

# **BAD SELF-HELP LAW BOOKS \***

(Rev 1.0)

Pg 1 / 12

*Surprisingly there's plenty of law books and self-help law books that are helpful in areas of real estate, wills and other affairs but when they turn to 'Child Protection Cases' they offer no insight and usually advise the reader to 'do as they're told' by the agency. These books leave out information parents need to have if they are to successfully defend their family in a Children's Aid Society ('CAS') case. The survey of books includes titles available across Canada. It's as if all authors including those who are lawyers and even Judges (2) have decided to mislead and keep the public in the dark!*

*In the current edition of this Guide we found and checked 18 of 18 law books from 9 public libraries across Ontario. More book titles will be checked as travel across Ontario is made and books are added to this Guide. Many of the books named are available in many locations. Some books have several editions in circulation. Over the last 10 years, legal book titles in libraries seemed to have shrunk in favor of mindless book fiction.*

Whenever possible try to obtain independent legal advice if you have concerns about your CAS case as soon as possible. This publication discusses *bad law books and bad self-help law books* under the following headings:

**Public Misled for Decades:** see 1) - 4)

**Government Materials that Mislead:** see 5) - 7)

**M.I.P. - Denied for CAS Cases:** see 8) - 10)

**What Books Refuse to Say:** see 11) - 26)

**List of Bad Books:** see 27) - 29) + Pgs 6 - 11

**Your Case:** see 30) - 32)

**Good Books, If Any:** see 33)

## **Public Misled for Decades:**

1) Provincial and territorial governments in Canada routinely provide literature and public comments and pronouncements that misleads the public over decades to the point parents in CAS cases have no idea how to proceed.

2) Public education for generations as avoided primers on the law even though all citizens are affected by it, in particular family law. Even College education including law courses fail or refuse to impart critical thinking in law and understanding of organizational behavior that leads to litigation fraud by powerful agencies like CASs or police.

3) In Ontario, over the last 10 years, multiple private member Bills (Bill 93, Bill 42, etc) were introduced to get accountability of CASs through the Ombudsman's Office. While some Bills past first or second reading, all these Bills died one way or the other.

4) During debates on these Bills the various Ministers for Ministry for Children and Youth Services responsible for Ontario CASs would say "CASs are accountable to the courts". Each time the Ministers lie by omission when they refuse to point out that ALL Ontarians are *Presumed Guilty* on the say-so of a CAS worker without any evidence! This includes adults who never had custody or access to any children! Parents under duress typically can't disprove the practiced and often false claims of the CAS, all children involved are easily rubberstamped Crown Ward. The process is not accountable at all. CASs abuse a 'double presumption' in their favor that enables litigation abuse, see para 20, Pg 4.

\* See Page 12 for Terms. (L) See Page 12 for footnotes. Download Case Law & Guides at [www.Canadacourtwatch.ORG](http://www.Canadacourtwatch.ORG)

### **Government Materials that Mislead:**

5) A visit to any “Family Law Information Centre” (“FLIC”) at most Ontario courts that have Family Courts will usually have lots of government brochures and handouts.

6) All these materials “seem” helpful since parents have no idea what critical information is missing, thus government materials are fatal to an innocent parent’s case!

**From: CLEO (Community Legal Education Ontario – government funded):**

“*Children’s Aid: Information for Parents*”

Link: [http://www.cleo.on.ca/sites/default/files/book\\_pdfs/cas-en.pdf](http://www.cleo.on.ca/sites/default/files/book_pdfs/cas-en.pdf)

**From: Ontario Attorney General:**

“*What You Should Know About Child Protection Court Cases*”

ISBN 0-7794-4966-5

Link: [http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/child\\_protection.php](http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/child_protection.php)

7) Nowhere in the CFSA or government brochures does it tell parents up front that they are *presumed guilty* and they must use ‘rebuttable presumption’ to succeed in a CAS case! Why oh why does our government insist on lying to citizens on the most basic premise of court proceedings? Is the private interests of CAS corporations so important that CAS must be allowed to commit child abuse and fraud on a scale as large as the Canadian Residential School Scandal? <sup>(1)</sup>

### **M.I.P. - Denied for CAS Cases:**

8) The Ontario government and courts consider family court divorces, custody and property division cases a “waste” of court resources and came up with “*Mandatory Information Program*” where parents had to attend seminars to be briefed on court procedures to speed up cases and reduce delays and abuses. It was definitely needed.

