

Superior Court of Justice, Family Court

(Name of Court)

Court File Number

FC-15-2446-0

at **161 Elgin Street, Ottawa, Ontario K2P 2K1**

(Court office address)

Form 14A: Affidavit (General)dated **November 9, 2015****Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Jonathan William Kiska
1244 Lampman Cr
Ottawa, ON
K2P 1P8

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Katie Laframboise
Bell Baker LLP
700-116 Lisgar Street
Ottawa, Ontario K2P 0C2**Tel: (613) 237-3444****Fax: (613) 237-1413****Respondent(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Deirdre Moore
1244 Lampman Cr
Ottawa, ON
K2P 1P8

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Affidavit of **Deirdre Moore**,

sworn before me at the City of Ottawa, this

... **20** ... day of **April** ..., 20 **17** ..**Alvin Shiel**
A Commissioner for taking affidavits**My name is**

(Full legal name)

Jonathan William Kiska**I live in**

(municipality and province)

Ottawa, Province of Ontario**and I swear/affirm that the following is true:**

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

1. I am the Applicant herein and have personal knowledge of the matters set out in this my Affidavit, except where I state that my knowledge is based on information and belief, in which case I identify the source and do verily believe same to be true.
2. The Respondent and I met in or about 1997 and we were married on July 22, 2000.
3. We have two children together, namely, Sean Kiska (9), born May, 2006 and Cate Kiska (7), born November 30, 2007.
4. We currently live in the family home at 1244 Lampman Crescent in Ottawa.

5. The Respondent suffers from a mental illness. Our family physician, Dr. Chow, and the Respondent's psychiatrists, Dr. Anderson, Dr. Charbonneau and Dr. Kay have informed me that she suffers from Bipolar Affective Disorder with psychotic features ("Bipolar Disorder"). I understand that it can be difficult to diagnosis specific mental illnesses and that diagnosis may change overtime. Attached hereto as Exhibit "A" is a copy of a portion of the Respondent's Psychiatry Consultation report dated March 3, 2013 and her Discharge Summary dated July 7, 2014.
6. The Respondent's mental health is currently preventing her from making decisions that are in the best interest of the children. The unpredictable nature of her mental illness and her current mental state make supervised access necessary.
7. Her mental illness and refusal to commit to a long-term treatment plan creates a significant risk for our children's emotional and physical wellbeing.
8. The Respondent's mental health issues started in approximately September, 2012 wherein she was experiencing great difficulty sleeping and putting her mind at rest. She was experiencing racing thoughts, stress and anxiety. She informed me about these issues. She said "I can't turn it off, I can't turn it off" when asked about her difficulties sleeping.
9. In early 2013 the Respondent's behaviour became increasingly worse and uncharacteristic. She insisted that the family take a vacation and unilaterally booked a trip for March 6, 2013, which was very impulsive and unlike her. Her actions and thoughts were disorganized and bizarre. During February and March of 2013 she became obsessed with writing a book entitled "How I beat the bully out of my husband". She further developed an idea to start a new not-for-profit mental health company that included websites, books and videos. She stayed up late at night talking about these ideas and making lengthy notes. She was barely sleeping. I started receiving telephone calls from family members who were voicing their concern over the Respondent's behaviour. She was discussing these elaborate ideas with family, friends and the children's teachers. She even approached the children's Vice-Principal at Sir Winston Churchill with her ideas.
10. On March 1, 2013, a CAS worker, Yvonne Munro, arrived at our home because the children's school (Sir Winston Churchill) reported concerns with respect to the Respondent's behaviour when she picked up the kids earlier that day. Yvonne Munro spoke with the Respondent, our children and me. She recommended that the Respondent see her family physician.

