

2002 CMQC 59

Québec, le 30 avril 2003

PLAINTÉ DE :

Madame A.B.

À L'ÉGARD DE :

Madame la juge

DÉCISION À LA SUITE DE L'EXAMEN D'UNE PLAINTÉ

La Plainté

[1] Le 4 décembre 2002, le Conseil de la magistrature a reçu une lettre dûment signée par Mme A.B., se plaignant du comportement de l'Honorable juge (...) lors d'une cause de la Protection de la jeunesse qui a eu lieu le 22 octobre 2002.¹

[2] Le 9 janvier 2003, le Conseil a reçu des informations additionnelles de la part de la plaignante à la suite d'une correspondance supplémentaire.²

[3] La plainté est formulée dans une lettre de 9 pages qui comporte de nombreuses allégations, dont plusieurs sont reliées à l'insatisfaction de la plaignante quant au résultat de sa cause et à son désaccord sur des décisions de la juge reliées à l'admissibilité d'éléments de preuve. La plainté peut être scindée comme suit :

- (i) La plaignante allègue que la juge (...) a fait preuve de partialité dans l'exclusion d'éléments de preuve, en refusant d'entendre des témoins qu'elle aurait souhaité présenter, ainsi que dans l'évaluation de la crédibilité des parties et de leurs témoins.
- (ii) La plaignante allègue que la juge (...) a eu une relation inappropriée et trop amicale avec un procureur de l'une des parties.

¹ Voir L'Annexe 1, lettre de Mme A.B. au Conseil de la Magistrature, reçu le 4 décembre 2002.

² Voir l'Annexe 2, lettre de Mme A.B. au Conseil de la Magistrature, reçu le 9 janvier 2003.

- (iii) La plaignante allègue que la juge a mal agi en insistant pour qu'elle s'assoie lors de l'audition, et ce, malgré un handicap physique qui rendait la position assise douloureuse et dommageable pour elle. De plus, elle se plaint de la manière avec laquelle la juge s'est adressée à elle.

Sources d'information

[4] Les sources suivantes ont été considérées lors de l'examen de la plainte :

- La plainte.³
- Le complément de la plainte⁴.
- La transcription et les cassettes des auditions du 26 septembre 2002, du 1^{er} octobre et du 22 octobre 2002 dans la cause du *Directeur de la protection de la jeunesse* et *D .B.* (...)

[5] Les personnes suivantes ont également été consultées :

- Mme A.B...⁵
- Mme M. B..⁶
- Me A. T., procureure de Mme A.B...⁷
- Me L. M., procureure pour le Directeur de la protection de la jeunesse le 22 octobre 2002.⁸
- Me A. L., procureure de D .B..⁹
- Me L. M., procureure de M. W.M., le père de D .B. (et ex-mari de Mme A.B.).¹⁰
- Mme S. B., « service quality commissioner » au Centre jeunesse de (...)
- L'honorable (...), J.C.Q.¹¹

[6] La plaignante a remis au Conseil de nombreux documents auxquels des références seront faites.

Arrière-plan

[7] Les parties se sont présentées pour la première fois devant la juge (...) le 26 septembre 2002. À ce moment, le Directeur de la protection de la jeunesse présentait une requête pour ordonnance provisoire obligatoire de placement en famille d'accueil de D .B., fils de Mme A.B.. et de M. W.M., pour une période de 30 jours en vertu de la *Loi sur la protection de la jeunesse*. Cette requête a été accueillie. Elle a ensuite été continuée devant la juge (...) le 1^{er} octobre 2002 afin que la Cour puisse désigner une famille d'accueil spécifique. Mme B. consentait à ce que D. soit placé dans une famille d'accueil mais elle s'objectait à la désignation de la famille d'accueil en question. Les auditions du 26 septembre et du 1^{er} octobre furent relativement brèves.

³ Supra, note 1

⁴ Supra, note 2

⁵ Voir L'Annexe 4, Sommaire de la réunion.

⁶ Voir l'Annexe 4.

⁷ Voir l'Annexe 5, Sommaire des appels téléphoniques.

⁸ Voir l'Annexe 6, Sommaire des appels téléphoniques.

⁹ Voir l'Annexe 7, Sommaire des appels téléphoniques

¹⁰ Voir l'Annexe 8, Sommaire des appels téléphoniques.

¹¹ Voir l'Annexe 9, Notes sténographiques de la réunion.

[8] Le 22 octobre 2002, les parties se sont présentées de nouveau devant la juge (...). Cette fois, le Directeur de la protection de la jeunesse a recommandé que D. soit placé dans une famille d'accueil pour une période de 8 mois. Mme B. a consenti à cette suggestion. D. et son père voulaient que ce dernier se voit confier la garde de son fils. Après une audition qui a duré presque toute la journée, la juge (...) a confié la garde de D. à son père, et ce, pour une période d'une année.

[9] L'audition des cassettes, la rencontre avec Mme B. et les discussions avec les personnes impliquées dans la cause démontrent que Mme B. s'opposait farouchement à ce que D. ait des contacts avec son père. Mme B. était donc fort insatisfaite du jugement rendu par la juge (...).

[10] Avec cela à l'esprit, tous les aspects de la plainte seront maintenant examinés.

Première question

[11] *La plaignante allègue que la juge (...) a fait preuve de partialité dans l'exclusion d'éléments de preuve, en refusant d'entendre des témoins qu'elle aurait souhaité présenter, ainsi que dans l'évaluation de la crédibilité des parties et de leurs témoins.*

[12] À l'appui de cette allégation, la plaignante souligne deux facteurs spécifiques :

(i) Le refus de la juge (...) d'admettre le rapport du Dr K. E., le thérapeute de D..

[13] Lors de l'audition, l'avocate de Mme B. a annoncé qu'elle voulait déposer en preuve le rapport préparé par le Dr E., le thérapeute de D. B.. La juge (...) a demandé si Dr E. avait été relevé de son « secret professionnel ». La juge (...) a alors été informée par l'avocate de D. que ce dernier n'a pas consenti à la renonciation au secret professionnel. La juge a alors demandé à D. durant l'audition s'il désirait relever le Dr E. de son secret professionnel. Ce dernier a clairement exprimé son refus.

[14] La décision rendue par la juge (...) quant à l'admissibilité du rapport préparé par le docteur ne révèle aucun manquement déontologique.

(ii) Le refus de la juge (...) de permettre l'audition de certain de ses témoins

[15] La juge (...) n'a pas refusé d'entendre les témoins de Mme B..

[16] Lors de l'audition, l'avocate de Mme B. a annoncé qu'elle avait l'intention d'appeler comme prochain témoin M. B., la fille de Mme B. et la sœur de D.. Après avoir entendu cela, la juge (...) a encouragé les parties à vérifier s'il était possible de procéder par voie d'admission afin d'éviter que la sœur ait à témoigner contre son frère. Après plusieurs tentatives à cet effet, l'avocate de Mme B. a été contrainte de faire témoigner M. et cette dernière fut entendue par la cour.

[17] Mme B. a également laissé savoir qu'elle voulait faire entendre un ami de D., un dénommé R. La juge (...) a alors encouragé les parties à procéder par voie d'admission afin de préserver l'amitié entre les deux garçons. Des admissions ont donc été faites et l'avocate de Mme B. a retiré sa demande de faire témoigner R.

[18] Aucun fait au soutien de cette allégation n'a pas été démontré. Qui plus est, il n'y a aucune preuve laissant sous-entendre que la juge (...) a agi de façon partielle dans ce dossier. L'insatisfaction de Mme B. pourrait faire l'objet d'un appel, mais cet aspect n'est pas de la compétence du Conseil.

[19] Par conséquent, cet aspect de la plainte n'est pas fondé.

Deuxième question

[20] *La plaignante allègue que la juge (...) a eu une relation inappropriée et trop amicale avec le procureur de l'une des parties.*

[21] Au soutien de cette allégation, la plaignante prétend que Me M., l'avocate de M. W.M., s'est adressée à la juge (...) par son prénom lors de l'audition du 22 octobre 2002.

[22] Les cassettes d'audition ont fait l'objet de plusieurs séances d'écoute, et bien que l'enregistrement n' a pas capté chacun des mots relatés en cour, nous n'entendons pas Me M. s'adressée à la juge (...) par son prénom.

[23] Me T., Me M. et Me L., les autres avocates présentes lors de l'audition du 22 octobre 2002, ont été interrogées pour savoir si elles avaient souvenir que Me M. s'était adressée à la juge (...) par son prénom. Au meilleur de leurs connaissances, elles ont toutes indiqué que cela ne s'était pas produit. Elles ont ajouté qu'il n'y a pas eu apparence d'une relation inappropriée ou trop amicale entre Me M. et la juge (...).

[24] Interrogée à ce sujet, Me M. a nié catégoriquement et a ajouté qu'elle ne s'est jamais adressée à la juge (...) par son prénom, même à l'extérieur de la salle de cour.

[25] Les faits au soutien de cette allégation n'ont pas été démontrés. Cet aspect de la plainte n'est donc pas fondé.

Troisième question

[26] *La plaignante allègue que la juge a mal agi en insistant pour qu'elle s'assoie lors de l'audition, et ce, malgré un handicap physique qui rendait la position assise douloureuse et dommageable pour elle. De plus, elle se plaint de la manière avec laquelle est s'est adressée à elle.*

[27] À l'appui de cette allégation, Mme B. allègue ce qui suit :

“This Judge committed an assault on my person. I am physically disabled and she forcibly confined me without just cause, causing me bodily harm. She inflicted this mistreatment with malice and mocked me in court in front of everyone and caused the people outside to also mock my physical condition. She allowed me to stand before in court after she had asked what my disability was and who had committed it against me, (3 court dates previously) as I am unable to sit down. This time (the 4th court date) she discriminated against me, and physically and emotionally assaulted me. She caused me physical and emotional suffering by forcing me to sit in a chair, and refused to allow me to stand up. This would be compared to forcing someone in a wheelchair to stand up. She purposefully taunted, provoked and traumatized me in court...

I have a certain chair at home that I can sit in half way, on one half of my butt and only for short periods of time. I suffer extreme pain when I sit down because the bullet is on my sciatic nerve and causes my legs to seize and cramp. My right knee suffered a broken kneecap so I am handicapped in two legs. It is a well-known fact throughout my community that I stand and the Judge allowed this in the previous hearings. On October 22 she forced me to sit in a chair. She suspended court because she said that she would not allow anyone to stand in her court. She said that until I found a chair to sit in she would not proceed. I told her again that I could not sit down but she again aggressively said I had better find a chair because no one will stand in her court. Of course there was no acceptable chair available. I came back when court started again and I told her that I was unable to find a chair that I could sit in without hurting myself. She then made everyone leave except for the lawyers - (mine, my ex husband's, my son's and youth protection) and my son and then proceeded to ask my son who I was taking legal proceedings against, if I sit down and he lied and told her I sit down all the time. She could have asked any of my witnesses or the security guards or even the woman in the IVAC office because each time I was in court I was standing, and they would have confirmed that I do not sit down. Youth Protection knows I don't sit down because when I met then I always stood.

I was told to get some kind of chair and I had no choice about it, I thought maybe she meant I could be in contempt of court and she would put me in jail. I am a single mother of 6 children and that scared me. She was giving me no choice but to hurt myself. I had to sit in a chair without any balance or sides and it was excruciating. I attempted to ask to get up many times, but the Judge ignored me. From approximately 11:45am until approximately 2:30pm or so she would not let me up and I was almost crying with pain.”

[28] En premier lieu, il faut noter que Mme B. a été devant la juge (...) à seulement trois reprises, et non à quatre reprises tel qu'indiqué dans la lettre aux pages 1 et 5.¹² Cela dit, il est exact que Mme B. est demeurée debout lors des deux premières journées d'audition, soit le 26 septembre et le 1^{er} octobre 2002. Le 22 octobre 2002, la juge (...) a insisté pour que Mme B. s'assoie durant l'audition.

[29] Le fait que quelqu'un soit assis ou debout lors d'une audition n'est évidemment pas un fait qui peut être repéré à l'audition des cassettes. Par contre, les remarques suivantes ont été échangées le 26 septembre 2002 entre la juge (...) et Mme B., alors que cette dernière n'était pas représentée par un avocat :

¹² Mme K. s'est présenté devant la juge (...) les 26 septembre, 1^{er} et 22 octobre 2002. Le dossier était devant un autre juge avant le 26 septembre 2002.

Judge: Who shot you in the leg?

VK: I can't say anything right now because I am under oath...

Judge: Who shot you in the leg?

VK: I don't know specifically. I only know that it's someone that my ex-husband knows. That's a whole separate thing that I don't want to get into...¹³

[30] Après quelques questions additionnelles, la juge dit à Mme B. : « you may sit down or stand there ». Par cela, il est clair que Mme B. était demeurée debout depuis le début de l'audition et que la juge (...) lui a permis de rester debout.

[31] Lors de l'audition du 1^{er} octobre 2002, la cassette de l'enregistrement des débats ne révèle rien quant à savoir si Mme B. est demeurée debout tout au long de l'audition. Par contre, Mme B. et toutes les avocates présentes ont confirmé qu'elle était restée debout.

[32] Le 22 octobre 2002, immédiatement après que la cause fut appelée et que les avocates des parties se soient nommées, les échanges suivants ont eu lieu :

Judge: I see that the mother is still standing. Is that a consequence of the injury that she has received about 10-15 years ago?

VK: 19 years ago exactly.

Judge: 19 years ago. Does that mean that you never sit?

VK: I have difficulty. I can only sit on one half of my butt.

Judge: OB. So can you sit on one half of your butt?

VK: I, these chairs, I only have one chair at home...

Judge: What kind of chair do you want, because I will not have you standing all day.

VK: Well I can't sit. If I get down I won't be able to get back up. I am on the sciatic nerve and my leg just...

Judge: Are you telling me that you never sit on a chair to eat, to go in a car, to do whatever you do?

VK: I have one chair at home that I can sit on for minutes at a time.

Judge: And in a car, what do you do?

VK: My leg goes numb and I have to get up and I can't get up on this leg.

Judge: Well, we have to find a way because I will not have you standing in this court all day. So what kind of chair do you want? Do you want a wooden chair, a wheelchair, what do you want?

VK: It's got to be not sloping, it's got to be hard and I have to be able to turn the point around (inaudible) and sit on half.

Judge: Like a bench? You would like to have a bench?

VK: Well I've got to be able to turn the chair around so the point...because I can only sit on one half. It has to be hard, it can't be soft and it can't go up because I got shot up here but the bullet's in the (inaudible) ...

Judge: OB. What I will do, and I will have now the position of the parties. I will have you standing for a few minutes, I will suspend this case, and you will find a way for the mother to sit. I will not have a party standing. That is not the way I am going to conduct this hearing especially (inaudible)...

¹³ La transcription n'est pas le reflet exact de la conversation. Nous avons retranscrit ce que nous avons entendu en écoutant les cassettes d'audition. Une partie de la conversation se trouve aux pages 16 et 17 de la transcription du 26 septembre.

[33] Après avoir entendu la position des parties, la juge (...) mentionne ceci:

"I will come back to court at 10:15. We will have resolved the problem of the mother. I will have nobody standing in this court as I sit".

[34] Après la suspension, les échanges suivants ont lieu:

Judge: Do you have a solution?

VK: ...the lady that was here with the glasses was looking downstairs but there was no hard chair.

Judge: So I will ask you to wait outside until you find a solution to your problem. I will not have somebody standing in this court.

VK: They seem to only have...(inaudible)

Judge: I will not have anybody standing in this court.

[35] La juge semble s'adresser à une tierce partie et demande qu'il ou qu'elle accompagne Mme B. à l'extérieur de la salle de cour pour tenter de trouver une solution. À ce moment, les échanges suivants ont lieu entre la juge (...) et Me T., l'avocate de Mme B. :

Me T.: Madame la juge, écoutez, je m'excuse d'intervenir...

Judge : Please do.

Me T.: C'est une condition reliée à son état de santé...

Judge : You are telling me that the mother never sat for 20 years, Maitre.

VK: I don't sit...

Judge: Excuse me, I am not addressing you.

Judge: You are telling me, Maitre, that the mother never sat for 20 years, that is what you are telling me.

Me T.: Oui. Oui Madame la juge. Si Madame a un problème de santé, elle était la dernière fois qu'elle était à la cour ici, elle était debout tout le temps. Elle ne s'est jamais plainte de fatigue du fait qu'elle était debout. Elle n'a jamais embêté personne de cette cour disant qu'elle était fatiguée d'être debout. Elle l'a fait parce que pour elle c'est la seule façon d'être confortable. Et là vous lui refusez d'être...

Judge : I will ask everybody to wait outside except the lawyers and I will hear D.. Please D., you stay with me, and I will ask everybody to go outside and I will keep the lawyers.

[36] Alors que seules les avocates étaient présentes, la juge (...) conduit une enquête à ce sujet et demande à D. de témoigner, sous serment, sur la question de savoir si sa mère peut ou non s'asseoir. Lorsque ce dernier indique que sa mère s'assoie régulièrement, la juge lui demande sur quel type de chaise sa mère s'assoit. D. indique qu'à la maison elle s'assoie sur une « rocking chair » avec un coussin alors qu'elle s'assoie sur une chaise normale lorsqu'elle se trouve chez un ami. Il témoigne aussi que sa mère s'assoie et mange au restaurant et qu'elle s'assoie à la maison d'un autre ami.

[37] Après avoir posé ces questions, la juge (...) se tourne vers Me T., l'avocate de Mme B., et lui demande si elle a des questions ou commentaires à formuler. Me T. répond qu'elle n'a rien à ajouter. La juge (...) invite Me T. à transmettre à Mme B. l'information relatée par D. à la cour. Il y a par la suite une brève suspension. À partir de ce moment les informations relatées par Mme B. et les avocates présentes soutiennent que Mme B. est demeurée assise jusqu'à la fin de l'audition.

[38] Il appert qu'une chaise provenant de l'extérieur de la salle de cour a été fournie à Mme B.. Mme B. a décrit cette chaise comme étant dure et en forme de « Z ». Elle a expliqué que la chaise n'avait pas d'appui-bras et était conçue d'une manière qui force une personne à s'asseoir complètement au fond afin d'éviter qu'elle ne renverse. Mme B. insiste pour dire que cette chaise n'était pas mieux que celle dans la salle de cour et que l'inconfort était comparable. Après avoir écouté les cassettes de l'audition à plusieurs reprises, Mme B. a dû se lever à au moins une reprise et la juge (...) lui a demandé de se rasseoir. Mme B. s'est objectée mais la juge a insisté.