9) However, the Ontario government turns a blind eye on the needs of parents in CAS cases placing the corporate interests of their CAS pals far ahead of the precious court resources and children used as litigation pawns by the CAS.

10) While it’s not practical to put lots of parents in CAS cases in seminar rooms together because of confidentiality, honestly written materials to prepare them for aggressive CAS litigation would help a lot. So far the government has refused.

### **What Books Refuse to Say:**

11) “The perfect crime” of a bad law book is that a parent reading it has no idea what’s missing, they’ll never know they’ve been lied to. Numerous lawyers and even a few Judges write self-help law books, mostly to see their own name in print it seems. None give away anything that actually helps a parent in a CAS case.

12) In print or in person, virtually all lawyers defer or pander to the court and the status quo handling of cases – nobody wants to rock the boat. Nobody wants to deal with upset parents who would be more upset if they were told the truth.

13) All the books on the List starting at Pg 6 have been checked for the following important issues. The important issues in para 15 to 25 is discussed and comes from Case Law and other sources.

14) It's common practice for family lawyers, FLIC lawyers, duty counsel, the CAS lawyers, workers staff, the Judges, the government, the Ministry to avoid telling parents the following since they all want to "dispose" <sup>(2)</sup> of you and your case! 14 million people in Ontario are considered 'nobodies' – the same in every other province and territory in Canada ! This has been going on for the last 100 yrs!

### **> *What you're NOT told:***

#### **15) Presumed Guilty:**

Millions of people believe when they enter a courtroom they're "presumed innocent" until proven guilty, that only true in criminal courts. In CAS cases parents are presumed guilty from the get-go! All a CAS worker has to do is swear an affidavit with any claims they want. The court's presumption 'rests' with the CAS so they believe it without any thought. The court at CAS *hearings* <sup>(3)</sup> is not a "trier-of-fact", <sup>(4)</sup> they don't want to be. The CAS worker knows they can abuse the presumption of the court because they've been trained that way by supervisors and CAS lawyers.

#### **Presumed Guilty:**

S.N-D. v. Children's Aid Society of Ottawa,  
2012 ONSC 1888

> See para 22

Get PDF: <https://app.box.com/s/jgbypbk1aaqjox184vnt>

#### **16) Rebuttable Presumption:**

Since parents are presumed guilty in CAS cases, parents must "rebut" claims of the CAS to a standard that is acceptable to the court. Parents must disprove the claims to a higher standard than applied to the CAS claims. This is called 'rebuttable presumption'. If a parent fails to do this because they don't know – they lose. If you are among the few who know about CanLii.org, it would take years of reading case law before you tripped over the term 'rebuttable presumption'. In all likelihood you would completely miss it. At a Summary Judgment hearing, near the end, you would say: "Your Honour, with all the exhibits and case law I provided, I have properly rebutted the claims of the CAS and their motion for Crown Ward should be dismissed".

#### **17) Statutory Duty:**

CASs have a "Statutory Duty" to investigate fully. CAS workers, lawyers and management have unavoidable knowledge of this as do Judges. Surprisingly, when it's clear to any lawyer or Judge that this is no occurring, nobody in the court does anything. It's entirely up to the parents to figure that out and argue it in court as expertly as a lawyer. Since CASs know parents don't know about Statutory Duty and what it really means and how CASs abuse it, CAS know the Judge will not intervene.

The big trick here, is the CAS "Modus Operandi" <sup>(5)</sup>, is to fake or feign this duty while actually avoiding evidence and 3<sup>rd</sup> party sources that have records that would disprove their abuse claims. Most common is for CASs to avoid medical records for children when they already know their claims are without merit while claiming "medical abuse" by parents or the nebulous "failure to thrive" claim. Even as parents sign medical records consent forms, CASs know parents will never pick up on what they're really doing or know how to show up CASs who avoid medical records.

CASs also abuse “Statutory Duty” by keeping cases open for years, rattling parents with threats of going to court and demands to sign several “Voluntary Service Agreements” and more consents over and over until parents snap.