11. On March 2, 2013, the Respondent made an elaborate collage about "J.C.". She informed me that J.C. are the initials of a man who was involved in a murder suicide in Stittsville. The Respondent indicated that she had been talking to J.C. and other deceased family members. I believe she said that J.C. stands for Jesus Christ and that it meant that she was chosen to solve the world's problems.
12. I called 911 on March 3, 2013 because of this behaviour. She was taken to the Civic Hospital and put under observation for 3 days.
13. Upon her release from the hospital, she was emailing friends and family indicating that the police and CAS were involved in child prostitution activities. Our neighbour, an ex RCMP officer, informed me that she showed up at his house and indicated that she could not stay in the family home for safety reasons.
14. On or about April 16, 2013, the Respondent became very agitated while preparing for a scheduled CAS visit and left the home with the kids. I was very worried for their safety so I went after them. I found the family car abandoned in a parking lot at Dynes Road and Prince of Wales. Subsequently, I found her in a nearby parking lot in an emotionally hysterical state hugging the children and saying she loved them and that she would protect them forever. I convinced her to go to the hospital. When we arrived at the hospital she took off on foot before being assessed. Once the police and I caught up to her, she requested that the police bring her to a women's shelter. I was informed by the psychiatric nurse at the women's shelter that a Form 1 (Application for Psychiatric Assessment) had been ordered. Ultimately the Respondent was admitted into the hospital.
15. She was in the hospital from April 16, 2013 to May 28, 2013. She was admitted to the Ottawa Hospital, Civic Campus, under a Form 1. This allowed the hospital to admit the Respondent on an involuntarily basis for up to 72 hours. Subsequently, a Form 2 (Order for Examination) and a Form 3 (Certificate of Involuntary Admission) were completed. She requested a Consent and Capacity Board hearing, which confirmed her involuntary status and incapacity to consent to treatment. I was informed by her doctor that she was being treated for her bipolar disorder with psychiatric features. She was prescribed Olanzapine but she later admitted to her doctor and me that she was cheating her medication. Her doctor reported that the Respondent was being prescribed Lithium. Her discharge diagnosis was Bipolar Affecting Disorder, manic episodes with psychotic features. She discontinued Lithium immediately upon release.

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16. Things improved overtime during June, 2013 to April, 2014 but I continued to have concerns about her mental health. In April, 2014 she started experiencing episodes of paranoia. She told me that she was worried about the career of her personal trainer who worked at Movati Athletic. She believed that the owner of Movati was a mobster and that he may be monitoring the emails between her and her personal trainer. I also discover that she had moved \$130,000.00 from a cash account into GICs. She informed me that she needed to protect the money from the mafia since they had hacked into her computer.
17. On May 23, 2014 she voluntarily checked herself into the Queensway-Carleton hospital under the care of Dr. Wendy Cole. I spoke with Dr. Cole on May 24th, 2014 and she indicated that the Respondent should remain in the hospital for a week but since she was refusing medication she could not stay. I spoke with the Respondent and she agreed to take Olanzapine instead of staying in the hospital. She did not continue with this mediation after being released.
18. Her erratic and troubling behaviour continued throughout May to July, 2014. On July 1, 2014 while our family was staying at her parent's house in Morrisburg, we noticed that all of the knives in the kitchen were missing along with the scissors, other sharp items as well as the prescription medication in the bathroom. I confronted her about this but she denied it. I later found the missing items in our home in Ottawa. I believe the Respondent did this.
19. From July 1, 2014 to July 3, 2014, her parents and I begged her to start taking medication and get help. She refused. Attached hereto at Exhibit "B" is a letter to this court from the Respondent's parents.
20. On July 3, 2014, she called the police claiming she didn't feel safe in our home and asked that they take her to the Montfort Hospital. She was ultimately placed under an involuntary Form 1 under the care of Dr. Fleury. She was discharged on July 5, 2014. She was supposed to come home to celebrate our son's birthday. When she didn't arrive by 10:30 p.m. I called the police and reported her missing. The police located her through at the Lac Lemay Casino by way of a credit card search. They also discovered that she was checked in at a bed and breakfast in Gatineau. After the fact, she explained to me that she was in a delusional state and needed to be at the casino so that her actions/notes could be recorded on video surveillance.
21. From July 9, 2014 to September 5, 2014, the Respondent was admitted to the ER at the Ottawa Hospital/ Civic Campus, on an involuntary basis. The treating doctor, Dr. Pageau, completed a Form 1 and treated the

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Respondent with Olanzapine. She adamantly refused treatment and denied her diagnosis of Bipolar. She requested a Consent and Capacity Board Hearing. The hearing was held on July 30, 2014 and the Board upheld the hospital's decision to admit her. This decision allowed the hospital to begin treatment. Once treatment was started and the Respondent's behaviour stabilized, the children visited her in the hospital. I was informed about these events by Dr. Pageau.

