

A parent's self help guide

Forms and instructions on how to stop children's aid society workers from attending a child's school or home without prior informed consent



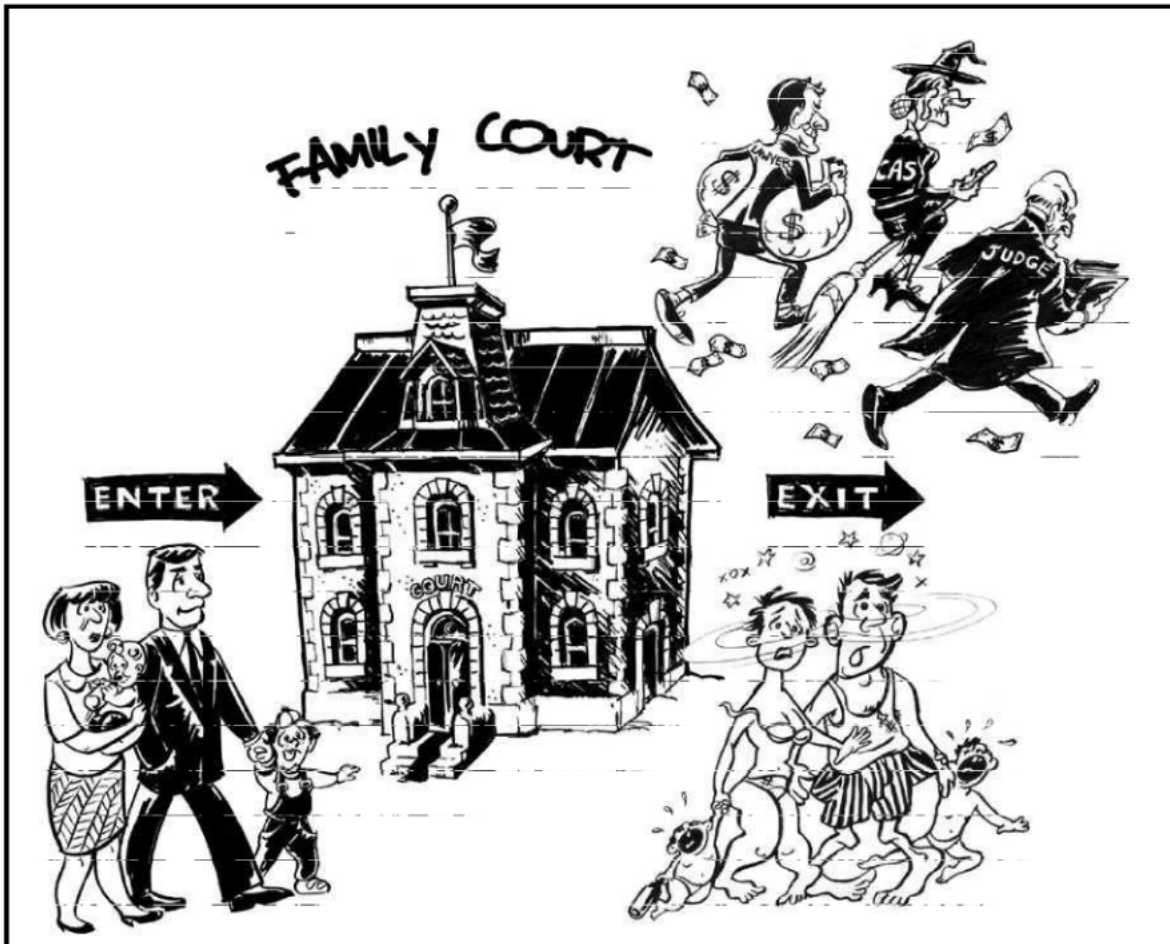
Note: This guide contains information and instructions for the following two documents:

Part 1 – Instructions of how to keep CAS workers out of your child's school with the use of "Cease and Desist" forms which stop CAS workers from entering schools to interrogate children. (Page 3)

Part 2 – Instructions of how to submit a "Notice of No Trespassing" form which stops CAS workers from making unannounced visits to parents' homes without a prior appointment. (Page 16)

**Published by
Families Against Abuse by the Legal System
Revised draft: July 15, 2012 (Ontario, Canada Edition)**

To survive the gauntlet of the legal and child protection system and to do your part to help make the system more accountable, the first thing you need to understand is what the family courts and the child welfare protection system is all about!



Don't let this happen to YOU!
Learn how to protect yourself from the child protection/family court racket by educating yourself and your children about how to FIGHT BACK!

Part 1

Instructions on how to submit a notice of Cease and Desist form to prevent Children's Aid Society (CAS) workers from having any contact with a student at his/her school

The *Notice of Cease and Desist form to prevent Children's Aid Society workers from having any contact with a student at his/her school* form and attached materials are intended to prevent the unwanted and unlawful detention and questioning of students at their schools by Children's Aid Society workers without the informed consent of the students or their parents or lawful guardians. Under the law, CAS workers are considered as private citizens and have no special authority to speak to any student at school unless they have been specifically requested by either the student and/or his/her parents.

