

Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP

Answers to pressing questions on Family Law.

Will a shelter shield me from my child?

Question: My wife left home with our eight-year-old child without my knowing. She hid the child in a friend's home and didn't give me access. I reported her to the police. Soon after she went to a women's shelter and reported that I am a violent husband, although I have not been charged with anything and never committed any violence. How can I deal with this? How do I find this women's shelter and my child? Will they lie for the women? They also introduced my wife and child to a new religion. She appears to have agreed to accept their new religion in order to get help for them. I am quite distressed and don't know what steps I can take.

Answer: Women's shelters were set up to assist women who were brutalized by their husbands and had no safe places to go, often with no money. Their trained workers have performed an invaluable service around the world. I have not heard of Toronto-area shelters that try to convert a client to a religion. For obvious reasons their locations are anonymous and are protected by the police. Nonetheless, I have been acquainted with the odd case where domestic violence has been correctly disputed and later proven either not to have taken place, exaggerated or even used as a tactic. I am not referring to cases of serious verbal abuse where a woman perceives a threat of violence and goes to a shelter fearing violence. There have been rare cases where a woman might engineer a "flight: to gain easy advantage in a custody, support or even property fight-however rare such a case might be, it has happened. The sad part is such cases discredit the overwhelming number of situations where these shelters provide crucial sanctuary for women and their children who truly have no place to go. For a father who feels he has been truly maligned such as yourself, you should retain a competent family law lawyer to claim custody on an emergency basis of your eight-year-old. Recite your allegation that you never committed violence and that, in your view, the entire flight was "staged." Women who run these shelters are forbidden by law to commit perjury, but some of what they have to say in court is of limited value because it is "hearsay," repeating what your wife tells them. How the courts decide cases such as yours depend entirely on your credibility and hers. If you did act violently, consider commencing anger management therapy before approaching the courts.

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