22. As part of her treatment plan Dr. Charbonneau, in cooperation with the Respondent's sister and me, placed her on an involuntary Community Treatment Order. The Board considered a Community Treatment Order as a result of the Respondent's history of non-compliance with proposed medical treatment plans. This information is contained in the Board's decision. The Board's written decision includes the following statement: "...without a completed and sustained treatment, these episodes of mania with psychotic features will become more frequent in nature, more severe in intensity and last longer in duration." Attached hereto at Exhibit "C" is a copy of the Board's decision dated July 30, 2014.
23. During the Respondent's hospitalization she was able to leave on day passes. I discovered that during these day passes she had rented an apartment in Gatineau and leased a 2014 Murano vehicle from a Quebec dealership. She told me that her goal was to establish residency in Quebec where the Community Treatment Order would not apply. She also indicated that she wanted a divorce.
24. During September, 2014, the Respondent slept at her apartment in Gatineau. She would attend the family home before our children would wake-up and leave once they were in bed. We reconciled in October, 2014.
25. From October, 2014 to December 2014, we were back in a routine. The kids were back at school and enrolled in regular extracurricular activities such as swimming, skating and piano. During this time we attended 2 marriage counselling sessions.
26. In early 2015 the Respondent secured part-time employment at Carleton University. In or about May, 2015 she attended an interview for a contract position at the Export Development Corporation (EDC). She informed me that she started experiencing delusions again. She told me that the mafia wanted her to get the job at EDC since the organization may somehow facilitate the mafia with money laundering. She told me that she had taken Latuda on one occasion and that the delusions went away.

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27. In September, 2015, the Respondent became increasingly upset with me after reading a doctor's note describing a conversation that the Doctor and I had regarding her mental health in July, 2014. She told me that my account of the events was not true. There are some inaccuracies in the notes. For example, it said that "the IRA planted microphones in the ceiling" but this occurred during her initial episode in 2013. The final statement, however, is true; such that, I was ready to remove the children if she was released from the hospital. I believe some of the discussion was misunderstood resulting in inaccuracies. Attached hereto at Exhibit "D" is a copy of the doctor's note from our telephone conversation.
28. In or about September, 2015, communication between us completely broke down. During the month of September she really only talked to me about changing her medical records.
29. On October 9, 2015, I arrived home around 4:30 p.m. to find one of Cate's friends arriving for a scheduled playdate but no one was home. I texted and called the Respondent several times without receiving a response. I drove to the Canadian Mental Health Association on Bank street because she was supposed to attend an initial Board meeting. The staff informed me that she did not attend and that the Executive Director emailed her and did not receive a response. I returned home and noticed that Sean and Cate's pillows and favorite stuffed animals were gone along with the Respondent's pillows and the children's passports. I informed family members and called 911 by 6 p.m.. The police arrived around 6:30 p.m. and were in the house until 1:00 a.m. (case no. 15-257822). By 'pinging' the Respondent's cell phone they found her and the children at the Lac Lemay hotel in Gatineau.
30. The following day, on October 10, 2015, my sister, the Respondent's parents and I went to the Ottawa Police station to reiterate my concerns about the children's wellbeing as well as the Respondent's mental health. They indicated to me that the Respondent and the children were at the station earlier that day and the Respondent filed criminal harassment charges against me. The Ottawa Police later closed their file and no charges were laid. At a later time, Cate told me that "mommy told her that the police were going to arrest papa and put him in jail".
31. The police indicated that she presented well and did not appear to be a threat to herself or the children. Upon returning home from the police station I received a call from my son, Sean, who was crying that he missed me and wanted to come home. I asked Sean several times where he was and he said that "mommy wouldn't tell him."

32. On October 10, 2015 around 11:30 p.m. I received a call from Sean saying that they had left gifts outside the family home for me. I went outside and found a Walmart bag that contained several items including wrist and neck bracelets. My daughter, Cate, later informed me that these presents were supposed to encourage me to take myself to the police station.
33. On October 11, 2015 I phoned the Respondent and left a message indicating that it would be great if the children came home since my sister was having Thanksgiving dinner. Sean and Cate called me around 12:00 p.m. and indicated that they would be home in 15 minutes. They arrived at the house around 2:30 p.m..
34. When it was time to go to my sister's place for dinner, the Respondent grabbed Cate and was squeezing her so hard that Cate was crying and asking her to stop. I instructed my son to go to the car. A neighbour was passing by and I had him come into the house to witness her behaviour. I called 911 (case # 15-259469). The police arrived around 4:00 p.m.. The police indicated that there was nothing they could do because the Respondent did not appear to present harm to herself or to others.
35. Since the Respondent prevented us from going to my sister's place, by blocking the car, my sister and her family came to our house for dinner. During this time, the Respondent left the home without telling anyone. We did not know where she went.
36. At approximately 9:00 p.m. on October 11, 2015, the CAS worker, Yvonne Munro, arrived at our house and interviewed the children, my sister and me. Sean and Cate indicated to Yvonne Munro that when they were away with the Respondent she was talking to herself as well as laughing and crying. They informed her that the Respondent was telling them that I was going to jail, that they would have to live on the street and that I didn't care about their whereabouts. The children indicated to the worker that they would rather be home with me than at the hotel with the Respondent because "they didn't feel safe in the hotel".
37. Yvonne Munro expressed concern for the children's wellbeing due to the number of incidents that had occurred with respect to the Respondent. The CAS instructed me that the Respondent was not to be left unsupervised with the children. I have been following these instructions. I asked the CAS to provide a letter to this effect but that's not their practice.
38. It turns out that the Respondent went to the hospital on October 11, 2015. Her psychiatrist, Dr. Kay, told me that the Respondent was initially under a Form 3 (involuntary status) but is presently under voluntary