[39] Selon la plaignante, le fait d'être assis durant l'audition lui a occasionné ce qui suit :

“ When court was over I could not feel my legs, my back was burning, and my arms were numb from holding the table so I wouldn't tip out of the chair. When I finally could get up and walk I could barely do so without falling. I was unable to get into the taxi (handicapped) and I fell out. The driver caught me. The next day the pain was much worse, so I went and had x-rays. The day after that, I had to see my Dr. because I couldn't take the pain any more, and he told me I had extreme muscle spasms and my body must have been in an unnatural position for a long period of time and it locked. He had to prescribe muscle relaxers and another painkiller other than what I already take. I couldn't move my arms higher than my chest and they were cramped. My back and across my shoulders kept burning and my legs were shaking and even more painful than usual. It took 6 days before I started to feel relief. I couldn't pick my baby up, it was difficult to take care of the younger children, and even to pick my coffee mug up was painful. I was humiliated in court and disbelieving that a Judge could mistreat me in this manner...”

[40] Les avocats présents lors de l'audition du 22 octobre 2002 ont été interrogés sur cet aspect. Me M., avocate pour le Directeur de la protection de la jeunesse, a indiqué ce qui suit :

« Mme B. a exagéré son état de santé lors de l'audition. Elle a tenté d'en faire une grande histoire. En effet, cette dernière prenait beaucoup de temps à chaque fois qu'elle devait se déplacer vers la boîte réservée aux témoins. Dès que l'audition a été terminée et que la juge (...) eut quitté la salle, Mme B. est sortie de la salle de cour sans difficulté à se déplacer.

La juge avait raison de ne pas permettre qu'elle puisse demeurer debout. De plus, elle a tenté de l'accommoder en lui offrant un oreiller qu'elle avait à son bureau. »

[41] Me L., l'avocate de D .B., a dit ce qui suit :

« Comme l'audition du 22 octobre allait être de longue durée, la juge (...) ne voulait pas que Mme B. demeure debout toute la journée. Madame la juge (...) a pris soins de s'assurer que Mme B. avait une chaise convenable et appropriée. Selon D., Mme B. est une grande comédienne, ce que j'ai pu constater. »

[42] Selon Me M., l'avocate du père de D .B. :

« Il y avait des éléments de preuve laissant croire que Mme B. était en mesure de demeurer assise. En effet, son fils D. a témoigné à cet effet.

Le fait de savoir si Mme B. pouvait ou non demeurer assise durant l'audition n'était pas totalement dissociable du litige entre Mme B. et M. B.. En effet, Mme B. a informé la cour lors d'une séance précédente que cette blessure serait le résultat d'un coup de feu et que M. B. y serait relié. De plus, Mme B. n'a fourni aucune preuve médicale à ce sujet. »

[43] Me T., l'avocate de Mme B., s'est exprimée comme suit :

« La juge (...) a été directe dans sa façon d'agir et même un peu raide. Cette décision semblait motivée par le témoignage du fils de Mme B.. En effet, le témoignage de D. sur l'habileté de Mme B. à s'asseoir était une question d'appréciation de la crédibilité des parties. Mme B. voulait paraître être la victime »

[44] Me T. a aussi mentionné qu'elle avait rencontré sa cliente une seule fois seulement avant l'audition. Ainsi, elle n'avait pas d'information concernant l'état physique de Mme B..

[45] Le 28 janvier 2003, Mme B. a été interrogée sur sa condition médicale. Elle a fourni les documents suivants :

- Plusieurs documents médicaux datés du 16, 17, 20 et 31 octobre 1983 concernant des visites à la salle d'urgence et des traitements reçus pour soigner une blessure à la cuisse gauche suite à un coup de feu.¹⁴
- Un formulaire intitulé « Demande de prestations et avis d'option » soumis à la CSST par Mme B. pour sa blessure reliée à un coup de feu.¹⁵
- L'« Évaluation sommaire en physiothérapie » préparée par J. L., physiothérapeute, CLSC [...], daté du 13 avril 1999.¹⁶
- Un « Protocole d'imagerie médicale » signé par le Docteur S. G., radiologiste à [...], daté du 23 octobre 2002.¹⁷
- Une lettre rédigée par le Docteur J. L. de La Clinique [...], datée du 3 février 2003.¹⁸

[46] Il apparaît de ces documents que Mme B. a subi une blessure résultant d'un coup de feu au mois d'octobre 1983. Dans le rapport de physiothérapie, il y a également une référence aux problèmes à long terme à son genou droit survenus à la suite d'une fracture suivie d'une chirurgie en 1979. Ce rapport relate une mobilité et de la force réduites aux deux jambes, ainsi qu'une hypersensibilité à la jambe gauche. Sur ce point, le rapport indique que la sensibilité réduite au membre inférieur gauche est caractérisée comme suit :

«...hypersensibilité marquée pour toute la cuisse ainsi qu'à la fesse gauche, tolère difficilement le toucher et la pression ».

¹⁴ Annexe 10

¹⁵ Annexe 11.

¹⁶ Annexe 12.

¹⁷ Annexe 13.

¹⁸ Annexe 14.

[47] Ce rapport réfère également à la difficulté lors de la transition entre s'asseoir et se lever, ainsi qu'à la difficulté à marcher et à utiliser les escaliers. Finalement, sous la rubrique « Endurance », le rapport dit ce qui suit :

« à la station assise : ne peut prendre appui sur la fesse gauche due à l'hypersensibilité présente, tolérance d'environ 20 minutes »

[48] Le « Protocole d'imagerie médicale » confirme que Mme B. a consulté la Clinique [...] pour des photos au rayon X à son bassin, ses hanches, ses fémurs et ses genoux le 23 octobre 2002, soit le jour suivant l'audition. Rien d'inhabituel n'a été signalé sur les photos à rayon X. Par contre, le document final, la lettre du Dr J. L., se lit comme suit :

"I certify that I saw A. B.. at my office the 24th of October 2002. The diagnosis was acute generalized muscular spasm. Treatment was emracet and Dilaudid and muscular relaxant"

Les commentaires de la juge (...)

[49] Une réunion a eu lieu le 19 février 2003 avec la juge (...) au bureau de son avocat, Me M... N...¹⁹. Les deux premiers aspects de la plainte n'ont pas été traités. Par contre, la juge (...) a été invitée à commenter sur le troisième aspect de la plainte, soit le fait que Mme B. devait rester assise.

[50] La juge (...) a débuté en faisant cette remarque générale concernant les difficultés auxquelles font face les personnes handicapées à la cour :

«...je pense que la situation des cours physiques, les cours de justice, ne sont pas les plus appropriées pour les personnes handicapées. Je pense que ça c'est très clair. Ça n'est certainement pas la première fois que dans la cour on voit des gens avec béquilles ou des gens handicapés ou autrement et ce n'est l'idéal. De ça, on peut convenir.²⁰

[51] Commentant ensuite le présent dossier, la juge (...) ajoute ce qui suit :

« À mon souvenir, et je pense que les notes ne sont pas sorties, à mon souvenir, madame est venue devant moi trois (3) fois, les deux (2) premières fois pour des mesures d'urgence. Alors, ç'a été et par définition, rapide; c'est des mesures d'urgence. On peut procéder *ex parte*. Alors le fait que madame se tienne debout, ça ne me semblait pas indigne, ni irrespectueux. C'était une mesure d'urgence. Alors qu'à mon souvenir, la troisième fois, je pense avoir vu madame trois (3) fois, il s'agissait de l'enquête au fond qui par définition pouvait, et c'était contesté, c'était litigieux, pouvait durer toute la journée. Alors, ce n'était pas à ce moment-là possible que madame puisse être debout comme cela.

C'est certain qu'avec tout ce qu'on peut trouver de moyens qui sont très limités, on a cherché à trouver un siège, une façon pour que ça ne se passe pas... que madame soit debout toute la journée. Et finalement c'est ce qui est arrivé, on a trouvé un fauteuil. Alors, ce n'était pas une chaise, c'était un fauteuil et madame a pu s'asseoir. C'est mon souvenir.

¹⁹ Voir l'Annexe 9

²⁰ Annexe 9, page 3.

Alors je pense qu'on a fait preuve tout le monde à la recherche de quelque chose qui pouvait être possible dans une situation où ce n'est pas fait pour les handicapés, parce que les lieux ne sont pas faits pour les handicapés, mais finalement avec un fauteuil, madame a pu s'asseoir.²¹

[52] Lorsqu'on lui a demandé s'il y avait une raison pour laquelle Mme B. n'a pas pu rester debout, compte tenu qu'il s'agissait d'une question de confort, la juge (...) a tout d'abord indiqué : « je n'ai rien à dire ». Par contre, elle a continué afin de dire que Mme B. n'était pas menaçante et qu'il ne s'agissait pas d'une question de sécurité. Elle a enchaîné avec ce qui suit :

«C'est le bien-être de madame. Pour une personne handicapée, le fait de rester debout une journée ne me semble pas quelque chose qui est appropriée, d'autant plus que madame s'assoit, madame s'est assise dans un fauteuil confortable, un fauteuil avec...padé, je ne sais pas comment on le dit en français, mais confortable »

[53] Plus loin durant la rencontre, la juge (...) a spécifié qu'un fauteuil a été apporté de l'extérieur de la salle de cour afin d'accommoder Mme B. et que ce dernier était un fauteuil « avec bras. »²²

[54] La juge (...) s'est ensuite fait poser la question à savoir pourquoi elle a décidé de faire entendre D., le fils de Mme B., sur la possibilité qu'elle puisse s'asseoir. Sa réponse fut la suivante :

«Je ne fais jamais témoigner les fils contre les mères, je n'ai pas fait témoigner le fils contre la mère; ce n'est pas quelque chose que je fais. C'est à la recherche de la situation qui est possible pendant une journée à la cour : Qu'en est-il de la situation et qu'en est-il de madame? Alors ce que je sais, c'est que madame s'assoit effectivement et pour connaître sa situation avec les rapports que j'ai, c'est ce qui m'a semblé dans l'exercice de mes fonctions, en tenant enquête qui était le plus respectueux de madame et qui était le plus respectueux de la situation. Mais il n'est pas question de témoigner contre; ce n'est pas comme ça du tout, du tout, du tout à la chambre de la jeunesse. Ce n'est pas ça du tout qu'il se passe »²³

[55] Elle a également mentionné ce qui suit :

« Mais la juge ne connaît pas les réponses du fils. Ça aurait pu être... C'est mon rôle en tant que juge responsable parce que l'article 77 dit bien que c'est l'enquête du juge. La loi le dit...alors c'est au juge à voir à la situation. C'est simplement ça. »²⁴

Analyse

[56] La juge (...) a permis à Mme B. de rester debout durant les auditions du 26 septembre et du 1er octobre 2002 et n'a pas semblé en faire un cas à ce moment. Mme B. avait dès lors toutes les raisons de croire qu'elle aurait la permission de rester debout le 22 octobre 2002. Ensuite, sans préavis, la juge (...) a informé Mme B. immédiatement à son entrée dans la salle le 22 octobre, qu'elle ne permettra pas qu'elle demeure debout. Ceci a été fait de manière ferme et sans équivoque. La juge (...) a insisté et n'a pas

²¹ Ibid. pages 3-4.

²² Ibid, pages 12 et 13.

²³ Ibid. page 6.

²⁴ Ibid. page 14 and 15.

changé d'avis même lorsque Mme B. a indiqué qu'il n'y avait tout simplement pas de chaise acceptable pour elle.

[57] Mme B. n'avait pas d'autre choix que de s'asseoir. La juge (...) l'a informé que si elle voulait demeurer dans la salle de cour, elle devait s'asseoir. La seule alternative qui s'offrait à elle était d'attendre à l'extérieur de la salle de cour. Ce n'était pas une alternative réaliste.

[58] Le fait que Mme la juge (...) ait ordonné à Mme B. de s'asseoir malgré sa demande de demeurer debout à cause de son handicap, pendant l'audition de cette cause qui s'est déroulée à la chambre de la jeunesse, constitue-t-il un manquement déontologique?

[59] À cet égard, l'article 8 du *Code de déontologie* fait un devoir aux juges d'agir avec courtoisie à l'endroit des personnes qui se présentent à la Cour alors que la Charte des droits et libertés exige de leur assurer un traitement égal et sans discrimination.

[60] La juge ne pouvant concevoir qu'une personne présente dans une salle d'audience puisse demeurer debout pendant toute l'audition d'une cause et qui plus est si cette personne est handicapée, a pris le soin dans un premier temps de vérifier auprès de son fils l'état de la situation. Si on peut différer d'opinion sur l'à-propos d'interroger le fils qui était visiblement en conflit avec sa mère, on ne peut reprocher à la juge d'avoir traité ce problème à la légère. Les faits qui sont relatés plus haut démontrent que cette question incidente qui s'est posée à Mme la juge (...) a pris une place relativement importante pendant cette cause.

[61] Elle a d'ailleurs suspendu l'audience pour permettre au personnel de lui trouver une chaise confortable qui, selon son avis, lui apparaissait convenable; elle lui a de plus offert un oreiller qu'elle avait dans son bureau. Il ressort de plus du témoignage de certaines personnes présentes à l'audience que l'évaluation de la possibilité pour Mme B. de s'asseoir est devenue une question d'appréciation de son état et de la crédibilité de la demande de la plaignante. Bien que la juge n'ait pas fait montre d'une grande sensibilité à l'endroit de cette personne, on ne peut conclure qu'il s'agit d'un manquement déontologique.

[62] Il apparaît au Conseil que la juge (...), si elle a pris une décision qui n'était pas acceptable pour Mme B., l'a prise après enquête en tentant d'apporter un accommodement qui lui paraissait raisonnable.

Décision

[63] EN CONCLUSION, le Conseil de la magistrature constate que le caractère et l'importance de la plainte ne justifient pas la tenue d'une enquête.

ANNEXE 1

Nov 22, 2002

2002 CMQC 59

Attn: Conseil de la Magistrature du Quebec
Palais de Justice de Quebec
300 Blvd Jean- Lesage
bureau 5.12
Quebec, Quebec G1K 8K6

CONSEIL DE LA MAGISTRATURE

Reçu le 04 DEC. 2002

I am writing to register a formal complaint against Judge - the Judge in a Youth Court Case in . A Judgement was rendered October 22, 2002

This Judge committed an assault on my person. I am physically disabled and she forcibly confined me without just cause, causing me bodily harm. She inflicted this mistreatment with malice and mocked me in court in front of everyone and caused the people outside to also mock my physical condition. She allowed me to stand before in court after she had asked what my disability was and who had committed it against me, (3 court dates previously) as I am unable to sit down. This time (the 4th court date) she discriminated against me, and physically and emotionally assaulted me. She caused me physical and emotional suffering by forcing me to sit in a chair, and refused to allow me to stand up. This would be compared to forcing someone in a wheelchair to stand up. She purposefully taunted, provoked and traumatized me in court. She belittled and insulted me in front of my son and daughter and proceeded to negate the facts that my attorney tried to present by denying me my constitutional rights.

She determined this case without allowing my attorney to introduce facts and proofs and/or psychological evaluations to be entered on behalf of my son and my family situation. She obstructed justice by allowing my ex husband to base his case on an outdated report and refused to hear my witnesses or allow me to present current reports that could dispute testimonies based on perjury, and she concluded with bias that "the mother's lifestyle is a threat to her son", because I am a single mother on welfare-disability. She has put my son at risk by placing him with admitted drug users.

Youth Protection was in court to show that they felt it unsafe for my son to live with my ex husband who has no parental rights, and has a drug problem, and the Judge without justification said I was a threat to my son. She came to this conclusion without any basis. Youth Protection told the Judge throughout the hearings that they had no restrictions in my relationship with my son and that there was never a question as to my character, yet the Judge dismissed this without grounds and decided that I must have done something wrong.

The Judge ordered supervised visits with my son and she ordered that my son have supervised visits with his siblings. My son has lived with us all his life. The Judge sent my son to live with people he had just met, who have an admitted drug involvement and never investigated them to find out if the environment was safe for my son. The Judge completely mismanaged this case and at each hearing asked the lawyers "what did I say the last time? What is this case about again?" Justice was not served in this case. Because of this my children are at risk from my son as his drug problem has increased.

This case has been biased and mismanaged from the beginning.

#1— 1989 report by a private social worker is admitted when it should not have been—it is outdated and unfounded.

#2--2 judgements are ignored- (a) divorce decree where ex husband signs away his access rights (1995)

(b) Parental rights taken away -1998

© Agreement (from 2001) signed by both lawyers agreeing that the judgement-(no parental rights) would remain in effect until a future court date.

#3—The Judge physically assaults me by forcibly confining me with unwarranted cruel and unjust measures. She knew I had been shot in the leg so I must assume that since she is a Judge she is in a position to know the possibility of Post Traumatic Stress Syndrome being present and she should have proceeded with caution as to my mental health.

#4—I was not allowed to present my evidence that led from the past to the present to explain the circumstances and dangers of the situation at present or defend myself against the report of 1989 which my ex was basing his case on.

#5—My witnesses were not allowed to testify to corroborate the facts and to dispute falsehoods.

#6—Dr. Ekstrand was forbidden to testify on my son's behalf even though he was subpoenaed -- the law of Dec 2001 should have been upheld by the judge and she also should have released him from his confidentiality - she did not and it was her duty to hear this kind of important and compelling testimony in the best interest of my son.

#7—My son gave Dr. Ekstrand permission in court to testify and my ex husband's lawyer said no- that is coercion and the Judge did not advise the lawyer that my son was not her client

#8--my son gave permission to let Dr. Ekstrand disclose his file but the Judge did not acknowledge this

#9—The Judge seemed to be very friendly in an unprofessional way with my ex husband's lawyer. The lawyer addressed the Judge by her first name and it seemed they had discussed the case outside of the court as their actions showed collusion. The case appeared to have been decided before we were able to finish presenting our case as their actions show in court.

NUMBER ONE

I am writing to you in the hopes that you can investigate, reprimand and rectify a very serious situation. My son's life, future and well-being are at stake as well as my Family's.

I contacted Youth Protection in the middle of September 2002, because my son was in danger. I made a signal. My social worker from the CLSC ' she has been involved in my case for approx. 12 years and CLSC has been involved since 1988), also called on my behalf. We were extremely worried because my ex husband (who has no parental rights-by court order,) had been stalking and harassing us for 10 years and had been warning people that he again would try to get my son (he had given up on my daughter because he couldn't intimidate her as she remembered all the abuse, she is 17). The Police have been following my case for 15 years. They had been at my house and my children's school within the last two years because my ex was attempting to take my kids and was terrifying them. My ex and his girlfriend have a drug habit (which they openly admitted to the court and is documented as fact with Youth Protection) and my ex is very violent. He has affiliations with many questionable people. I have had sole custody of my children all their lives and have never been involved with the police in any way except for these kinds of situations when my ex was attempting to harass us. My ex had attempted to kill me with a machete in 1988 and the Police arrested him at that time. He was convicted of assault and was given a 2-year probation and restraining order. He broke it 2 times and was arrested. His criminal record has somehow disappeared. The years following he had gone to my daughter's school when she was 5 or 6 and threatened to kill all the female teachers if they did not bring my daughter to him, they refused and called the Police. They told me he was like Mark Lapine. They called and told me to keep my daughter home and they explained what had happened. They then proceeded to get a restraining order against him. They told me it cost them \$4000.00 to do so. My ex proceeded to put his girlfriend's child in that school so he could legally break the restraining order. We have had to move and change schools many times for their safety and mine.