While it is unlawful for a student to be detained for questioning by CAS workers even without a Cease and Desist form being signed, the serving of such a form to the school board will formally put the School Board on notice that they had better make sure that CAS workers do not detain or speak to the child identified in the form while he/she is at school. The school board and teachers open themselves wide-open to a lawsuit and possible criminal charges should a student be detained or questioned by CAS workers at the school after the form has been served upon the school board.

In situations where a child is of an age and maturity where he/she can be taught by parents or educators to understand their Charter Rights and the concept of detention and questioning, then students should be encouraged to fill in the form for students and to have their signature witnessed by someone over the age of 18 years of age. Generally, most children 12 years of age and older should have no problem in understanding the applicable information even younger children can sign their own form providing they understand.

Prior to a student signing the form, parents simply need to review the Canadian Charter document with their children and to take the time to explain to their children the following:

- 1) The concept of the right to liberty (Section 7). The Right to liberty means that the student can come and go as he/she pleased without being questioned or stopped by anyone. Unless a student is breaking the law, nobody can legally stop a student from leaving the school nor can anyone force or coerce a student to go to any room at the school to be questioned by a CAS worker.
- 2) The concept of the right to be secure against unreasonable search and seizure. This means that CAS workers cannot search a student's desk, locker, personal workbooks or ask the student for any information without just cause. Searching for drugs or stolen property by police may be such a cause but not for CAS workers. This means that CAS workers cannot access a child's school records without a court order. This also means that CAS workers cannot question a child without consent. No student can be coerced or forced to speak to a CAS worker or to answer questions from a CAS worker.
- 3) The concept of the right not to be detained (section 9). This means that nobody can lead a student and to take them to a room to be questioned by a CAS worker without prior and informed consent.
- 4) The concept that CAS workers have no special legal status. This means that a CAS worker has no more authority under the law to question a student at school or to tell a student what to do than does any stranger walking down the street.
- 5) The concept that CAS workers do not work for the School Board and that CAS workers are employed with an outside agency which has no authority over the school or the teachers.
- 6) The concept that students have the right to remain silent should any teacher or CAS worker ask them questions about their home life.

- 7) The concept of “informed consent”. Students should know that informed consent means that they must give their permission first before CAS workers can speak to them and even then they must fully understand the consequences if they do agree.
- 8) The concept of how individuals must stand up and fight to protect their freedoms and rights and that if people don’t speak up that our rights and freedoms we now enjoy as Canadians will be lost.

The important part is to get children to understand about their rights and freedoms at a young age. The student who is signing the form must understand their Rights under the Canadian Charter of Rights and Freedoms and to be able to explain to others if asked, most specifically if asked about sections 7, 8 and 9 of the Charter. The student should be explained that once the form is submitted to the school board then the school board can be held responsible for violating the student’s rights not to be detained and questioned.

In addition to the provisions of the Charter, children should be explained the following sections of the Criminal Code of Canada in a manner which they can understand.

**Section 279.(1) Criminal Code of Canada
Kidnapping**

279. (1) Every person commits an offence who kidnaps a person with intent (a) to cause the person to be confined or imprisoned against the person’s will; (b) to cause the person to be unlawfully sent or transported out of Canada against the person’s will; or (c) to hold the person for ransom or to service against the person’s will.

While most persons think of kidnapping as criminals locking up a person against their will and holding them for ransom, it is considered as kidnapping under Section 278.(1) the Criminal Code of Canada for a student at school be detained in a room for questioning by CAS and/or school officials without prior informed consent. This is considered as being confined against the person’s will under the Criminal Code and even teachers and principals can be charged for this offence.

**Section 279.(3) Criminal Code of Canada
Non-Resistance**

279.(3) In proceedings under this section, the fact that the person in relation to whom the offence is alleged to have been committed did not resist is not a defence unless the accused proves that the failure to resist was not caused by threats, duress, force or exhibition of force. R.S., 1985, c. C-46, s. 279; R.S., 1985, c. 27 (1st Supp.), s. 39; 1995, c. 39, s. 147; 1997, c. 18, s. 14; 2008, c. 6, s. 30.

While teachers and CAS workers who participate in an unlawful detention of a student argue that the student went to the room to be questioned without resistance, it is clear under Section 279.(3) of the Criminal Code of Canada that just because a student may appear to follow the instructions of a teacher to go to a room to be interviewed by the CAS, this is no excuse to presume informed consent and to justify the unlawful detention of the student. Inherently, children do what they are told by school officials because they are taught that there will be consequences if they do not do as they are told. Students are considered as being under duress when told by school officials to meet with a CAS worker when in fact they don’t want to.

In situations where a child is too young to understand his/her rights about detention and questioning under the Charter then the parent can submit the form to the school and school board as the child’s legal guardian. It is important as well that the parent who signs the form fully understand the applicable sections in the Charter and the concept of CAS workers having no more legal authority than an ordinary citizen off the street to come into a school to question a student.

