

I would like to start by acknowledging that we are on the unseeded lands of the Squamish, Musqueam, and Tsleil-waututh peoples.

My name is Summer Rain and I am from the Gitksan and Squamish nations. I have had the great honour and opportunity to live and work on these unseeded lands in a front line anti-violence role for the past 15 years.

During this time I have worked in child protection and apprehension, as an outreach worker in the DTES and Surrey communities with our most at risk and vulnerable young women and girls. I have spent the last decade as a front line feminist in anti-violence anti oppression work. I have responded to thousands of women on rape crisis lines and crisis lines, supported and stood beside hundreds of women who have accessed transition houses as a way of resisting his violence and an attempt to keep herself and her children safe.

Currently I am the manager of the Indigenous Women's Program at Battered Women Support Services, where I provided short term support serves to women and girls who have experience gender-based violence in intimate partner relationships.

In my own life and with the women I have worked to support I have bared witness to how the state continues to dismiss and not believe women's experiences of male violence. To classify women as over reacting, exaggerating, being manipulative, and vengeful when women do take the risk of exposing his violence at a state level which results in the state fail to respond to violence against women and children hundreds if not thousands of times. Often this leaves women and her children at a great disadvantage with the risk of his violence escalating.

What has sparked this conversation and is fuelling community all over the province to be holding vigils, forums and speaking out about violence against women right now is the unnecessary and tragic death of two young girls, Aubrey 4 years old and Chloe 6 years old on as Christmas morning. Most likely at the hands of their father Andrew Berry.

Andrew Berry was the only man investigated, the only man arrested and the man who is is now charged with second degree murder of his daughters. There is no doubt in my mind that the death of these two little girls is the direct result of male violence against women.

In my front line experience I know that women who leave abusive men are at more risk of his violence escalating in the first 18 months of leaving him, we also know this is extended if there is criminal or family courts involved.

Men who are abusive and start losing control over the women meaning she speaks out, she takes a risk and calls the police, goes to a transition house, calls a crisis line, goes to a women's group, reports him to MCFD, contacts a lawyer, accesses the family court system, or exposes his violence in any other format threatens his control and silence over her, risk exposing him for who he really is a wife batterer. These actions threaten her safety and the safety of her children. Men based on their position and power in the word use the family court system against women. Let take a minute and think about who this

system is for the justice system was created by white middle to upper class men for white middle to upper class men. This system was never designed for women or to believe women.

Women are hesitant to use the family court system to expose his violence in the fear that she will be punished by shared parenting time and decision, that she will be views as speaking ill of the father or trying to limit his access to the children, or on occasion accused of alienating the children from the father. When in reality her only goal is to protect her children from an abusive man. Yet the court in particular the family court has the authority and ability to air on the side of caution to believe the women and restrict or deny his access to the children. Instead what we hear over and over again is although they believe there was violence in the home directed to the mother, this should not dictate his ability to be a parent to his children. YES it does mean he should not have access to his children. Yes it does mean he is not capable of being a good father to his children. And this 100 percent means that shared parenting time not only continues to put her safety at risk but the safeties of her children is also at risk. Men who resort to hurting or killing their children do so because they have lost control over hurting her and there for hurt what is most important to her children.

More and more men are now using the child welfare system to aid in there attack on women, I have worked on a dozen cases this year alone where the father has contacted MCFD on the women accusing her of being mentally ill, emotionally and/or physically abusive, using drugs or alcohol. In half of the cases I worked on this year with MCFD, the father called MCFD after there was already a family court order in place granting her primary custody. In 5 of these cases MCFD removed the children from the women and placed them with the father during their investigation of the mother soul on his complaint to MCFD, where of course he failed to reveal his violence. In these cases there is clear policy outlined by MCFD about how to conduct their investigation, how to assess "family violence" in all five of these cases the father had a pre-existing criminal record of domestic violence assault charges and in all 5 cases MCFD dismissed this factor and insisted that the mother complete a psychological exam. (I don't know if you're aware but this is nearly impossible to complete and if you can it will cost you a few thousand dollars and months on a wait list). A new trend I am seeing in regards to MCFD response to these cases is to open an investigation place the child in the fathers care restrict her access to two two hour supervised visits, provide no removal order, or plan of return. And then in 3 to 6 months write a letter stating they are closing the file as the child is safe in the fathers home but if she were to have un supervised access to the child that they would have serious concerns and would apprehend the child from her care. Thus leaving the women in a place with no defence and almost no way to proceed within the ministry of family and child development as she does not have a file there anymore and a CFCSA order has higher priority than a FLA order. Resulting in him now having total control of the child and ultimately total control of her as he now dictates her access and he approves who supervises that access.

