

One woman's struggle

Gail O'Hanlon recently visited Halifax on a fundraising tour for her defense. The following article is reprinted from **Gay Horizons**, an Alberta-based publication.

In the summer of '74 I left my husband following four years of physical and emotional abuse from him. At the time I took our two small children with me. I filed charges of assault causing bodily harm, and desertion, against my husband (in Ontario courts a woman can charge her husband with desertion even if she leaves him, if he made it impossible for her to remain in the marriage home).

The judge found him guilty on both counts. For the assault charge he was fined \$300.00 and warned never to threaten or to harm me again. I was granted custody of the children and he was ordered to pay me \$15.00 per week per child in support.

My husband was in arrears almost constantly from the very beginning and was brought back into court on numerous occasions for non-payment. There was also a court order issued restraining the woman he now lives with from being in the presence of the children. He continued to break every court order and refused to make the support payments, eventually being sent to jail for 90 days. He also rarely visited the children, and when he did come, he was usually drunk and extremely hostile.

In January 1978 I was served with divorce papers. He applied for a divorce on the grounds that I am a lesbian and abusive to my children. At first I was petrified, because I was aware that lesbian mothers almost never get custody of their children. However, as I have a good relationship with my kids I felt that surely any judge would see that I am the better parent and allow me custody of the children.

Jobs were scarce in London at the time and I had decided to move to Alberta, where I had heard that jobs were not so hard to find. I checked with my lawyer and she agreed that it would be better for me if I had a job, as long as I was willing to return to Ontario for the court case. Early in March I packed up and we arrived in Calgary.

One morning while getting ready to take the kids to the zoo I heard their terrified screams. As I rushed outside to see what the problem was I noticed my husband running across Macleod Trail to a waiting car. I hollered for help from bystanders and my husband hollered to the kids to shut up. I got to the car just as his mother grabbed the kids and put them in the back seat. I ran around to the other side of the car and pulled her out of it, attempting to get my kids. My husband got out of the car and was about to push me over when the police showed up. After close to two hours the kids were returned to me by the police and I was told that I could not charge my husband with attempted abduction because "After all, he didn't get anywhere, did he?"

After that, we literally lived in fear. The kids wouldn't go to school alone and I had to promise to be at the schoolyard every day at recess so that he wouldn't attempt to

snatch them from school. At night the kids would wake up screaming. This lasted a few months.

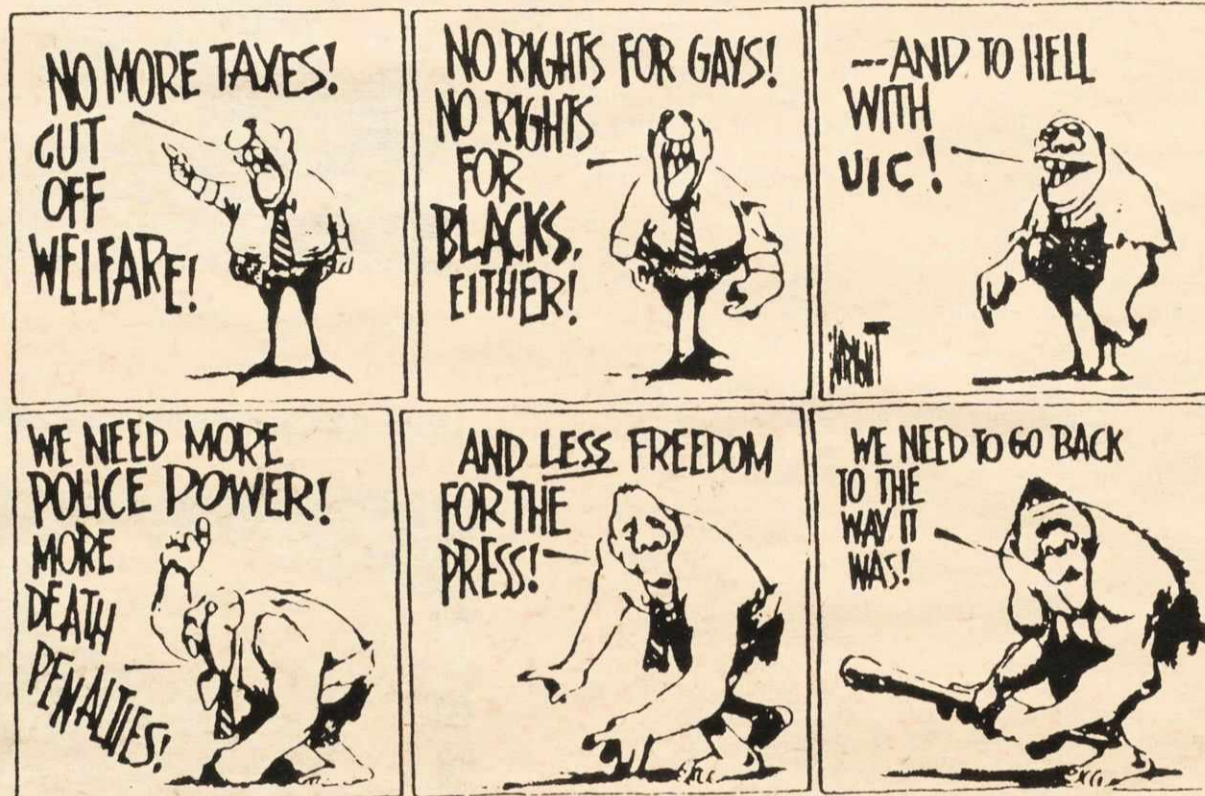
Finally, in December, our case came up, and because it was going to take so long, I lost my job and was forced to travel to Windsor every day, while staying with friends in London.