In an attempt to mislead school officials and parents, some CAS workers have tried to claim that these forms are not legal because the student is not 18 years of age and not old enough to sign such a document. To make it very clear, this misguided approach by some misinformed CAS workers is totally without foundation and only another example of how CAS workers, who often lie or don't know what they are talking about, attempt to mislead school officials and parents into believing CAS fabrications and untruths.

While it is true that a person under the age of 18 may not be able to enter a binding legal agreement such as a contract with another person, these notice to Cease and Desist forms do not constitute any form of a binding legal agreement between two parties. The Cease and Desist form is simply a signed statement and legal notice to put School Board officials on notice that they must fulfill their fiduciary responsibility to protect the Charter rights of the student from the unlawful activities of CAS workers while students are in their school or school officials and the Trustees on the Board of Education will be legally held accountable.

Even the Ontario Government recognizes the legality of signatures on non-contractual documents. Persons under the age of 18 years can legally sign petitions. Below is a copy of a webpage from the Ontario Government in which the signatures of persons under the age of majority are legally recognized by the Government.

The screenshot shows the Legislative Assembly of Ontario website. The main content area is titled "Petitions" and includes three sub-sections: "Preparing a Petition", "Presentation of a Petition", and "The Government's Response to a Petition". Under "Preparing a Petition", it states: "A petition is a request that the Legislative Assembly of Ontario take some specific action (or refrain from taking some action) to redress a public grievance." Under "Signatures", it states: "Petitioners must be residents of the Province of Ontario; it is acceptable for petitioners to be under the age of majority." and "A petition must contain original signatures only, written directly on the face of the petition." Under "Form and Content", it states: "Each person petitioning the Legislative Assembly must print his or her name and address and sign his or her name under the text of the petition."

Once the applicable forms have been filled out the name of the school board and address should be filled in at the bottom of the form and one copy sent to the school board and one copy delivered to the principal of the school where the child(ren) attend. The forms are directed to the Director of Education and to all

school officials. The forms may be sent by email or fax but parents should follow up to ensure that the form was received by the parties.

When submitting the Cease and Desist forms, parents should also attach the two pages of information for school officials which contains information about “*informed consent*” and “*due diligence*” as well as the various links to information for school officials to make themselves aware of. If delivering the forms in person a receipt form has been included which can be filled in and signed by those who receive the forms at the school board. A copy can be sent to the CAS offices but this is not necessary as it is the responsibility of school officials to keep CAS workers from having contact with the student. It is suggested that parents arrange to meet with the Principal of the school and to give him/her the forms in person. The Principal should be advised that the parents have nothing personal against the school or its board but are submitting these forms because of their knowledge of the CAS, their interest in educating school officials and their beliefs in protecting the rights and freedoms of their children.

If delivering the forms in person, it is advisable for parents to secretly record their conversations with school officials using a concealed recording device. Some parents have reported Principals and secretaries having said some very rude comments to them. Getting the Principal or staff on recording making some inappropriate comments sure will not look good on their employment records or go over very good with other parents in the community. Secretly recording is legal and acceptable as evidence court.

If either the school board or the principal refuse to sign the form acknowledging that they received the forms then obtain the fax number or email address of the school and the Board of Directors and fax or email the forms with a covering letter to whichever of the parties refused to sign the form. Under the circumstances, confirmed delivery by email to a valid email address should serve as sufficient legal proof that the intended parties did receive the forms. Mailing the forms to the parties by registered mail or by courier delivery service could also be used as proof that the document was received and make the point that the persons who have submitted the forms are serious about taking legal action.

To help spread awareness of the unlawful practices of CAS workers to teachers and school officials, when dropping off the informed refusal form at the school, the parents should include an updated copy of the document for teachers, “*Questions and Answers for School Officials regarding CAS involvement at Schools*” which can be downloaded in PDF format from the Canada Court Watch website at: <http://www.canadacourtwatch.com>. For those children and parents wishing to send a clear warning to CAS agencies directly, the same form can be filled out and sent directly to the applicable CAS agency itself. The form should be sent with a covering letter to the CAS Board of Directors advising the Board that legal action will be taken against the CAS Board of Directors if CAS workers do not comply.

Students and parents are also encouraged to submit a scanned copy of their signed “Cease and Desist” form to Canada Court Watch by email at info@canadacourtwatch.com. Canada Court Watch is maintaining a registry of such forms for research and possible future class action lawsuit purposes should students and parents continue to have their rights violated by CAS workers going into schools to obtain records and/or to interrogate children.

Note: Any person who feels that they or members of their family are being subjected to threats, intimidation or discrimination by CAS workers or school officials as a result of submitting a notice of Cease and Desist form to a school board or CAS agency are advised to take the following steps:

- **secretly audio record in person and on the phone, all conversations with CAS workers and/or school officials in order to protect themselves and to**
- **contact Canada Court Watch for further information on how to protect their rights and freedoms.**
- **Register a verified account at <http://www.crpa.ca> and to register the names of those professionals who are impeding the rights and freedoms of others into the National Registry.**

Contrary to what CAS workers may tell parents, it is lawful for parents and/or students to secretly record their conversations with others without informing the other party. School board employees and/or CAS workers could face criminal charges if the right audio evidence is collected to support claims that threats or coercion have been used against any parent or student for attempting to exercise or protect their rights under the Canadian Charter of Rights and Freedoms.

