

FAMILY LAW MOCK TRIAL

CHILDREN'S AID SOCIETY v. D.F. and A.F.



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V. D.F. AND A.F.	
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For each OJEN Family Law Mock Trial, there are three packages:

- » OJEN Family Law Mock Trial **Scenario**
- » OJEN Family Law Mock Trial **Role Preparation Package**
- » OJEN Family Law Mock Trial **Justice Sector Volunteer Package**

Youth need the **Scenario** and **Role Preparation** packages.

Justice sector volunteers/teachers/organizers need all three packages.

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CHILDREN'S AID SOCIETY V. D.F. AND A.F.

» Child Protection

LIST OF PARTICIPANTS

1. **DeShae Frederick** (mother, respondent #1)
2. **Alejo Ferrer** (father, respondent #2)
3. **Cameron Michaels** (Children's Aid Society worker, applicant witness)
4. **Sylvia Pereira** (foster mother, applicant witness)
5. **Alex Chin** (DeShae's new boyfriend, respondent #1 witness)
6. **Lawyers for the Applicant** (4)
7. **Lawyers for the Respondents** (4-8)
8. **Judge** (can be played by a student, a teacher, a judge, or a lawyer)
9. **Court Services Officer** (keeps order in the court) (optional)
10. **Court Clerk** (assists the judge) (optional)

WHAT HAPPENED?

Christopher was 2 months old when the Children's Aid Society (CAS) apprehended him. His mother, DeShae Frederick, is 17 years old, and his father, Alejo Ferrer, is 19 years old. The CAS placed Christopher with a foster parent, Sylvia Pereira.

The CAS decided that Christopher was in need of protection according to subclause 37(2)(b)(i) of the *Child and Family Services Act (CFSA)*. They stated that there was a risk that Christopher was likely to "suffer physical harm inflicted by the person having charge of him, or caused by that person's failure to care for, provide for, supervise or protect him adequately". Christopher was made a ward of the society for 7 months with specific terms and conditions, including a requirement that the parents complete a parenting capacity assessment.

At the time, DeShae and Alejo agreed that Christopher was in need of protection. A judge made an order that Christopher is a child in need of protection and placed Christopher in a foster home.

Seven months later, the CAS has applied to the court for a review of the child's status, according to subclause 64(2)(a) of the *CFSA*. Each of the parents gets to provide an answer and a parenting plan to the court.

THE PARENTS: DESHAE AND ALEJO

DeShae had a difficult time as a child. Her father used to hit her and call her names. DeShae's mother tried but she was unable to protect DeShae. DeShae turned to alcohol as a way of coping with her difficult childhood. She has also been involved in relationships with men that included a lot of drinking and, at times, violence.

DeShae met Alejo through a friend. They often fought when they were drinking. Alejo smokes marijuana every day. Alejo has a criminal record and does not work. He has another child with another woman. He does not see his other child.

DeShae has a criminal record because she had contact with Alejo in breach of her bail terms when she was charged with domestic assault. She was sentenced to 1 day in jail plus 18 months probation.

DeShae and Alejo had been together for 1 year when Christopher was born. They split up when Christopher was apprehended and DeShae has been seeing someone else named Alex Chin. He is 20 years old and works in a men's clothing store.

DeShae delivered her answer and plan of care. She wants a 7 month supervision order placing the child in her care and custody. Her plan is to live with her mother and then move into her own apartment with Christopher, once the CAS is satisfied with her parenting abilities.

Alejo also delivered his answer and plan of care. He wants an order placing Christopher in the custody of his brother and sister-in-law, subject to CAS supervision.

DeShae has done very well since Christopher was apprehended. She has stopped smoking; she attended and completed an anger management program and a parenting course; she has been drug- and alcohol- free; and she is not living with Alejo. She also graduated from an alcohol addiction program.

DeShae has recognized that she was previously involved in unhealthy relationships. She no longer has any contact with Christopher's father, Alejo. Her new partner, Alex, has no history of criminal convictions or violence. There is no evidence of disputes or violence between DeShae and Alex.

DeShae has to travel a long distance to visit her son. She has to take a 40 minute subway ride and a bus that takes another 35 minutes. She has never missed an access visit.