### **18) Evidentiary Vacuum:**

When CASs avoid records while faking their Statutory Duty to investigate, they create an “evidentiary vacuum” that they often fill with “evidence” of their choosing, for example, contrived PCAs <sup>(6)</sup> by Doctors the CAS approve. CAS Drs are usually Psychologists who can't bill OHIP so being paid by a CAS is significant. Their reports form part of the CAS case and benefits from the *court's presumption* even if it materially harms a child, ie, under-assessment to deny treatment to children!

### **19) Qualified Privilege:**

In all court cases including CAS cases, all persons have ‘qualified privilege’, millions of parents don't know that or how to use it, so they easily lose. CAS workers are well trained on how to abuse qualified privilege and abuse the presumption of the court *at the same time*, a double whammy that easily destroys the “unimpeachability” <sup>(7)</sup> of any proceeding at will. <sup>(8)</sup>

“Qualified Privilege” means that a party in a case can make verbal or written statements without fear of reprisal provided the statements are “correct”, “less correct than other evidence” or “mistaken”. Lying is not included, yet courts allow CAS workers and lawyers to lie through “*the freedom to investigate without fear*”. So far, the courts have ignored the CAS' unavoidable knowledge of their Statutory Duty to investigate when they ignore evidence and write one-sided affidavits “with no honest belief” <sup>(9)</sup>. The courts enable civil fraud by CASs expecting that millions of ordinary people with no legal training or resources will ever figure it out in time before the courts use “Finality Doctrine” to kill off appeals. Finality Doctrine currently protects and rewards CAS fraud.

### **20) Absolute Privilege / Litigation Privilege:**

This refers to a party in a case and their carriage of the case, their litigation path right or wrong either with or without a lawyer. CASs are “sophisticated litigants” with plus 100 years of experience abusing the *Children's Aid Society Act* of 1903 <sup>(10)</sup>. They are the ‘Applicant’ under the CFSA with great powers, their lawyers are ‘officers of the court’ and are blindly presumed to tell the truth by the court. They are regular fixtures in the courts. They are powerful, they are “somebodies” – 14 million people in Ontario are nobodies!<sup>(11)</sup> CAS lawyers enjoy and abuse a *double presumption* – as officers of the court and as the Applicant CAS. Even when parents clumsily give evidence that shows CAS workers and lawyers lie, Judges easily use *circular logic* <sup>(12)</sup> to dismiss parents claims!

There are many limits on litigation privilege if you know where to look, look in time, initiate early enough in the case <sup>(13)</sup> and are a lawyer to argue it expertly. Courts insist on protecting the CAS to the point many cases are a sham .

One decision that re-enforced limits on a lawyers abuse of litigation privilege is *Hill v Church of Scientology of Toronto and Morris Manning* [1995] 2 SCR 1130. Lawyer Morris Manning made false comments in court and in public. The court ruled he had an obligation to take steps to ensure the accuracy of his comments and submissions, but he did not. Sounds familiar? CAS lawyers have *unavoidable knowledge* <sup>(14)</sup> of “Statutory Duty” and evidentiary vacuum and can obviously tell when CAS workers avoid evidence in a case, yet they help workers mislead the court. The CFSA provides that the CAS conduct internal “Review Team” meetings per CFSA s 73 where they discuss the ‘needs of the child’. They abuse s 73 to secretly avoid children's needs to mislead the courts! Yet the courts and average family lawyers are loath to pursue CAS abuse – the courts need a full docket, family lawyers need the billable hours from dishonest, meritless CAS cases!

CAS lawyers effectively abuse their role to protect the *corporate private interest* of their CAS employer to mislead the courts at the expense of children often denying them medical treatment to obtain court orders by civil Fraud contrary to *Family Law Rules 25(19)*.

Courts confer a *de facto* private interest to CASs to misuse the “publicly funded service provider role” when the courts refuse to hold the CAS to same or higher standard forced on ordinary citizens. The CAS as a sophisticated litigant with prior knowledge of it’s duties fearlessly abuses the Applicant role.

### **21) “Trials v “Hearings”:**

A vast majority of parents have no idea about the critical differences between Trails and Hearings leading them to fail in their cases. The courts and lawyers use the terms interchangeably easily misleading parents. All CAS cases start as *Hearings* with evidence by affidavits only. Any verbal comments made are “submissions” and are not sworn testimony. Effective submissions is where parents argue their specific affidavit evidence and exhibits compared to CAS affidavit claims and use Case Law in their favor to support their argument. No law book wants to point that out.