Questions and Answers regarding “Cease and Desist” forms

What do I do if school officials refuse to keep CAS workers away from the named student after the forms have been submitted?

Should any parent or student submit these forms in accordance to the instructions given but experience CAS workers interviewing their child at the school after the information forms have been submitted, then those affected should contact Canada Court Watch for information about how to take civil and/or criminal action against the individual teachers involved, other school officials and the Board of Education. Canada Court Watch will attempt to match persons up with legal professionals who are prepared to take legal action against the school board on behalf of persons affected.

For legal action, it is important that parents and students have copies of the forms which they submitted to the Board of Education as well as proof of delivery of the forms to school board officials. Parents and students who have been affected may be required to provide video testimony and sworn affidavits to Canada Court Watch which can be used as part of litigation process against the board.

The names of those CAS workers and school board workers who refuse to respect the *Cease and Desist* forms should also be entered into the national Registry at <http://www.crpa.ca>. The CRPA.ca website maintains a publicly viewable registry of the names of individuals who violate the rights and freedoms of Canadians involved with the justice and child protection systems in Canada.

There is a court order in place which requires that parents must “cooperate” with the CAS workers. Can parents still submit the “Cease and Desist” forms to school officials and have school officials obey the forms?

In some cases, parents may have been coerced into signing consent court orders which contain a very vague condition which states that parents are to “cooperate” with CAS workers. Such conditions in a court order are worthless and easily challenged. The Supreme Court of Canada has already determined that court orders cannot be so vague that they can be misinterpreted in any way which may violate another law or violate a person’s rights under the Charter of Rights and Freedoms. Unfortunately, in the real world of the family court where many of the lawyers and judges know the procedures but have lost sight of the law, such orders are often produced with nobody really thinking that such conditions in the court Order are invalid.

CAS lawyers often put the “cooperate” clause in agreements and orders. At first glance when in the heat of court matters, the condition of “cooperate” looks harmless and escapes the scrutiny of most judges and uninformed parents. However, once this clause is included in an agreement or court order CAS workers know that most parents afterwards will feel obligated to do anything that CAS want them to do, even if what the CAS workers are asking them to do is unlawful. CAS workers will often tell parents that if they don’t “cooperate” with CAS workers as outlined in the agreement, then the court will take action against them. This of course is a veiled threat to scare parents into submission and to voluntarily give up their rights and freedoms.

In spite of such a condition in any agreement or court order, parents and children are within their legal rights to submit the “Cease and Desist” forms to school officials and to submit the “Notice of No Trespassing” forms to CAS officials. If CAS workers attempt to claim to the court later on that parents

are not being “cooperative” then the parents only have to bring it to the attention of the court that the Charter Rights of parents and children cannot be violated by such a vague order. Arguments (such as the videos on Canada Court Watch website) outlining the harm done to children at their schools can be presented to the judge. It is highly unlikely that any competent judge will tarnish his/her record by ordering that children to be questioned by CAS workers at schools, once the arguments have been properly brought before the court.

In some cases, when CAS workers are aware that parents are on to the tricks of the CAS, workers will take a copy of the court Order or agreement to the school principal and show this to the principal. They will try to convince the principal of the school that CAS workers have the right to come into the school in spite of the “Cease and Desist” forms being submitted because of the condition which requires that the parents “cooperate”. This action by CAS workers is only another deception that CAS workers may use to trick school officials into co-operating with an illegal interrogation of a child.

In spite of any court Order or agreement, school officials are under no obligation to obey a court order which is made against a parent nor can school officials be a part of the enforcement of a court Order made against another party.

Faced with being served with a “Cease and Desist” form school officials must respect the “Cease and Desist” forms first as any court Order or agreement against parents regarding “cooperation” does not apply to the school board. Should school board employees “assist” the CAS to violate the rights and freedoms of children at their school, then school board employees become an accessory to the fact and can be subjected to a lawsuit by the child and/or parents.

If the CAS workers want to enter a school to interrogate a child then they must go to court and to seek an order directly against the School Board to force the Board to become a party to enforce such an order. No judge in his or her right mind would ever grant such an order as such an order clearly violate the Charter rights of parents and children and clearly abuses children. No judge would want to be made the laughing stock amongst the legal profession for making such an order.

I am afraid that if I submit these forms to the school that CAS workers will make things even more difficult on my family?

Throughout history individuals and organizations have been the subject of repression because those in power and control have used intimidation and fear to control them. When people have allowed themselves to be intimidated and to live in fear, history has shown that ultimately those who do nothing lose everything they had hoped to save by remaining silent, even their freedom. If parents do not fight back against the CAS ultimately the CAS will get what it wants after it has weakened and destroyed the family. One of the greatest legacies you can leave your children is to show them that the parents had the guts and determination to stand up and fight. The very basis of freedom and democracy in Canada relies on its citizens standing up and fighting to protect their rights and freedoms.