Alejo has never visited his son.

THE CHILDREN'S AID SOCIETY

Despite DeShae's success, the CAS has concerns. They worry that DeShae has a long history with alcohol abuse and that she will return to drinking if Christopher is returned to her. Also, they are concerned that she is drawn to abusive men and that she may end up in another abusive relationship. They say that her relationship with Alex has not lasted long enough to be proof that DeShae has changed.

The CAS is also worried about DeShae's anger issues. There was an incident when a CAS worker, Cameron Michaels, phoned DeShae to talk about Christopher. The worker told DeShae that the CAS was concerned about her young age, her past drinking history, and the fights with the men in her life. The CAS was also concerned about whether DeShae could adequately provide the care and support that Christopher requires. DeShae started to yell and told the worker that no one was going to take her son away from her. She then hung up. The worker later said that s/he does not feel safe around DeShae.

Cameron Michaels supervised visits between DeShae and Christopher. Cameron's notes indicate that DeShae always visited Christopher on time and that she never cancelled or failed to show up for an access visit. She put effort into childproofing her mother's home when the access visits were held in DeShae's mother's home. She is very affectionate with Christopher – kissing and hugging him and trying to comfort him when he is upset. However, Cameron also noted that DeShae was hesitant with Christopher in the CAS office during supervised visits. She was slow to respond to his cries and she seemed to get frustrated if he cried for a long period of time.

THE FOSTER MOTHER: SYLVIA

The foster mother, Sylvia, also took notes when DeShae would visit Christopher. She drives Christopher once a week for his Thursday visits with his mom. She stated that DeShae is always there and picks him up and hugs him and that Christopher appears to be happy on the visits. She notes that DeShae has matured a lot, and is much more mothering than when Christopher was younger. Sylvia notes that DeShae asks her a lot of questions about child-rearing, wants to know everything about Christopher and is excited about his milestones.

ISSUES:

- What order should the judge make at this status review? Should Christopher be returned to DeShae, to Alejo, or be made a ward of the state? Is there another option?

THE LAW

THE SCHEME OF CHILD PROTECTION LAW

DUTY TO REPORT A CHILD IN NEED OF PROTECTION

The *Child and Family Services Act (CFSA)* provides a duty on every person in Ontario to report to the CAS if a person suspects the abuse or neglect of a child.

Section 72 of the *CFSA* provides that if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect that there is a likely risk of harm to a child, that person is required to report the suspicion and the information on which it is based to the CAS.

When the CAS is called, a CAS worker will open a file. They may visit the child and parents. The worker can give a warning to the parents, and ask that they change their behaviour. The worker can also ask the parents to participate in a “temporary care of service” - a voluntary agreement in which the CAS will work with the parents to improve the safety and well-being of the child. However, if the worker feels that the child is in need of protection and there is a substantial risk to the child’s safety or health, the worker can apprehend the child (per s. 40(7)). Alternatively, the worker can apply to the court to have the child apprehended (per s. 40(1)).

VOLUNTARY AGREEMENTS

A family may be given the option to work with the CAS on a voluntary basis. An agreement will be drawn up between the parents and the CAS indicating what each party will do. For example, the CAS may ask the parents to attend a parenting course or have the child attend an educational assessment. Or, the CAS may provide a family support worker to work with the parents in the home. The CAS will monitor the family during this time but the matter will not go to court. The agreement will run for a specified length of time and then may be terminated or renewed.

HOW CHILD PROTECTION PROCEEDINGS BEGIN

The CAS may apprehend or remove a child from the family home if they believe there are serious concerns that cannot be addressed while the child remains in the home. An apprehension may be done without a warrant if the CAS feels that there is an emergency situation. If a child is apprehended, the CAS must go to court about the matter within 5 days of the apprehension.

The CAS may also become involved in situations where the family is having difficulties, but those which can be addressed without removing the children from the home. For example, if there is concern that a parent is abusing drugs or alcohol, the child may be allowed to remain in the home if another relative moved into the home and supervised the parent's contact with the child. The CAS may also feel that a problem can be dealt with by monitoring the family and recommending services such as counselling.

