



Nfld. & Labrador

Provincial government being sued in child abuse case



Warning: this story contains disturbing content

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Three people abused as children by their biological mother in Clarke's Beach nine years ago are suing the provincial government for failing to step in.

Three statements of claims were filed Wednesday by lawyer Geoffrey Budden, from John Doe and two Jane Does — now aged 19, 20, and 21.

The lawsuit names the provincial government, including the Social Services and Health departments, the director of child welfare, and the provincial director of Child, Youth and Family Services.

A statement of defence has not yet been filed. The claims outlined in the plaintiffs' statements have not been proven in court.

The statements say the children were removed from the mother's care in 1995. At the time, the kids showed signs of abuse. Prior to the removal, the department of Social Services received 12 child welfare referrals in relation to the mother.

Yet the three siblings were returned to her care about two years later, under a six-month supervision order – even though the statements say it was "reasonably foreseeable" that this action would expose the children to serious harm.

From 1997 to 2004, one statement says John Doe was exposed to physical abuse, including being punched, kicked, slapped, and struck with a broom handle.

It says he also endured mental suffering from being deprived of the necessities of life, and from being forced by his mother to torture his siblings.

In addition to the same physical abuse listed by John Doe, the Jane Does were also exposed to abuse like being forced to sit, stand, and lay in their own urine and feces; being locked in a bedroom and forced to wear adult diapers; and being forced to stand overnight with hands above their heads.

They were also whipped, choked, bound at the hands and feet and blindfolded with tape, and thrown against a wall.

In October 2005, the mother was criminally convicted for the abuse inflicted on the Jane Does. She was charged with criminal negligence causing bodily harm by failure to provide the necessities of life, unlawful confinement, assault with a weapon, and common assault.

The statements claim that even though the department of Social Services received 18 child welfare referrals in relation to the mother, the children remained in her care.

From the period of 1997 to 2004, the plaintiffs claim that the province continually supported the mother as their primary caregiver, even though there was "sufficient evidence to warrant the removal" of the children from the home.

It also states that the province offered the mother supports like respite and counselling services, parenting programs, transportation subsidies, and daycare subsidies.

The statement claims that the province even presented the mother as a positive example at a National Child Protection Symposium in 2000.

The plaintiffs are arguing that the province was reckless with their care, and allowed them to stay in an "abusive and neglectful residential environment."

The statements also say that government failed to take any steps to protect the children, including "supervising, monitoring, and investigating its employees" to ensure their care. It says that government workers didn't make regular visits to the house, didn't investigate referrals concerning the children's care, and didn't maintain records and reports.

The plaintiffs argue in the statement that they endured physical and mental pain, and are continuously upset from the memories of neglect and abuse. John Doe has also had issues with substance abuse.

They claim it hindered their ability to get an education, and has impaired their abilities to earn a proper income.

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