“*Trials*” are only possible in CAS cases when a “triable issue” at a Summary Judgment Hearing is decided and a trial on that narrow issue is conducted. Trials are not there to re-hash the entire case as some parents are led to believe. Trials in CAS cases is less then 5%. There’s nothing wrong with winning your case at a Summary Judgment Hearing, it’s much harder to do so at a Trial.

### **22) Finality Doctrine:**

The courts have ruled that cases must have an “end” and cannot be litigated endlessly. True, there needs to be an end, but at what cost? Currently in CAS cases at appeal, finality is used to dismiss appeals claiming children are “settled” in the foster system. Not kidding. Finality doctrine is used to reward and protect 100 years of CAS fraud and even child abuse by CAS denial of treatment!

Finality does not apply when a “statutory requirement” has been violated. However, getting a court to admit that has occurred in nearly impossible, the court would have to admit CAS fraud and child abuse occur easily under their nose!

### **23) Bad Faith Findings:**

CASs know they can conduct cases in a misleading manner easily defeating innocent parents, they’ve had decades of practice! Parents are denied knowledge of what Bad faith conduct of a case is and how to get findings against the CAS. CASs know they have nothing to fear, so far Bad Faith Costs amount to a “Walmart discount for Perjury” easily nullifying the jurisdiction of any court. Family courts fail to see that a Costs order as low as \$200 in a case is laughable, has no deterrent value and enables CAS fraud.

### **24) Case Law:**

Case Law is key to any case, but self help law books and all lawyers are loath to tell parents where to find it! Parents are largely doomed. It’s not uncommon for lawyers to use a law book from their office as a prop, knowing parents can’t buy them while refusing to tell parents about [www.canlii.org](http://www.canlii.org) for example! In reality, lawyers seldom use hardcopy case books any more, most use CanLii or paid services like WestLaw, etc.

### **25) Family Court Jurisdiction:**

The jurisdiction of family courts is extremely limited with it’s focus on the CFSA, Family Law Rules, Rules of Civil Procedure, etc. Since parents are mislead at every level, they can’t function well or know how to use the laws in place. They often reach outside the court’s jurisdiction for solutions only to be shot down by the court.

Parents desperately try to use Charter Rights, Human Rights, Criminal Code and UN rules to remedy a CAS case only to lose terribly. The government, courts and lawyers blame parents for botched cases and “wasting” court resources while the government, courts and lawyers have been busy misleading the public for decades, creating the problem!

26) For all the issues in para 15 to 25 isn't it astounding how law books by lawyers and Judges mislead the public? This is on top of misleading materials and pronouncements by governments, ministries and agencies all seeking to dispose of citizens and children as pawns! While the list above is not exhaustive, it's the basics we should have been told about from day-one.

### **List of Bad Books:**

27) After sampling various public libraries in Ontario, the following books failed to inform parents of the issues noted in para 15 to 25. These books should be avoided and maybe their authors sent a polite letter on why their books fail to be useful!

28) As times goes more titles will be checked to see if they offer meaningful guidance to parents in CAS cases and will be listed for parents to avoid.

29) These book aren't 'all bad' but substantially useless or misleading in a CAS case. If you dig you may find some useful insights on law, but not much or zero on CAS cases and abusive litigation by CAS agencies. Sad but true.

#### **“The Complete Idiot’s Guide to Winning Everyday Legal Hassles in Canada” [1996]**

**Author:** Jerry Levitan - a lawyer

**Publisher:** Prentice Hall

**Offending section:** “Children in Need of Protection”

**Pages:** Pg 38 - 44

**Comments:**

This disappointing book spouts the same misleading comments that the government and Ministry does. Despite the older print date of this book, all the issues in para 15 to 25 were issues in 1996 as they are now and has been for the past 100 years and will be for another 100 years if the government continues to keep helping CAS corporations to rape and rob parents and kids with orders obtained by fraud. One can only wonder at the lack of thought that went into this book. By way of the title, the author should know that CAS cases is not an “everyday legal hassle” it is profoundly serious and deserves more attention and accuracy then it gets.