If the CAS apprehends the child, then the CAS and the parents must go before the court within 5 days to discuss the matter with a judge at a "temporary care and custody hearing". The parents will be given 30 days to file an answer in response to the CAS' allegations.

The grounds under which a child can be found "in need of protection" are found in s. 37(2) of the *CFSA*. While these grounds include physical, emotional and/or sexual abuse, the *CFSA* also allows the court to make a finding that the child is "a child in need of protection," if the child is at risk of suffering abuse.

HEARINGS, FINDINGS AND DISPOSITIONS

A hearing under s. 57 of the *CFSA* is done in two parts. First, the court determines if the child is in need of protection according to s. 37(2) of the *CFSA* (the "finding" stage). The court then makes an order to address the need for protection (the "disposition" stage). The order must be in the child's best interest as per s. 37(1). For example, a finding may be that the child is in need of protection because a parent's drug use is preventing him from being able to care for the child. The disposition is the court's order that the child lives with the grandparents for a period of 6 months and the parent's access to the child is supervised during that time.

TEMPORARY VERSUS PERMANENT WARDSHIP

If a child is removed from a parent's care and the child cannot be placed with other family members, the CAS may seek an order to make the child a "society ward" or temporary ward of the CAS. If a child is under the age of 6, this order can last up to 12 months. If a child is over the age of 6, this order can last up to 24 months (the court has the discretion to extend these time limits, if appropriate). These dates are important because the law requires the CAS to make permanent plans for the child at the end of this period (i.e. the child must be returned to the parents or made a permanent or "Crown ward" of the CAS). When a child becomes a Crown ward, the child may be considered for adoption and a parent could lose all rights to the child.

APPEALS

All decisions by the court relating to child protection can be reviewed or appealed to an appellate court.

STATUS REVIEW APPLICATIONS

Status review applications (s. 64) can be brought by the CAS within 30 days of expiry of an order under s. 57 for the purpose of reviewing the status of a court's disposition. It can also be brought earlier by any party or by the child if a substantial component of the CAS' plan is not being carried out. The court must consider whether the reasons for its initial finding still exist; if they do not, then the disposition can be terminated.

THE LAW UNDER THE *CHILD AND FAMILY SERVICES ACT*

CHILD IN NEED OF PROTECTION

A child in need of protection is defined in s. 37(1) of the *CFSA*. Some circumstances where a court would find a child in need of protection include where a child has been or is at substantial risk of being physically or emotionally harmed; sexually abused; where the child has a medical condition and is not receiving appropriate treatment; or the parent is unable to care for the child.

THE BEST INTERESTS OF THE CHILD

When determining the best interests of a child, the court shall consider, among other things, the following:

- The child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs;
- The child's physical, mental and emotional level of development;
- The religious faith, if any, in which the child is being raised;
- The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family;
- The child's relationships and emotional ties to a parent, sibling, relative, other member of the child's extended family or community;
- The child's views and wishes, if they can be reasonably ascertained;
- The effects on the child of delay in the disposition of the case;

- The risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent. (per s. 37)

LEGISLATION

Child and Family Services Act (found at <http://www.e-laws.gov.on.ca>)

- Subsections 1(1) and 1(2) – Paramount purpose and other purposes of the Act*
- Paragraph 1(2)(2) – Least disruptive course of action – “To recognize that the least disruptive course of action that is available and is appropriate in a particular case to help a child should be considered”*
- Section 37(2)(b)(i) – Child in need of protection*
- Section 37(3) – Best interests of the child*
- Subsection 57(3) – Less disruptive alternatives preferred*
- Section 64 – Status review*
- Section 65 and 65.2 – Status review court orders*
- Section 70 – Time limits*

CASE LAW

Catholic Children's Aid Society of Metropolitan Toronto v. M. (C.), [1994] 2 S.C.R. 165

Main Point of the Case

There must be a child-centered approach in deciding what to do; the court and the lawyers cannot solely focus on the parent's parenting ability.