In Aubrey and Chloe's case it was not the father who went to MCFD but in fact it was there mother, and their nanny who contacted MCFD not one, not twice but three times MCFD was involved with this family in regards to Andrews ability to parent his children. In each investigation that was opened his access was not taken away his ability to parent his children was not compromised her was given 1 to 2 weeks supervised access to his children. He was told to take parenting classes he didn't but the investigation

was closed her was found to have inappropriately touched his daughter but his supervised access was moved to normal access. He was found to have poor judgement in regards to his parenting of his children but he maintained his access unsupervised. Again let's look at how the MCFD system came into place it was a direct result of residential schools it was intended to separate Aboriginal children from their mothers as they were deemed incapable of parenting their children. That system has not changed indigenous children are grossly over represented in eh child welfare system today the child welfare system still separates mothers from children which was clearly evident in this case. NO system wanted to interfere or disrupt his "SIGNIFIGENT" access to his children. Despite his violence towards his children and his violence towards their mother. This system failed to protect Sarah or her daughters. Instead this system chooses to protect Andrew Berry's parenting time.

This is not the first time our community has woken up to hear on the news or read in the papers that a father has taken the lives of his children, and this is not the first time we hare hearing that there was a documented history of domestic violence, and history of MCFD involvement with the family. This is not the first time we as a community have looked on in shock and said this didn't need to happen this could have been prevented.

Again this is not a standalone case this follows a decade after another tragic case in Oak bay that started the sift in how the state systems such and the family justice system and the Ministry of child and family Development respond to domestic violence accusations.

These justice system, MCFD, and policing agencies where forces to pay special attention to family violence. There where significant changes made to the justice system resulting in the implementation of the family law act in 2013,

There where implementations and recommendations of policy changes within MCFD and RCMP requiring a domestic violence risk assessment.

Every police agency and social service agency where forced to add specialized training on domestic violence risk factors and create a risk assessment to be completed when responding to call that involve domestic violence.

Integrated case assessment teams where started

Domestic violence units within both policing and child welfare agencies where either implemented or expanded.

And numerous documents stating best practices in response to domestic violence where produced.

And yet here we are today still having this conversation in light of yet another tragedy.

For both MCFD and the family Justice system changes were made to policy and law that extended the definition of family violence from being physical to also include emotional, mental, and the threat of violence which we as front line anti-violence workers have always consider violence against women. This change in police now also made it critical information to review in assessing the safety risk to women

and their children. But these policy changes are also failing women both in the family law systems and the child welfare system as it is left to each social worker, team leader, and judge to decide when that policy is followed, when to give it weight and how much weight to give his violence when considering parenting time, safety planning, access and removal.

As the greater priority of both agencies is how to have both parties continue working together in a co-parenting fashion, which is impossible when there is a power imbalance between him and her based on his violence and or threat of violence. I thought the greater priority was acting in what is in the best interest of the child? In keeping the women and her children safe?

1 woman a month is killed by her husband or common law partner in BC each year, this number is even higher for indigenous women, roughly 18,000 women and their children access transition houses each year escaping intimate partner violence, we receive over 11,000 calls from women and girls who have experienced gender based violence at some point in their life. When is enough, enough? How many more children need to lose their life at the hands of violent fathers before we BELIVE women's experiences of violence before we BELIVE women's fears for their children before we BELIVE man can and will hurt their children when they can't hurt her.

What do I think needs to be done in this case?

I want an independent investigation and review from the Child and youth representative office into how MCFD failed to intervene and protect these girls.

I want a full in-depth review from the Ministry of Child and Family Services

I want best practices and policy in regards to valance against women implemented and followed which could and would have saved the lives of these two young girls.

I want women to be believed when they risk there safety to come forward and speak out about the male violence they have experienced.