

that Reverend B. had sexually abused the two girls. She swore several affidavits to this effect. The Children's Aid Society worker initiated child protection activities. This custody-cum-child-protection case was tried in 1987 in Family Court. Reverend B. won. In the trial judgment, Judge Dunn awarded custody of the girls to Reverend B.

• (1210)

Honourable senators, a tragic aspect of this case was the children's experience at the hands of the mother and her lover, a convicted child sex offender. The damage to these children is enormous. The destructive aspect of this case is the fabrication of this diabolical scheme by persons who seem to have legal knowledge, and the enlistment of the justice system to this end. I shall quote Judge P.W. Dunn's judgment in 1987 in this child dispute trial. About Mrs. B.'s testimony at the trial, he said that she —

...did not tell the facts in an objective manner to the professionals, she advocated, almost vigorously, her position that —

— and here they refer to Reverend B. —

— was a child molester. In November, 1985, —

— Mrs. B. told an individual —

that she had witnesses who saw...

— Reverend B. —

molesting and being brutal with the girls and with herself and that when the case would be finished —

— Reverend B. —

— would be behind bars...

About this testimony, Judge Dunn continued:

I do not find that —

— Mrs. B.'s —

— testimony measured up adequately to my hallmarks of credibility.

Judge Dunn further added that:

Her recitations of the past history did not have the 'ring of truth'...

In the 1987 proceeding regarding costs, Judge Dunn spoke of the Children's Aid Society and the worker, saying:

In my opinion the society acted unfairly and indefensibly ...

He went on to say that Mrs. V, the Children's Aid worker, favoured Mrs. B. and her counsel.

Further, about the Children's Aid worker's sworn affidavit, he said:

If Mrs. V. had sought the ... information, ... she would ... not have had the basis to write as biased an affidavit as she did. The tenor of the affidavit ... was calculated to condition the reader and to lead him by choice of wording and structure to infer that —

— he mentions Reverend B. —

— was a mentally sick and violent man and was sexually abusing his daughters. Mrs. V.'s investigation, such as it was, fell below a fair standard. Unfortunately Mrs. V.'s findings set in stone the society's public position during the whole of this matter.

Later, Rev B., on behalf of his daughters, sued the Children's Aid Society and the caseworker for damages. The issues in this lawsuit were: their bias in favour of Mrs. B. and her lawyers, the suffering and anguish caused to the children and to Reverend B., and the negligence and cruelty of the Children's Aid Society.

The trial judge, Mr. Justice J. Somers, in ruling for Reverend B. and against the Children's Aid Society, stated in his judgment in 1994:

... and indeed one can certainly understand the frustration the father must have felt in this case attempting to deal with allegations against him which were untrue and which he regarded as utterly repugnant, and with a bureaucracy that treated him with ill-concealed contempt. While as I have said I do believe that much of the damage sustained by the Plaintiff—

— who is Reverend B. —

— was as a result of the machinations of his former wife, I feel that the Defendants—

— the Children's Aid Society of Durham Region and the case worker—

— played a strong and at times heavy handed role in the matter.

Referring to the testimony of Barbara Chisholm, an experienced professional in the field of child abuse, Mr. Justice Somers said:

Ms Chisholm indicated that the experience has been for some time that sexual assault allegations made by a mother against a father in custody disputes are very prevalent nowadays and indeed have become what she called 'the weapon of choice'.

And further:

Such is the increasing frequency of such allegations that she described this tactic as 'the weapon of the times'.