Summary of the Law in this Case

The first and “paramount” objective of the *CFSA* is the promotion of “the best interests, protection and well-being of children”. The *CFSA* carefully seeks to balance the rights of parents with the rights of children to protection and well-being. Status review hearings are meant to insure that the child protection purpose of the *CFSA* is being properly carried out.

The function of the status review hearing is to evaluate whether there is a need for a continued order for protection. There is the requirement to consider whether the child is or is no longer in need of future protection. Children's needs are continually evolving and these ever-changing circumstances must be taken into account.

A two-part examination must take place on a status review. First, does the child continue to be in need of protection and, as a consequence, require a court order for his or her protection? (The need for continued protection includes considering more than the events that triggered the intervention of the CAS in the first place.) The court must look at the child's best interests. The best interests of the child must always prevail. Determining the best interest of the child includes looking at the whole situation, and includes concerns arising from emotional harm, psychological bonding and the child's desires. The emotional well-being of a child is of the utmost importance, particularly where the evidence shows possible long-term negative consequences resulting from the removal of the child from his or her foster family and the return to his or her birth parents. The focus of maintaining family units is only important as long as it is in the best interests of the child. The best interests of a child require different solutions over time and these interests may have to take priority over any parents' interests.

Children's Aid Society of Halton Region v. N.(R.R.), 2008 ONCJ 9

Facts of the Case

The CAS was applying to make the child a Crown Ward for the purpose of adoption. The child had been apprehended at birth by the CAS because of a risk of physical harm. The mother had suffered a history of abuse by her own father, heavy drinking and drug use, and was in a violent relationship with the child's father. However, the mother had since entered into a new, stable relationship 5 months after the child was apprehended and became pregnant with another child, who was currently in her care.

The Decision

The application was dismissed and the child was returned to his mother.

Summary of the Law in this Case

The CAS must prove that a child is still at risk of physical harm if it is to make the child a ward. The parent's plan of care must be seriously considered.

Reasons for the Decision

In this case, the CAS had failed the mother in its duties by undermining her plan of care and failing to give her information about her child. The mother showed an ability to parent and seek outside help if she was unable to meet her responsibilities. The report that the CAS wrote up on the mother was not a fair report; it relied heavily on claims of violence from the mother's ex-boyfriend, which could not be backed up. The mother had diligently kept all visiting appointments with her child, passed all drug and alcohol tests and had dramatically changed her life circumstances. The child was healthy, and while his removal from foster care after 22 months could be traumatic, he would be able to form a new attachment with his mother. The mother and her partner had a stable and loving relationship and it was in the best interests of the child to reside with them and his half-sibling.

TIME CHART FOR A FAMILY LAW MOCK TRIAL

Clerk calls to order, calls case and counsel introduces themselves	1 min
Applicant's opening statement	2 mins
Respondent #1's opening statement	2 mins
Respondent #2's opening statement	2 mins
Applicant's Case	
Applicant's direct examination of Cameron Michaels	3 mins
Respondent #1's cross-examination of Cameron Michaels	3 mins
Respondent #2's cross-examination of Cameron Michaels	3 mins
Applicant's direct examination of Sylvia Pereira	3 mins
Respondent #1's cross-examination of Sylvia Pereira	3 mins
Respondent #2's cross-examination of Sylvia Pereira	3 mins
Respondent #1's Case	
Respondent #1's direct examination of DeShae Frederick	3 mins
Applicant's cross-examination of DeShae Frederick	3 mins
Respondent #2's cross-examination of DeShae Frederick	3 mins
Respondent #1's direct examination of Alex Chin	3 mins
Applicant's cross-examination of Alex Chin	3 mins
Respondent #2's cross-examination of Alex Chin	3 mins
Respondent #2's Case	
Respondent #2's direct examination of Alejo Ferrer	3 mins
Applicant's cross-examination of Alejo Ferrer	3 mins
Respondent #1's cross-examination of Alejo Ferrer	3 mins
Closing Arguments	
Applicant's closing arguments and legal submissions	2 mins
Respondent #1's closing arguments and legal submissions	2 mins
Respondent #2's closing arguments and legal submissions	2 mins
Judge gives feedback and discusses family trial process, etc.	2-10 mins

DESHAE FREDERICK, MOTHER (RESPONDENT #1)