Will submitting these forms upset the CAS workers? You bet. What will be most upsetting to the CAS is not that the fact that you beat them on this issue, but the fact that the school board and the teachers will now be better informed and will begin to ask questions about this whole issue if CAS workers violating the rights of students. Submitting these forms to school officials helps to bring awareness and understanding to the community.

Will the CAS get into the school to interview your children after these forms have been signed? They likely will not and this will be a victory for the family. Those families who educate themselves to fight back and to employ the strategies to beat the CAS will win in the end but not without a lot of hard fighting.

The CAS has said that they will take me to court to have the court find me in contempt of the court order if I do not “cooperate” and allow the CAS workers to go into the school. What should I do?

In some cases, CAS workers threaten parents with taking them to court to seek a “contempt of court” action against the parents. CAS have tried this in the past with other parents but have failed when properly informed parents have learned how to defend themselves in court against such actions. Parents cannot be found in contempt of any order which has the effect of forcing their children to allow their individual rights to be violated. The whole system is geared on scaring parents into signing consents. Those parents who educated themselves and are prepared to fight to protect their children from unlawful interrogations at school will triumph over the CAS.



“We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms.”

**John Diefenbaker 1895-1979
Canada’s 13th Prime Minister 1957 -1963**

Supplemental information on the issue of CAS and schools

To better educate themselves about the unlawful activities of CAS workers, parents should familiarize themselves with the information and the various links attached to the ‘Cease and Desist’ form. Parents should also visit the Canada Court Watch website and facebook page.

Notice of Cease and Desist to prevent Children's Aid Society workers from having any contact with a student at his/her school (Parent or Guardian)

Where it is true:

That under section 7, 8 and 9 of the Canadian Charter of Rights and Freedoms and the Criminal Code of Canada, all students have the right to their liberty and to not be detained by anyone for questioning without their informed consent or the informed consent of their parent(s), and;

That Children's Aid Society workers are considered as private citizens under the law and have no special legal authority to detain or question a student at his/her school or to obtain any school record without the informed consent of the student or his/her parent(s) or a court Order to that effect.

In recognition of the above, I, the undersigned parent/guardian, provide notice of the following:

- 1) That I do not wish Children's Aid Society workers to have any contact with my child(ren) at the school where my child(ren) attends.
- 2) That if Children's Aid Society workers wish to speak to my child(ren) for any reason then they are to contact myself or my child(ren) at my home.
- 3) That I expect all teachers and school officials to exercise due diligence to protect my child(ren) from any form of contact or interference by Children's Aid Society workers while my child(ren) is/are on school property effective from the date of signing of this form.

Signature of Parent or Guardian

Date

Name Printed

Phone number

Name of Student	School student attends	Grade

This notice (1 page) and the attached two (2) information pages for school officials are directed to the Director of Education and to all school employees:

Name of school board

Street

City/Town and Postal Code

Note: The parent or guardian of the child(ren) should sign this document and to send one copy of this form to the local Board of Education and one copy to the principal of the school where the student attends and an additional copy to the CAS (optional). Confirmation of delivery of document should be obtained or requested from school officials (Courier receipt of delivery acceptable). If a parent has children that go to different school boards then a separate form should be sent to each school board. A scanned copy of this signed form should also be emailed to Canada Court Watch at info@canadacourtwatch.com.

Important information to teachers and school officials (2 pages)

To avoid personal lawsuit, all teachers and school officials in Ontario should understand the term “informed consent” and exercise due diligence and to make themselves aware of the following information relating to the unlawful involvement of CAS workers with students at their schools.

“Due Diligence”

"Due diligence" is a term used for the concept involving either an investigation of a business or person prior to signing a contract, or an act with a certain standard of care. It can be defined as the responsibility and care that is expected from, and exercised by a reasonable person to avoid harm to another person or to violate their rights. “Due diligence” is the precaution sufficient to prevent foreseeable harm, but not the unforeseen, the unexpected, the unknown, or the unintended harm.

From a legal perspective teachers, school administrators and school boards are expected to exercise “due diligence” to ensure that students under their care and control are not harmed and that the rights and freedoms of students are not infringed upon, including rights and freedoms under the Canadian Charter of Rights and Freedoms. In other words, school board must develop policies which do not infringe protect children from harm and teachers must act to protect the rights of students. School officials who fail to exercise due diligence in their responsibilities and a student is harmed or has his/her rights violated as a result, expose themselves to civil or criminal prosecution.

“Informed Consent”

The term *informed consent* is a phrase referred to in many places in this document and is the one most significant component influencing how school officials must take into consideration when dealing with CAS workers.

Informed consent is a phrase used in law to indicate that the consent a person gives meets certain minimum standards. As a literal matter, in the absence of fraud and extortion it is redundant. In terms of schools, the informed consent of a student can be said to have been given based only upon the student’s clear appreciation and understanding of the facts, implications, and future consequences of their action. In order to give informed consent, the student concerned must have adequate reasoning faculties and be in possession of all relevant facts and options at the time consent is given. Impairments to reasoning and judgment which may make it impossible for a student to give informed consent include such factors as basic intellectual or emotional immaturity, high levels of stress such as post traumatic stress disorder, mental retardation, mental illness, Attention Deficit Hyperactivity Disorder (ADHD), etc.

