

OFFICE OF THE YOUTH JUDGE Leuven Smoldersplein 5 Tel 016 / 21.40.96 97 98 99 Fax . De Paepe Hilde  
In the file of : File : 19112.M.2022 / 1 / 12 Note no .: LE.45.LB.2803-21 Rep : 219/24 Measure pursuant  
to Article 47.1" of the Decree of 12 Jul 2013 regarding the integral youth care

ORDER

**GAYANOVICH Ethan , born in Leuven on December 20, 2012 and registered at 3110 ROTSELAAR ,  
Aarschotsesteenweg 82 0002 ;**

GAVANOVICH Ethan , born in Leuven on 20 December 2012 and registered at  
3110 ROTSELAAR , Aarschotsesteenweg 82 0002 ;

### **1.Judicial procedure**

On August 18, 2022, the Public Prosecutor demanded that the juvenile judge take protective measures with regard to the minor GAYANOVICH Ethan born in Leuven on December 20, 2012 . On September 29, 2022, the juvenile judge heard the following persons: counsel for the minor Mr. S. Niesen loco K. Jansens ; the mother of the minor , assisted by an English / Dutch interpreter . The consultants from the social services and the judicial trainee were also present at the cabinet meeting.

### **2. Situation and assessment**

Because Mum records all conversations without the permission of those involved, she was asked to hand in her mobile phone at the clerk's office before the cabinet meeting, which she did without any protest

⇒ *If those involved had no other intentions but to act according to the Law and look for my son best interests, non of them should be bothered if the conversation is recorded or not.*

She was also informed before the start of the cabinet meeting that the consultants would also participate in the meeting . Although Mum had previously announced that she would not be present if the social services took part in the cabinet , the cabinet meeting was able to continue without any problems .

⇒ *Just as I have predicted that my phones will be taken away, and make sure I had an extra recording device, I expect that social services will be on the meeting as well.*

*Although I have made several attempts to communicate very clear my reasons why I didn't want them there. On top of that I have asked for my family to be protected from them.*

During the cabinet meeting, an attempt was made to explain to mom why she should talk to the social service, given that the social service conducts the social investigation and not the juvenile judge. An attempt was also made to make it clear to her that there is a difference between the investigation conducted by the public prosecutor in response to the stabbing incident and the involvement of the juvenile court.

⇒ *I have attempted so many times to explain why I don't want to go through the social services, but no one took note of it and we have been subjected to them anyway. Simply because no one cares, as long as they can have their revenge.*

She was also informed of the reasons why the file was brought before the juvenile court , but mom lingers in her story .

⇒ *The real reason why the file was brought before the judge is because after 7 months talking with OCJ, I was always told by the consultant that she agreed with me but OCJ has no authority to do this or that; she told me that they can support me while waiting on the decision from the criminal court. And that way we can prevent to go before the juvenile judge. (probably should have listened.) But it was too long for me to wait with no results and in meanwhile my son didn't go to school. I thought if the file is sent to the Public Prosecution Office and then to the Juvenile judge (skipping SDJ as I was told by Mrs. Opsteyn Jessica that this would be possible in this case). It would be solved faster...*

The documents in the file on which the final decision is taken are the report of the OCJ, the official reports LE.42.17.1282 / 2021 and LE.45.LB.2803/2021 , the notes and the advice of the consultant of the social service of the juvenile court of August 18 and 25, 2022 and September 16 and 27, 2022 respectively and the e-mail traffic from mom to the juvenile court and those involved.

⇒ *I have been twice at the registry of the juvenile court there was no report from OCJ, only 1 page on which was said, that I refuse to cooperate. This is*

not the case. I have cooperate. After 3 months waiting for the consultant to contact me after she receives answers from different organization for alternative school. I have contacted her and she told me that, they are so busy that she totally forgot to contact me after receiving the response. Other 4 months have passed, (having regularly phone calls or meetings on my request) no progress of any kind. I have decided that it's no use to keep waiting and made an appointment to close the file. We agreed that both of us will do it together, so we did. She have informed me that the team leader will have to read it and if he would like to add something or edit it, I will be informed before is sent to the public prosecution service. Instead I received a phone call to be informed that the team leader have told her what to add and what to remove and it was sent to the prosecution without me seeing it. I have asked: "so once again my rights to participate have been denied to me?"

The answer was: "Yes Diana they have been. But I don't have time to talk with you right now."

Eventually I have received something from OCJ that was said to be what they have sent to the Prosecution, but I haven't seen anything at the register of the Juvenile court.

Which it doesn't surprised me, 2019 from the same register 8 official documents all of which were given personally to the judge have gone missing. Then appeared again, but then again never made it to Appeal! LE.42.17.1282 / 2021 is about small bottle that Ethan found near the fence of the school, he liked it and decides to keep it. It turns out to be pepper spray. The school said that I have given it to him. Why would I give him something that can hurt him?