Your background:

- You are Christopher's mother. You are 17 years old.
- Christopher's father, Alejo, was your boyfriend. You met Alejo through a friend. At first, things were really good between the two of you. Then, when you became pregnant a few months after you met Alejo, he became abusive. Both you and Alejo decided to keep and raise the baby by yourselves. The two of you were together for 1 year when Christopher was born.
- He would often hit you when he was angry. At one point, you hit him back. The police were called and both you and Alejo were charged with domestic assault. This was your first criminal charge.
- You admit that you have made poor choices in boyfriends before. When you were 14, you fell in love with a 16 year old boy who was always in trouble with the police. He, too, would become angry and lash out at you. You think that you choose boyfriends who are like your own father. Your father treated you badly when you were a child and would often hit you when he was angry.
- You also had a drinking problem. You have been drinking for many years – probably since you were about 12 years old.

Your version of what happened:

- Christopher, your son, was apprehended after a bad night with Alejo. The two of you had been drinking all day. Then, you and Alejo got into an argument and hit each other. The neighbours called the police. When the police arrived, Christopher was in his crib, crying. He did not get his

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- » Listen to the questions carefully. If you do not understand the question, then ask to have it repeated.
- » If a lawyer asks a question about something that isn't in your package, you can say you don't know the answer.
- » Speak with the lawyers representing your side ahead of time, and get into character when you take the stand.

DESHAE FREDERICK, MOTHER (RESPONDENT #1)

regular feeding that day and he was hungry. The police called the CAS and they took Christopher away. The police also found marijuana in the house. Alejo admitted that the marijuana belonged to him.

- You were devastated by Christopher's apprehension by the CAS. You love your son and have tried hard to be a good mother. The night that Christopher was apprehended was unusual. That was the first night that you had a drink since before Christopher was born. When you were pregnant, you promised your unborn baby that you would do a good job.
- When you were in court, you agreed with your lawyer that Christopher was a child in need of protection. You did this so that he could be returned to you as soon as possible. You also agreed to the many conditions that the court included in the order. You agreed to take a parenting course, an anger management course, that you would stop drinking and smoking and that you would not take drugs.
- You decided that Alejo was not a good person for you or for your son. This was a difficult decision to make because he is the father of your son, but you don't want Christopher growing up in a home where there is a lot of drinking, drugs and fighting. You decided that you needed to move out, so you moved into your mother's house. Your relationship with Alejo is now over.
- You want the court to make an order that Christopher should come home with you to your mother's house. You hope to stay there for a while and then move into your own home. When Christopher starts school, you want to return to school.
- You are now seeing another man. His name is Alex and he is 20 years old. You have known him all your life as he lives next door. He works as a manager of a men's clothing store. He is a good man who has never been in trouble with the law. Your mother has always wanted you to date Alex.
- Alex has offered to help out with Christopher in any way that he can. His sister has an early childhood education certificate from college and she has given you a lot of good advice about Christopher. Alex's mother has also said that she will help if she can.
- You have only had one bad situation with the CAS. When one of the workers phoned you and said that they weren't sure that you would make a good mother, you lost your temper. You have been trying very hard to be a good

DESHAE FREDERICK, MOTHER (RESPONDENT #1)

mother, and you have never missed an opportunity to visit your son. You feel badly that you lost your temper.

- You really enjoyed visiting Christopher when he was brought to your mother's home by his foster mother, Sylvia. The foster mother is kind and giving and you trust her. You do not like visiting Christopher at the CAS offices. You feel like people are watching you continually and waiting for you to mess up. You feel really uncomfortable and stressed out when you are there. When Christopher cries at the CAS offices, you just know that the CAS workers think that you are a bad mom. You will do whatever you can to have Christopher come home to live with you.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

How do you feel about what the CAS has done to you and your child?

How do you feel about Alex and his family offering to help you raise your child?

How do you think it will affect your child if you take him out of his foster family?

What do you feel are the limits of the CAS' actions? Do you feel they have a right to do what they are doing?

What role should the court have in this dispute and in determining your rights and the powers of the CAS?