The last time my ex had any kind of contact with my children was in 1994 at the CLSC for expertise and psychological evaluation ordered by the court. Each visit (3 out of 4) lasted no more than 5 minutes at the most because my children refused to see him and were very afraid of him as they remembered how he hurt them and myself. After that he asked for a divorce and signed away his access to my children. From 1994 he had no contact other than the threats and stalking, harassing and attempts at grabbing them to go in his car. I called Police each time but they said they couldn't do anything unless he touched them. Officer Pierre Quintal of ' Police suggested we get an 810 and he was in the throes of getting that with us when the city merged. We lost contact as he was transferred and we were unable to get the 810. We again began the waiting game and my ex was sending messages through my children's friends that he was going to get my son. They said he wanted him to sell

drugs at the school. I know this is hearsay but these are the messages we got. My son started experimenting with drugs when he was 13. He turned 15, 02 and I was getting help for him through the CLSC and he also went to a drug counsellor from Foster Pavilion for treatment last Oct.01.

Sept 1 of this year after much pressure from my ex, my son finally caved in and spoke with my ex. My son changed completely. His drug habit increased, he became violent and aggressive towards my children and I, and after 3 weeks of contact with my ex, my ex convinced my son to run away and live with him. My ex told him he would get a car, a job, money, and could smoke marijuana. My ex told him he could have what he wanted. My ex brainwashed my son into believing all the violence was committed by someone else, not by him. I had called Youth Protection so they called me when my son ran away. I went and picked him up at the _____ Police station at 5 in the morning and showed the Police the court order and they sent him home with me. The next day he was threatening and violent, determined to leave again. I reminded him that Youth Protection told him he could not go back to my ex, and he became more aggressive. The following day my son left without permission and went to a friend's house and called me from there. He pretended that he would stay there and come home at 9.30 pm. At 9.15 pm the doorbell rang as I was trying to get my other children to bed and the Police were there with their hands on their guns, very attack mode. They said you know why we're here and I said no. They told me my son and his "father" went to _____ Police and filed charges against me that I threatened my son. I told them that that was untrue but they were unbelieving so I called Youth Protection to confirm that I had been at _____ Police station the day before. They told me they gave my son to his father because

I did not know about the judgement. After she was able to convince the _____ Police that they had to pick my son up from my ex, they told me that since they had made the complaint, I couldn't have my son either. My son was then put in temporary foster care until court. I contacted Youth Protection and my social worker the next day and we were told that Youth Protection would definitely advise no contact between my son and my ex because he had no parental rights. They told me that my ex would not be allowed in the courtroom because of that also. My ex had asked the court last March or so, for permission to have the non-parental rights revoked. The judge gave him permission on a technicality- the notice was put in a French paper- but he issued a court order saying "the judgement will remain in effect until a court date in the future." My ex found out that he didn't have parental rights, last year when Revenue Canada advised him that he had no parental rights. (He owed them approx. \$100,000.00 in back child alimony.) Youth Protection decided to ignore the two court orders and suspend judgements. The Judge should have upheld the judgements but she didn't, she then told me that meant that things would revert to the previous state. I told her that means my divorce decree stands, she said yes so I told her my ex had signed away his access but she refused to accept that. From that point Youth Protection switched their alliance with CLSC and myself to my ex. They never questioned why my ex lost his parental rights in the first place. They ignored and refused to give pertinent info to the Judge, for example: CLSC has many reports and evaluations up to 1994 and after until the present time as they are involved with my children and I on a weekly basis because of my handicap and other matters. We

have proof that my son lied to the Judge when he said he only smoked twice since he was 13 and had stopped, he also told her that he had sold drugs. We had witnesses as to how many times my son bought drugs while he was in foster care, but they never provided the court with the info. The Dr.'s report spanning a year was conclusive that my son has a drug habit but they minimized the report and left out necessary information.

NUMBER TWO

On October 22, 2002, I was in a court hearing (the 4th of a series within the months of Sept and October) that was being heard by Judge [redacted] in [redacted] at the Youth Court. Many inconsistencies occurred.

In the previous hearings (3) it is a well-known fact that I am disabled. Judge [redacted] was very aware that I am unable to sit down. To be able to sit down the chair must be square, hard and higher than the norm so that I can sit with the corner inwards on a slant. I don't mean to be callous but to sit on a toilet is painful and difficult. In the first hearing she asked me what my injury was and I told her (I was shot in the left leg), I told her that I was unable to sit down and she accepted this. I have a certain chair at home that I can sit in half way, on one half of my butt and only for short periods of time. I suffer extreme pain when I sit down because the bullet is on my sciatic nerve and causes my legs to seize and cramp. My right knee suffered a broken kneecap, so I am handicapped in two legs. It is a well-known fact throughout my community that I stand and the Judge allowed this in the previous hearings. On October 22 she forced me to sit in a chair. She suspended court because she said that she would not allow anyone to stand in her court. She said that until I found a chair to sit in she would not proceed. I told her again that I could not sit down but she again aggressively said I had better find a chair because no one will stand in her court. Of course there was no acceptable chair available. I came back when court started again and I told her that I was unable to find a chair that I could sit in without hurting myself. She then made everyone leave except for the lawyers -(mine, my ex husband's, my son's and youth protection) and my son and then proceeded to ask my son who I was taking legal proceedings against, if I sit down and he lied and told her I sit down all the time. She could have asked any of my witnesses or the security guards or even the woman in the IVAC office because each time I was in court I was standing, and they would have confirmed that I do not sit down. Youth Protection knows I don't sit down because when I met with them I always stood.

I was told to get some kind of chair and I had no choice about it, I thought maybe she meant I would be in contempt of court and she would put me in jail. I am a single mother of 6 children and that scared me. She was giving me no choice but to hurt myself. I had to sit in a chair without any balance or sides and it was excruciating. I attempted to ask to get up many times, but the Judge ignored me. From approximately 11:45a.m. until approximately 2:30p.m. or so she would not let me up and I was almost crying with pain. When court was over I could not feel my legs, my back was burning, and my arms were

numb from holding the table so I wouldn't tip out of the chair. When I finally could get up and walk I could barely do so without falling. I was unable to get into the taxi (handicapped) and I fell out.

The driver caught me. The next day the pain was much worse, so I went and had x-rays. The day after that, I had to see my Dr. because I couldn't take the pain any more, and he told me I had extreme muscle spasms and my body must have been in an unnatural position for a long period of time and it locked. He had to prescribe muscle relaxers and another painkiller other than what I already take. I couldn't move my arms higher than my chest and they were cramped. My back and across my shoulders kept burning and my legs were shaking and even more painful than usual. It took 6 days before I started to feel relief. I couldn't pick my baby up, it was difficult to take care of the younger children, and even to pick my coffee mug up was painful. I was humiliated in court and disbelieving that a Judge could mistreat me in this manner and in front of a man who had physically and emotionally abused me 5 days out of 7, in the course of 5 years of "marriage"-it was an assault and was a punishment that I did not deserve! I tried to produce my medical records and that of my son to show her my condition but she shook her head no. My son has a heart condition and was told no drugs, Alcohol or decongestants as they increase his heart rate and his doesn't come down as it should. He suffers from Wolfgang Parkinson White Syndrome.

NUMBER THREE

I am a victim of child abuse from my parents; I am a victim of wife battering (emotionally and physically) from my ex,

I am the victim of a crime I was shot in the leg.

I am now a victim of Judge it seems. In the 2nd hearing for a 30-day placement, the Judge was given a document from stating that they did not feel it wise to place my son with one of their foster parents as she was being re-evaluated and re-investigated and the reasons were listed. The Judge said wasn't there and dismissed the report and gave my son to the foster parent anyway.

In the last hearing it seemed that the Judge had already made up her mind even before we presented our case. She was on a first name basis with my ex.'s lawyer. She refused to let us present our case in a way to explain how we had arrived at this moment in time. My ex.'s lawyer had from the beginning of the hearings repeatedly based her demands on a report that was from 1989. The Judge would not let me defend it. The report confirms battered wife syndrome. It also gives my ex permission to smoke marijuana because he is Jamaican and due to his religion. It is filled with untruths and personal opinion of a person that saw me for 10 minutes. It repeatedly refers to family members and friends-"family" meaning my ex and my estranged mother. The "friends" were never contacted. I brought a "witness" that is mentioned on the report because she was never contacted by the social worker who did the report. This report would not be allowed as evidence in this day and age. I tried to defend or explain but at every opportunity the Judge refused to

hear the past, yet she continued to let my ex.'s lawyer base her arguments on this report from the past.

The CLSC has many reports and expertise that are more current but an intense scenario had occurred during this time in which the social workers had been threatened and the CLSC's Director General had to retain bodyguards for their safety. They had been trying to get word to the Judge that they would testify if my ex would be removed but they were unsuccessful.

The Judge would not let me present many of my witnesses. She would ask my lawyer "what are they going to testify to?" and my lawyer of course didn't want to expose our case in this manner and the Judge would say, "I don't think it is relevant, No". We subpoenaed the Dr. that had been helping my son. My son signed a release with Youth Protection. My son told the court it was ok for the Dr. to testify, when he did this my ex husband's lawyer told him no you can't- the Judge let this happen when it wasn't my son's lawyer advising him. The Judge had an obligation to see all the facts on behalf of my son and she said she would not allow the testimony! It was within her power to release the Dr. of his confidentiality and she refused. The law of Dec, 2001 states that "a physician/or professional can divulge confidential information to protect someone whose life or safety might be in danger". Then she made a mandate to the Order of Psychologists to investigate the Dr. for giving information without consent!! He was subpoenaed! He had a signed release from my son giving access to the information to Youth Protection. The Dr.'s testimony is very damaging to my ex and would have confirmed my son's drug habit but also the stalking and harassment and the fear that my son has of his "father". It would also confirm the CLSC's conclusions.

When my lawyer was giving information of fact the Judge said, "Don't tell the court what it already knows!" My lawyer and I had barely met. It was the second time I had seen her, she did not know what the court "knew" and neither did I. My lawyer attempted to give information on how many times my son had bought drugs while in foster care and the Judge said "well he has to buy if he's going to smoke!" My son just turned 15! The Judge kept repeating that my son was in danger because of me. She said, "The Mother's lifestyle is a threat to the son"! Because I am a single mother on welfare? How can I be a threat and not my drug addicted/dealer ex husband not be? He hadn't seen his kids or paid child alimony and he had physically abused us all!! He has stalked us all these years terrifying us, keeping us prisoners in our home and I am a threat to my son? I am hurt, shocked and appalled that the Judge could rationalize and say this without proof in fact.

NUMBER FOUR

My son lied continuously through the court proceedings, yet the Judge never questioned this. She took his testimony without consequence and without proof. When I pointed out to her the lies and how my son changed his story repeatedly, she became agitated. My daughter told the court about my son's drug habit and my ex's drug habit and how he had removed the guns until after the court decision and how he had stopped selling drugs

until after the court situation, and the Judge tried to twist this by saying "oh, so he has stopped selling drugs then." and my daughter said "until after the court thing is over." The Judge then told my daughter that she should never call her father an ex father (this is how my daughter calls him) because he is her father. My children have suffered at the hands of my ex husband and the Judge has no right to diminish this without knowing our family history. My daughter was extremely upset to have the Judge tell her off in front of her abuser in this manner.

My son then told the Judge that everything my daughter had said was a lie. Youth Protection had been a witness to one event the week before, yet they never stood up to confront my son in his lie.

The Lawyer for my ex husband interrupted my Lawyer's presentation and said to the Judge after addressing her by her first name, "I don't mean to rush you but there is a family outside waiting to bring their brother home. My client is waiting to bring his son home, so could we hurry up?" as she tapped her finger on her watch! The Judge never admonished the lawyer or reprimanded her, she just said "yes I know," and advised my lawyer to speed things up! It seemed to me that the Judge and that Lawyer had decided the outcome before we had finished presenting our case!!

The Judge handed my son over to two strangers that he had met 3 weeks previously, that have an admitted drug problem, while my son has a drug problem himself. I do not smoke cigarettes, drugs or drink. I have cared for my children all their lives. I have never been in trouble with the police and have never been in trouble with anyone else.

My ex husband is known to the Police, he is violent and aggressive and has a history of committing physical abuse. He has been driving with a suspended license.

My son is in danger in that environment, not to mention the three other young children that live there, they are being exposed to the same criminal activity as my son and are in as much danger.

I am loathe to comprehend how a Judge would feel justified in ripping a child away from his only known family and destroying it, and at the same time jeopardising my son's life by sending him to live with drug addicts who engage in other drug and criminal activity for the so-called benefit of my son.

Who will be responsible for his life or death? How can I "break the cycle of violence" when the court feels it alright for my son and his "father" to do drugs together?

I pray that justice will be served when this case will be examined and overturned.

I am unable to find a Lawyer who will accept legal aid to appeal this decision. I have contacted on average 15 to 20 lawyers a day who refuse legal aid because one lawyer said she gets 50 cents an hour and that won't pay her secretary!

As of Nov 20, 2002- my son has been suspended from school in the first 2 weeks with my ex for fighting and has missed 14 days of school. One day was because it was my ex's birthday! My son has dropped his drug doctor because he doesn't feel it's a problem any

more. He has access to drugs and makes \$200.00 in 3 days so he can get it very easily. My son failed grade 8 last year and should be working harder but his priorities have changed. My son is at risk. Who will help my son?, my family?

Because of my condition, it has taken me approx. 4 weeks to produce this complaint as I am unable to sit or stand at the computer for long periods of time.
Sorry for the delay.

This information can be verified by contacting- Co M. CLSC (4... ..2)
Dr. Ken Ekstrand Foster Pavillion
(
School
Youth Protection

I can't believe that A Judge could feel comfortable in letting my son be placed with drug users. My ex husband has been smoking drugs since he is 11 years old. He feels my son is old enough to smoke drugs so it isn't a problem for him. With all the information on kids using drugs how can the Court justify this? I am home 24/7 for my children. If I have no support from the Court or Youth Protection what tools are left to protect and nurture my family?

I can't believe that Youth Protection felt comfortable in letting my son be placed with drug users. My ex husband has been smoking drugs since he is 11 years old. He feels my son is old enough to smoke drugs so it isn't a problem for him. With all the information on kids using drugs how can Youth Protection justify this? I am home 24/7 for my children. If I have no support from the Court or Youth Protection what tools are left to protect and nurture my family?

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Jan 1, 2003

Conseil de la Magistrature du Quebec
1 Notre Dame St. E.
Mtl, Quebec
Canada H2Y 1B6

CONSEIL DE LA MAGISTRATURE

Reçu le 09 JAN. 2003

Re: Reference #2002-CMQC-59 To Whom It May Concern- Jean Pierre Marcotte and Richard Shadley of Shadley Battista law firm:

I am writing to let you know of the latest developments in my son's situation since the last information was given to you. On Dec. 20, 2002, my son was present at an attempted murder on St. in (The person who was shot is the person my son and ex went to for their drugs. I had told the Judge of this and she said "well he has to buy if he's going to smoke!") My son is a witness to the events and can identify the two criminals who got away. One of the three assailants is the son-in-law of Ve I - the foster home in which Judge placed my son in, even after 's negative report on her environment and capabilities. I had explained that her daughter and son-in-law were involved in drugs with my ex and I did not want my son placed there and the Judge ignored my concerns. My son is in even more danger now than before and I would like him removed for his safety. I have spoken with Dr. Ekstrand my son's drug psychologist and Carole Menard from the CLSC and they also would like him removed from my ex husband's as there are extenuating circumstances that I am not at liberty to explain as my family is at risk due to this situation. If you would like to speak with them they could better shed light on the seriousness of the circumstances and danger surrounding my son at this time. My son is going through a traumatic event and may need professional help. My son and daughter were to have met a few times at my son's request but it appears my ex is preventing this. I thought it was pertinent to let you know that much of the information and fears that were given to Youth Protection and the judge are now transpiring and the negative lifestyle of my ex is deteriorating my son's health and well being as predicted.

Dr. Ekstrand 450-656-6100 or /
CLSC
V K (myself)

2

*P.S. The afore mentioned victim was shot in the face. The police said it was a paid hit.

ANNEXE 2

Jan 1, 2003

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CLSC / 2
V K (myself)

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it was a paid hit.

ANNEXE 3

26 septembre 2002

CANADA
PROVINCE OF QUEBEC
DISTRICT :

COURT: QUEBEC COURT
(Youth Protection Chamber)
TOWN :

CASE NO. :

STAGE: REQUEST #79

PRESENT:

THE HONOURABLE MRS. JUSTICE
, J.Q.C.

NAME OF THE PARTIES :

DIRECTOR OF YOUTH PROTECTION

Petitioner,

Re :

F K

Subject.

NAME OF THE ATTORNEYS:

Me ANNE LESSARD
ATTORNEY FOR THE SUBJECT
Me VIVANE TAPALIAN
ATTORNEY FOR PETITIONER
Me LYNE MORIN
ATTORNEY FOR THE FATHER

DATE OF HEARING: September 26th, 2002

MECHANICAL RECORDING NO. : ---

TRANSCRIPTS REMITTED : February 14th, 2003

Original

Paulette Houde, o.c.r., 2500 Pierre-Dupuy Avenue, apt. 109, Montreal - H3C 4L1

Representations

1 (IDENTIFICATION OF THE ATTORNEYS)

2 REPRESENTATIONS

3 On this twenty-sixth (26th) day of September, in the
4 year two thousand two (2002) :

5 BY Me VIVIANE TAPALIAN
6 ATTORNEY FOR
7 THE DIRECTOR OF THE YOUTH PROTECTION

8 And the mother is also here. She was represented by
9 lawyer last week, for the... I was told that Maître
10 Delorme was her lawyer, okay, but I think that she was
11 not here. Then, this morning, it was...

12 BY THE COURT
13 (THE HONOURABLE JUSTICE , JCQ)

14 It is fine. We are on a provisional measure.

15 BY Me TOPALIAN

16 Yes. Okay. So last week of September 20th, the court
17 entrusted the child to the care of Mrs. K Y and it
18 was Justice D'Amour who was here. He recommended
19 that the father and the child do not have any contact,
20 but it was only a recommendation. This morning, the
21 D.Y.P. is presenting to you a provisional measure and
22 the conclusions are that the child be entrusted to the
23 care of a foster family. Mrs. Y is not able anymore,
24 to take care of the child, and also that the contacts
25 between the child and the father be under the control
26 and the supervision of the D.Y.P.