#### **“Canadian Family Law – sixth edition” [2015]**

**Authors:** Julien D. Payne (retired lawyer) & Marilyn A. Payne

**Publisher:** Irwin Law

**Offending section:** “Child Protection Proceedings”

**Pages:** Pg 119 - 122

**Comments:**

This disappointing book spouts the same misleading comments that the government and Ministry does. Despite this being a newer book all the issues in para 15 to 25 of this Guide is never mentioned. If a book is supposed to help parents then it needs to be honest with parents and be written to include their “need to know” - the reality of actual litigation practices of agencies. .

On Page 120 the reader is misled suggesting that parents are presumed innocent: the 4<sup>th</sup> paragraph from the top states: *“The child protection agency has the legal burden of proof that state intervention is justified.....”*

This conflicts with actual case law in para 15 on Pg 3 and the ‘rebutable presumption’ requirement sometimes mentioned in court decisions. The conduct of CASs and courts act as though guilt has already been established before a case begins – all without ever telling parents! All it takes is a self serving claim on an affidavit by a CAS worker even as they avoid their Statutory Duty to investigate and collect all evidence, thus these affidavits are often “sworn with no honest belief”.

### **“ Representing Yourself in Court “ [2015] (Canadian Edition)**

**Author:** Devlin Farmer - a Lawyer

**Publisher:** Self-Counsel Press

**Offending section:** Child Protection not mentioned at all

**Pages:** n / a

**Comments:**

This book seems to be directed at civil cases more than anything else, however there are problems:

- It does not mention the difference between ‘Trails’ and ‘Hearings’ and how that affects an unrepresented person’s conduct of a case.
- It never mentions how Summary Judgment Hearing rules can be invoked by the other side to defeat an injured party from getting justice.
- It treats all legal actions as though they are always “Trails” when all courts have been moving away from Trials with legislative changes and case law.
- It does not inform the reader that certain types of courts presume parties as guilty and that rebutable presumption is necessary.

Self-Counsel Press is known in legal publishing, so it is astounding the lack of editorial oversight in the design and writing of this book! It’s clear that legal profession paradigm is so ingrained it lacks the ability educate at all on the real world litigation practices of the Billion dollar ‘child protection industry’. The publisher is capable of providing a much better book if it opened it’s eyes and tried.

### **“ Tug of War ” [2009]**

**Author:** Justice Harvey Brownstone

**Publisher:** ESW Press

**Offending section:** Chapter Eleven

**Pages:** Pg 137 - 144

**Comments:**

It’s alarming that an Ontario Judge can’t write an accurate legal book! This book makes the same misleading comments that the government and Ministry does. It shows that the presumption of guilt is so ingrained and so willfully blind that a Judge who likely had cases of CAS Bad Faith conduct victimizing innocent parents won’t be candid with the reader and provide meaningful insight on how cases are actually conducted! Judges routinely complain about misinformed parents in cases and wasting court time, yet when the opportunity to educate and inform arises, a Judge still protects the ‘status quo’ interests of CASs to mislead in Ontario and across Canada! All he had to do is mention the issues in para 15 to 25 of this paper so parents have a ‘heads-up’ of CAS litigation practices!

### **“ Your Guide to Canadian Law “ 2<sup>nd</sup> Edition [2009]**

**Author:** Antree Demakos - LLB  
**Publisher:** Fitzhenry & Whiteside  
**Offending section:** “Child Abuse”  
**Pages:** Pg 163 - 164

**Comments:**

This large format and disappointing book spouts the same worthless and misleading comments that the government and Ministry does. Despite this being a 2<sup>nd</sup> edition, all the issues in para 15 to 25 of this Guide are never mentioned. This book only discusses child abuse on just 2 pages!

### **“ On Your Case “ 1<sup>st</sup> Edition [2015]**

**Author:** Lisa Green - a lawyer  
**Publisher:** Harper Collins USA  
**Offending section:** - n/a - no section on child abuse  
**Pages:** Pg n/a

**Comments:**

This book is written for women, many who would be single mothers at some point. Single moms and parents in divorce cases are at high risk of false child abuse calls to US CPS or CAS in Canada. Yet none of the issues in para 15 to 25 are mentioned and nothing as applied to moms in divorce cases! This American book was found in Ontario libraries. Since US CPS abuse tactics are similar to Canadian CAS abuses, the author, a lawyer, did a disservice to her readers.

