

Province, Eastern Health settled lawsuits in Conception Bay North child abuse case

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A child abuse case with details so devastating and confounding it prompted a damning report by the child, youth and family advocate was quietly settled last year by the provincial government and the province's largest health authority.

Three statements of claim — representing two Jane Does and a John Doe — were first filed in Newfoundland and Labrador Supreme Court in 2013, and centred on the failure of various officials to pick up on the horrific abuse they suffered from their mother.

The involvement of social services, child protection and other government officials in the then-Clarke's Beach family's situation over the years was well documented in court, media coverage and a report by the child and youth advocate.

Yet the mental and physical abuse of the children went undetected, despite the support services provided to the mother.

In 2005, the woman was sentenced in Newfoundland and Labrador Supreme Court to several years in federal prison.

The criminal court case centred on the most shocking abuse, which involved the two daughters — the Jane Does in the lawsuit.

Eastern Health confirmed to The Telegram this week that settlements have been reached, but said the terms of the settlements are confidential, so Eastern Health will not provide further comment.

The Department of Justice and Public Safety was more vague, confirming cases involving three of the siblings have been discontinued and are no longer before the court, but would not comment on any settlements or potential amounts, citing possible privacy concerns over the release of personal information.

St. Johns lawyer Geoff Budden's law firm handled the case.

"I can confirm the matter was settled some months ago. From a legal point of view, it was a satisfactory resolution to a tragic situation," Budden said Friday.

During media coverage of the abuse case, it was revealed social services had supplied about \$200,000 in a battery of services over and above social assistance to the woman between 1996 and 2004.

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The Office of the Child and Youth Advocate began an investigation in 2005.

"For 13 years, these children suffered in their home while many professionals encountered them numerous times. There were many opportunities missed in identifying what was really taking place in that house," then child and youth advocate Carol Chafe wrote in her 2012 report about the case.

"These children were sadly failed by the system — a system that turned a blind eye."

In 2015, the provincial government announced in Newfoundland and Labrador Supreme Court its intention to accept liability in a case that came to light in 2004.

The willingness to accept liability pertained to certain events in 1990, while the province had direct responsibility for child welfare services.

After that, and until the fall of 2011, child welfare services were the responsibility of the regional health authorities.

In the original statement of claim, the two Jane Does and their brother, John Doe — who had been taken from the woman in 1995, but returned to her custody a couple of years later — contended the abuse amounted to torture, and government officials failed in their child protection duties and ought to have known their negligence exposed the children to serious harm.

It wasn't until 2004 that they, and their three younger siblings, were finally taken from the mother and put in foster care for good.

From 1997 to 2004, the siblings claimed, they were on multiple occasions punched, slapped, kicked, struck with a broom handle, and deprived of heat, shelter, food, water and medical treatment.

The sisters say abuse they suffered as girls included being thrown against a wall, whipped, choked, bound at the hands/feet with tape, blindfolded with tape, locked in a bedroom for extended periods of time without food, drink, or the use of a toilet, forced to sit, stand and lay in their own urine and feces, forced to wear adult diapers while locked in their room and forced to stand through the night with their hands above their head.

One of the sisters also reported being forced to lick her urine off the floor.

There remains one claim outstanding from another of the woman's children that was handled separately and not by Budden and Associates.

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