27 That is the procedure of the D.Y.P. for today.

BY Me LYNE MORIN
ATTORNEY FOR THE FATHER

For the father, Your Honor, paragraph 4, a) will be

Representations

1 denied. b), we will admit b), Your Honor, but I want to
2 precise that the court declare the father deprived of
3 parental authority by default.
4 BY THE COURT
5 But what were the reasons alleged?
6 BY Me MORIN
7 I was not the lawyer...
8 BY THE COURT
9 Yes, but...
10 BY Me MORIN
11 ...the lawyer of the parents can tell you.
12 BY THE COURT
13 Okay. Any ways, so by default.
14 BY Me MORIN
15 It was by default. The mother...
16 BY THE COURT
17 That is why the other steps were taken in order to get a
18 verification?
19 BY Me MORIN
20 Yes, that is right.
21 BY THE COURT
22 Right. Okay.
23 BY Me MORIN
24 And it was... the notice... a paru dans le Devoir... and
25 my client does not speak French, so... Yes. c) will be
26 admitted. d) will be admitted. e) will be denied,
27 because, at the beginning of September, the child saw
28 his father. f) will be admitted. g), h) and i) will be

Representations

1 ignored. j) « The child does not want to go back with
2 his mother » will be admitted and the rest will be
3 ignored. k) will be ignored. l) will be admitted and n) is
4 « around the 14th of September ». So it is not
5 « September 4th »...

6 BY THE COURT

7 Okay. « Around the 14th ».

8 BY Me MORIN

9 ...but « around 14th ». So about the conclusions, my
10 client wants to have F with him. So we want the
11 court to entrust F to the care of his father and it
12 will be the same position for the... (inaudible)...

13 BY Me ANNE LESSARD
ATTORNEY FOR THE SUBJECT

14 Regarding 4, number 4, it is denied, a). b), I make the
15 same representation than Maître Morin. I have a copy
16 of... it is in the Superior Court. There is going to be a
17 hearing around March. Le certificat d'état de cause a
18 été déclaré. Most of them, they are all denied by the
19 father.

20 BY THE COURT

21 I understand.

22 BY Me LESSARD

23 Yes, but that was a default and...

24 BY THE COURT

25 I understand.

26 BY Me LESSARD

27 ...it was a problem with « le ministère du Revenu » and
28 that is how the father learned about this judgement that

Representations

1 was never served on him.
2 BY THE COURT
3 That was in '94... Since when, from what period to what
4 period did the father have any contacts with his son?
5 BY Me LESSARD
6 '94.
7 BY THE COURT
8 '94 until now?
9 BY Me LESSARD
10 Physical contact, yes. They have seen each other...
11 BY THE COURT
12 For seven (7) years, the father did not have any contact
13 with his son?
14 BY Me TOPALIAN
15 Um-hum.
16 BY Me LESSARD
17 The mother did not want it.
18 BY THE COURT
19 Near eight (8), whatever reason.
20 BY Me LESSARD
21 Yes, yes, it is true. That is why it was part of the last
22 week's allegation that was submitted.
23 BY THE COURT
24 Fine.
25 BY Me LESSARD
26 4c), it is admitted. d), admitted. I), it is denied in this
27 form, because, for a lot of reasons, he has seen his
28 father, like he has a family that children are going to the

Representations

1 same school as he is. So he knows who his father is
2 and where he lives. He knows... he could see him, but
3 he does not talk to him. He does not want. Paragraph
4 4f), it is admitted. Paragraph j) is ignored. Well, in this
5 form, it is denied.
6 BY THE COURT
7 So how would you put it, in your form?
8 BY Me LESSARD
9 Like it is « once in a while », but it is not since the age
10 of thirteen (13) and it stopped. So... because...
11 BY THE COURT
12 He is fourteen (14) now. Thirteen (13) was last year.
13 BY Me LESSARD
14 Yes, but it is sporadic and it frightens him. So it says
15 « uses », but it is « not using anymore ».
16 BY THE COURT
17 Fine.
18 BY Me LESSARD
19 h), it is denied, because it is still at the present tense.
20 He did it once and it stopped and it was summer time.
21 BY THE COURT
22 h) is not a the present tense. To my knowledge,
23 under...
24 BY Me LESSARD
25 Okay. We admit it... but we have to add that it was once
26 and it has stopped.
27 BY THE COURT
28 And what was it? Okay.

Representations

1 BY Me LESSARD

2 h), it is admitted. i), admitted. j), « The child does not
3 want to go back with his mother », admitted. The rest of
4 the paragraph is denied. k), we ignore. l), we ignore
5 also, but I think she had some, she said last week.
6 according that she could until Thursday, and m), it is
7 since 18th of September.

8 BY THE COURT

9 Yes, um-hum.

10 BY Me LESSARD

11 He has... (inaudible)... before the emergency.
12 Paragraph 5, we deny. F wants to go and live
13 under the supervision of his dad. I also want to submit
14 to the court, as it was deposited, I gave a copy to my
15 consoeur, copy of an expertise that was once deposited
16 into the court file. I am going to refer... madam
17 admitted last week that she recognizes that there was
18 facts into it. She has explanation, but it is important
19 that the court takes knowledge of it, especially for page
20 6.

21 BY Me MORIN

22 The conclusions.

23 BY Me LESSARD

24 The conclusions.

25 BY Me TOPALIAN

26 It is under E-2?

27 BY Me LESSARD

28 E-1.

Representations

1 BY THE COURT
2 Marie-Josée Gamache is a private social worker? She
3 was...
4 BY Me TOPALIAN
5 I think she did the « expertise psycholégale »...
6 BY THE COURT
7 I know, but she is from a private... she was in a private
8 capacity?
9 BY Me TOPALIAN
10 I do not know.
11 BY THE COURT
12 But please confirm that with me, because I think that at
13 that point in time, she was in a private capacity, so she
14 was hired by who?
15 BY Me TOPALIAN
16 Usually...
17 BY Me MORIN
18 It was a « conjoint ».
19 BY Me TOPALIAN
20 ...usually... Si c'est une expertise psycho-légale, la
21 demande est faite par le Juge de la Cour Supérieure et
22 le mandat est donné. C'est dans le mandat du
23 C.P.E.J...
24 BY THE COURT
25 But then, in '89...
26 BY Me MORIN
27 By the « conjoint ».
28 BY Me TOPALIAN

Representations

1 C'est la demande du Juge.
2 BY THE COURT
3 Okay. C'est ça. That is what I...
4 BY Me TOPALIAN
5 I do not know, if you would like, before hearing any
6 witness, the mother...
7 BY THE COURT
8 I am not hearing witnesses. I am hearing, at this point,
9 the position of the parties.
10 BY Me TOPALIAN
11 Okay. Parce que j'ai les jugements.
12 BY THE COURT
13 I will hear the mother. She is a party and I would like...
14 please come, Madam. Okay. You did read...
15 (inaudible)... that I have in front of me, the motion? So
16 you did read that?
17 BY THE MOTHER
18 Yes, I did.
19 BY THE COURT
20 Is what you read in that the truth, to the best of your
21 knowledge?
22 BY THE MOTHER
23 Some of them are not accurate.
24 BY THE COURT
25 Okay. Please correct them now.
26 BY THE MOTHER
27 The first one, definitely. The second one, definitely.
28 The third one, yes.

Representations

1 BY THE COURT
2 Fourth, d) as well?
3 BY THE MOTHER
4 Yes.
5 BY THE COURT
6 e)?
7 BY THE MOTHER
8 This is not accurate. There were only supervised visits
9 at the C.L.S.C., from '91 until '94, and there was maybe
10 six (6), but there was no relationship, no contact.
11 BY THE COURT
12 Okay. '91 to '94, it was supervised and none after '94?
13 BY THE MOTHER
14 Exactly...
15 BY THE COURT
16 Okay.
17 BY THE MOTHER
18 ...but they were evaluations at the C.L.S.C. themselves.
19 It wasn't like a relationship contact.
20 BY THE COURT
21 f)?
22 BY THE MOTHER
23 Yes, that's also true.
24 BY THE COURT
25 g)?
26 BY THE MOTHER
27 My son still does drugs.
28 BY THE COURT

Representations

1 How do you know?
2 BY THE MOTHER
3 Because he would sit down in my playroom and smoke.
4 He'd come in to smoke.
5 BY THE COURT
6 When was that, the last time?
7 BY THE MOTHER
8 Up until my ex-husband convinced him to run away.
9 BY THE COURT
10 When was that?
11 BY THE MOTHER
12 Well, last week, when we got the Play Station the first
13 time.
14 BY THE COURT
15 Okay. h)?
16 BY THE MOTHER
17 Yes, that's true.
18 BY THE COURT
19 It was... (inaudible)...
20 BY THE MOTHER
21 Yes, it's marijuana, but he's been told more than once.
22 BY THE COURT
23 i)?
24 BY THE MOTHER
25 It's not that all... (inaudible)... of the contacts between
26 my son and my ex-husband. We have a fourteen (14)
27 year-old battle, which the court and everybody else...
28 (inaudible)... There's been a reason. It's not because I

Representations

1 just say : oh! I don't like him. There are actual proofs,
2 in fact, that can't be put in today and for the safety of
3 my son and my daughter, who were terrified. We were
4 terrified of my ex-husband three (3) weeks ago. We
5 don't know what happened, from that time, come out.
6 BY THE COURT
7 Okay. And your son does not want to go back...
8 (inaudible)... you are aware of that?
9 BY THE MOTHER
10 Yes, Your Honor, he was told by my ex-husband that he
11 would get a car.
12 BY THE COURT
13 No, no. That is the fact. He does not want to go back
14 with you and...
15 BY THE MOTHER
16 Actually, it's not a fact. It's not a fact, because two (2)
17 days ago, we called my brother. It's more like his best
18 friend. They talked confidentially in my house and then,
19 also, over the phone, and outside of the police station.
20 He told him he doesn't want us to continue. He wants to
21 come home. He doesn't know how to stop it and that he
22 expected to be at my house at home on Friday.
23 Yesterday, when he was in the presence of my ex, at the
24 Youth Protection, he flipped : « Oh! no, I don't want to
25 come home. » So that's in question.
26 BY THE COURT
27 k) You would have... (inaudible)... therapy for violence
28 and drug problems?

Representations

1 BY THE MOTHER
2 Yes, because my son, in the space of two (2) weeks,
3 he'd become aggressive and violent at home and I have
4 five (5) young kids at home and...
5 BY THE COURT
6 How old are your children?
7 BY THE MOTHER
8 My daughter's just one and three (3), five (5), nine (9)
9 and my oldest son is... (inaudible)... which my daughter,
10 also, ruins everything that happened with my son into
11 herself. She would like to speak to you, because she...
12 BY THE COURT
13 The two (2) first ones are from the same father?
14 BY THE MOTHER
15 Yes.
16 BY THE COURT
17 And the other four (4), from another...
18 BY THE MOTHER
19 Yes.
20 BY THE COURT
21 ...man.
22 BY THE MOTHER
23 My son has been having a counselor for drugs, for the
24 last, maybe, year and a half (1½) at school, because he
25 was trying to get him off of drugs, but it hasn't worked.
26 BY THE COURT
27 Okay. You realize, at this point in time, I am asked to
28 render a decision for thirty (30) days. I am not having a

Representations

1 hearing today...
2 BY THE MOTHER
3 Yes.
4 BY THE COURT
5 ...full hearing, it is just to make sure that we have the
6 proper means to look into the matter...
7 BY THE MOTHER
8 Yes.
9 BY THE COURT
10 ...to get all the facts and to make sure that we can
11 recommend to the court the proper measures, when the
12 time comes in thirty (30) days.
13 BY THE MOTHER
14 Yes.
15 BY THE COURT
16 Fine. And what is recommended by the D.Y.P. is for
17 your son to go in a foster family?
18 BY THE MOTHER
19 Yes, I understand that. I just have a question. I'm not
20 a lawyer. I have tried to get represented...
21 BY THE COURT
22 You will get a lawyer for the next time?
23 BY THE MOTHER
24 Well, we're trying, but in the mean time, I was told that I
25 could ask you a question.
26 BY THE COURT
27 Please do.
28 BY THE MOTHER

Representations

1 I was where to believe that my ex-husband has no
2 parental rights, but we had a judgement that said : the
3 court order will be in effect until we have a court date...
4 (inaudible)... With the judgement last year : « Yes, you
5 have permission to go to court and give your case, but
6 in the mean-time, the court order for no parental right is
7 still in effect. »
8 BY Me TOPALIAN
9 Moi, j'ai le P.V. du 12 juin 2001, quand on fait une
10 requête en rétractation...
11 BY THE COURT
12 Vous ne pouvez pas parler anglais?
13 BY Me TOPALIAN
14 Je vais tenter. When there is a motion to revoke a
15 judgement that was rendered, there is always two (2)
16 steps : the reception of the « requête en rétractation »...
17 Et après ça...
18 BY THE COURT
19 The hearing.
20 BY Me TOPALIAN
21 The hearing. When I was told that the father deposited
22 a motion to revoke and it was received on June 12th
23 2001, by Mr. Justice Pierre Viau. When I saw, I read
24 the section 485 of the « Code de Procédures civiles », it
25 says that the first judgement was suspended. So for
26 me, it is like we suspend...
27 BY THE COURT
28 What are we...

Representations

1 BY Me LESSARD
2 If I can... J'ai le procès-verbal...
3 BY THE COURT
4 Okay...
5 BY Me TOPALIAN
6 I have to have the judgement of... (inaudible)...
7 « autorité parentale »... Who does not say much, but we
8 have the declaration. Yes. Vous devez savoir les
9 motifs, tout à l'heure, là, c'est pour violence.
10 BY Me MORIN
11 The father was not present?
12 BY THE COURT
13 C'est ça. Il n'était pas présent.
14 BY Me MORIN
15 We will explain why.
16 BY THE COURT
17 But the judgement is there. Okay. Yes.
18 BY Me MORIN
19 If I can read the article 485 of the « Code de
20 Procédures »...
21 BY THE COURT
22 No, that is okay. Why was not the father present? You
23 said you wanted to explain why?
24 BY Me MORIN
25 ... (inaudible)...
26 BY THE COURT
27 No... He was never served, so he was never aware.
28 That is what I understood. I thought you had some

Representations

1 other things to tell me.
2 BY Me MORIN
3 No, no, no.
4 BY THE COURT
5 Who shot you in the leg?
6 BY THE MOTHER
7 I can't say anything right now, because I would be under
8 oath, but...
9 BY THE COURT
10 Who shot you in the leg?
11 BY THE MOTHER
12 I don't know specifically. I only know that it's someone
13 that my ex-husband knows and that's the whole set of
14 things I don't even want to get into, but...
15 BY THE COURT
16 That is alright.
17 BY THE MOTHER
18 The thing is : my ex-husband also signed away his
19 rights, in the divorce decree. It says he will have no
20 visiting rights, but he would keep his right to go to court.
21 He never did. This is one of the reasons we were able
22 to get the parental rights revoked. I was also told that,
23 because he was given permission to ask the court to
24 hear his case to get his rights back, does not mean that
25 you can suppose that the Judge gave him his rights, that
26 the judgement was still in effect.
27 BY THE COURT
28 The first judgement is suspended... Okay. You may sit

Representations

1 down.

2 BY THE MOTHER

3 So my question to you : does he have his rights or he
4 doesn't have his rights? Because he has been given
5 them by the court.

6 BY THE COURT

7 This first judgement is suspended. That means it puts
8 people at the same position than before the judgement.

9 BY THE MOTHER

10 So this is where he signed away his rights in this
11 divorce decree.

12 BY THE COURT

13 You will seek for advice from a lawyer. This is not the
14 purpose of this court...

15 BY THE MOTHER

16 For me, it's important, because it means that...

17 BY THE COURT

18 You should get a lawyer for that. It is not to the court to
19 answer your legal questions. There are four (4) other
20 parties. You may sit down, Madam, or stand clear,
21 please.

22 I think the least we could say, it is not an easy situation,
23 when, after all those years, we see, we hear what is
24 going on. F , this court is here only to protect you
25 and to have you in its mind, when decisions are taken.
26 You are the only consideration of this court, at this point
27 of time. You... (inaudible)... We are on this court
28 because, allegedly, you are in need of protection. I am

Representations

1 asked to render a provisional measure, for thirty (30)
2 days, in order to protect you. At this point in time, I
3 think that the wisest Judge, the one who has more
4 « clairvoyance », would not be able to understand a bit
5 what is going on, perhaps has been going, in your life
6 and your family situation.
7 So at this point in time, I have no alternative than to
8 place you in a foster family for the next thirty (30) days
9 and the contacts with father will be organized and
10 supervised by the Director... (inaudible)... the Youth
11 Protection, as they go on, will organize and supervise a
12 visit.
13 BY Me LESSARD
14 Madame la Juge, avant que vous rendiez, c'est juste
15 parce que nous avons une ressource. C'est une tante
16 qui n'est pas liée par le sang.
17 BY THE COURT
18 Bien oui, mais à ce moment-là, vous avez juste à
19 l'emmener, de me la présenter.
20 BY Me LESSARD
21 On en a parlé. C'est tout fait. C'est pour ça qu'on
22 voulait... peut-être l'emmener en vous...
23 BY THE COURT
24 Elle est ici?
25 BY Me LESSARD
26 Non, non, elle n'est pas ici. La mère a les coordonnées.
27 mais elle ne veut pas les donner.
28 BY THE COURT

Representations

1 Qui est cette tante-là?
2 BY Me LESSARD
3 Madame Ve L
4 BY THE COURT
5 How is she related to F
6 BY Me LESSARD
7 He calls him an aunt.
8 BY THE COURT
9 Yes, but who is she? Come, please, Madam. Okay.
10 Who is this lady we are talking about, that could be a
11 suitable...
12 BY THE MOTHER
13 Unfortunately, she's not suitable.
14 BY THE COURT
15 Who is she?
16 BY THE MOTHER
17 She's just a friend, who we've known...
18 BY THE COURT
19 What is her name?
20 BY THE MOTHER
21 Her name is Ve
22 BY THE COURT
23 Ve who?
24 BY THE MOTHER
25 I don't know her last name. He just calls her auntie
26 Ve, but she's a woman that has had foster kids
27 before.
28 BY THE COURT

Representations

1 And where does she live?
2 BY THE MOTHER
3 In Saint-Hubert, I think.
4 BY THE COURT
5 In Saint-Hubert. What is her phone number?
6 BY THE MOTHER
7 I don't really know. It's not a number that I call...
8 BY THE COURT
9 You do not know on what street she lives?
10 BY THE MOTHER
11 « ». It's not a number that I call often, so
12 it's...
13 BY THE COURT
14 I will order for you to go. I will do that if you do not give
15 me her full name. I will order for you to go with the
16 D.Y.P. and to get the house.
17 BY THE MOTHER
18 It's on my phone. It's not a number that I use often.
19 It's one of the numbers that I have to look it up.
20 BY Me TAPALIAN
21 On a le nom de famille.
22 BY THE COURT
23 Pardon?
24 BY Me TAPALIAN
25 Nous avons le nom de famille.
26 BY THE COURT
27 So it is Mrs. L ?
28 BY THE MOTHER

Representations

1 Because whenever I call her...
2 BY THE COURT
3 Okay. And she lives on... well, with the name and with
4 the address and with the... you could search her and
5 find her, so I guess that...
6 BY Me LESSARD
7 Because he slept there before. He knows her. She is
8 already a foster family.
9 BY THE COURT
10 No, but you would have to bring... (inaudible)... and
11 have a check and everything, so what about Monday?
12 Would that be a suitable statement... Monday?
13 BY Me TAPALIAN
14 Est-ce que vous permettez des représentations? Vous
15 permettez... The lawyer of the child talked about...
16 (inaudible)... now, for the next thirty (30) days
17 conclusion, the two (2) parties, the father and the
18 mother and the children in-between, it seems that it is
19 best for a neutral foster family, but the social worker,
20 for assistance, will continue and we are trying to locate
21 Ve L . This is also an alternative, but...
22 BY THE COURT
23 I know that, but you will do that until Monday or Tuesday
24 and there will be a visit and you will look into who is this
25 lady, what is the relation with F ... could she
26 provide a safe environment for him, could she provide
27 with attention and tenderness and loving and caring,
28 because at this point in time, F is the one who is

Representations

1 going to be placed and I do not see why he should not
2 benefit from the warmest place and the best place he
3 could and then... (inaudible)... the assessment the
4 D.Y.P. prepared to me. If the lady is deemed to be a
5 proper place for... I have no idea. So that is why
6 today, I will entrust F in a foster family, until
7 Monday or Tuesday, at which point we will come back to
8 this court, I will hear your evidence on this opposition
9 that F is doing, to see if that would be a proper... I
10 will not want F to somebody that we do not know
11 the name of. I would never do that.