What are you able to do to convince a court that your plan is better and just as safe for your son as that proposed by the CAS?

DESHAE FREDERICK, MOTHER (RESPONDENT #1)

Are you confident that your life situation is safe for your son, and is something the court would consider in his best interest?

To convince the court, does your plan have to be the best possible situation for your son; or, does it just have to be a good situation?

ALEJO FERRER, FATHER (RESPONDENT #2)**Your background:**

- You are Christopher's biological father. You are 19 years old.
- Christopher's mother, DeShae, was your girlfriend. You met DeShae through a friend. At first, things were really good between the two of you. Then, when she became pregnant a few months after the two of you met, the relationship soured. Both you and DeShae decided to keep and raise the baby by yourselves. The two of you were together for 1 year when Christopher was born.
- You and DeShae would often drink and fight. One evening, the two of you were hitting each other and a neighbour called the police. Both you and DeShae were charged with domestic assault.
- You have a criminal record. You have been found guilty of assault and possession of marijuana in the past.
- You do not have a job although you do want one. You just want to find a job that is right for you.
- You have one other child, besides Christopher. You don't see your other child because you had problems with the child's mother. You believe that your child's mother has turned the child against you.
- You had hoped that things would be different between you and DeShae and that you would have a good relationship with your son, Christopher.

Your version of what happened:

- After your relationship ended with DeShae, you realized that Christopher needs a stable home

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ALEJO FERRER, FATHER (RESPONDENT #2)

where he will grow up with love and without his parents fighting. You talked this over with your brother and sister-in-law who do not have any children of their own but are desperate to have children. They both have good jobs and are good people. You realized that the best thing for Christopher would be if you withdrew from his life and for your brother and sister-in-law to raise him.

- You think that DeShae is too young to be a mother. She also has problems with alcohol and is angry over her father's treatment of her when she was a child. You truly believe that Christopher should get a fresh start away from both you and DeShae.
- You have not had any contact with DeShae since the two of you decided that Christopher is a child in need of protection and the court made the order. You just want to get on with your life.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

How do you feel about what the CAS has done to you and your child?

How do you think it looks to them that you have not visited Christopher since he was apprehended?

If your brother and his wife have never had children, what makes you so sure they would be better for Christopher than DeShae would be? Could they love him as much as she does?

What do you think about the fact that DeShae has been clean since Christopher was apprehended? And that she has taken an anger-management/parenting class?

Do you think you would be interested in knowing Christopher later on in life?

Is there a plan that you can give to the court in writing that would adequately represent your thoughts?

ALEJO FERRER, FATHER (RESPONDENT #2)

Do you feel that Christopher living with your brother and his wife would be in Christopher's best interest?

What do you feel are the limits of the CAS' actions? Do you feel they have a right to do what they are doing?

What kind of impact do you think it has on the court that you are related to the people who you propose to be Christopher's adoptive parents?

Why do you think the CAS is doing what it is doing?

Is there a way of working with them to come to an agreement that would allow Christopher to stay with his mom?

What role should the court have in this dispute and in determining your rights and the powers of the CAS?

If your mom succeeds in getting retro-active child support payments, should they go to you?

CAMERON MICHAELS, CHILDREN'S AID SOCIETY WORKER (APPLICANT WITNESS)

Your background:

- You are a CAS worker who was Christopher's and DeShae's social worker.
- You are a recent social work graduate from the University of Toronto. You have never worked as a social worker before but you have studied for 2 years so you feel confident in your abilities.
- Your job is to assess families whose children are under the care of the CAS, provide counselling, carry out assessments, and prepare plans for children and their families.

Your version of what happened:

- You worked with DeShae to help her complete a parenting course and an anger management course. You also helped get her into an alcohol abuse program which DeShae successfully completed. You think that DeShae has the potential to be a good mother but you are really worried about her past alcohol abuse, her youth, and her problems with violent men. Despite completing the courses, you feel that DeShae has a long way to go before she will be a proper mother.
- As an example, one day you phoned DeShae to tell her that you were going to recommend that Christopher stay in care for a longer period of time. You told her that despite all the courses, it was obvious to you that DeShae is too immature to be a good parent. DeShae started to cry and then, started to yell at you. She told you that she would do anything to get Christopher back. She also told you that no one was going to take her

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**CAMERON MICHAELS, CHILDREN'S AID SOCIETY WORKER
(APPLICANT WITNESS)**

son away from her. She then hung up. Considering DeShae's involvement with violent men, this phone call alarmed you. You no longer feel safe in DeShae's company.

