COMPLAINTS MADE BY FAMILIES IN THE COMMUNITY.

LEGAL PROCESS

In addition to an inadequate complaint process, Parents Helping Parents reiterates the CFS Review Panel's findings that the legal process itself does not provide a legitimate method of review of CFS actions in a timely fashion. Bill 48 attempts to deal with this problem with changes to section 29(1) and 30(1).

Section 30(1) is excellent, as it will mean that the CFS legal representation will now have to provide particulars before a matter is brought to its first court appearance. There

are problems, however, with section 29(1) (on page 16 of Bill 48). While it is commendable that CFS would have to bring a matter to its first court appearance within seven days of apprehension, rather than the current 21 days, this measure will do nothing to improve the fairness of the court process.

It is not the length of time a matter is returnable that is the problem in the legal process. The problem is that no court proceeding prior to trial provides a judicial review of the CFS decision to apprehend a child. People do not realize that there is quite literally no review of a decision to apprehend, no presentation of facts to the judicial process, until a matter reaches trial. Currently, at the first court proceeding in a CFS matter, a judge asks the question "Have the parties reached agreement?", and if they have not, the matter is set for pretrial. Now, in a contested matter, it is self evident that the parties will not reach agreement without a review of the circumstances of apprehension. The Returnable court appearance is a rubber stamp which sets a matter for pretrial, and thereby allows the agency to retain custody of a child for a minimum of a year without review of the circumstances of apprehension. This excessive power held by the agency is the primary reason why the people despise CFS.

If the family situation is so serious that it warrants the apprehension of a child, with all of the instability and home changes that go with foster care, than CFS should have no problem providing evidence to that fact at the earliest court appearance following apprehension. Parents Helping Parents has found that the length of time it takes for a matter to reach trial is directly related to the severity of evidence in a case. When CFS is confident of its evidence, a matter reaches trial within one year, the fastest time possible. If the CFS is not confident of its evidence, however, the average time to reach trial is more like two years. Indeed, we have seen cases where fathers have been deprived of access for five years or more and have still never received a trial.

Parents Helping Parents was in attendance at the CFS Act Hearing date when Mr. Larry Allen of Legal Aid presented his recommendations to the CFS Panel. Mr. Allen has represented families involved with CFS for more than 15 years, and is highly

respected by both CFS and the family community he serves. Mr. Allen brought to the panel's attention the legal child welfare process in Ontario, where both sides to the dispute were given an opportunity to provide *vive voce* (verbal) evidence at the first court proceeding, giving an immediate review of apprehension decisions.

RECOMMENDATION: THAT AN ADDITIONAL PARAGRAPH BE DRAFTED WHICH WILL ALLOW FOR THE REVIEW OF THE CIRCUMSTANCES OF APPREHENSION AT THE FIRST APPEARANCE IN COURT (KNOWN AS THE RETURNABLE DATE), WHERE *VIVE VOCE* EVIDENCE CAN BE PROVIDED BY LEGAL REPRESENTATION FOR BOTH THE AGENCY AND THE ACCUSED. IT IS FURTHER RECOMMENDED THAT APPLICATION FOR ACCESS PROVISIONS PENDING TRIAL SHOULD ALSO BE HEARD AT THIS EARLIEST PROCEEDING SO THAT FAMILIES DO NOT FEEL THEY ARE BEING COERCED INTO AGREEMENT BY THE DEPRIVATION OF ACCESS TO APPREHENDED CHILDREN.

THE CHILD ABUSE REGISTRY, SECTION 19

At the risk of stating the obvious, Parents Helping Parents is highly impressed with sections 19(1) through 19(5) (pages 10-14 Bill 48) which will constitute the new process of the Child Abuse Registry. Now, at last, the procedures will be in place that will provide a reasonable process before someone can be labelled a child abuser which will not only be fair, but be seen as fair.