12 BY Me LESSARD

13 He knows... he slept there already. It is like an auntie,
14 but she is also a foster family. She is also...

15 BY THE COURT

16 Great. You have to understand that, at this point in
17 time, I would fail to all my responsibilities to allow
18 F to go to a place where I have no real
19 information.

20 BY Me LESSARD

21 And... (inaudible)... the D.Y.P. will make the
22 transportation for school, because...

23 BY THE COURT

24 Let us... (inaudible)... Everybody is okay? Thursday?
25 So until then, I am ordering the D.Y.P. to ensure the
26 transportation for F to his school, for him to be
27 continuing as much as possible a normal life. You
28 understand, F why...

Representations

1 BY THE SUBJECT

2 But I don't understand why I don't get to say anything.

3 BY THE COURT

4 Well, because you have a lawyer and usually... because
5 it is not a hearing.

6 BY THE SUBJECT

7 No, but my mom, because she gets to stand up there
8 and say all these lies about me and my dad and I
9 don't...

10 BY THE COURT

11 You know why? Where is your mother's lawyer?

12 BY THE SUBJECT

13 I don't know.

14 BY THE COURT

15 I cannot say you have no lawyer. I will not hear you. I
16 am hearing your mother just because she has no lawyer.
17 If she had a lawyer like your father, like yourself, today,
18 because it is a provisional measure, I would hear the
19 lawyer, you understand? But the next time, next
20 Thursday, I will hear the lady and what I have to be
21 knowing about this lady, possible foster family for the
22 next thirty (30) days and twenty-five (25) days and then,
23 at the hearing, you will, of course, be testifying and be
24 heard, of course. Is it okay? Do you understand?

25 BY THE SUBJECT

26 Up until Tuesday, Thursday, I have to stay in a foster
27 home... (inaudible)... thirty (30) days?

28 BY THE COURT

Representations

1 Okay? It is just... (inaudible)...

2 BY THE SUBJECT

3 ...(inaudible)... Your Honor?

4 BY Me TAPALIAN

5 Juste une affaire, si vous permettez, juste pour qu'on

6 soit sur la même longueur d'onde. When you talk about

7 transportation, the foster family... (inaudible)... Saint-

8 Hubert? He can go by bus. We will provide the tickets

9 for the bus.

10 BY Me LESSARD

11 It is a forty-five (45) minute bus drive...

12 BY THE COURT

13 It is two (2) days.

14 BY Me TAPALIAN

15 C'est ça.

16 BY THE COURT

17 It is two (2) days. It is forty-five (45) days(sic). Let us

18 close our eyes and see what other children and going

19 through in the world. It is for two (2) days, so...

20 (CASE CONTINUED OCTOBER 1ST 2002)

21 =====

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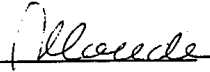
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Representations

1 Je, soussignée, Paulette Houde,
2 sténographe officielle bilingue, certifie par les présentes
3 les pages qui précèdent comme étant une transcription
4 exacte et fidèle de la preuve telle que prise au moyen
5 d'un enregistrement mécanique, ceci étant au-delà de
6 mon contrôle et selon la qualité dudit enregistrement, et
7 conformément à la loi.

8 Et j'ai signé :



9 Sténographe officielle

10 N.B. : Transcription rendue sous toutes réserves, vu
11 la mauvaise qualité de l'enregistrement mécanique et
12 l'accent de certains procureurs.
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1^{er} octobre 2002

CANADA
PROVINCE OF QUEBEC
DISTRICT :

COURT: QUEBEC COURT
(Youth Protection Chamber)
TOWN :

CASE NO. :

STAGE: REQUEST #79

PRESENT:

THE HONOURABLE MRS. JUSTICE
, J.Q.C.

NAME OF THE PARTIES :

DIRECTOR OF YOUTH PROTECTION

Petitioner,

Re :

F K

Subject.

NAME OF THE ATTORNEYS:

Me ANNE LESSARD
ATTORNEY FOR THE SUBJECT
Me YVES LEBEAU
ATTORNEY FOR PETITIONER
Me LYNE MORIN
ATTORNEY FOR THE FATHER
Me ANNE THIBODEAU
ATTORNEY FOR THE MOTHER

DATE OF HEARING: October 1st, 2002

MECHANICAL RECORDING NO. : ---

TRANSCRIPTS REMITTED : February 14th, 2003

Original

Preliminaries

(IDENTIFICATION OF THE ATTORNEYS)

PRELIMINARIES

BY Me YVES LEBEAU
ATTORNEY FOR THE PETITIONER

So, My Lord, we were before you last week and you asked to evaluate or see if it was possible that F be entrusted to Mrs. L . Since Mrs. L is a foster family for « Bacha », we talked to « Bacha » and first of all, at first sight, they said that it was confidential, all the information was confidential, so the social worker went to Mrs. L , asked her to have a relief for confidentiality and then, we went back to « Bacha ». That is why we had the information only yesterday and we received a letter from « Bacha », at four (16h00) in the afternoon, yesterday. Stating what is written in the letter, that I will deposit under P-2, it is a letter from Mrs. Kathleen Tobi, dated September 30th 2002 and the content of the letter, My Lord, is that they are investigating some difficulties at Mrs. L 's home. It seems that the difficulties are at two (2) levels. First of all, concerns including lack of structure and supervision in the foster home. That is for the child, because what I know is that there is only one child at Mrs. L 's home and another issue is ongoing safety and cleanness issues. So they are investigating right now to see if they will pursue their...

BY THE COURT
(THE HONOURABLE JUSTICE , JCQ)

Preliminaries

1 The recognition of the family...
2 BY Me LEBEAU
3 Yes.
4 BY THE COURT
5 ...as a foster family?
6 BY Me LEBEAU
7 As a foster family, but there is no decision rendered
8 right now. So that is the situation for now, okay? That
9 is why, at the present state of the situation, we cannot
10 recommend that F be placed in Mrs. L's
11 home, because of the two (2) issues that have been
12 brought by Mrs. Kathleen Tobl, from « Bacha ».
13 BY THE COURT
14 Is Tobl here this morning?
15 BY Me LEBEAU
16 No, she is not, no.
17 BY THE COURT
18 Since when is L (sic) at Mrs. L's house?
19 F (sic) is at Mrs. L's house, since when?
20 BY Me LEBEAU
21 He is not placed there. No, he is placed in another
22 foster family and...
23 BY THE COURT
24 And he wants to go there.
25 BY Me LEBEAU
26 Yes, he wants to go there. That is a fact.
27 BY THE COURT
28 And where is he placed now? And I was to proceed for

Preliminaries

1 the hearing this morning?
2 BY Me LEBEAU
3 You already placed F for thirty (30) days and the
4 issue of this morning was to see if Mrs. L could
5 be foster family for L (sic) and...
6 BY THE COURT
7 At this point in time, am I hearing Mrs. L, if
8 today, this morning, Mrs. L is a foster family?
9 BY Me LEBEAU
10 No, she is not.
11 BY Me ANNE LESSARD
ATTORNEY FOR THE SUBJECT
12 Yes, she is.
13 BY Me LEBEAU
14 Yes, she is a foster family. She is not... No, no. I
15 misunderstood your statement.
16 BY THE COURT
17 Am I understanding that, at this point in time, this
18 morning...
19 BY Me LEBEAU
20 Um-hum.
21 BY THE COURT
22 ...Mrs. L is foster family?
23 BY Me LEBEAU
24 Yes, she is.
25 BY THE COURT
26 What is your position?
27 BY Me LEBEAU
28 My position is that we cannot recommend that F be

Preliminaries

1 placed in that foster family, because of the issues that
2 have been brought by « Bacha ». That is why we cannot
3 recommend that... and it does not, the information that
4 we have does not...
5 BY THE COURT
6 Support.
7 BY Me LEBEAU
8 ...support our criteria of a foster family. That is the...
9 BY THE COURT
10 The other information, since when is Mrs. L a
11 foster family?
12 BY Me LEBEAU
13 She can testify. We do not know. We do not know Mrs.
14 L
15 BY THE COURT
16 And nobody from « Bacha » is here?
17 BY Me LEBEAU
18 No.
19 BY THE COURT
20 You do not know Mrs. L and nobody from
21 « Bacha » is here.
22 BY Me LEBEAU
23 We had the information at four o'clock (16h00)
24 yesterday, My Lord.
25 BY THE COURT
26 No... Ce n'est pas un reproche. But it is a fact that, as
27 a Judge...
28 BY Me LEBEAU

Preliminaries

1 Yes.
2 BY THE COURT
3 ... « Bacha » is not here...
4 BY Me LEBEAU
5 There is some information. We are under 79, article
6 79... is receivable and that is what we have to say,
7 regarding Mrs. L
8 BY THE COURT
9 So, the choice I have is to place F at Mrs.
10 L or to place, continue placing him in a foster
11 family... recommending very highly that he be placed at
12 Mrs. L or not recommend. That is the choice I
13 have.
14 BY Me LEBEAU
15 Yes, that is it. Yes.
16 BY THE COURT
17 I will hear the position of your colleagues.
18 BY Me LYSE MORIN
19 ATTORNEY FOR THE FATHER
20 So the father agrees that F be entrusted to the
21 care of Mrs. L
22 BY THE COURT
23 Pour la mère?
24 BY Me ANNE THIBODEAU
25 ATTORNEY FOR THE MOTHER
26 The mother does not agree... (inaudible)... the child's
27 problems that...
BY THE COURT
No. I already rendered my decision, placement for thirty

Preliminaries

1 (30) days. So we are not coming back to that. That, we
2 have done. Problem is : where?

3 BY Me THIBODEAU

4 But because of that, it is important that the best place
5 can be given to her son, to make sure that he will be
6 able... (inaudible)... correctly. So this is why...
7 (inaudible)... not to place her son at that foster home.

8 BY THE COURT

9 I understand.

10 BY Me LESSARD

11 My client wants to be entrusted to Mrs. L 's care.

12 BY THE COURT

13 Très bien. I will hear Mrs. L

14 =====

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VE L

By the court

PROOF OF THE PETITIONER
AT THE INQUIRY

On this first (1st) day of October, in the year two thousand two (2002), HAS APPEARED :

VE L

65 years old
Saint-Hubert, Qc
UNDER OATH

EXAMINED BY THE COURT

- Q You may sit down, if you are more comfortable to testify.
- R I'm more comfortable standing.
- Q Standing. Okay. Since how long have you been a foster family?
- R About twenty-two (22) years.
- Q Excuse me?
- R About twenty-two (22) years.
- Q And you are always a foster family for social services?
- R Yes.
- Q It would have been on... (inaudible)... in « Howard Bacha »?
- R Yes. I had two (2) foster kids along the years, coming from... (inaudible)...
- Q What is happening now? What is happening now, Mrs. L ? Why is this happening, where we question your capacity?
- R It is one kid I have, « B », he was a trouble kid and the problem was I leaving on vacation in July and I asked them since about March to find somewhere for these kids. They waited and waited until about a week or two (2) before I go and the social... (inaudible)...

1 said : « We don't have anyone, you know, to recommend
2 these kids to stay with », so I said... (inaudible)... is the
3 oldest foster kid I had, years ago, that we were like, you
4 know, mother and daughter, so...
5 Q And how old is this young...
6 R Ma is twenty-four (24) years old now. So the social
7 worker went... talked to Ma and agreed...
8 (inaudible)... Ma decided that she's doing...
9 (inaudible)... she did not really come and stay at the
10 house. She is just coming and going, coming and going.
11 So they had a consultation with « B »... with my
12 granddaughter, six (6) years old... (inaudible)... and
13 with... (inaudible)... a consultation about it and they are
14 to remove him. But the point is that... (inaudible)...
15 anybody, like I showed the social worker yesterday. I
16 have... (inaudible)... she saw it, with the kids...
17 (inaudible)... is the structure and... (inaudible)... F
18 to go in my home... (inaudible)... we were repairing the
19 bedroom of S. So everything was done and...
20 (inaudible)... into the room, to clean, to wash. So this is
21 what they're talking about. I was not there.
22 Q You realize, if I entrust F to you, that the social
23 services may not pay for the next twenty-one (21) days.
24 You realize that?
25 R I realize that, but with F it is okay, because... he
26 goes coming and out and I know...
27 Q You know him for how long? You have known F for
28 how long?

VE L

By the court

1 R I don't even know the moment. I can't remember
2 exactly.
3 Q And that would be one year, two (2) years, five (5)
4 years?
5 R More than five (5) years.
6 Q Five (5) years.
7 R Over.
8 Q Over five (5) years. So what you are telling me is that
9 those problems came about as you had left for
10 vacation...
11 R Yes.
12 Q ...and of course, you discussed that with the social
13 services and you had to provide the person who would
14 go on with caring for the family, as you were on
15 vacation?
16 R Um-hum.
17 Q You are prepared to work with the social services?
18 R Yes, I am, but I still... (inaudible)... they would not have
19 looked the other kids there, you know? The kids...
20 yesterday, they told me.
21 Q I have no further questions. Any questions for madam
22 L ?
23 BY Me LEBEAU
24 No, My Lord.
25 BY THE COURT
26 No? Fine. You may sit down.
27 (END OF DEPOSITION OF THIS WITNESS)
28 (PROOF OF THE PETITIONER CLOSED)

Arguments

1 ARGUMENTS
2 BY THE COURT
3 Would anybody like to add something? The date has
4 not been fixed yet?
5 BY Me LESSARD
6 No.
7 BY Me MORIN
8 Your Honor, I talked with my client and my client works
9 and he will contribute for the needs of his son if...
10 BY THE COURT
11 I entrust to Mrs. L
12 BY Me MORIN
13 ...(inaudible)... he will help his son to pay...
14 BY THE COURT
15 We have met on the 26th and I had told you that I
16 would... (inaudible)... 29th of October, is that the
17 appropriate date... Maitre, votre cliente veut vous voir.
18 29th of... Merci.
19 BY Me THIBODEAU
20 Would it be possible for me to ask a few questions to
21 Mrs. L. ?
22 BY THE COURT
23 Of course. Mrs. L. , would you like to come
24 back?
25 =====
26
27
28

VE L

In chief

PROOF OF THE PETITIONER
AT THE INQUIRY
(continued)

VE L

UNDER THE SAME OATH

EXAMINED BY Me ANNE THIBODEAU
ATTORNEY FOR THE MOTHER

Q Mrs. L, you told the court that you have a
daughter who lives at your home?

R A daughter?

BY THE COURT

No, she said... No, it is okay. Mrs. L said
she... with a young woman, who was living there as a
foster child and now, being twenty-four (24), she was
agreed upon, with the social services, to care for the
other kids, as madam was going on vacation. Did I hear
properly what you said?

R Yes, yes, she's not living there.

BY Me THIBODEAU

Q She is not living there?

R No.

BY THE COURT

No.

BY Me THIBODEAU

Q But what is she doing?

BY THE COURT

That is not relevant.

BY Me THIBODEAU

Okay.

BY THE COURT

1 I do not allow this question.
2 BY Me THIBODEAU
3 Q So I just want to be sure. How many children are in
4 your house, right now?
5 R One.
6 Q One? And how old is the child?
7 R He's thirteen (13).
8 Q Thirteen (13). Okay. Is he a problem child, himself?
9 R No.
10 BY THE COURT
11 That is not relevant. We would have to make a clear
12 definition whether the trouble child who is in trouble.
13 Thank you. You may sit down. Représentations.
14 (END OF DEPOSITION OF THIS WITNESS)
15 (PROOF OF THE PETITIONER CLOSED)
16 =====
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Arguments

1 ARGUMENTS

2 BY Me MORIN

3 Your Honor, I know that you held a judgement last week

4 about contacts between the father and the son be under

5 the control...

6 BY THE COURT

7 Yes.

8 BY Me MORIN

9 ...and supervision of the D.Y.P. I have no problem with

10 that. The D.Y.P. authorized my client and F to see

11 each other, last Saturday, for a period of two (2) hours

12 and my understanding is that it would be two (2) hours

13 by week. Can I make representations and can I ask

14 F to talk about what he wants...

15 BY THE COURT

16 You would like him to be favored? Pour le favoriser?

17 BY Me MORIN

18 Yes.

19 BY THE COURT

20 I cannot go further than that, you know.

21 BY Me MORIN

22 Okay. Because two (2) hours for...

23 BY THE COURT

24 I understand...

25 BY Me MORIN

26 ...per week would be eight (8) hours at the end...

27 (inaudible)... So I do not think it is enough.

28 BY THE COURT

Arguments

1 I understand. Would you like to remind the court for
2 how many years your client has not seen his son? I
3 think that it is quite clear that we cannot change that
4 over a period of one month and we would have to be...
5 (inaudible)... Am I mistaking? That is what you are
6 asking as well?

7 BY Me MORIN

8 I understand, Your Honor, but you did not hear why Mr.
9 did not see his son and at the next hearing...

10 BY THE COURT

11 Absolutely. We will hear everything on the next hearing.

12 BY Me LEBEAU

13 To secure my colleague, My Lord, the intention of the
14 Director of Youth Protection is to have frequent contacts
15 with the father, but increasing as the situation evolves.