### **“ What Your Divorce Lawyer may Not Tell You “ 1<sup>st</sup> Edition [2009]**

**Authors:** Margery Rubin & Sally Samson  
**Publisher:** Simon & Schuster USA  
**Offending section:** - n/a - no section on child abuse  
**Pages:** Pg n/a

**Comments:**

As with the preceding book, it seems to be written for women, many who would be single mothers at some point. Single moms and parents in divorce cases are at high risk of false child abuse calls to US CPS or CAS in Canada. Yet none of the issues in para 15 to 25 are mentioned and nothing as applied to moms in divorce cases! This American book was found in Ontario libraries. Since US CPS abuse tactics are similar to Canadian CAS abuses, the author, a lawyer, did a disservice to her readers.

### **“ Canadian Family Law “ 10<sup>th</sup> Edition [2010]**

**Authors:** Malcolm C. Kronby  
**Publisher:** Wiley  
**Offending section:** - n/a - no section on child abuse  
**Pages:** Pg n/a

**Comments:**

It is alarming a large format hardcover book with it's all encompassing title would ignore the Family Law issues related to child abuse and the misleading conduct of cases by powerful state funded litigants like CASS!, it seems to be written for women, many who would be single mothers at some point. Single moms and parents in divorce cases are at high risk of false child abuse calls to US CPS or CAS in Canada. Yet none of the issues in para 15 to 25 are mentioned and nothing as applied to moms in divorce cases! This American book was found in Ontario libraries. Since US CPS abuse tactics are similar to Canadian CAS abuses, the author did a disservice to his readers.



### **“ All About Law “ 5<sup>th</sup> Edition [2003]**

**Author:** Dwight L Gibson

**Publisher:** Thompson Nelson

**Offending section:** - Chapter 14.5 “Children in Need of Protection”

**Pages:** Pg 440 - 445

**Comments:**

This is a large format hardcover textbook is intended for educational institutions. It misleads students by spouting the same misleading comments that the government and Ministry does. It does not teach students how the shocking presumptive rule is used in cases and how it's easily possible for agencies to mislead courts and harm children obtaining court orders by civil fraud. Students learn nothing of critical thinking processes and lateral problem solving which is key to uncovering truth in legal cases. None of the issues in para 15 to 25 are mentioned. The students are brainwashed.

Thompson Nelson is known in legal publishing, so it is astounding the lack of editorial oversight in the design and writing of this book! It's clear that legal profession paradigm is so ingrained it lacks the ability educate at all on the real-world litigation practices of the Billion dollar 'child protection industry'.

### **“ Every Canadian's Guide To The Law “ 4<sup>th</sup> Edition [2011]**

**Author:** Linda Silver Dranoff - lawyer

**Publisher:** Harper Collins

**Offending section:** see below:

**Pages:** Pg 184 - 195 - 'Child Welfare Laws'

Pg 444 - touches on court ordered assessments

**Comments:**

On Pg 184 - 195 - 'Child Welfare Laws' is treated as a mere heading and not as a chapter including litigation abuse by powerful agencies. It seems all lawyers and authors insist on keeping the presumption of guilt and rebuttable presumption secret so parents cannot succeed without the lawyers!

On Pg 444 The author touches on court ordered assessments and hints at possible risks but does not explore the subject so readers learned nothing. Case Law from as far back as 1987 addressing assessment abuse was ignored – or the author doesn't know!

It's alarming and shocking a prominent Canadian lawyer and author writing law books for readers to actually use, would miss or ignore the issues in para 15 to 25 of this Guide!

### **“ Ontario: Marriage, Separation and Divorce “ 10<sup>th</sup> Edition [2002]**

**Author:** David I Botnick LLB

**Publisher:** Self-Counsel Press

**Offending section:** see below:

**Pages:** Pg 123 - 124 - 'Best Interests of the Child '

Pg 124 - 125 - assessments

**Comments:**

On Pg 123 - 124 Seems to consist of the 'best interests of the child' copied and pasted from legislation with no insight added to the text.

On Pg 124 - 125 The author touches on court ordered assessments and hints at possible risks but does not explore the subject so readers would be informed. Case Law addressing assessment abuse was ignored – or the author doesn't know!