Some acts, such as a children’s aid society worker questioning a child at his/her school without the student specifically requesting this beforehand, cannot legally take place because of the lack of informed consent by the student. In cases where a student is considered unable to give informed consent, then informed consent must be obtained from another person who is authorized to give consent on his/her behalf, e.g., parents or legal guardians of the student.

In cases where a student or his/her parent is provided insufficient information to form a reasoned decision, serious ethical issues arise and give rise to cause for damages and the potential of a civil lawsuit against those who acted without the informed consent of the student or his/her legal guardians.

In order for informed consent of a student to have been obtained, the following conditions must exist.

- 1) The student must express specifically and without coercion by any person of authority (such as a teacher) to want to meet a children’s aid society worker at the school.
- 2) The student must understand the potential consequences of speaking to the children’s aid society worker such as the possibility of the children’s aid becoming involved with his/her family.

- 3) The student must understand that they have the rights not to be detained or questioned if they do not wish to speak to the children's aid society worker.
- 4) The student must be advised that they have the right to have a guardian or other person that they trust be present with them should they provide their informed consent to speak with children's aid society workers.
- 5) The student must be advised that they have the option of meeting the children's aid society worker outside the school if they would prefer.

In general, most students in primary grade schools would not be considered to be of an age of maturity where they can give their informed consent to speak with children's aid society workers so therefore informed consent must be obtained from parents.

Questions and Answers for school officials

http://www.canadacourtwatch.com/files/all/Q-A_for_school_officials-CAS.pdf

The Unlawful Practice of Social Work in Ontario by CAS workers

http://www.canadacourtwatch.com/files/all/The_Unlawful_Practice_of_Social_Work.pdf

This document explains how most CAS workers in Ontario are breaking the law and should not be coming into homes or schools to engage in the practice of social work.

Detaining and questioning of children at schools by CAS

http://www.canadacourtwatch.com/files/all/Schools_and_CAS_For_School_Officials.pdf

This document fully explains the legal and ethical issues surrounding CAS workers being unlawfully involved with children at their schools.

Testimony of harm and Charter rights violations caused to children at schools by CAS workers and school officials

<http://www.vimeo.com/28034150>

<http://www.vimeo.com/23978011>

<http://www.vimeo.com/5023797>

<http://www.vimeo.com/4707058>

Testimony from the Ontario Legislature about CAS and school boards

<http://www.vimeo.com/23675727>

Testimony about the harm caused to children and families by CAS workers in Ontario

<http://www.vimeo.com/user387217/videos/page:1/sort:newest>

Report - Trillium Lakelands District School Board administration procedure #OP-6506-AP relating to the reporting and investigation of suspected child maltreatment

<http://www.canadacourtwatch.com/files/all/Review-TLDSBAbusePolicy.pdf>

Notice of Cease and Desist to prevent Children's Aid Society workers from having any contact with a student at his/her school (Student)

Where it is true:

That under section 7, 8 and 9 of the Canadian Charter of Rights and Freedoms and the Criminal Code of Canada, all students have the right to their liberty and to not be detained by anyone for questioning without their informed consent or the informed consent of their parent(s), and;

That Children's Aid Society workers are considered as private citizens under the law and have no special legal authority to detain or question a student at his/her school or to obtain any school records without the prior informed consent of the student or his/her parent(s) or a court Order to that effect.

In recognition of the above, I, the undersigned student, provide notice of the following:

1. That I do not wish to have Children's Aid Society workers contact me or speak to me at my school.
2. That if Children's Aid Society workers wish to speak to me for any reason then they are to contact me at my home first.
3. That school officials are expected to exercise due diligence to protect me from any form of contact or interference by Children's Aid Society workers while I am on school property effective from the date of signing of this form.
4. That I am an age and maturity to understand the intent and purpose of this form and am signing my name below willingly and of my own free will.

Signature of Student

Date

Name Printed

Phone number

Name of school student currently attends

Grade or Class No.

Witness to student's signature

Relationship to Student

This notice (1 page) and the attached two (2) information pages for school officials are directed to the Director of Education and to all school employees:

Name of school Board

Street

City/Town and Postal Code

Note: The student should sign this document in the presence of another person over the age of 18 and to send one copy of this form to the local Board of Education and one copy to the principal of the school where the student attends and an additional copy to the CAS (optional). Confirmation of delivery of document should be obtained or requested from school officials (Courier receipt of delivery acceptable). A scanned copy of this signed form should also be emailed to Canada Court Watch at info@canadacourtwatch.com. Once a student has personally signed this form, not even a parent or guardian can override the student's personal rights under the Canadian Charter of Rights and Freedoms.

Acknowledgement of receipt of signed documents by a school or Children’s Aid Society representative

I the undersigned acknowledge receipt of the following document(s):

Notice of Cease and Desist to prevent Children’s Aid Society workers from having any contact with a student at his/her school complete with two information pages for school officials.