This is especially revolutionary for those individuals, such as grandfathers, uncles, neighbours and friends, who are accused of child abuse, but where evidence sufficient for a criminal proceeding does not exist. Most people are unaware that if you are not a custodial parent, and there is not enough evidence for a criminal trial, the only pseudo-judicial proceeding formerly available to those individuals was the Child Abuse Registry process. The changes being advanced in Bill 48

will provide an actual judicial process that will provide a level of fairness that is unprecedented.

The only concern we have with respect to this section concerns the process of referral to the Child Abuse Registry. It is noted that section 19(3) provides for the referral of a matter to the Child Abuse Registry by the Agency's Child Abuse Committees. In particular, we are impressed with the effort to make the process more fair to the accused by giving the opportunity to the accused to address the child abuse committee prior to referral to the registry. The problem, however, is the wording of 19(3) where it says:

> "...the committee shall, <u>in the prescribed manner</u>, give to the person who is suspected [of child abuse] an opportunity to provide information to it..."

We must ask where these methods are "prescribed", and which part of the child welfare system will be prescribing these methods. We believe that the committees should have the opportunity to question the accused, in person, for an effective and fair process to be established.

In addition, we are concerned that section 19 fails to provide a waiting period for those cases which are proceeding to a judicial review in criminal or family court. It is a concern to us that families who dispute the CFS will have to pay for legal representation to deal with court proceedings and the registry proceedings simultaneously. For those who are paying for their own representation, this doubling of legal fees is viewed as an undue hardship. It is also the case that Legal Aid representation for child welfare proceedings will also have to be reviewed in terms of the fees paid to attorneys, as the registry process will constitute an additional burden on lawyers who provide CFS representation.

RECOMMENDATION: "THE PRESCRIBED MANNER" FOR THE PROVISION OF INFORMATION TO CHILD ABUSE COMMITTEES MUST BE

MORE CLEARLY SPELLED OUT IN THE ACT, AND IT IS FURTHER SUGGESTED THAT THE ACCUSED BE GIVEN THE OPPORTUNITY TO FACE THE COMMITTEE IN PERSON IN ORDER TO PROVIDE AN OPPORTUNITY TO THE COMMITTEE TO QUESTION THE ACCUSED ON SPECIFIC ISSUES.

RECOMMENDATION: AN ADDITIONAL PARAGRAPH SHOULD PROVIDE FOR A WAITING PERIOD BEFORE A MATTER IS REFERRED TO THE CHILD ABUSE REGISTRY, SO AS TO ALLOW FOR A DECISION BY THE COURT IN EITHER CRIMINAL OR FAMILY COURT PROCEEDINGS. THIS WILL ELIMINATE THE DUPLICATION OF LEGAL FEES REQUIRED TO BE PAID BY THOSE ACCUSED OF CHILD ABUSE, AND FURTHER, WILL RESPECT THE LEGAL AID FUNDING CONSTRAINTS FOR THOSE WHO ARE REPRESENTED BY LEGAL AID.

VISITATION WITH APPREHENDED CHILDREN

Parents Helping Parents would like to commend and give high praise to sections 78(1) and 78(2) of Bill 48 (page 21) which will provide a legal process to apply for access to the children of CFS. With respect to 78(2), it is notable that this section provides a process for individuals to apply for access to any child, whether in CFS care or not, as this will address the problem of grandparents who are deprived of access to children during divorce proceedings. The Grandparents of Manitoba are indebted to the Minister for recognizing that depriving children of access to loving family members is relevant to the well being of children.

SECRECY OF THE CFS LEGAL PROCESS

Subsections 75(1) and (2) are not slated for change in Bill 48, other than minor grammatical changes. This means, that once again, the court process on child protection matters will be cloaked in secrecy, preventing those people who are most directly

and profoundly affected by the court from being fully informed about why their lives have been destroyed.