- You also supervised visits between Christopher and DeShae. You noted that DeShae has always been on time for visits and has never missed a visit. She is very affectionate with Christopher and Christopher is very comfortable with DeShae.
- You also noticed, however, that DeShae was nervous when she visited Christopher at the CAS offices. She was also hesitant with Christopher. When he cried in her presence, she became nervous and really anxious. If you were questioned, however, you would have to admit that most, if not all parents, are nervous with their children when visits happen at the CAS offices.
- You would not recommend that Christopher go home with DeShae yet. You feel that DeShae needs more counselling and parenting programs. You want more time to monitor her to make sure that she doesn't slip back into her old ways.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

Could there be a reason for DeShae's behaviour in the CAS office, which does not have to do with her parenting ability?

Where is the better place to observe DeShae - the CAS office or in a home environment? Which do you think is a more accurate reflection of her mothering ability?

Do you think that the fact that you are not a mother and have only been in practice a very short time might affect the way you see things when observing DeShae and Christopher?

What would you think if you made the wrong decision in getting Christopher adopted when DeShae might have made a good mother?

**CAMERON MICHAELS, CHILDREN'S AID SOCIETY WORKER
(APPLICANT WITNESS)**

How do you feel about DeShae's new relationship?

How do you feel about her new boyfriend and his family offering to help raise Christopher with DeShae? Is this something you can trust will continue to exist in months and years to come?

What are your thoughts on Alejo not visiting his son over the past months? Do you think it is worth entertaining his plan for Christopher?

Are you comfortable that Alejo will not enter back into DeShae's life and reintroduce conflict into Christopher's life?

Is there a compromise that can be reached, which will avoid adoption and give DeShae some time to prove to the CAS and the court that she can be a good mother?

What do you think of everything DeShae has done up until now to work with the CAS' requests? Does this change how you view her recent reaction to you on the phone, especially considering the kind of news you told her? Was her reaction really unreasonable, or surprising given the circumstances? Could her response be considered violent or suggestive of violent inclinations?

SYLVIA PEREIRA, FOSTER MOTHER (APPLICANT WITNESS)

Your background:

- Your name is Sylvia and you have been a foster mother for 10 years for the CAS. You used to be a nurse at the Sick Children's Hospital.
- You have had a lot of experience with children and their parents. You have been a foster mother to many children in the past 10 years. Some stay with you for days, others stay with you for months, and a few have stayed with you for years. You have also had a lot of contact with the parents of the children that you look after. You always take notes when you interact with the children and their parents.

Your version of what happened:

- Christopher has been with you since he was 2 months old. The CAS phoned you one evening and asked you if you could look after Christopher. They told you that they had apprehended Christopher after the police contacted them about a young child in a home where there had been drinking, violence and drugs. You immediately agreed to take Christopher.
- Every Thursday, you drive Christopher to DeShae's mother's home for a visit. It is obvious to you that Christopher and DeShae love each other. DeShae always meets you in the parking lot to greet Christopher. She has never missed a visit. She is excited to have Christopher with her. Christopher smiles and coos when he sees his mother. It is obvious to you that Christopher is excited to see DeShae. Christopher often starts to laugh when he sees DeShae.
- When you first took Christopher to see DeShae,

HOW CAN I PREPARE TO BE A GOOD WITNESS DURING TRIAL?

- » Learn your facts by heart.
- » You will be sworn in during the trial and need to spell your character's full name.
- » Stick to the script. Don't make up facts because this is unfair to the student lawyers.
- » Listen to the questions carefully. If you do not understand the question, then ask to have it repeated.
- » If a lawyer asks a question about something that isn't in your package, you can say you don't know the answer.
- » Speak with the lawyers representing your side ahead of time, and get into character when you take the stand.