16 BY THE COURT

17 That is as I would have seen it.

18 BY Me MORIN

19 Okay.

20 BY Me LESSARD

21 That will reassure my client...

22 =====

23

24

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28

Judgement

JUDGEMENT

BY THE COURT

Under the circumstances, I have to say that it is very troubling, to see what is happening this morning, sending a note like the ones I have received and I have to be really understanding what it meant. Therefore, I will entrust F to Mrs. L until the day of the hearing. I will order and I do not know, Maître Lebeau, if you need a subpoena for the people of « Bacha ». I would like to have information about... for the twenty-two (22) last years and how many children did Mrs. L take care of. I would like to have those informations.

BY Me LEBEAU

I will subpoena the signature of... the person who signed the letter.

BY THE COURT

Yes, but, to make sure that that person will not arrive in court saying « I don't know »...

BY Me LEBEAU

Um-hum.

BY THE COURT

...and « I'm not aware » and « I'm not responsible », because it is a big structure and I would like to have the real... the people who could inform the court, the... for the court to be informed. So I am reordering the placement of F..., but this time, precisely to Mrs. L... I take act that the father will contribute

L I take act that the father will contribute

Judgement

1 financially. If « Bacha » decides not to take
2 responsibility for that, for the financial aspect and the
3 contacts with father will be organized, supervised, by
4 the Youth Protection Director. I understand, F ,
5 that they will be increased as we go on and for you to
6 regain a little knowledge and closeness with your father,
7 but everything has to be done properly. You do
8 understand that. I am sure. But it will be increased
9 with... (inaudible)...

10 As for the mother, the contacts with mother will also be
11 organized, supervised by the Youth Protection, in the
12 sole interest of F and respecting his wishes,
13 considering the crisis that has been going on. We are
14 working in finding the truth and we will work into finding
15 way of getting the relation within the family and among
16 parents. So that would be all for today. The date of the
17 hearing will be the 29th of November(sic). October. I
18 am...

19 BY Me THIBODEAU

20 On the 29th of October... Is it possible... but I
21 understand that this is the first date that you...

22 BY THE COURT

23 I already... I understand...

24 BY Me THIBODEAU

25 On the 31st... October 30th, is it possible... (inaudible)...

26 BY THE COURT

27 It is a date of « délibéré », but I am prepared to come
28 on the 22nd of October. That is the only date that I am

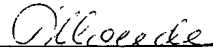
Judgement

1 prepared to suggest, being in « délibéré ». 22nd of
2 October. Okay. . So, I will be seeing you on the 22nd of
3 October. Mrs. L will have to come back...
4 (inaudible)...

5 =====

6 Je, soussignée, Paulette Houde,
7 sténographe officielle bilingue, certifie par les présentes
8 les pages qui précèdent comme étant une transcription
9 exacte et fidèle de la preuve telle que prise au moyen
10 d'un enregistrement mécanique, ceci étant au-delà de
11 mon contrôle et selon la qualité dudit enregistrement, et
12 conformément à la loi.

13 Et j'ai signé :

14 

15 Sténographe officielle
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21 N.B. : Transcription rendue sous toutes réserves, vu
22 la mauvaise qualité de l'enregistrement et l'accent
23 étranger de certains témoins.
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22 octobre 2002

Preliminaries

1 (IDENTIFICATION OF THE ATTORNEYS)
2 PRELIMINARIES
3 BY THE COURT
4 (THE HONOURABLE JUSTICE , JCQ)
5 I see that the mother is still standing. Is that a
6 consequence of the injuries that she has... (inaudible)...
7 Nineteen (19) years ago. Does that mean that you
8 never sit?
9 BY THE MOTHER
10 I have... (Inaudible)...
11 BY THE COURT
12 Okay. So can you sit... (inaudible)...
13 BY THE MOTHER
14 No, I just can't sit. If I get down, I won't be able to get
15 back up... (inaudible)...
16 BY THE COURT
17 You are telling me that you never sit... (inaudible)...
18 BY THE MOTHER
19 I have one chair at home that I can sit on...
20 (inaudible)...
21 BY THE COURT
22 And in the car... (inaudible)...
23 BY THE MOTHER
24 ... (inaudible)... and I have to get up... (inaudible)...
25 BY THE COURT
26 Well, you have to find a way, because I will not...
27 (inaudible)... a wheelchair...
28 BY THE MOTHER
29 ... (inaudible)...

Preliminaries

1 BY THE COURT
2 Would you like to have a bench?
3 BY THE MOTHER
4 ...(inaudible)... I can't go back... (inaudible)...
5 BY THE COURT
6 ...(inaudible)... I will not have a party standing. That is
7 not... (inaudible)...
8 BY Me LOUISE MARTEL
ATTORNEY FOR THE PETITIONER
9 First, I would like to make two (2) amendments
10 regarding the allegations of the declaration. Paragraph
11 3a), that, in the past, the father has been violent
12 towards the mother and his children. I would like to
13 add : « according to the mother », at the beginning of
14 the allegation... (inaudible)... Since September the 1st
15 should be « since September 19th ».
16 BY THE COURT
17 In your recommendation?
18 BY Me MARTEL
19 Recommendation... I will follow the recommendations
20 of... (inaudible)... but first, I would like the court to
21 order that the child be entrusted to the care of Mrs.
22 Ve L
23 BY THE COURT
24 ...(inaudible)...
25 BY Me MARTEL
26 It is 38, paragraph d).
27 BY THE COURT
28 Could you spell it, for everybody to understand...

Preliminaries

1 (inaudible)...

2 BY Me MARTEL

3 For the security for the development of the child is

4 considered to be in danger, because he is in the custody

5 of a person whose behavior or way of life creates a risk

6 of moral or physical danger...

7 BY THE COURT

8 Father or mother?

9 BY Me MARTEL

10 Mother.

11 BY THE COURT

12 Mother. Because that is really important... (inaudible)...

13 D.Y.P. today.

14 BY Me MARTEL

15 Well, I would add maybe... I said « mother », but I will

16 add « father » too.

17 BY THE COURT

18 Mother and the conflict between parents?

19 BY Me MARTEL

20 Yes.

21 BY THE COURT

22 Would that be... (inaudible)...

23 BY Me MARTEL

24 Exactly.

25 BY THE COURT

26 And conflict between parents.

27 BY Me MARTEL

28 Exactly.

Preliminaries

1 BY THE COURT
2 That would be more accurate...
3 BY Me MARTEL
4 Yes. Exactly.
5 BY THE COURT
6 ...(inaudible)... Any recommendation... (inaudible)...
7 BY Me MARTEL
8 ...(inaudible)... order that a person working...
9 (inaudible)... provides aid, counsel and assistance to
10 the child and his family, for the same period of time.
11 Order that the child... recommend that the child
12 continues his follow-up with Foster Pavillon, regarding
13 his drug addiction.
14 Order that the contacts between the father and the child
15 be under the supervision and control of the D.Y.P.
16 BY THE COURT
17 And favorize or just under...
18 BY Me MARTEL
19 Favorize.
20 BY THE COURT
21 Favorize... because it is very important for everybody to
22 understand what we are talking about...
23 BY Me MARTEL
24 You are right. Order that the father reports in person at
25 regular intervals to the Director, to inform him of the
26 current situation and finally, order that the child and his
27 parents take an active part in the application of the
28 measures... put an end to the situation.

Preliminaries

1 BY THE COURT
2 And contacts with mother, organized, supervised by the
3 D.Y.P., respecting the child's wish... That would be
4 your position?
5 BY Me MARTEL
6 No, we do not think any... We do not think any... for the
7 contacts between the mother and the child could be... I
8 would like to file three (3) reports, under R-2... Youth
9 Protection evaluation, written by Mrs... (inaudible)...
10 October the 16th 2002...
11 Also, we just received, this morning, a report. My
12 colleague, I do not know... I do not think that they had
13 the time to read it. It is a report from Mrs. Tobi who
14 works for « Bacha » and she is involved with the foster
15 home.
16 BY THE COURT
17 But who brought this... (inaudible)...
18 BY Me MARTEL
19 Mrs. Tobi, who is... she was... So...
20 BY THE COURT
21 ... (inaudible)...
22 BY Me ANNE THIBODEAU
ATTORNEY FOR THE MOTHER
23 ... (inaudible)...
24 BY Me MARTEL
25 It is a letter from Mrs. Tobi, was already produced on
26 October the 1st, but it is more precise... So, under R-3.
27 BY THE COURT
28 Obviously, the court...

Preliminaries

1 BY Me MARTEL
2 No.
3 BY THE COURT
4 Okay.
5 BY Me MARTEL
6 No. And finally, under R-4, it is a letter from Mrs.
7 L , who wants to give her position regarding...
8 BY THE COURT
9 ...objection as well?
10 BY Me THIBODEAU
11 ...(inaudible)...
12 BY Me MARTEL
13 Okay. So, I have a copy for the Judge. Under R-4. En
14 liasse.
15 BY THE COURT
16 ...(inaudible)...
17 BY Me THIBODEAU
18 We admit paragraph 2. We admit... and the paragraph
19 3, she admits a), she admits b). She admits c). She
20 admits d). She admits... e), because...
21 BY THE COURT
22 ...(inaudible)...
23 BY Me THIBODEAU
24 Yes. g), h), i), j)... No, she ignores j). She admits k).
25 She admits l) and m).
26 BY THE COURT
27 Okay... (inaudible)... to entrust F to his mother?
28 BY Me THIBODEAU

Preliminaries

1 We have... She cannot agree upon access between
2 father and child, because...
3 BY THE COURT
4 ...(inaudible)...
5 BY Me THIBODEAU
6 Yes.
7 BY THE COURT
8 ...to entrust F to Mrs. L Is it agreed or
9 not?
10 BY Me THIBODEAU
11 I did not get the chance to talk about the... we just
12 received the letter from... (inaudible)... and the answer
13 from Mrs. L so I am able to tell her...
14 BY THE COURT
15 I will hear you later on that...
16 BY Me MARTEL
17 Bon. And also, I have to tell you that I sent a subpoena
18 to... (inaudible)... who has followed up the boy for at
19 least eighteen (18) months and he prepared a report
20 that I would like to give to you, if my colleague... Yes,
21 he is...
22 BY THE COURT
23 ...(inaudible)... professionnall secret?
24 BY Me MARTEL
25 No, I will ask him...
26 BY THE COURT
27 ...(inaudible)...
28 BY Me MARTEL

Preliminaries

1 He is here today...
2 BY THE COURT
3 I would like to see this report.
4 BY Me MARTEL
5 Okay... (inaudible)...
6 BY THE COURT
7 ... (inaudible)...
8 BY Me MARTEL
9 Yes, he did, and the doctor... (inaudible)... is here to
10 « témoigner », also.
11 BY THE COURT
12 Okay. I just want to make sure that F did release
13 from the professional secret.
14 BY Me MARTEL
15 Yes, he signed me an authorization that I can speak to
16 his therapist. I have a copy of it...
17 BY Me ANNE LESSARD
18 ATTORNEY FOR THE SUBJECT
19 It was for madam... (inaudible)...
20 BY THE COURT
21 I would like to have the therapist... (inaudible)...
22 BY Me MARTEL
23 I sent a subpoena and he arrived today and gave me a
24 report of what he has done with F , for the last year
25 and he thought that maybe it would be useful for the
26 court to have a recent report, just before.
27 BY THE COURT
28 It is very useful for the court... (inaudible)... I will give
this to the clerk and... (inaudible)... I will have you

Preliminaries

1 discussing the legal matters. I will never act illegally.
2 BY Me MARTEL
3 Okay.
4 BY THE COURT
5 Never.
6 BY Me MARTEL
7 I understand that, but...
8 BY THE COURT
9 At this point in time... (inaudible)...
10 BY Me MARTEL
11 Okay.
12 BY THE COURT
13 ...(inaudible)...
14 BY Me LYSE MORIN
ATTORNEY FOR THE FATHER
15 For the father, Your Honor, paragraph 3. He will admit
16 that, according to the mother, the father has been
17 violent, but my client says that he has never been
18 violent... (inaudible)... 3b), we will admit it. c), d) will
19 be admitted. e) will be denied, because three (3) weeks
20 before the... (inaudible)... F went to see his
21 father... Okay? f) is admitted. g), h), i) will be ignored.
22 j), the first part will be admitted, that the... (inaudible)...
23 go back with the father and the reste of the phrase will
24 be ignored. k) will be ignored. l) and m)... (inaudible)...
25 We agree that the...
26 (TRANSCRIPTIONS ARRÊTÉES ICI, IMPOSSIBLE À
27 TRANSCRIRE VU LE MAUVAIS ENREGISTREMENT)
28 =====

ANNEXE 4

Meeting with Ms. V K and Ms. M: K
January 28, 2003
Our office

We spent a lot of time explaining the role of the Conseil de la magistrature to Ms. K. Ms. K had thought that the outcome of this process could lead to the reversal of the decision to place her son with his father. We emphasized that this is not so.

We explained to Ms. K that if she believes the judge made a wrong decision, her recourse is to appeal. She said that she called many, many lawyers and that nobody would take the case. We gave her the number of the Montreal legal aid office.

There are 3 main issues that we discussed and should explore further:

- (i) The judge's refusal to allow Ms. K to stand at the hearing of October 22, 2002.
 - a. Ms. K gave us some medical documents pertaining to her physical condition. She has undertaken to provide us with a letter from her physician, Dr. Lambert, as to the consequences of having being obliged to sit throughout the hearing. She went to see Dr. Lambert shortly after October 22.
 - b. We can speak with "Isabelle", the social worker from the DYP who will corroborate that Ms. K never sat during their meetings.
 - c. M, Ms. K's 18-year old daughter, corroborated the fact that her mother rarely sits, and has a special chair at home on which to sit. She confirmed that her mother seemed to suffer much physical pain in the days following October 22.
- (ii) The inappropriate relationship between F's father attorney (Me Lynn Morin) and Judge
 - a. Apparently Me Morin addressed Judge as " " during the October 22 hearing.
 - b. At one point while Me Thibodeau (Ms. K's lawyer) was pleading, Me Morin looked at her watch, addressed the Judge and said something like "...can't we move this along...there is a family waiting outside to take home their brother..." referring to F and his father's family.
- (iii) The Judge's overall bias against Ms. K
 - a. Ms. K felt that from the second the hearing began on October 22, the Judge had something against her. All her decisions were colored by this sentiment. In fact, Ms. K feels that the Judge had made up her mind prior to hearing the evidence. *While the Judge is entitled to make evidentiary rulings against Ms. K, was this done so systematically so as to demonstrate bias?
 - b. The Judge addressed pretty stern words to Ms. K and even to M at the end of the hearing. Were these inappropriate?

We should speak to:

(1) The lawyers:

- Ms. K's lawyer - Me Thibodeau
- The DYP lawyers - ? on September 26; Me Lebeau on October 1; Me Martel on October 22
- F's lawyer – Me Anne Lessard
- Mr. K's lawyer – Me Lynn Morin

Others from the DYP:

- Stephanie Bush – Ms. K has been in contact with her with respect to a complaint she made against the DYP in relation to this matter. (Ms. K. will fax us a copy)
- Isabelle – the DYP social worker involved in the case.

ANNEXE 5

Résumé de l'entretien téléphonique avec Me Anne Thibodeau les 30 janvier et 11 février 2003

Me Thibodeau représentait Mme V K dans la cause faisant l'objet de la présente plainte. Il est à noter que Me Thibodeau était présente lors des auditions du 1^{er} octobre et du 22 octobre 2003. Par contre, elle était absente en date du 26 septembre 2002.

Remarques générales de la part de Me Thibodeau

Mme K est une personne *un peu spéciale*. On pourrait la qualifier de marginale et de manipulatrice. En général, on peut affirmer que la juge a rendu une bonne décision. Il s'agissait d'un dossier d'aliénation parentale par Mme K. La juge a saisi les enjeux très rapidement.

Les sujets suivants ont également été discutés :

- (1) *La juge n'a pas permis que Mme K puisse rester debout lors de l'audition du 22 octobre 2002*

Me Thibodeau admet que la juge a été directe dans sa façon d'agir et même un peu raide. Cette décision semblait motivée par le témoignage du fils de Mme K. En effet, le témoignage de F sur l'habileté de Mme K à s'asseoir était une question d'appréciation de la crédibilité des parties. Mme K voulait paraître être la victime.

Me Thibodeau a rencontré sa cliente une seule fois avant l'audition de la cliente. Ainsi, elle n'a pas d'information concernant l'état physique de Mme K.

- (2) *L'existence d'une relation inappropriée entre Me Morin et la juge*

Il n'y a eu aucun signe d'une relation inappropriée entre Me Morin et la juge. Me Morin n'a, en aucun temps, appelé la juge « ».

- (3) *La juge a-t-elle limité injustement l'introduction d'éléments de preuve ?*

Selon Me Thibodeau, la juge n'a pas limité les parties quant à l'introduction d'éléments de preuve. En effet, c'est à bon droit que le rapport du Dr. Erstrand n'a pas été admis en preuve.

* Un certains nombres de sujets ont été abordés lors de la conversation téléphonique. Ceux-ci ne sont pas inclus au présent rapport car ils ne sont pas pertinents pour le traitement de cette plainte. À titre d'exemple, Me Thibodeau a rencontré des travailleurs du CLSC qui ont corroboré la version de Mme K concernant la dangerosité de M. K. Par contre, cet élément n'est pas ressorti lors de l'audition.

ANNEXE 6

Résumé de l'entretien téléphonique avec Me Louise Martel tel les 30 et 31 janvier 2003

Me Martel représentait le Directeur de la protection de la jeunesse dans la cause faisant l'objet de la présente plainte. Elle était présente lors de l'audition du 22 octobre 2002.

Remarques générales de la part de Me Martel

Mme K était très particulière lors de l'audition. Me Martel estime que la juge a compris rapidement le genre de personnalité de Mme K. En effet, Mme K s'opposait à ce que son fils reprenne contact avec son père.. Ce dernier est en âge de prendre une décision éclairée.

Les sujets suivants ont également été discutés

- (1) *La juge n'a pas permis que Mme K puisse rester debout lors de l'audition du 22 octobre 2002*

Selon Me Martel, Mme K a exagéré son état de santé lors de l'audition. Elle a tenté d'en faire une grande histoire. En effet, cette dernière prenait beaucoup de temps à chaque fois qu'elle devait se déplacer vers la boîte réservée aux témoins. Dès que l'audition a été terminée et que la juge eut quittait la salle, Mme K est sortie de la salle de cour sans difficulté à se déplacer.

La juge avait raison de ne pas permettre qu'elle puisse demeurer debout. De plus, elle a tenté de l'accommoder en lui offrant un oreiller qu'elle avait à son bureau.

- (2) *L'existence d'une relation inappropriée entre Me Morin et la juge*

Il n'y a eu aucun signe ou remarque pouvant laisser sous-entendre une relation inappropriée entre Me Morin et la juge. Me Morin ne s'est pas adressée à la juge par son prénom.