We have tried to figure out the governmental logic of these secrecy provisions, but must admit that we are stymied. After all, their are provisions for the media to attend proceedings so long as no names are publicized in the resulting stories. We can advise that the times when the media avail themselves of the right to attend child protection hearings are slim to none.

Perhaps the government is trying to protect alleged victims of child abuse with secrecy provisions, but in the modern day, being a victim of child abuse is not the stigma it once was. Since the media is entitled to be there, this point appears moot. We than considered the possibility that the government was protecting witnesses to the proceedings, but again, since the accused is entitled to be there, this logic is also incongruent. Is it to protect child witnesses when they provide testimony in court? Again, it is so rare for a child to give testimony in a Manitoba court room that this seems like an extreme measure, and in any case, provisions could be addressed in the Act to address unusual circumstances.

By excluding public access to the courtroom, it is impossible to keep the judiciary accountable in its decision making, as without hearing the evidence, how can one know if the decision was appropriate to the circumstance. As well, when a family has a member accused of child abuse, it is important to hear the evidence, as otherwise, family members will not believe the allegations and thereby refuse to protect other children in the family. Finally, the secrecy laws are another prime reason for the significant hatred expressed towards CFS by the public.

RECOMMENDATION: IT IS RECOMMENDED THAT PUBLIC ACCOUNTABILITY FOR THE FAMILY COURT REQUIRES THE ELIMINATION OF THE SECRECY LAWS. PROTECTION FOR VICTIMS AND WITNESSES TO CHILD PROTECTION PROCEEDINGS CAN FOLLOW THE GUIDELINES ALREADY ESTABLISHED IN THE CRIMINAL JUSTICE SYSTEM FOR VICTIMS OF RAPE.

FALSE ALLEGATIONS OF CHILD ABUSE

It should be noted by this legislative committee that Parents Helping Parents views the subject of children being submitted to false allegations of abuse during divorce proceedings as its number one priority. We have seen the horrible damage done to the falsely accused, and we have observed first hand the damage imposed upon helpless children from this insidious problem. 80% of all of the cases examined by our organization have to do with allegations arising in divorce.

It is a shock to us that the Ministry of Family Services is refusing to deal with the impact of this problem in Manitoba. It has been acknowledged by Winnipeg CFS that as much as 25% of the allegations they investigate arise during the divorce process. Perhaps the greatest disappointment to us is that we have been advised by many people of authority within the child welfare system that this issue would be addressed in Bill 48. As well, in the documents preceeding the implementation of the CFS Act Review, namely, the consultation workbook on the Child and Family Services Act, the Ministry of Family Services recognized the impact to the wellbeing of a child of a false allegation of abuse.

Manitoba CFS has serious investigative and training problems when it comes to child sexual abuse allegations. Even the competency based training package recently implemented in the province will not address this problem. The sexual abuse training segments are based on a text book published in 1981, a veritable eternity when analyzing the progress of assessment technology regarding sex abuse allegations. Though Manitoba CFS is stepping in the right direction in this regard, our social workers are barely able to recognize sex abuse, let alone recognize the difference between a true and a false allegation.

I am pleased to note that in the most recent cases, CFS is beginning to implement text book investigation procedures for allegations in divorce. Unfortunately, that does not stop disturbed parents from encroaching upon the mental and emotional stability of their children, nor does it stop unscrupulous lawyers, psychologists and women's shelter staff from pursuing

the implementation of this perverse strategy of ensuring custody for one parent, and depriving the other parent of access.

The CFS Act Review Panel all but ignored the issue when it dismissed the problem by saying families torn asunder by a false allegation were requesting a "lesser quality" of investigation. Set aside for a moment the profound ignorance of such a comment, for the fact is, allegations in divorce require a more indepth and higher standard of investigation with additional units of analysis taken into consideration.

We had been advised that the Civil Justice Review Task Force Report would be taken into account in the development of this new legislation. This excellent report has been completely ignored by the Ministry of Family Services. The Task Force acknowledged the "horror stories about the traumatic impact on the accused person, on the immediate family and children affected by malicious false allegations..."[2]. The CJR recommended that "when false accusations are discovered, strong and effective sanctions should be imposed.

