

A daughter exploited first as child, then as adult

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It is the case of a daughter encouraged to have sex with her mother's boyfriend.

That is the simple version.

Now factor in that the 18-year-old victim has the mental capacity of a 12-year-old.

And her mother encouraged the sex, instructing her daughter on how to satisfy the boyfriend.

Then consider that the mother is also developmentally delayed, perhaps functioning at the same level as her daughter.

Finally, add in that the daughter was removed from her mother's care as a young child because her father was sexually assaulting her. And when she reached adulthood, she was shunted from the Waterloo Children's Aid Society to a Brampton group home and back to her mother's doorstep — the same mother who failed to protect her the first time around.

It is a sexual abuse case so sad and complicated even the judge noted how difficult it is.

Justice Stephen Glithero made no secret of where he lays blame. After accepting the mother's guilty plea to one count of sexual exploitation and sentencing her to a total of 10 months in jail, he explained she will have an intellectual assessment and will be given help.

"Good luck," he told her.

Speaking of the CAS and the role it played, he "questions" how the daughter was "delivered back into the care" of the same mother "who there is no reason to believe has improved and now has a common-law husband."

As for the boyfriend, who is out on bail and scheduled for trial in January: "He may, of all three people involved, have realized just how wrong it was," Glithero said.

A publication ban prohibits any of the three from being identified.

The mother, 42, was brought into the courtroom Friday in leg irons. She wore grey sweatpants, a pale blue short-sleeved blouse and her dark hair was in a messy braid. As an hour passed, she dabbed tears with a tissue.

Two other counts of sexual exploitation and a charge of sexual assault were withdrawn by the Crown.

In an agreed statement of facts, court heard the daughter (who was not in the court) had been taken into care by CAS at age four after her biological father, who has since died, sexually abused her. Her half-brother was also taken into care. She was made a Crown ward, was allegedly sexually abused while in care, and for 14 years had supervised visits with her mother, always in the care of a social worker.

On her 17th birthday she was permitted to go to her mother's home — accompanied by a social worker — for a party.

In the fall of 2009, she turned 18 and was no longer a Crown ward. She moved into a group home and visited her mother and the boyfriend for one weekend. The next weekend she was "dropped off with her belongings for good," court heard.

The daughter and boyfriend began having sex.

"She wanted to learn," according to the mother.

The mother agreed to it but insisted on being in the room and ensuring a condom was used. Both were her way of "protecting" her daughter, court heard.

Court heard the mother instructed her daughter how to perform sex acts. It was the boyfriend's fantasy, court heard, to have sex with a mother and daughter at the same time.

The mother put a stop to the sexual relationship only when her boyfriend started showing more interest in her daughter than her.

The daughter eventually told a friend about the sex and that friend contacted police.

In an unusual step, the mother took the stand to swear to the truth of the statement of facts. This was done in preparation for her testifying against the boyfriend.

Her lawyer, Beth Bromberg, explained to the judge that her client has difficulty understanding the proceedings.

“My client believes she is about equal in intellect to her daughter,” Bromberg said. “She advises me she failed kindergarten and she was always in special education classes.”

Bromberg says her client was raped as a child, had a miscarriage at 12 and an abortion at 16.

By pleading guilty, she is taking responsibility for the role she played in “a situation she was not capable of handling.”

The mother says her daughter “wanted to participate in sex” although she could not consent because of her disability.

The mother has spent 220 days in custody, 30 days of that served in connection with breaching her bail. With 190 days toward her current charge and two-for-one credit, it amounts to 285 days served.

That means she has just 15 days left in jail before the 10-month sentence handed down by Glithero is fulfilled. She will be on probation for three years and entered into the sex offender registry.

The daughter is back in a group home.

“This offender fits a very different profile than most of the offenders the court would see,” acknowledged Crown attorney Brian Adsett.

“This is a sad case,” said Glithero. “It’s a bit of an unusual case to find one saying it’s sad when usually one would be incensed.”

As is the custom, the judge asked if there was anything the accused wished to say. Bromberg whispered to her client in the prisoner’s box, explaining what that meant.

The mother stood, wiped her tears and said simply: “I just want to apologize to my daughter.”

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