Evidence brought into court against me was the fact that I am a lesbian activist. Copies of newslet-

prove of my lifestyle. The judge said that it was obvious that I am a lesbian, and although this was a negative factor it was not enough to remove the children from my care.

He went on to say that expert evidence from Mrs. Ruth Rone, a child psychologist, was definitely in my favour, and that she stated time and time again that my kids and I have a very close relationship, and that a separation could cause ir-

The judge asked me who I was living with. When I told him that I was living with my lover, he became extremely upset, saying I had previously denied being a lesbian. When I reminded him that I was never asked outright if I was a lesbian, only if I would sleep with a woman if I were attracted to her, and that I had answered "yes," he ordered me off the stand and called Lynne up (she had agreed to appear



ters I had written to were used as exhibits, an ex-lover testified that we were indeed lovers (even though I slept with her only once), and notices of meetings held at our house were also entered as evidence. At one time I was active in the Gay Activist League of London, an organization that did political work in the gay community.

Throughout the trial I was asked repeatedly if I had been this woman's lover for three years; my honest response was "No, we slept together one time." Finally the judge asked me if I would sleep with a man if I found him attractive and I answered that, yes, if I found myself attracted to a man, I would sleep with him, however... (At this time I was cut off and told to answer his questions only). He then asked me if I found myself sexually attracted to a woman would I sleep with her and I responded, "Yes, I would." He then told me that he felt he had heard enough evidence and that since we had been in court since December 9, and it was now January 12, he would like to speak with the kids.

They told him that they loved their father even though they did not trust him (as a result of the kidnapping attempt), that they definitely wanted to live with me, and that if they had to live with him they would run away. We were called back into court and the judge said that he was impressed that I had instilled a love and respect for their father throughout the years, and that this was very much in my favour since my husband obviously did not ap-

reparable harm to Sean. Ruth had worked with our family while Sean was having some behavioral problems. She said that I played an active role in helping him overcome these problems.

The judge gave me conditional custody of the children, the conditions being:

- I provide a stable home with a foreseeable future
- I allow their father liberal access
- I don't live with anyone unless the court approves, adding that it may be necessary, for economic reasons, to share living expenses with someone and, if so, he would want to meet them.

Shortly after this I was offered a job in a printing shop, and accommodation in a housing co-op. I spoke with my lawyer, who felt that it would be alright as long as the other residents of the house were willing to appear before the judge when we returned to court. The next court appearance was, however, postponed until April.

By the time we returned to court in April the housing co-op had broken up, through no fault of mine, and I was living with my lover.

At the Mme. Vanier Childrens Treatment Centre, my son underwent testing that lasted over four hours. The test results were brought into court, with Ms. Ruth Rone again testifying that the results showed Sean was uptight about visits with his father, and that he had a definite negative attitude toward his father. The tests went on to say that he was happy living with Lynne and I (and that he was secretly in love with Lynne).

to give evidence so the court could meet her as was previously ordered).

It took about five minutes for the judge to say that he found no difficulty in reversing his decision, as I had purposely defied each and every one of his orders by moving to Toronto (to make it more difficult for my husband to visit with the kids), that I had moved in with a lover in further defiance of his orders, and that I was not providing a stable home for the children by living openly with a lesbian lover.

Since that time, my husband refused me access to the children and I had to return to Ontario in July to appear before the same judge to be granted access. At that time it was brought to the attention of the judge that my husband was taping all our phone conversations and was opening my mail to the kids. The judge ordered that this be stopped immediately, and granted me visits with the kids once a month during the summer, and at Christmas and Easter. He also said that if I were to move back to Ontario I could visit them twice a month.

I have appealed the judge's decision. My lawyer, Ellen Murry of Toronto, feels that I have a good chance of winning the appeal, since it was shown in court that I am the better parent. As well, there appear to be certain errors in law made in the judgement.

However, it will cost me approximately \$3,000.00, I am still trying to raise this money so that I can get back into court and hopefully bring my kids back home where they belong.