**“ Safe Kids, Safe Families “ 1<sup>st</sup> Edition [2005] Canada**

**Author:** Samantha Wilson

**Publisher:** Harper Collins

**Offending section:** see below:

**Pages:** Pg 94 - 95, 162 - Abuse Reporting

**Comments:**

On Pg 94 - 95 and 162 the author discusses reporting abuse while ignoring abuse by powerful agencies. Also ignored is the fact that actual child abuse has steadily dropped in Canada and USA over the last 40 years while agencies have lobbied to widen ‘abuse spectrums’ to including anything “intake workers” can think of!

The author ignores or is unaware of the need to protect families from litigation abuse by powerful government funded agencies many who are private corporations! The author never mentions the issues in para 15 to 25 of this Guide.

**“ Consolidated Ontario Family Law Statutes & Regulations “ [2012 - 2013]**

**Author:** Brahm D. Siegel

**Publisher:** Carswell

**Offending section:** CFSA and all other sections

**Comments:**

It seems Ontario MPPs decided to prevent the unfavorable presumptive rule being written into the CFSA where parents would see it, that parents /‘respondents’ are *presumed guilty*. MPPs don’t want calls from their upset constituents! Never mentioned are the issues in para 15 to 25 of this Guide.

**“ Strictly Legal “ [2007]**

**“ Strictly Legal II “ [2009]**

**Author:** Michael G Cochrane LLB

**Publisher:** Insomniac Press

**Offending section:** Chapter 2 “10 Things you absolutely need to know about Family Law ”

**Pages:** Pg 51 - 66

**Comments:**

Of the “10 things” discussed, CAS / CPS, child protection and what to watch for in a case are never mentioned or the damaging presumptive rule. Also not mentioned is how other parents in a high conflict divorces may use false child abuse claims to target the other parent. An indefensible oversight! *Strictly Legal II* is updated with internet URL links to government websites, etc.

**“ Children’s Law Handbook “ 2<sup>nd</sup> Edition [2009]**

**Authors:** Justice Marvin A Zucker

Randolf C Hammond

Roderick C Flynn

**Publisher:** Carswell

**Offending section:** Chapter 2 “An introduction to the Child and Family Services Act”

**Pages:** Pg 13 - 76

**Comments:**

Despite the freedom to write an insightful narrative on the CFSA and point out things parents need to know, the authors write an introduction that dooms parents in cases and robs law students what they need to properly defend their clients! It’s alarming that an Ontario Judge can’t write a meaningful legal book! Never mentioned are the issues in para 15 to 25 of this Guide. An indefensible oversight!

### **“ Ontario Family Legislation “ [2015]**

**Author:** none credited

**Publisher:** Canada Law Book

**Offending section:** CFSA

**Pages:** Pg 21 - 269

**Comments:**

It seems Ontario MPPs decided to prevent the unfavorable presumptive rule being written into the CFSA where parents would see it, that parents /'respondents' are *presumed guilty*. MPPs don't want calls from their upset constituents! Never mentioned are the issues in para 15 to 25 of this Guide.

### **“ Surviving your Divorce “ 5<sup>th</sup> Edition [2012]**

**Author:** Michael G Cochrane LLB

**Publisher:** Wiley

**Offending section:** Chapter 6 - assessments

**Pages:** Pg 105

**Comments:**

On Pg 105, assessments are discussed very briefly with no reference to child protection, only divorces.

Considering that divorces, child custody and property division can trigger false child abuse claims to target the other parent to bring in agencies. CAS / CPS then take over the case. It seems like an indefensible oversight not to cover this area! Also not mentioned is the damaging presumptive rule in child protection cases, where targeted parents are presumed guilty from the get-go!

### **“ The collaborative Way to Divorce “ 1<sup>st</sup> printing [2006]**

**Author:** Stuart G. Webb

Ronald D Ousky

**Publisher:** Hudson Street Press (USA)

**Offending section:** Chapter 6 - assessments

**Pages:** Pg 105

**Comments:**

We understand the idea and value of non-confrontation divorce methods. However, the risk of a divorce escalating over child custody and property division can trigger false child abuse claims to target the other parent and bring in agencies. CAS / CPS then take over the case. It seems like an indefensible oversight not to cover this area! Also not mentioned is the damaging presumptive rule in child protection cases, where targeted parents are presumed guilty from the get-go!

## **Your Case:**

**30)** In your case, you'll have to do plenty of catching-up to acquire the knowledge you'll need to defend your case. Being presumed guilty and never being told is a huge advantage for the CAS, the government and the courts all at your expense for the last 100 years plus!!