It is implausible to me how the child welfare system can ignore this problem, given the cases that they have been exposed to over the past two years which show that parents who harm their children in this fashion often have underlying psychiatric disorders. The CFS is also well aware of the impact a false allegation has on the children. Since these cases have been forgotten, Parents Helping Parents now provides a brief summary of the most disturbed cases brought to the Minister's attention:

1) The case of T.B. v.s C.B. involved the violent degradation of a four year old child, who recounted stories of knives being thrust into her private parts, of pliers used to torment her, and of being held down by her father while being raped by her grandfather as her grandmother watched. These events were said to have occurred under the eyes of a

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[2]Newman, David (Chairperson) (September 1996) Manitoba Civil Justice Review Task Force Report. Presented to The Honourable Rosemary Vodrey, Minister of Justice.

paid professional supervisor. Today, the mother has succeeded in permanently depriving the paternal family in this case of access to the child. Still, this mother continues to bring her now eight year old child to psychologists, and the child continues to bring forward new tales of horror. No one protects this child from the continuing torment imposed by this mother. The mother was represented by Legal Aid.

2) The case of D.W. v.s D.W. is a case that started in a Manitoba women's shelter at the onset of marital separation. Soon after, a four year old child was dragged into a nightmare when she accused three paternal family members of stabbing her in the vagina with a real knife. The case was clinically assessed where it was determined that the mother suffered from paranoid personality disorder. The paternal family was subsequently cleared of all allegations, but the mother continues to have custody of her three children. The mother is represented by Legal Aid.

3) The case of B.E. v.s C.E. evolved into a gross satanic ritual allegation involving the entire paternal family in group sex rites and blood drinking ceremonies. Five years later, the child in this case continues to receive long term psychiatric treatment and is now a ward of CFS. The father and his family have been permanently estranged from two daughters, and see the youngest under supervised conditions.

4) The case of G.B. v. D.B. began with the allegation that the father was deliberately ignoring the medical well being of his two children, aged 5 and 7 years old today. For five years, the legal file shows a chronic pattern of alleging the children were sick either before a visit or immediately following a visit, which succeeded in curtailing the father's access rights to the children. Recently obtained records from Manitoba Health showed that the mother had brought her children to the doctor a total of 345 times. The 7 year old boy has had 4 surgeries, and has been brought to psychiatrists since the age of 4 for alleged violent

agressive behaviour. No secondary corroboration of illness or psychiatric disorder is present for the children, yet the mother continues to maintain custody of her two children. The mother is represented by Legal Aid.

5) The case of R.T v. S.T. involved a mother of two daughters, aged 3 and 5 at the onset of marital separation. As the father continued to pursue access, the mother threatened to kill herself and her children if he did not stop his effort. The case ended when the mother took herself to a local Winnipeg park, doused herself with gasoline, and lit herself on fire causing her own death.

6) The case of J.V. v. C.V. involved the mother of two children aged 4 and 6 at the onset of marital separation. An allegation of sexual abuse regarding the four year old forced the father to submit to supervised visitation for 7 years. The father never received trial, but the case received full clinical assessment. It was determined that the mother suffered multiple personality disorder secondary to chronic physical and sexual abuse in childhood. The children were placed in the care of the maternal family, though they had an admitted history of incest and violence. Today, the children continue to live with the maternal family, but the father has unsupervised access. The mother was represented by Legal Aid.

7) The case of D.M. v. C. M. started January 1997, where the mother alleged that the father had sexually abused a four year old daughter. CFS investigated and made no finding of abuse, but the lawyer for the mother continues to repeat the sexual allegations in affidavit materials, and the mother has brought the child to at least three psychologists in an attempt to verify the allegations. It is anticipated that this child will soon be making sexual disclosure, given the obsession of the mother.