And furthermore I, the undersigned, acknowledge that a separate form was received for each of the following student(s) named below:

Name of Student	School student attends	Grade

Signature of school or CAS representative

Date

Name above printed

Name of school Board or CAS agency

Street

City/Town/Postal Code

Phone number of school or CAS agency

Note: All original signed forms including this form should be retained by parents or students. One copy of the documents should be left with school or CAS officials for their files. If a parent has children that go to different school Boards then a separate forms should be served upon each school board. Once signed, a scanned copy of this signed form should also be emailed to Canada Court Watch at info@canadacourtwatch.com. Should school officials refuse to sign this form, then parents or students affected should contact Canada Court Watch for further instructions on how to take legal action against the School Board.

Part 2

Instructions on how to submit a “Notice of No Trespassing” form to prevent Children’s Aid Society (CAS) workers from entering private property

Updated August 20, 2011

In many cases, children and parents are inconvenienced by Children’s Aid Agency workers showing up at their homes unannounced. In most cases, CAS workers are doing this to see if they can catch parents unexpected and to catch them with dirty dishes in their sink and/or messy houses. It’s all part of the over-zealous activities of many CAS workers, most of whom are not properly registered and working in violation to the law. In many cases, rather than simply helping families deal with problems, CAS workers put extensive resources into attempting to entrap parents with frivolous concerns to justify keep the file at the CAS open and money flowing from the government to the CAS agency.

The *Notice of No Trespassing to prevent Children’s Aid Society workers from entering private property* form and attached materials are intended to prevent the unwanted and often intrusive and unannounced home visits by CAS workers.

Under Ontario’s Trespass to Property Act, R.S.O. 1990, c. T.21 parents who are willing to stand up against the children’s aid society and who are willing to fight for their rights can take steps to ensure that Children’s Aid Society Workers do not come on to their property without contacting them first by phone. Any tenant or property owner can advise a CAS agency that workers are not to come on their property without prior consent. Below is a copy of the Trespass Act which allows tenants or owners to prohibit entry to a home or property.

Trespass an offence

2. (1) Every person who is not acting under a right or authority conferred by law and who,
(a) without the express permission of the occupier, the proof of which rests on the defendant,
(i) enters on premises when entry is prohibited under this Act, or
(ii) engages in an activity on premises when the activity is prohibited under this Act; or
(b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier,
is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. R.S.O. 1990, c. T.21, s. 2 (1).

Prohibition of entry

3. (1) Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,
(a) that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than two metres and woodlots on land used primarily for agricultural purposes; or
(b) that is enclosed in a manner that indicates the occupier’s intention to keep persons off the premises or to keep animals on the premises. R.S.O. 1990, c. T.21, s. 3 (1).

Section 5 of the Act outlines that notice for CAS workers not to come on their property or to approach the door to their home can be given orally or in writing.

Method of giving notice

5. (1) A notice under this Act may be given,

(a) orally or in writing;

(b) by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which it applies; or

(c) by means of the marking system set out in section 7. R.S.O. 1990, c. T.21, s. 5 (1).

Section 9 of the Trespass Act allows a tenant or owner to arrest a CAS worker should the CAS worker refuse to leave when requested. Once a CAS worker has been arrested, under Section 9.(2) of the Act, the police must be called and the person delivered into the custody of a police officer.

Arrest without warrant on premises

9. (1) A police officer, or the occupier of premises, or a person authorized by the occupier may arrest without warrant any person he or she believes on reasonable and probable grounds to be on the premises in contravention of section 2. R.S.O. 1990, c. T.21, s. 9 (1).

Delivery to police officer

(2) Where the person who makes an arrest under subsection (1) is not a police officer, he or she shall promptly call for the assistance of a police officer and give the person arrested into the custody of the police officer. R.S.O. 1990, c. T.21, s. 9 (2).

A complete copy of the Trespass Act can be downloaded at the following link:

<http://www.canlii.org/en/on/laws/stat/rso-1990-c-t21/latest/rso-1990-c-t21.html>

Once a parent has sent a Notice of No Trespassing form to the CAS, then CAS workers must contact them first before showing up at their doors. If the CAS workers really feel that it is important to show up unannounced, then they do have the option of going to court to obtain an order against the parents. This at least forces the CAS to demonstrate to a judge why they want to show up unannounced. Before such an order is granted to the CAS at least the parents will be given the opportunity to be served with court papers and given the opportunity to argue matters in court. Generally judges do not want to issue court Orders with violate the Charter rights of children and parents without good reason.

Parents can also post a sign on their property or entrance door advising CAS that they must leave the property immediately. A suggested notification sign for the door has been provided immediately after the Notice of No Trespassing form.

Note:

Parents who send in the Notice of No Trespassing form to CAS should ensure they have audio recording devices set up to secretly record phone calls and to record CAS workers who may attempt to come to the home in violation to the Notice. CAS workers are generally not happy when parents fight back and may try to intimidate or threaten parents. In order to protect themselves, parents are encouraged to obtain further information on how to secretly record conversations between themselves and CAS workers both on the phone and in person.

