

CI - 011M  
C.G. - Loi modifiant  
le Code civil en matière  
d'adoption et  
d'autorité parentale

SAM KULIK

Attorney-At-Law/Avocat

1396 Ste Catherine O #406  
Montréal, Québec  
H3G 1P9

Thurssday, November 19, 2009

Tel: (514) 861-6002  
Fax: (514) 861-2620  
samk1101@yahoo.com

THE RIGHT HONOURABLE MS KATHLEEN WEIL  
ATTORNEY-GENERAL OF QUEBEC  
QUEBEC, QUEBEC

RE: Proposed modification of Adoption Laws of Quebec

Dear Ms Weil,

I am writing to you in regards to the proposals you have recently unveiled in regards to the changes to the adoption rules in Quebec. While I wish to complement you on these measures, I feel that unless something is done to make them retroactive, considering the small number of adoptions of local children taking place now in the Province of Quebec, if there is even any need for these measures now being discussed..

Some twenty years ago a woman came to see me. She was born in Montreal in December 1952 to a very young woman who had just immigrated to Canada from Greece. Just before she gave birth at the Royal Victoria Hospital, her husband suddenly passed away. Alone, illiterate, not speaking English or French, she felt that she had no choice but to give up her new born daughter for adoption. The adopting family raised her well, giving her the best of everything, especially love and a future. However, by the time she reached adulthood she started asking two very basic questions that every person on earth wants to know.

WHO AM I? WHERE AM I FROM?

...2

---

-2-

The agency that had arranged her adoption in 1952 was now known as the Ville Marie Social Services. They were stunningly mean to her in every way imaginable. They admitted having her mother's name, but made it very clear to her that they did not have the financial resources to locate her in order to notify her that her daughter was seeking to contact her as they considered her case 'irrelevant'. They finally told my client that they would put her file on a "waiting list" to notify her birth mother of this but that she would have to wait a long time for an answer. It took Ville Marie almost five years to even move on that file, and then they told her that they could not locate her in the Montreal telephone book. That is all they did. When she asked them why it took five years just to look up a telephone book, they replied that they were underfunded, understaffed, overworked and to please, go away.

Several years later, Ville Marie Social Services had become Batshaw Social Services and my client tried once again to have them contact her birth mother. The reply was the same, that she would have to wait a number of years until they would be able to consult the Montreal telephone book. They made it clear to her that was all they would do for her, nothing more, using the same reasons as Ville Marie gave her several years earlier. At this point, my client offered to pay whatever costs they would incur to locate her. They absolutely rejected her offer and basically told her to "get lost".

It was at that point that she realized that she had been totally misled for all these years by the social service agencies and she asked me to at least force Batshaw to do something concrete. So, we went to the Tribunal de la Jeunesse. All we asked was that my client be allowed to pay Batshaw whatever costs they may end up having to locate her mother. We did not ask for her name or where she lives.

...3

- 3 -

What happened next was simply unbelievable. The Social Services had done absolutely nothing to help my client, but to fight her, they replied in a most aggressive manner engaging a very strong legal team. In my legal career, I have faced banks, insurance companies, and various levels of Government in Court. They and their lawyers had always behaved with the utmost courtesy, even though we would be on the opposite side. This was my first encounter with a Social Services Agency. I never encountered the meanness, fierceness, rudeness, nastiness and viciousness in Court as I had with these people and their lawyers from Social Services. It was very clear that they had completely forgotten their mandate which as far as I believe is to serve the public in the most helpful manner possible. Instead, they acted like the most vicious bullies which would be more likely to be found in a high school than in a Court of law. I doubt very much that a bank or insurance company would ever act this way. Those institutions, it seems have a conscience, the Social Services do not.

The Trial in the First Instance was a real war with the officials at Batshaw justifying their inaction on the grounds that to them my client was just a minor affair in their much larger, more important projects, which they never actually revealed in Court. They are just "too very busy" to bother with minor irritants such as my client who as far as they were concerned was becoming a real pest and nuisance, although in fact she was not even asking them for anything. Their lawyer eventually admitted that the way they treated my client and handled her file was shameful, but pointed out that they simply did not have the financial resources to do this type of work, although it seems to fight her in Court was not a financial problem for them at all. I had just one witness, an experienced professional tracer, who testified in court that within three hours he would have my clients mothers address and telephone number. The charge would be \$200.00, which my client indicated she was willing to pay Batshaw, which they once again refused, giving no particular reason why.

In the final judgement by Judge D'Amours, he ruled that while it was clear that Batshaw had clearly failed in their mandate and obligations he could not deviate from the existing legislation and therefore ruled in their favour against my client. Based on this ruling, we immediately filed an appeal.

...4

- 4 -

There were two hearings held by the Court of Appeal. In the first hearing, the Justices gave the lawyer for Batshaw a hard time, questioning her repeatedly on what actually they were doing to locate my clients birth mother, and also why it took five years just to look up a telephone number. At that point, their lawyer made a sudden offer. If we would suspend the trial for a four month period, they would on their own engage a private investigator to try to locate her. We accepted that offer on the spot.

Four months later, I was told by their lawyer that their investigator (they never told me who he was) was unable to locate her, so back to the Court of Appeal we went. The decision by the Court of Appeal was a repeat of the one by Judge D'Amours. They ruled that while the efforts by Batshaw to locate my clients birth mother were clearly inadequate, the rules of the Civil Code was clear. They simply could not deviate from it.

When 15 years ago, the Barreau du Quebec was giving their courses on the new Civil Code, I attended the one on Family Law and asked why Article 632 of the old Civil Code was being retained with no changes as Article 583 in the new Civil Code. The lecturer had absolutely no idea why.

There is a very sad epilogue to all this. During the first trial, the main witness for Batshaw mentioned that my clients birth mother had been working for a long period of time as a charwoman for the manager of a shipping company from Greece stationed in Montreal. By looking at old shipping records we were able to locate the name of that manager now living in Athens. When we telephoned him in Greece, he immediately remembered this woman and we very quickly located her, and her new family all now living in Los Angeles. However, while she was living in Montreal until the late 1980s, she was living within 100 meters from my client. They probably met each other regularly in the local grocery store, pharmacy or bus stop. This shows you a level of cruelty by the Social Services that is unimaginable. However, since we successfully located her, with tremendous ease actually, without even needing a professional tracer at all, my client has bonded with a family she never knew she had and which the Social Services were trying to keep her away from.

...5

-5-

How many people live like this Quebec all asking the same questions:

WHO AM I

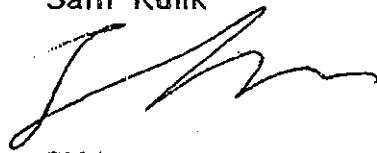
WHERE AM I FROM FROM

What is the utter logic of continuing this torture? I urge you to show a bit of compassion for these people as well, as unfortunately the Social Services seem to have totally disregarded all of them.

I therefore urge you therefore when the proposed legislation is to be drafter that you take this affair and the lives of the people involved into thought and hopefully give it the utmost consideration.

Sincerely,

Sam Kulik



SK/on