LE.45.LB.2803/2021 this is my complaint that obviously is used against me. The notes of SDJ. SDJ have made so many wrongful things to my family in 2019 that I have asked to be protected from them, so it only makes sense their notes are contributing my son to be taken away from me.

It has been said that I refused to communicate, but it information I have shared is also used against me while there is nothing that I have said that can possibly be a reason for my son to be taken away. All that is in this emails is the evidence what has been done to us.... **It's a desperate cry for help...**

*Nothing is good enough:*

- if get upset – it will be called emotionally unstable.*
- If showing no emotions – will be emotionally withdrawn.*
- If try to explain myself – will be defensive*
- If not saying much – will be impossible to communicate*
- If express concerns- will be delusional*
- If share fears – will be paranoid*
- If having disagreement/ different opinion – will be refuse to cooperate*
- If having bad experience – will be trust issues*
- If having questions – will be in suspicious*
- If have no questions – will be in different*
- If caring – will be overprotective*
- If trusting – will be neglected.*
- Safety at school – is unrealistic expectation*
- ... endlessly...*

*The only option left is to always agree no matter how this would affect your child. This is considered - Cooperation.*

***Which in reality is Despotism. Being stripped of yours believes, rights, freedom, humanity, identity... Until the point when the death would be mercy, simply a gesture of kindness!”***

Ethan's file was submitted to the juvenile court by the prosecution on August 18, 2022.

The filing details indicate that there are the following concerns about Ethan 's parenting situation:

- Ethan has gone through many school changes and is currently on an extended absence from school since October 2021 , posing a serious threat to his development opportunities . There is concern that his learning delay will increase, he will have more difficulty making social contacts and his

socio-emotional development will stagnate. The CLB indicates that no assistance program is possible that can result in regular attendance at school. Mama sets unrealistic expectations for the school;

⇒ *“Yes we did change 6 different schools. And in all of them he was a victim of bullying. One of the reasons I didn’t want to change school anymore. We changing schools it changed nothing for him. All the schools have the same politics. They talk with me and Ethan, although we are the victims therefore we cannot change much. None of the schools was willing to invited the parents of the other kids... Reason given was privacy. I disagree. There cannot be breach of privacy if the parents are invited. They would be given a choice, which the schools have decided to deny to them. Ethan didn’t go to school from October’21 because he was 2 months as good as on daily basis beaten up, make fun of, humiliated. Until in 28.10.21. he got stabbed with a pencil that penetrate shoe, suck ending up 1cm. Into his flash. And instead of investigate the school decided to say that he stabbed himself because he was bored. That would mean that next time he can be killed and the school will say:” Doesn’t surprise us first stabbed himself now he killed himself”. While Ethan was going to school he couldn’t read or write... I was able to teach him, he is able to read English and Nederland’s. Also able to write! Just as he said that he cannot focus in class because he thinks what would happen to him next play time. Furthermore, Ethan’s was stuttering, because of the stress his social life in school brought. Not even 2 months after he stopped going to school the stuttering completely disappeared. CLB have made Mdoc to OCJ based in 5 days absences for which I had medical certificate. And together with the school have done their best Ethan it doesn’t get any kind of education. The only expectation/request I have ever had was to keep my child safe and to organize meeting with the other parents. After all of theirs attempts have been fruitless. **What was unrealistic is what the School and CLB expected from me. To trust them and send my child to school after accusing him of stabbing himself.**”*

- Ethan 's mom is very suspicious of the school and emergency services . She refuses to cooperate and isolates Ethan . There is a concern about the impact of mom's vision of the school and the world on his functioning. There is also a lack of calm and stability in Ethan 's life .

⇒ *“I am not suspicious but certain. As I have provided evidence that cannot be denied, if just someone who is objective and actually care about my son best interest, the truth or justice looks at them, this will be fast established. I don't refuse to cooperate. I would like to be given a choice with whom to cooperate or which assistance we find helpful. Considering what all has been done to us 2019, from the school all the way up, including the court of first instance /juvenile division.*

*The way I see the functionality of the school and the system in Belgium unfortunately it's just as I see it – failed.*

*(Having it confirmed by one of the best attorneys in Leuven- Mr. Nelisson Grade.) Or ( Mr. Rik Vanrusel one of the top attorneys in Belgium warning me that if I go to court against the system I will be pronounced insane locked up in asylum and the key will be thrown away). Or (Ms. Lisalotte Rector pro bono, refusing to defend my rights or the rights of my son because that would be going against the system the there is no chances I can win no matter what evidences I have).*