- (3) *La juge a-t-elle limité injustement l'introduction d'éléments de preuve ?*

Selon Me Martel, la juge n'a pas limité les parties quant à l'introduction d'éléments de preuve. Aucune des décisions interlocutoires n'ont été préjudiciables pour les parties. Cela a simplement eu comme effet de raccourcir le débat

* D'autres sujets ont fait l'objet de discussions mais ne sont pas pertinents quant au sort de la présente plainte devant le Conseil de la Magistrature.

ANNEXE 7

Résumé de l'entretien téléphonique avec Me Anne Lessard le 30 janvier 2003

Me Lessard représentait F K, le fils de Mme K dans la cause faisant l'objet de la présente plainte. Elle était présente lors des auditions du 26 septembre, du 1^{er} octobre et du 22 octobre 2002.

Remarques générales de la part de Me Lessard

Me Lessard qualifie Mme K de personne « pas tout à fait bien », essentiellement orientée vers le fait de priver le père de tout contact avec ses enfants. Bien que Me Lessard ne fasse pas beaucoup de dossier en droit de la jeunesse, il semble admis qu'il s'agissait d'un dossier d'aliénation parentale. De surcroît, Mme K préférait que son fils F se retrouve dans une famille d'accueil plutôt qu'avec son père. Un ancien rapport consolidé lors de leur divorce fait état de la notion d'aliénation parentale. La haine de Mme K envers son ex-mari était évidente.

Me Lessard estime que la juge a rendu une bonne décision et qu'elle a été à l'écoute des parties au litige.

Me Lessard est toujours en contact avec F et elle estime que tout va bien. M. K a refait sa vie, il détient un emploi et partage sa vie avec une conjointe depuis dix ans.

Les sujets suivants ont également été discutés

(1) *La juge n'a pas permis que Mme K puisse rester debout lors de l'audition du 22 octobre 2002*

Comme l'audition du 22 octobre allait être de longue durée, Me Lessard estime que la juge ne voulait pas que Mme K demeure debout toute la journée. Madame la juge a pris soin de s'assurer que Mme K avait une chaise convenable et appropriée. Me Lessard affirme que selon F, Mme K est une grande comédienne, ce que Me Lessard a pu constater.

(2) *L'existence d'une relation inappropriée entre Me Morin et la juge*

Il n'y a eu aucun signe d'une relation inappropriée entre Me Morin et la juge. Ainsi, Me Morin ne s'est pas adressée à Madame la juge par son prénom.

(3) *La juge a-t-elle limité injustement l'introduction d'éléments de preuve ?*

Me Lessard s'est objectée à la mise en preuve du rapport du Dr. Erkstand, puisque F n'y a pas consenti. En effet, F a consenti à une divulgation partielle du rapport au Directeur de la protection de la jeunesse. Cette décision n'était pas influencée par le père de F mais plutôt sur la base des conseils octroyés par Me Lessard.

*** D'autres sujets ont fait l'objet de discussions mais ils ne sont pas pertinents quant au sort de la présente plainte devant le Conseil de la Magistrature.**

ANNEXE 8

Résumé de l'entretien téléphonique avec Me Lynn Morin le 31 janvier 2003

Me Morin représentait M. K , père de F et ex-mari de Mme K dans de la cause faisant l'objet de la présente plainte. Elle était présente lors des auditions du 26 septembre, du 1 octobre et du 22 octobre 2002.

Les sujets suivants ont été discutés :

(1) La juge . n'a pas permis que Mme K puisse rester debout lors de l'audition du 22 octobre 2002

Me Morin a expliqué qu'il y avait des éléments de preuve laissant croire que Mme K était en mesure de demeurer assise. En effet, son fils F a témoigné à cet effet.

Le fait de savoir si Mme K pouvait ou non demeurer assise durant l'audition n'était pas totalement dissociable du litige entre Mme K et M. K . En effet, Mme K a informé la cour lors d'une séance précédente que cette blessure serait le résultat d'un coup de feu et que M. K y serait reliée. De plus, Mme K n'a fourni aucune preuve médicale à ce sujet.

(2) L'existence d'une relation inappropriée entre Me Morin et la juge

Me Morin est outrée de voir qu'une telle allégation a été faite. Elle nous informe ne pas être une amie de la juge . Elle nie donc s'être adressée à Madame la juge par son prénom. Elle insiste pour dire qu'elle s'adresserait à la juge par son titre même si elle la croisait à l'extérieur de la salle de cour.

(3) La juge . a-t-elle limité injustement l'introduction d'éléments de preuve ?

Me Morin ne croit pas que la juge a limité l'introduction d'éléments de preuve. Me Morin et son client n'ont rien à voir avec la décision de la juge de refuser l'admission en preuve du rapport préparé par le Dr. Erkstand. F , le fils de Mme K , n'a pas relevé le Dr. Erkstand de son obligation de confidentialité envers son patient.

ANNEXE 9

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE MONTRÉAL

COMMENTAIRES DE MADAME LA JUGE
DANS LE CADRE DE L'EXAMEN DU DOSSIER
2002 CMQC 59
DU CONSEIL DE LA MAGISTRATURE

PRÉSENTS:

Me RICHARD SHADLEY et Me SUZANNE COSTOM, enquêteurs;
Me LOUIS MASSON, procureur de madame la juge

Montréal, le 19 février 2003

Madame la juge

1 En l'an deux mille trois, le dix-neuvième jour du mois
2 de février:

3
4 Me RICHARD SHADLEY:

5 - Bon, on commence de quelle façon? Est-ce que vous
6 avez quelque chose à nous dire ou voulez-vous qu'on
7 vous pose Les questions?

8
9 Me LOUIS MASSON:

10 - Oui.

11
12 Me RICHARD SHADLEY:

13 - Alors, c'est une plainte faite par une personne qui
14 a comparu devant vous alléguant toutes sortes de
15 choses dans un document de neuf (9) pages et un
16 deuxième document qui est surtout un compte-rendu des
17 changements entre le premier document et le deuxième
18 document.

19 Je vous dis immédiatement que dans sa plainte, un
20 certain nombre de ses allégations, je pense, malgré
21 que ce n'est pas ma décision, ce sont des choses qu'un
22 appel doit décider et pas une séance... cette séance
23 ici. Mais il y a d'autres choses qu'elle souligne
24 qu'on regarde et qu'on vous offre l'opportunité de
25 nous dire si vous avez quelque chose à dire. On vous

Madame la juge

1 écoute et, si vous n'avez rien à dire, bien là, on va
2 décider si on a des questions à poser ou non.

3
4 **Me LOUIS MASSON:**

5 - Bien. Alors, dans le cadre de l'examen du dossier
6 numéro 2002 CMQC 59, nous sommes réunis cet après-
7 midi. Madame la juge accepte effectivement de
8 vous faire part, Maître Shadley, à titre d'enquêteur,
9 de ses commentaires eu égard à la situation qui vous
10 préoccupe davantage. Donc, Madame la Juge .

11
12 **MADAME LA JUGE :**

13 - Alors, deux (2) choses. La première, c'est,
14 effectivement, je pense que la situation des cours
15 physiques, les cours de justice, ne sont pas les plus
16 appropriées pour les personnes handicapées. Je pense
17 que ça, c'est très clair. Ça n'est certainement pas
18 la première fois que dans la cour, on voit des gens
19 avec des béquilles ou des gens handicapés ou autrement
20 et ce n'est jamais l'idéal. De ça, on peut convenir.
21 À mon souvenir, et je pense que les notes ne sont pas
22 sorties, à mon souvenir, madame est venue devant moi
23 trois (3) fois, les deux (2) premières fois pour des
24 mesures d'urgence. Alors, ç'a été et par définition,
25 rapide, c'est des mesures d'urgence. On peut procéder

Madame la juge

1 ex parte. Alors, le fait que madame se tienne debout,
2 ça ne me semblait pas indigne, ni irrespectueux.
3 C'était une mesure d'urgence. Alors qu'à mon
4 souvenir, la troisième fois, je pense avoir vu madame
5 trois (3) fois, il s'agissait de l'enquête au fond qui
6 par définition pouvait, et c'était contesté, c'était
7 litigieux, pouvait durer toute la journée. Alors, ce
8 n'était pas à ce moment-là possible que madame puisse
9 être debout comme cela.

10 C'est certain qu'avec tout ce qu'on peut trouver de
11 moyens qui sont très limités, on a cherché à trouver
12 un siège, une façon pour que ça ne se passe pas... que
13 madame soit debout toute la journée. Et finalement
14 c'est ce qui est arrivé, on a trouvé un fauteuil.
15 Alors, ce n'était pas une chaise, c'était un fauteuil
16 et madame a pu s'asseoir. C'est mon souvenir.

17 Alors, je pense qu'on a fait preuve tout le monde à la
18 recherche de quelque chose qui pouvait être possible
19 dans une situation où ce n'est pas fait pour les
20 handicapés, parce que les lieux ne sont pas faits pour
21 les handicapés, mais finalement avec un fauteuil,
22 madame a pu s'asseoir.

23

24 **Me RICHARD SHADLEY:**

25 - Sur cette partie-là, est-ce qu'il y a une raison

Madame la juge

1 précise pourquoi si de fait c'est une question de
2 confort, pourquoi elle n'était pas capable de rester
3 debout? Parce qu'il y a toujours des gardiens qui
4 restent debout dans une salle de cour. Et si madame
5 fait une demande précise vu de son état de santé, elle
6 veut rester debout, pourquoi pas?

7
8 **MADAME LA JUGE :**

9 - Moi, je n'ai rien à ajouter à ce que j'ai dit. Je
10 pense que vous voyez les notes, vous allez voir à la
11 cour ce qu'il en est. Madame n'était pas menaçante
12 d'aucune façon, ce n'est pas une question de sécurité.
13 Il n'y a pas une question de sécurité pour moi, ce
14 n'est pas mon bien-être qu'on recherche.

15
16 **Me RICHARD SHADLEY:**

17 - Non, non.

18
19 **MADAME LA JUGE :**

20 - C'est le bien-être de madame. Pour une personne
21 handicapée, le fait de rester debout une journée ne me
22 semble pas quelque chose qui est appropriée, d'autant
23 plus que madame s'asseyait, madame s'est assise dans un
24 fauteuil confortable, un fauteuil avec... padé, je ne
25 sais pas comment on le dit en français, mais

Madame la juge

1 confortable.

2
3 **Me RICHARD SHADLEY:**

4 - Autre question à laquelle une personne peut demander
5 des renseignements: Pourquoi faire entendre son fils,
6 qui est partie au litige contre elle, pour savoir si
7 elle est capable de rester debout ou non? Ou si de
8 fait elle s'assoit de temps en temps chez elle, dans
9 un restaurant, chez des tiers, etc.? Pourquoi faire
10 témoigner le fils contre la mère?

11
12 **MADAME LA JUGE :**

13 - Je ne fais jamais témoigner les fils contre les
14 mères, je n'ai pas fait témoigner le fils contre la
15 mère; ce n'est pas quelque chose que je fais. C'est
16 à la recherche de la situation qui est possible
17 pendant une journée à la cour: Qu'en est-il de la
18 situation et qu'en est-il de madame? Alors ce que je
19 sais, c'est que madame s'assoit effectivement et pour
20 connaître sa situation avec les rapports que j'ai,
21 c'est ce qui m'a semblé dans l'exercice de mes
22 fonctions, en tenant enquête qui était le plus
23 respectueux de madame et qui était le plus respectueux
24 de la situation. Mais il n'est pas question de
25 témoigner contre; ce n'est pas comme ça du tout, du

Madame la juge

1 tout, du tout à la chambre de la jeunesse. Ce n'est
2 pas ça du tout qu'il se passe.

3
4 **Me RICHARD SHADLEY:**

5 - Peut-être que j'ai mal compris, mais de la façon que
6 j'ai compris les notes, à un moment donné tout le
7 monde est sorti de la cour sauf madame, vous-même, je
8 pense les avocats et le fils qui était d'avis
9 contraire, parce que le fils voulait rester avec le
10 père et la mère ne voulait pas et vous avez fait
11 témoigner le fils pour savoir si madame était capable
12 de s'asseoir ou non. Et je me demande, et je
13 comprends votre position que ce n'est pas fait pour
14 des handicapés, on a fait notre possible pour que
15 madame soit le plus confortable possible, mais
16 pourquoi embarquer le fils dans le débat et demander
17 est-ce que madame était capable de s'asseoir dans les
18 restaurants, dans les automobiles, etc.? Surtout avec
19 votre attitude que j'admire, que vous ne faites pas
20 témoigner un ami contre un ami, un frère contre un
21 frère, etc., à maintes reprises dans le débat vous
22 avez suggéré des admissions possibles au lieu de
23 prendre un ami contre un autre, mais je n'ai pas
24 compris pourquoi le fils est appelé comme témoin pour
25 contredire sa mère quant à sa capacité de s'asseoir.

-7-

Louise Philibert, s.o.

Madame la juge

1 Me LOUIS MASSON:

2 - Si vous permettez, Maître Shadley, en tout respect
3 pour votre enquête, nous en sommes à l'étape bien sûr
4 des commentaires la juge intimée. Vous venez
5 d'exprimer votre opinion et votre point de vue sur...

6
7 Me RICHARD SHADLEY:

8 - Non, c'est une question, ce n'est pas une opinion.
9 C'est une question.

10
11 Me LOUIS MASSON:

12 - La question relève plus de l'opinion. Je respecte
13 aussi votre opinion comme vous respectez l'opinion de
14 madame la juge . Quant à nous, on n'a pas de
15 commentaire additionnel à vous présenter cet après-
16 midi. Je pense que tout a été dit.

17
18 Me RICHARD SHADLEY:

19 - Donc, pas d'autres questions possibles et pas
20 d'autres indications possibles. Madame a fait sa
21 déclaration et vous n'avez pas d'autres choses à
22 faire...

23
24 Me LOUIS MASSON:

25 - Non, non, écoutez, si vous avez... ce que je

Madame la juge

1 voudrais éviter... pour éviter d'amorcer des débats
2 avec vous, il me semble cependant que votre question
3 relève davantage de l'expression d'une opinion qui est
4 la vôtre et que je respecte, mais nous dépassons les
5 cadres de cette pré-enquête où la juge est invitée à
6 fournir ses commentaires.

7
8 **Me SUZANNE COSTOM:**

9 - Si je pourrais intervenir un instant. La question
10 relève directement de la lettre et de la plainte, ce
11 n'est pas une opinion. Ce n'est pas notre job de
12 développer une opinion. Madame prétend dans sa lettre
13 qu'elle était déçue du fait d'avoir été obligée de
14 rester assise, mais aussi du fait qu'on a fait
15 témoigner le fils. Alors, c'est pour ça que ce n'est
16 pas une opinion, Maître Masson.

17
18 **Me LOUIS MASSON:**

19 - Alors je pense que nous avons ce qu'il faut pour
20 amorcer des discussions entre avocats. Je pense que
21 nous sommes ici encore une fois à l'étape où ce sont
22 les commentaires de la juge et à moins qu'il y ait des
23 préoccupations précises que vous souhaitiez exprimer,
24 je pense que madame la juge a exprimé ses
25 commentaires de façon complète pour éclairer votre

Madame la juge .

1 travail d'enquête.

2

3 Me RICHARD SHADLEY:

4 - La raison de ma question, c'est la page 5 du
5 document présenté par la plaignante, si je peux
6 l'appeler de même. Si on regarde la page 5, numéro 2,
7 quinzième (15^e) ligne qui commence:

8 «On october 22, she forced me to sit in a
9 chair. She suspended court because she
10 said I would not allow anybody to stand
11 in her court, she said then until I find
12 a chair to sit in, she would not proceed.
13 I told her again that I could not sit
14 down, but she again aggressively said I'd
15 better find a chair because no one
16 stands on her court. Of course, there
17 was no acceptable chair. I came back and
18 the court started again and I told her
19 that I was unable to find a chair that I
20 could sit in without hurting myself. She
21 then made everyone leave except for the
22 lawyers, mine and my ex-husband's, my
23 son's (...) and then proceeded to ask my
24 son, who I was taking legal proceedings
25 against, if I sit down, and he lied and

-10-

Louise Philibert, s.o.

Madame la juge .

1 told her I sit all the times. She could
2 of asked...»

3 Etc., etc., etc. Donc, c'est la plaignante qui dit
4 que le fils...

5
6 **Me LOUIS MASSON:**

7 - Oui, Mais vous comprenez, Maître Shadley, et j'ai
8 trop de respect pour votre expérience, vous comprenez
9 bien que ce qui est écrit là, ça ne fait pas preuve;
10 n'est-ce pas?

11
12 **Me RICHARD SHADLEY:**

13 - Définitivement. C'est des questions auxquelles...

14
15 **Me LOUIS MASSON:**

16 - Madame la juge vous a éclairé du mieux qu'elle
17 a pu sur sa vision des choses. Bien sûr, vous savez
18 très bien que ce qui est écrit là ne fait pas preuve
19 encore une fois. Madame la juge , je pense,
20 s'est expliquée d'une façon complète et n'a rien
21 d'autre à ajouter.

22
23 **MADAME LA JUGE :**

24 - Excusez, si vous permettez, je veux juste dire ceci.
25 C'est une question de perception, j'ai agi en mon âme

-11-

Louise Philibert, s.o.

Madame la juge

1 et conscience en prenant en considération l'handicap
2 de madame. Quand je dis la perception, quand madame
3 dit «j'ai pris des procédures contre mon fils», on est
4 en protection. C'est le directeur qui a amené... À
5 mon avis, par rapport à la cause que j'entendais,
6 madame n'a pas pris de procédures contre son fils;
7 c'est le directeur qui amène la cause d'un enfant à
8 protéger. Alors, déjà, ça dit ce que madame
9 ressentait, mais ça ne dit pas ce qui se passait.
10 Alors, que madame ait une chaise convenable, qu'on
11 cherche à faire en sorte que madame puisse s'asseoir,
12 effectivement il a fallu faire venir un fauteuil, mais
13 ça s'est fait. C'est tout. Je ne peux pas dire plus
14 que ça. Mais madame n'a pas pris des procédures
15 contre son fils, ce n'est pas possible.

16
17 Me RICHARD SHADLEY:

18 - Ça je le comprends.

19
20 MADAME LA JUGE :

21 - Mais ce que je veux dire, c'est comme ça...

22
23 Me RICHARD SHADLEY:

24 - C'est sa perception.

25

Madame la juge

1 **MADAME LA JUGE** :

2 - Mais oui.

3

4 **Me RICHARD SHADLEY:**

5 - C'était sa perception.

6

7 **MADAME LA JUGE** :

8 - Et pour moi, ce n'était pas madame qui accusait son
9 fils, c'est une enquête en protection où on recherche
10 l'intérêt de l'enfant s'il a besoin d'être protégé,
11 et, à ce moment-là, effectivement, on a apporté un
12 fauteuil à madame, avec bras, avec... bon, pour que
13 madame... C'est tout.