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psychiatric observation. Dr. Kay also indicated that the Respondent was in an extremely delusional state upon admittance. Dr. Kay informed me that she is taking medication. I have been bringing the children to go visit the Respondent in the hospital.

39. Presently, the Respondent comes home from the hospital on day and weekend passes. There is limited communication between us. On many occasions she leaves the house without telling me and does not come home until the next morning. This occurred as recently as November 7, 2015 wherein she left the house unannounced and when she arrived back at the home at 8:00am on November 8, 2015 she indicated that she "had a sleep over at a friend's house" when asked by our daughter. The irregular visits to the home are confusing to the children.
40. I truly hope that the Respondent regains her health and commits and adheres to a long-term treatment plan. For the past few years, my family has been on an emotional rollercoaster. It has been very unstable and frightening for everyone involved. I just want them to feel safe, secure and happy. We cannot live together under the same roof anymore. Having exclusive possession of the matrimonial home will provide the consistency and security that the children need to feel safe and to ensure a positive environment for their development.
41. I am seeking an emergency custody order because that is what is in the children's best interest. I am more than willing to work with the Respondent and to communicate with her with respect to the children.
42. I am also seeking an order that access between the children and the Respondent be supervised by me or her parents at our home until further Court Order or agreement between us. I will ensure that the Respondent has maximum contact and maximum access to the children. I fully intend on allowing unsupervised access once her disorder is properly treated and her behaviour is stabilized. But right now, I have CAS telling me that supervision is necessary and I strongly believe it is. Although the Respondent is apparently on medication, she has been hospitalized 6 times since 2013, police have been at our home 8 or 9 times and I need assurance that another mental health episode will not occur for a significant period.

43. In addition, I ask this court for exclusive possession of the matrimonial home. The Respondent and I have the means to pay for an apartment for the Respondent and get her properly set up. As mentioned above, I will facilitate maximum contact and access between the Respondent and our children. I have no other choice but to take these measures. Without sole custody, supervised access and exclusive possession of the home I am unable to ensure the children's safety. And their safety is my primary goal.

44. I am able to meet the children's physical and emotional needs. I have parented the children on my own during the Respondent's hospital visits and during any time of difficulty. I have always been a hands-on father. I stayed home for 5 months when our son was born and 3 months when our daughter was born.

45. I work as co-founder of AdvisorOnTrack which is a management consulting professional services company. I earn an annual income of approximately \$70,000.00. I have flexible hours and I am available to meet the needs of the children on a daily basis. I drop the children off at school and pick them up. I bring them to their activities and keep them well socialized.

46. I have been responsible for all of the children's homework assignments and school functions for the past 2.5 years. Since March 1, 2013, the Respondent has refused to communicate with the children's school (Sir Winston Churchill) because the Vice President called the CAS with respect to her bizarre behaviour. I go to all parent teacher interviews and I have done the majority (90%) of the children's homework for the past 2 school years.

47. The children have suffered through this ordeal and things just keep getting worse. Everyone involved (her parents, the CAS, friends etc) have the same concern as to what will happen next to the children if she does fully adhere to a long-term treatment plan recommended by her psychiatrists. I am prepared to assist her through this process, as I have for the past 2.5 years, but in the interim the children need to be protected.

48. I love the Respondent and only want what is best for her and our children. I am looking for these orders to help keep consistency in the home and protect my children.

49. I make this affidavit in support of my motion and for no improper purpose.

Form 14A: Affidavit (General) (page 10)

Number _____

dated November 9, 2015

Sworn/Affirmed before me at:

Ottawa

(municipality)

in Province of Ontario

(province, state or country)

on November 9, 2015

(date)



Commissioner for taking affidavits

Katie Laframboise

(Type or print name below if signature illegible.)



Signature

(This form to be signed in front of a lawyer,
justice of the peace, notary public or commissioner
for taking affidavits.)