SYLVIA PEREIRA, FOSTER MOTHER (APPLICANT WITNESS)

she was nervous. She would often look at you while she was feeding and playing with Christopher. You have seen a lot of parents do this because they know that you are watching them. You know that it makes parents nervous to have you in the room.

- You believe that DeShae has matured a lot since you first met her. She seems very comfortable with you now. She asks you a lot of questions about being a parent and she wants to know everything about Christopher. She has told you that she will do anything that the CAS wants her to do if it means that she will get Christopher back.
- She has also talked to you about her future plans. She wants to finish school and get a good job. She knows that she will need to work really hard but she is determined to do it for Christopher's sake. You believe her.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

Do you believe what DeShae is saying? If so, what makes you believe her?

Do you trust that what you have observed of DeShae so far is a trustworthy reflection of how she will be with Christopher in the future?

Do you think that if Christopher went to live with DeShae, it would be in his best interest?

Are you sure that Alejo is no longer part of DeShae's life, and will not interfere with DeShae's raising of Christopher (which might re-introduce violence into his life)?

Do you think the CAS's concerns are valid?

What do you think about DeShae's new boyfriend? What do you think about him and his family getting involved in raising Christopher? Is this something you trust will be part of DeShae's life in the months and years to come, especially if it forms part of her plan?

SYLVIA PEREIRA, FOSTER MOTHER (APPLICANT WITNESS)

What kind of bond have you developed with Christopher?

What kind of emotional effect do you think it will have on Christopher if he is removed from your home and placed back with his mother?

If the court is concerned about DeShae's parenting capacity, do you think there is a compromise that can be reached to prevent Christopher from being adopted and allow DeShae to prove to the court that she is ready?

Are you convinced that DeShae's recent decisions and life changes can be trusted to represent how she is going to be from now on? Or, is it too early?

ALEX CHIN, DESHAE'S NEW BOYFRIEND (RESPONDENT #1 WITNESS)**Your background:**

- Your name is Alex. You are 20 years old and you are a manager of a men's clothing store. You graduated from high school with good marks. You are working full-time to save money for college. You have never been in trouble with the police.
- You have known DeShae since you were both children. Your parents live beside DeShae's mother and you became friends with DeShae years ago when the two of you were growing up.
- You have cared about DeShae for a long time. You know about DeShae's past, but you are not a judgmental person. DeShae has always considered you one of the most stable influences in her life. DeShae would often come to see you when she was upset with one of her boyfriends and you would try and comfort her.

Your version of what happened:

- When DeShae became pregnant, you offered to help her. She told you that she really wanted to be a good mother. She said that she would "straighten out" her life for her child. When Christopher was apprehended by the CAS, DeShae came to see you. She was devastated. She told you that she would do anything to have Christopher come home. She also told you that she was finished with Alejo. She wants her child to have a stable home. You told her that you would help her. You suggested that she move back home to get her life back on track. Your sister and mother also offered to help. Your sister has an early childhood education certificate from college and she has suggested various courses for DeShae to take. DeShae has taken all of them.

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ALEX CHIN, DESHAE'S NEW BOYFRIEND (RESPONDENT #1 WITNESS)

- You really love Christopher. You played with him often when DeShae would bring Christopher to her mother's house. You really care about children and you want to have a family of your own one day.

QUESTIONS YOU SHOULD THINK ABOUT WHEN PREPARING:

Are you sure you are ready to be a father to DeShae's son?

What role should the court have in this dispute and in determining DeShae's and your rights and the powers of the CAS?

What are you able to do to convince a court that having Christopher returned to DeShae is in Christopher's best interest?

What do you think about the CAS' opinion that DeShae is too immature to be a mother right now?

Are you confident that Alejo will not be entering Christopher's life anymore? Do you think it is good for Christopher to know Alejo now or later in his life?

You are working to save money for school. Does it concern you that your earnings might now be used up supporting DeShae and Christopher?

Are you confident that you will continue to want to be a father to Christopher in the months or years to come, especially if you are not able to pay for furthering your education?

Would DeShae's plan to the court look as good if you were not included in it? In making its decision, should the court consider the possibility of you not reliably being in DeShae's life?