14

15 **Me RICHARD SHADLEY:**

16 - Bon. Est-ce que vous avez des questions?

17

18 **Me SUZANNE COSTOM:**

19 - Écoutez, je pense que c'est clair que les
20 commentaires ont été faits, qu'on ne va pas continuer,
21 alors...

22

23 **Me RICHARD SHADLEY:**

24 - Et si je comprends bien, quant à la raison pour
25 laquelle le fils a témoigné, c'était une vérification

Madame la juge

1 que je voulais faire du fils. Parce que de fait, il
2 a témoigné et de fait, je pense qu'on ne peut pas nier
3 que madame le juge a appelé le fils pour poser des
4 questions au fils quant à l'habilité de madame de
5 s'asseoir. Ça, ce n'est pas des prétentions, c'est la
6 preuve de l'enquête.

7
8 **MADAME LA JUGE :**

9 - Mais la juge ne connaît pas les réponses du fils.
10 Ç'aurait pu être...

11
12 **Me RICHARD SHADLEY:**

13 - Non, je comprends, mais la raison, c'est de mieux
14 connaître la situation de madame.

15
16 **MADAME LA JUGE :**

17 - C'est mon rôle en tant que juge responsable parce
18 que l'article 77 dit bien que c'est l'enquête du juge.
19 La loi le dit.

20
21 **Me RICHARD SHADLEY:**

22 - C'est correct.

23
24 **MADAME LA JUGE :**

25 - Alors, c'est au juge à voir à la situation. C'est

Madame la juge

1 simplement ça.

2

3 Me RICHARD SHADLEY:

4 - Et on parle à ce moment-là de la situation de madame
5 quant à sa capacité de s'asseoir. Ça, c'était le
6 problème à régler à ce moment-là quand le fils est
7 appelé pour témoigner.

8

9 MADAME LA JUGE :

10 - Je n'ai pas amené les notes, mais...

11

12 Me RICHARD SHADLEY:

13 - D'accord. O.K. Pas d'autres questions?

14

15 MADAME LA JUGE :

16 - J'ajoute juste que ce n'est pas la première fois que
17 la situation se présente, des gens en béquilles, des
18 gens qui sont handicapés.

19

20 Me RICHARD SHADLEY:

21 - C'est ça.

22

23 MADAME LA JUGE :

24 - Alors, on dit: «Qu'est-ce qu'on peut faire? Est-ce
25 qu'on peut vous aider? Avez-vous besoin d'un

Madame la juge

1 fauteuil? On va chercher des... Ce n'est pas la
2 première fois que ça se présente, ça arrive, mais
3 c'est comme ça.

4
5 **Me SUZANNE COSTOM:**

6 - Sauf que si madame voulait... elle a demandé la
7 permission de rester debout, ce n'est pas madame qui
8 cherchait une façon d'être confortable. C'était
9 madame qui voulait rester debout. Je pense qu'il y a
10 quand même possiblement d'après elle de toute façon
11 une différence.

12
13 **Me LOUIS MASSON:**

14 - Alors, c'est votre opinion. Donc, j'imagine que
15 c'est là avis de nature à bien vous permettre de
16 compléter votre enquête. Quant à nous, nous y avons
17 collaboré du mieux que nous pouvions.

18
19 **Me RICHARD SHADLEY:**

20 - J'ai apprécié ça et j'ai apprécié votre déplacement
21 aujourd'hui. Merci beaucoup.

Je, soussignée, Louise Philibert, sténographe officielle, certifie que les pages qui précèdent sont et contiennent, au meilleur de ma connaissance, la transcription fidèle et exacte de la déposition du témoin ci-dessus mentionné, recueillie par moi au moyen du sténomasque, le tout selon la loi.

Et j'ai signé,


Louise Philibert, s.o.

ANNEXE 10

HOPITAL GENERAL JUIF SIR MORTIMER B. DAVIS
THE SIR MORTIMER B. DAVIS JEWISH GENERAL HOSPITAL
DOSSIER D'URGENCE - EMERGENCY RECORD

ACCIDENT	HEURE TIME	DATE D'ARRIVÉE ARRIVAL DATE	HEURE TIME	INITIALS
83	10:16	0445	83 10 16	0520 gs
RESPONSABILITÉ DU PAIEMENT RESPONSABILITY OF PAYMENT	MAS MSA	ACC ACC	CAT WCC	FED FED
1	2	3	4	5
6	7	8		
OCCUPATION				
EMPLOYEUR/EMPLOYER				
ADRESSE/ADDRESS				
NO DE TEL./TEL. NO.				
TRANSPORT				
AMBULANCE				
POLICE				
NO VOITURE / CAR NO.				

IDENTIFICATION	
NO DE DOSSIER MEDICAL MEDICAL RECORD NO	ANNEE YEAR
NOM DE FAMILLE ET PRÉNOM Surname and Name	
L- 234255 83	
NOM DU MARI HUSBAND'S NAME	
NOM DE FILLE DE LA MÈRE MOTHER'S MAIDEN NAME	
PRÉNOM DU PÈRE FATHER'S FIRST NAME	
J'AUTORISE LES PROFES- SIONNELS DE CET ÉTABLIS- SEMENT À FAIRE LES EXAMENS ET TRAITEMENTS NÉCESSAIRES.	
I AUTHORIZE THE PROFES- SIONALS OF THIS INSTITU- TION TO MAKE THE NECESSARY EXAMINATION AND TREATMENT	
SIGNATURE	TÉMOIN/WITNESS

DIAGNOSTIC FINAL ET TRAITEMENT / FINAL DIAGNOSIS AND TREATMENT

DATE & HEURE DATE & TIME	OBSERVATION
0530	gunshot wound @ thigh - PRIVATE DOCTOR BP 120 P 130 R 24
Hct 37	Pt is a 25 y/o. ♀ who was at a party and was sitting at a table when she saw flashes from a gun at a distance away. As she was getting down to duck she was shot in back of thigh & was brought here by her friend. Minimal amt of blood on clothing. Police Notified & have arrived to investigate. O/E - Mildly distressed lady, very well oriented, no medical hx. HEENT - WNL Chest - clear CVS - S1 S2 Abd - Soft NT & HSM & WNL Neuro - grossly @ - / leg reflexes @, able to walk on the legs Ext - puncture wound on posterior mid thigh & periph pulses @ BP, P.T., Pop @ X-ray - appears to be a 38 cal. bullet lodged approx deep in subq. tissue of post mid thigh Pln - Surgery called to see her Tetanus Toxoid given: <i>Wright</i>

THE SIR MORTIMER B. DAVIS JEWISH GENERAL HOSPITAL
DOSSIER D'URGENCE - EMERGENCY RECORD

ACCIDENT		HEURE TIME		DATE D'ARRIVÉE ARRIVAL DATE			HEURE TIME		INITIALS	
				83 10 17			15:53		At	
A/Y M J/D				A/Y M J/D						
RESPONSABILITÉ DU PAIEMENT RESPONSABILITY OF PAYMENT		MAS MSA	ACC	CAT WCC	FED	N.RES.	N.ASS	MAAC	AUTRE OTHER	
		7	2	3	4	5	6	7	8	
CAT / QWCC										
OCCUPATION					NO ASS. SOCIAL / SOCIAL INS. NO.					
EMPLOYEUR/EMPLOYER										
ADRESSE/ADDRESS					NO DE TÉL./TEL. NO.					
TRANSPORT										
AMBULANCE										
POLICE					NO VOITURE/CAR NO.					

IDENTIFICATION	
NO DE DOSS. EN MÉDICAL MEDICAL RECORD NO.	ANTÉCÉDENTS
NOV DE FAMILLE ET PRÉNOM SURNAME AND NAME	
ADRESSE/ADDRESS	
HUSBAND'S NAME	
NO DE TÉL./TEL. NO.	
NOM DE BAPTÊME FIRST & LAST NAME	

J'AUTORISE LES PROFESSIONNELS DE CET ÉTABLISSEMENT À FAIRE LES EXAMENS ET TRAITEMENTS NÉCESSAIRES.

I AUTHORIZE THE PROFESSIONALS OF THIS INSTITUTION TO MAKE THE NECESSARY EXAMINATION AND TREATMENT.

SIGNATURE _____ TÉMOIN/WITNESS _____

DIAGNOSTIC FINAL ET TRAITEMENT / FINAL DIAGNOSIS AND TREATMENT

WOUND LEG **DANKOFF**

DATE & HEURE DATE & TIME

OBSERVATION

Shot in thigh Saturday 10/17/83
Admission to Dept. of Ortho

NAME _____

Physical exam (L) lower limb = L2/L3
Wound check - looks good
- no erythema
- no swelling
- no drainage
- some beefy red.

(NB Bullet still in situ)

Plan: Continue drug as as instructed
flu surgery clinic Thursday Oct 20

Calvert

F-304-R

DOSSIER MÉDICAL - CLINICAL RECORD

THE SIR MORTIMER B. DAVIS JEWISH GENERAL HOSPITAL
DOSSIER D'URGENCE - EMERGENCY RECORD

ACCIDENT		HEURE TIME		DATE D'ARRIVÉE ARRIVAL DATE		HEURE TIME		INITIALS	
				83 10 31		1810		yh	
RESPONSABILITÉ DU PAIEMENT RESPONSABILITY OF PAYMENT		MAS MSA	ACC	CAT WCC	FED	N.RES.	N.ASS	MAAC	AUTRE OTHER
XX		2	3	4	5	6	7	8	
OCCUPATION									
EMPLOYEUR/EMPLOYER									
ADRESSE/ADDRESS									
NO DE TÉL./TEL. NO.									
TRANSPORT									
AMBULANCE									
POLICE									
NO VOITURE/CAR NO.									

female

IDENTIFICATION

NO DE DOSSIER MEDICAL MEDICAL RECORD NO

ANNÉE YEAR

NOM DE FAMILLE ET PRÉNOM SURNAME AND NAME

ADRESSE ADDRESS

CODE POSTAL POSTAL CODE

4-334755 83

MTL.

NO DU MARI HUSBAND'S NAME

AD EMERG. EMERGENCY

NO DE TÉL. TEL NO

MOTHER'S MAIDEN NAME

FATHER'S FIRST NAME

J'AUTORISE LES PROFES- SIONNELS DE CET ÉTABLIS- SEMENT À FAIRE LES EXAMENS ET TRAITEMENTS NÉCESSAIRES.

I AUTHORIZE THE PROFES- SIONALS OF THIS INSTITU- TION TO MAKE THE NECESSARY EXAMINATION AND TREATMENT.

SIGNATURE

TÉMOIN/WITNESS

DIAGNOSTIC FINAL ET TRAITEMENT / FINAL DIAGNOSIS AND TREATMENT

Wound care (1)

PR. VATE DOCTOR

NAME

DATE & HEURE DATE & TIME

OBSERVATION

Lesions to ER to be seen by Dr. Swift.

- Patient is now to (1) High & low weeks -

- returns for wound check

- wound granulating in well.

- edges clear

- no evidence of infection

Imp: Healing well.

Plan: Continue present Rx of the Hbbs dressing RTC in 2 weeks -

Dr. Swift

F-304-R

DOSSIER MÉDICAL - CLINICAL RECORD

THE SIR MORTIMER B. DAVIS JEWISH GENERAL HOSPITAL
DOSSIER D'URGENCE - EMERGENCY RECORD

ACCIDENT		HEURE TIME		DATE D'ARRIVÉE ARRIVAL DATE		HEURE TIME		INITIALS	
				83 10 20		12:25		SG	
A/Y M J/D		MAY MSA		ACC WCC		FED N.RES.		N.ASS:MAAC	
RESPONSABILITÉ DU PAIEMENT RESPONSABILITY OF PAYMENT		XX		2 3 4 5 6 7 8					
CAT / GWCC									
OCCUPATION				NO ASS. SOCIAL / SOCIAL INS. NO.					
EMPLOYEUR / EMPLOYER									
ADRESSE / ADDRESS				NO DE TÉL. / TEL. NO.					
TRANSPORT									
AMBULANCE									
POLICE				NO VOITURE / CAR NO.					
CENT. / CATION									
NO DE DOSSIER MED. CAL. MEDICAL RECORD NO.				83					
NOM DE FAMILLE ET PRÉNOM S. NAME AND NAME									
DA. / DAY				NOM DE ASS. MALADIE MEDICARE NO.					
NOM DE FILLE DE LA MÈRE MOTHER'S MAIDEN NAME				PRÉNOM DU PÈRE FATHER'S FIRST NAME					
J'AUTORISE LES PROFES- SIONNELS DE CET ÉTABLIS- SEMENT À FAIRE LES EXAMENS ET TRAITEMENTS NÉCESSAIRES.					I AUTHORIZE THE PROFES- SIONALS OF THIS INSTITU- TION TO MAKE THE NECESSARY EXAMINATIONS AND TREATMENT.				
SIGNATURE					TÉMOIN / WITNESS				
DIAGNOSTIC FINAL ET TRAITEMENT / FINAL DIAGNOSIS AND TREATMENT									
1230 - gun shot to head not able to lie back. Dr. Bren to be called to head doc from Sec 120/50 p-20 1365 7 Acromioclavicular 20% gunshot to Neurosurgery to me									
OBSERVATION									
PRIVATE DOCTOR									
NAME									

ANNEXE 11

9368505-

[illegible]

ANNEXE 12

Le 15 avril 1999

Evaluation sommaire en physiothérapie (le 13 avril 1999)

V A K (dossier 32191)

1-Etat subjectif

-Douleur

a-Membre inférieur Gauche : douleur constante de longue date (1983) suite à une blessure par balle (balle toujours présente dans la cuisse) . Douleur brûlante pourtour de la hanche et aspect postérieur de la cuisse jusqu'à la plante du pied . La balle est toujours située au creux du genou gauche et occasionne de fortes douleurs. Les douleurs s'accroissent lors de postures statiques prolongées de plus de 30 minutes ainsi qu'à la marche.

b-Membre inférieur Droit : douleur intermittente et de forte intensité , surtout au genou droit de longue date (1979) suite à une fracture et chirurgie . Douleur accentuée à la marche.

c-Lombaire : suite à épidurale et césarienne , douleur dorsolombaire constante de forte intensité accentuée à la marche, à l'effort ainsi qu'à toutes postures statiques prolongées.

2-Etat objectif

-Mobilité

a-Membre Inférieur Gauche : mobilité réduite à la hanche gauche (flex: 95) et au genou gauche (extension à - 35) , ne peut mettre le genou en position droite (même passivement ankylose rigide) . Diminution de la flexion dorsale au pied gauche - pied tombant .

b-Membre Inférieur Droit : mobilité réduite au genou droit (extension: -15) même passivement .

-Force

a-Membre inférieur Gauche : Force très réduite à la hanche (2+ à 3 -), aux quadriceps (2/5) ainsi qu'aux fléchisseurs dorsaux (2 / 5) de la cheville.

b-Membre Inférieur Droit : Force diminuée à la hanche (4-/5) ainsi qu'aux quadriceps (4-/5)

-Oedème

Présente oedème fluctuant aux 2 genoux allant de léger à modéré, plus marqué au membre inférieur gauche.

-Sensibilité

a-Membre Inférieur Gauche : hypersensibilité marquée pourtour de la cuisse ainsi qu'à la fesse gauche, tolère difficilement le toucher et la pression.

-Transferts

-Assis à debout : le fait avec difficulté, doit utiliser ses membres supérieurs, occasionnent des douleurs au membre inférieur gauche, ne peut se pousser debout en utilisant le membre inférieur gauche. Diminution de la poussée avec le membre inférieur droit.

-Marche

-Démarche pénible et lente, devrait utiliser une canne en tout temps, base de sustentation élargie, marche sur les genoux fléchis donc peu de dissociation à la marche. Notons dérobage occasionnelle au genou droit. Le pied gauche est tombant, la phase d'oscillation à gauche est initiée par le bassin vu l'absence de mouvement à la hanche. N'a pas les réactions d'équilibres pour s'adapter aux changements de surface donc la marche à l'extérieur présente un risque.

-Escaliers

-Très difficile, nécessite 2 appuis, les fait de façon non-alternée.

-Endurance

-À la station assise : ne peut prendre appui sur la fesse gauche due à l'hypersensibilité présente, tolérance d'environ 20 minutes.

-À la marche : à l'intérieur : environ 100 pieds, cela occasionne une augmentation des douleurs au membre inférieur gauche.

-Escaliers : peut faire 5 à 6 marches avec 2 appuis, limitée par la douleur.

Suite à l'évaluation physiothérapique, la condition du membre inférieur gauche constitue un handicap pour les raisons précitées ainsi que pour l'impact fonctionnel.

Josée Lapointe ph.t.
Josée Lapointe, physiothérapeute
CLSC

ANNEXE 13

A/s Susan Costom.



Clinique de radiologie
Brossard - St-Hubert
2424 Lapinière, suite 001
Brossard, QC, J4Z 2K9
Tél.: (450) 656-1220
Téléc.: (450) 656-3513

K, V, A

BROSSARD, QC

Dr JACQUES LAMBERT
209 WOODSTOCK # 201
ST-LAMBERT QC J4P 1W7

Dossier :
Naissance : 1958
Âge : 44 ans
NAM :
Hôpital :
Marital :

PROTOCOLE D'IMAGERIE MÉDICALE

Date examen : Le 23 octobre 2002
Rens. cliniques :

20021023 - 132

BASSIN ET HANCHES

Les os iliaques sont symétriques, d'aspect normal.

Les articulations sacro-iliaques et coxo-fémorales sont d'aspect normal.

FEMURS ET GENOUX

Toutes les parties des fémurs sont intactes, d'aspect normal.

Aux genoux les faces articulaires sont régulières et les espaces articulaires sont encore conservés.

Pas de signe d'épanchement intra-articulaire.

SG/jac, transcrit:2002-10-24

Dr SERGE GAREAU, radiologiste

LUNDI AU JEUDI: 8 H.30 A 21 H, VENDREDI 8 H.30 A 16 H.30,
SAMEDI 8 H.30 A 16 H.

Page: 1

ANNEXE 14



- ☒ Lyne Desautels, m.d.
- ☒ Jacques Lambert, m.d.
- ☐ Michel Leblanc, m.d.
- ☐ Marie Lévesque, m.d.
- ☐ Franck Paul-Hus, m.d.
- ☐ Marie Rivard, m.d.

209 rue Woodstock, St Lambert (Québec) J4P 1W7 • (450) 466-8583

NOY

Ref.

ADRESSE

1958-

DATE

03/02/19 2003

R

This note certifies that
I saw

at my office the
24th of October 2002.

The diagnosis was acute
Generalised muscular
spasm. Treatment was
improvel + Dilaudid +
muscular relaxant.

Rene L.
1804119.

RECEIVED: UK

1

2

3

4

5

6

7

8

9

AX