Notice of No Trespassing preventing Children's Aid Society workers from entering private property without prior consent

Whereas:

That under section 7, 8 and 9 of the Canadian Charter of Rights and Freedoms and the Criminal Code of Canada, all persons have the right to their liberty and to not be detained by anyone for questioning without their prior informed consent, and;

That under the Trespass to Property Act, R.S.O. 1990, c. T.21, tenants and property owners have the legal right to refuse entry to their homes and/properties to CAS workers/agents, and:

That Children's Aid Society workers are considered as private citizens under the law and have no special legal authority or privilege to violate the Trespass Act or to enter a property without the prior informed consent of the tenant or owner without a valid court Order to that effect.

In recognition of the above and under section 5 of the Trespass To Property Act R.S.O. 1990, c. T.21, I the undersigned tenant/owner, provide notice of the following:

- 1) That I do not wish to have Children's Aid Society workers enter my property or to approach the entrance door to my residence without my prior informed acceptance.
- 2) That if Children's Aid Society workers wish to contact me for any reason then they are to make an appointment by contacting me through the phone number indicated on this form below.
- 3) That any Children's Aid Society worker who contravenes (1) above effective from the date of signing of this form will be arrested unless the CAS worker has made an appointment as indicated in (2) above.

Signature of Tenant or Property Owner

Date

Name Printed

Phone number

Street address and municipality subject of this No Trespass notice

This notice is directed to the Children's Aid Society and all of its employees/agents

Name of Children's Aid Agency

Street address

City/Town/Postal Code

Note: The tenant or property owner should sign this document and send one copy of this form to the local Children's Aid Agency. Confirmation of delivery of document should be obtained or requested from CAS officials. Once a tenant/owner has signed this form, CAS workers can no longer attend the home or can be subject to arrest.

Sample notice for entrance door to advise Children's Aid Society workers to leave property

Below is a sample notice that parents can put on the entrance doors to their homes to alert CAS workers that they are to leave the premises immediately. The first form is for parents who have already submitted a "Notice of No Trespassing" form to the CAS offices.

Notice to All Children's Aid Society Workers

Please be advised that a **Notice of No Trespassing** form has been submitted to the Children's Aid Society office. Unless you have made a prior appointment by phone with the tenant or property owner, you are hereby notified to leave the property immediately or face possible arrest under Section 9 of the **Trespass to Property Act, R.S.O. 1990, c. T.21**. Should you wish to contact the tenant or property owner you are welcome to do so at the phone number found on the **Notice of No Trespass** form on file with the local Children's Aid Society office.

The notice below is for when a "Notice of No Trespassing" form has not been submitted to the CAS offices and parents just want to clearly indicate their objections to CAS workers in the community. Even those with no direct involvement with CAS are encouraged to put up the stickers to demonstrate conscience objection to the CAS and to help bring community awareness of their objections to CAS agencies and workers.

Notice to All Children's Aid Society Workers

Please be advised that unless you have made a prior appointment by phone with the tenant or property owner, you are hereby notified to leave the property immediately or face possible arrest under Section 9 of the **Trespass to Property Act, R.S.O. 1990, c. T.21**. Should you wish to contact the tenant or property owner to make an appointment you are welcome to do so by calling the phone number below:

Tel: _____

Sample letter to school board

The following is a sample template letter that parents can use as a guide when creating a letter to give in person to the Principal of their child's school as part of the package to put the Principal and schools officials on official notice that CAS workers are not to speak to their child at his/her school.

It is important that the letter be included as this clearly explains why parents have taken the action to submit the "cease and desist" forms and that they are not trying to hide information from child protection workers.

[Date]

Dear [Name of Principal]

RE: Notice to keep CAS workers from interfering with our child(ren) at his/her/their school(s)

Attached, please find a signed copy of a “Cease and Desist Form” regarding the involvement of the Children’s Aid Society with my child at his/her school.

While I (we) have no personal issues with the school board or its employees, it is our personal belief that all Canadians must do their part to protect the rights and freedoms that Canadians have earned and which are protected under the Canadian Charter of Rights and Freedoms. As parents, we feel it important that all school officials be made fully informed of our children’s rights and made fully aware of the harm that Children’s Aid Society workers have done in the past to children at their schools. We consider the unlawful interference by CAS at our children’s schools to be one of the freedoms under the Canadian Charter which must be protected.

Please be advised that should school officials not exercise due diligence to protect the rights and freedoms of our child and permit CAS workers speak to our child at any time at school without our prior **informed** consent or that of our child in writing, then we will take legal action against the school board and any school board employee who may be involved in the violation of our child’s rights and freedoms.

Should you have any questions, please feel free to contact me at any time

Yours truly

[parent’s signature(s)]

[parent’s phone number]

Attachments:

“Cease and Desist” form (One page)

“Notice to teachers and school officials” (Two pages)



“We must vigilantly stand on guard within our own borders for human rights and fundamental freedoms which are our proud heritage.....we cannot take for granted the continuance and maintenance of those rights and freedoms.”

**John Diefenbaker 1895-1979
Canada’s 13th Prime Minister 1957 -1963**