8) The case of B.M. v.s. C.M. is a seven year old case that has never received trial, and involves three children. Since

the onset of CFS involvement, the 7 year old boy has expressed suicidal wishes to his teachers, and the 11 year old is currently resident in the psychiatric ward of the Manitoba Adolescent Treatment Centre. The mother now allows unsupervised visitation for the father and maintains custody of the children.

9) The case of J.P. v.s. C.P. began two years ago, when a mother took herself and three children to a Winnipeg Women's shelter. Within weeks she had accused the father of raping and sodomizing his two and one half year old daughter, though no physical evidence was present on examination. She further accused the father of raping her. It was discovered that the mother began her allegation history as a young woman when CFS apprehended her due to claims that her father, sister and brother had sexually abused her. This mother went on to accuse a total of 12 people of sexual allegations by the time she was 23 years old, none of which received a conviction. In spite of this history, the CFS supported the mother's claims and allowed unsupervised access to the mother. Today, the four year old is able to describe scenes of rape and sodomy in graphic detail, but the father was exhonerated in March and now has access to his children.

What all of these cases demonstrate in graphic detail is that parents who perpetrate false allegations on their children usually have underlying psychological problems. They demonstrate the cost to society to the justice system, the medical system and the child welfare system, who all expend resources for years in support of what are often parents who require long term psychiatric care. Even when such cases are concluded, the children usually remain in the care of these mothers. That is because Manitoba refuses, in the face of all evidence, to recognize that children are in need of protection when they are submitted to a false allegation of abuse.

RECOMMENDATION: THAT AN ADDITIONAL PARAGRAPH BE ADDED TO SECTION 17(2), BEING THE PART OF THE CFS ACT WHICH DEFINES A CHILD IN NEED OF PROTECTION. THE ACT MUST STIPULATE THAT CHILDREN WHO ARE SUBMITTED TO FALSE ALLEGATIONS OF CHILD ABUSE ARE IN NEED OF PROTECTION FROM THE PERPETRATING PARENT. ATTACHED AS APPENDIX 1 IS THE WORDING OF THE LAW ADDRESSING FALSE ALLEGATIONS IN THE UNITED STATES OF AMERICA.

As Advocate for Parents Helping Parents, I cannot in good conscience allow the province of Manitoba to ignore the terrible toll extracted from the children who are used by disturbed parents to further their own selfish or psychiatrically disturbed ends. The proposed CFS legislation is silent on the plight of the children submitted to false allegations of child abuse. I know that it will likely be another ten years before the CFS Act is again visited for amendments, and in the meantime, children will continue to have their innocence destroyed by disturbed and unscrupulous parents, and the legal and medical helpers who assist them in the destruction of children.

I have asked myself how this government can ignore these children after so much research and case analysis has been brought to its attention in the past two years. I have considered the possibility that this government may be concerned that all of those families who have suffered from this blight on family law would flood the government with requests for compensation. Child Welfare case law in Canada is clear, however, in that where a child welfare system errs in its investigation, it cannot be held liable if it acknowledges the error and changes its course of action. It must be recognized that the great majority of people care only about stopping the nightmare for the children that they love, and having a normal relationship with those children once again.

John F. Kennedy once said that an error is not a mistake until you choose to do nothing about it. I am not willing to make the mistake of allowing the practice of using false allegations to continue. For that reason, I hereby advise this Legislative Committee and the government of Manitoba, that I

am hereby embarking upon a hunger strike of bread and water for a period no shorter than thirty days, in order to protest this government's inaction in protecting Manitoba's children from the scourge of false allegations of child abuse. I am begging this committee to follow the advice of the Civil Justice Review Task Force, and stop false allegations of child abuse in the province of Manitoba. If we allow this opportunity to pass us by, then the error we make will haunt our collective conscience as the biggest mistake we have ever made. Let us all remember that the children of Manitoba cannot speak for themselves.

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