**31)** If you have to appeal your case, you can use this Guide as an exhibit and obtain some or all the books listed and copy extracts from the books as examples of how they misled you and the public at large. The point here is there's little most parents can do if they've been misled for decades by the government, ministry, the CAS and the courts! Innocent parents deserve some latitude.

**32)** Parent's can't conduct a professional case when misled by every source they turn to. For your appeal to succeed it must have substantial material issues, errors of law, misapprehension of evidence, etc and comply with all appeal Case Law.

### **Good Books, If Any:**

**33)** In the event a good law book is found that covers the issues in para 15 to 25, it will be listed here. The fact so many bad books and government materials ignore critical information parents need, shows that the government, the 'profession' and the courts set-up parents to fail as well as children harvested by the CAS!

### **\* LEGAL NOTE :**

This is paper is based on actual use and a guide only for the reader, your needs may vary. It's up to each person to assess their own circumstances. Extra steps in your proceeding may occur due to complexity, number of parties, bad faith acts, abusive litigation. Canadacourtwatch.org cannot be responsible for use, misuse or misfortune in a proceeding. This guide is not 'legal advice' but the experience of fellow respondents subjected to the criminal acts of your local corrupt, Perjuring, child abusing CAS!! Each recipient is required to assess their situation to the best of their ability, outcomes depend on the relative strength / weaknesses /errors of each party's case, exhibits, affidavits, submissions, case law, etc. Interactions of other Laws, Acts, Regulations and Case Law up to the recipient. No claim for errors or omissions. CFSA s 45(8) applies. Lawyers don't like 'layman's guides' and may lie to cast doubt and increase your dependence on their services even though the content here is fact-checked and based on direct experience of many people!!

- (1) Residential School abuse of aboriginal children in Canada lasted over 80 years and affected more than 160,000 people. CAS abuse over the last 100 years and into the future in Ontario alone will surpass this total.
- (2) The court's own language, "disposing" of cases is a freudian slip that shows the low regard it has for children, the law and it's own jurisdiction to know the facts of any case, knowing that parents with no legal training will ever figure it out in time.
- (3) See para 21 on the differences between 'Hearings' and 'Trials'.
- (4) "Trier of fact" is a Judge in a Trial where he/she can make a decision about the honesty, accuracy of testimony. At hearings, evidence must meet the Prima Facie standard to be accepted as fact.
- (5) "Modus Operandi" or "MO" is a term for "criminal methods", CAS conduct of cases knowing they won't be punished is just like "MO".
- (6) "PCA" is Parental Capacity Assessment under s 54 of the CFSA (Ontario). Other provinces have similar requirements.
- (7) "Unimpeachability" is the legal term for a proceeding that is at risk of being unfair or misleading, using this term catches the attention of the Judge if you can back it up.
- (8) "at will" - CASs don't hesitate to mislead the court if they've decided to target you. They know the courts won't make a "Bright Line Rule against litigation Fraud by the CAS !
- (9) "no honest belief" is a phrase that catches the attention of the Judge when arguing false affidavits by the CAS, just back it up with evidence. Don't use the word 'perjury', Family Courts don't have a criminal code jurisdiction.
- (10) CASs became fully operational under the Act in 1913.
- (11) Courts have ruled that parents have no "operative" Charter Rights, Human Rights, or parent's rights. The CFSA is "about the child's rights".
- (12) "circular logic" is reasoning by a Judge that serves a predetermined purpose knowing that a parent lacks the training to argue.
- (13) Key to getting parent's motions heard is being sure you stated your intentions in Case and Settlement Conferences or your Motions will be dismissed. CASs abuse *Rosen v Rosen* [2005] to dismiss parent's Motions and avoid responsibility.
- (14) The CAS has *unavoidable knowledge* when it operates in Bad Faith and misleads the court. Point that out in court whenever you can.

**Rev 1.0 - July 26 2016** written by: **no\_ethics\_at\_CAS** Copyright 2016 [www.canadacourtwatch.ORG](http://www.canadacourtwatch.ORG)

For comments, corrections or suggestions, email:

[no\\_ethics\\_at\\_the\\_cas@yahoo.ca](mailto:no_ethics_at_the_cas@yahoo.ca) or [info@canadacourtwatch.ORG](mailto:info@canadacourtwatch.ORG)