

# Shocking child abuse case in civil court

Barb Sweet (barbara.sweet@thetelegram.com)

**Published:** Sep 29, 2017 at 6:21 p.m.

**Updated:** Sep 30, 2017 at 5:40 a.m.



The Parole Board of Canada has revoked the statutory release of a Windsor man.

## A horrific case of child abuse is in civil court this week, when the lawyer for victims will seek an expedited summary trial to settle liability.

St. John's lawyer Geoff Budden filed a civil lawsuit against the provincial government in 2013 for negligence over a child abuse case that surfaced in 2004 and became the subject of a criminal conviction and a shocking report by the province's child and youth advocate.

Three statements of claim — representing two Jane Does and a John Doe — were filed in the Supreme Court of Newfoundland and Labrador in 2013.

One Jane Doe case is the subject of Tuesday's date in Newfoundland and Labrador Supreme Court. Budden said all three are so similar in facts, he's proceeding with just one, as he expects it to serve as precedent.

"It's outrageous really that she is forced to take this step," Budden said of his client.

"While reasonable people might disagree as to how much compensation this young woman is entitled to, I just don't see how the government can, after returning a toddler to the woman who had viciously beaten her, over the warnings of medical experts, then deny responsibility for the horrendous abuse that followed that return."

In a statement of defence filed this June, the provincial government denied all the allegations of negligence and said prior to fall 2011, the regional health authorities were responsible for "child, youth and family services functions."

At the time the statements of claim were filed, Budden said the abuse that the siblings, now adults, suffered as children at the hands of their mother was depraved.

In the statement of claim, all three — 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 three younger siblings, were finally taken from the mother and put in foster care for good.

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 the court case, media coverage and the advocate's report. Yet the mental and physical abuse of the children went undetected, despite the support services lavished on the mother.

The statements of claim said officials even presented the mother as a positive example at a National Child Protection Symposium in 2000.

The statements of claim focus on abuse they received between 1997 and 2004. The siblings say that on multiple occasions they were punched, slapped, kicked, struck with a broom handle and were deprived of heat, shelter, food, water and medical treatment.

The sisters say abuse they suffered as girls include being thrown against a wall, whipped, choked, bound at the hands/feet with tape, and 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 lie in their own urine and feces, forced to wear adult diapers while being locked in their room and being 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.

They all say they were forced to witness the torture of siblings. But the brother also reported he was forced to be complicit in the torture and confinement of his siblings.

In 2005, the woman was sentenced in Supreme Court to several years' federal time. The criminal court case centred on the most shocking abuse — involving the two daughters, or the Jane Does in the lawsuit.

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

The Office of the Child and Youth Advocate began a lengthy 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. These children were sadly failed by the system — a system that turned a blind eye," child and youth advocate Carol Chafe wrote in her 2012 report about the case.

Chafe's office examined 13 years in the life of the family, during which children were removed from the woman's care three times. Three children from a first relationship went into the custody of their father in 1993 and never returned to her.

A second relationship had resulted in more children. The three oldest of those kids — born in 1992, '93 and '94 — are the ones involved in the lawsuit against government. And the woman had three more boys between the late 1990s and 2004, when all six were removed from her care.