

ONTARIO COURT (GENERAL DIVISION)

BETWEEN:

CATHERINE L.E. ROSS

Petitioner
(Wife)

- and -

WILLIAM THOMAS ROSS

Respondent
(Husband)

AFFIDAVIT

I, MARLON KENNEDY, of the City of Ottawa, in the Regional Municipality of Ottawa-Carleton and Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. I am a long time friend of the Petitioner, Catherine Ross. I am making this Affidavit to outline my relationship to Catherine Ross and summarizes my observations of her, especially over the last few months where I have had the opportunity to observe her for many hours each week. She is an intelligent, capable woman, who is more than able to care for her children.

2. My wife and I met Catherine and her mother, Marguerite Day, in May 1985. Since that time I have been in constant communication with Marguerite, having very quickly formed a deep friendship with her. Until this year, I have seen Catherine on occasion; however, after not seeing her for a few years until this summer I was appalled to see her loss of weight, state of anxiety and

unconsciously expressed fear. She reminded me of a cowering dog after years of ill treatment, expecting to be beaten at any moment. This was an enormous contrast to the strong woman with great self esteem that I first met nearly 10 years ago.

3. I questioned her and found that she was terrified, living in a constant state of fear of her husband Bill. In the next few months, I observed the dramatic change in state of mind after each encounter with Bill. For a person to be so severely impacted by another implied long term criticism, humiliation and being put down. Through all the anxiety and fear, I still found Catherine to be a strong person with a good sense of direction, determination and high moral standards. However, each time she spoke to Bill, had just seen him or was about to see him, she struggled to maintain her self control.

4. On several occasions she called me in a state of despair after arriving home to take over from Bill. One particular occasion that stands out in my mind is the day he wrote "The Great Reckoning" on Catherine's household calendar for Nov 25th, the court day. Irrespective of what the words mean, she was distraught, believing he was out to get her. She spewed out his threats to rape her, strip her bare of everything and cast her out as worthless.

5. On another occasion she called after going home. She telephoned me, very upset, and advised me that her husband had threatened her as follows: "Do you want to be punched out?" that her Husband, Bill had threatened to punch her out. She clearly feared his return and indeed fears all encounters with him. The fear she expresses can only have come about from sustained persecution. He certainly makes her feel worthless as a human being. She told me of many threats to her being including rape. For example, she has vividly described to me one incident in which he attempted to rape her in front of the children who were supposedly sleeping. Given the veracity and her emotional state, I verily believe her reports to be accurate.

6. As a parent, I think the primary concern in any divorce is the safety and general welfare of the children. In the last few months I have observed Catherine on a few occasions with her children and many occasions with my own children. I found her to be a nurturing and caring mother who can rise above her current anxiety and still be there for her children.

7. Some examples of appropriate parenting skills Catherine displayed are: having her children appropriately dressed for the weather; nutritious meals and snacks; daily routines, reading appropriate material to them; age appropriate movies; social contact with other children; active interest in the schooling and learning; and taking them to extra-curricular activities. She has expressed great concern about their psychological well-being and has discussed with me having them seen by appropriate professionals.

8. When I have been present with Catherine and her children, they certainly appeared safe and secure with her. Both children often ran up to their mother for a hug, or to give her a kiss. Their hugs seemed particularly needy, as is to be expected with all the upheaval in their lives at this time. On occasion, they even ran up to me wanting a hug.

9. On several occasions I overheard the discussions with her children when she called home to talk to them while they were in her husband's care. I found it disturbing that Bill seemed to be asleep and the children playing unsupervised on a few of these occasions during the day.

10. I also strongly believe that despite her own feelings about her Husband, that Catherine will be more than able to continue to foster a loving relationship between her children and their father. On a recent occasion when one of her children said something negative about Bill, she reassured the child stressing that her father loved them very much.

11. Catherine and Bill Ross have two wonderful children; however, some particularly disturbing observations about the children follow: I observed her 8 year old daughter Khierstyn walk up and grab Catherine's breasts in an extremely sexual way and to her mother's total shock. Catherine immediately and appropriately reprimanded her. When Khierstyn went off to play with my daughter, then Catherine, still in a state of anxiety and covering her breasts protectively, stated that "That's exactly what Bill would do to me - always grabbing my breasts like that, making me feel like an object - see, even my kids think I'm just a toy."

12. I also experienced Hilary, on one occasion butting her head into my crotch and another occasion grabbing at my crotch. In both cases, she immediately looked up at me, in an inviting manner, to determine the effect. I explained to her the inappropriateness of her behaviour, but I'm not sure it meant anything to her. Catherine has also informed me that several reports of questionable behaviour were made to her by the children's baby-sitter, the school and even a swimming instructor.

13. I understand that it has been suggested that Catherine was unconcerned about such behaviour. Nothing could be further from the truth. In my discussions with her regarding this subject, she has displayed concern, and in fact discussed various counselling options with me. She has also discussed the possibility with me of arranging for an evaluation of the children for the possibility of sexual abuse.

14. I have observed Catherine displaying appropriate parenting skills with my own children too. On a few occasions my children have also spent time alone with Catherine. During this time she performed admirably as a mother, so much so that my children reported having a great time and wanting to spend more time with her. I feel quiet comfortable leaving my children in her care, knowing they will be well looked after.

SWORN BEFORE ME at the City of Ottawa)
in the Regional Municipality of)
Ottawa-Carleton on the 21st day of)
November, 1994.)



A Commissioner for taking
affidavits, etc.


MARLON KENNEDY

CATHERINE L. E. ROSS
Petitioner

- and -

WILLIAM THOMAS ROSS
Respondent

ONTARIO COURT (GENERAL DIVISION)
Proceeding commenced at Ottawa

AFFIDAVIT OF MARLON KENNEDY

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