*... And how this impact Ethan I believe is in his best interests. Since he should know the difference between right and wrong, trust and naivety, and he should know he is also a human being and has rights just like every Belgium kid has! He isn't less.*

*I agree, there is lack of calm and stability in Ethan's life. Him not being able to learn, and stuttering while going to school. And making a progress in reading, writing and completely stopped to stutter after being 2 months home, speaks volumes were he needs calmness and stability. But then again someone needs to recognize and acknowledge this. **So my child is finally able to enjoy his rights to fullness. And live without fear!**”*

Mama does not allow assistance or support. She refuses any interference by the OCJ and does not cooperate in the social investigation. Reports from the social services show that there is also a lack of cooperation after the file

has behave cooperated with the juvenile court. It's hard to have a conversation with mom. The many emails she sends to social services, among others, have an arrogant and threatening tone. She also shields Ethan, thus also having a conversation with him is made impossible. Mum's behaviour is twofold in this respect: she wishes to participate and to check what is being said, but she herself does not accept the invitations for a conversation with her or Ethan. Ethan's father is barely visible and does not want to talk to the social services.

⇒ *Because of what happened 2019 so called “assistance support”, for me is **the worst form of abuse**. I have never refused interference from OCJ I have been asking them to interfere on several occasions, but I was told, that OCJ has no authority. I have cooperate in the social investigation, have several meetings with OCJ, the consultant was welcome at my home where she could meet Ethan, and have spoken with him. If disagreeing with them from when Ethan should go back to school is considered not cooperate, that would me that they haven’t cooperate with me either. I didn’t want to do anything with SDJ. They have done so many wrongs to us some of which have created the: false memories of my son, and he had developed temporary PTSD... His TIQ dropped from 87 in 2018( without social services) to 75 in 2019(with social services). After more than a 1 year going to speech therapy and making a progress within 1 month after OCJ/SDJ were involved his speech therapist told me that in short period of time Ethan went backwards. After she did tests his results were worst that at the beginning. Around this time was for the first time he began with stuttering.*

*It’s upsetting having conversations with OCJ or SDJ. They wouldn’t really listen or considering my worry or point of view ... They keep saying CLB said, the school said... and we think.... Or they will agree with me but then is done or said something else.*

*Frequently things have been taken out of context and presented the way that would fit best for them. Or simply things are being invented out of nowhere. As a consequence of it, one feels, threatened, misunderstood, abused.... so on and so forth until finally gets upset, and desperation is pretty much the only thing that is left. It’s impossible to be diplomatic or to*

*show respect, to people trying to crucify me but with the claim, that all of it is done within regards of my son best interests....*

*After all, when the best is taken from a human being all that is left is the worst ....*

*If for a moment someone consider that what am I saying is true, can I be held responsible for carefully choosing who can talk with my son? I will do anything in my power and beyond to prevent the best out of my son to be taken away too. Is the only logical thing to do. ( Although OCJ have talked with him).*

*Nevertheless he has psychologist, I have contacted YNECO, and they are supporting us until he is on the waiting list of UZ Leuven for daily therapy at the children psychiatry. I have contacted Kinderenrechtcommissariaat, and the supervisor was at my place and have spoken with Ethan too. Without me being there, because I trust her. As his mother I should be able to decide with whom my child is safe... And specially knowing what the social services are capable of.*

*And finally I have asked even begged the juvenile judge to have conversation with Ethan, herself so I'm sure that what she will hear is the voice of my child not the one from the social services. She refused to do it! So I don't think that can be said I shield Ethan's which makes conversation with him impossible... She refused. Didn't find it important what he has to say."*

The information obtained from the school shows that an incident has occurred in which Ethan was diagnosed with a cut and stab wound . Since this incident , Ethan has not gone to school , because Mom fears for his physical and psychological safety . However, it is already the sixth school where Ethan attended. Over time , a distrust of the school grows , because Ethan 's safety could not be guaranteed , according to Mom . As a result , Ethan has changed schools very often in a short period of time and has stayed home completely since the last incident , which obviously has a negative impact on his learning opportunities and Ethan 's social contacts . However, Ethan himself would like to go to school and the OCJ also emphasized how important it is that Ethan would go



back to school from September .

⇒ “ ‘The information obtained from school'. *Right!*

*It's incomplete at least to say.*

*The school did not inform you that before he was **stabbed** he was 2 months punching bag for entertainment purposes. Or that after all of their attempts not only failed, but it made the situation escalating until the point he could have been killed. And even they have promised that they will invade the other parents for meeting they always came back to the privacy issues... Or that when I asked them for some kind of manual on how to do the new math method, I was told that manuals for special education doesn't exist. CLB conforming it. **And yet I was able to find manuals, and by all means identical once!** Or that they told me bring paper from Ethan's psychologist that he is visiting her because he is afraid to come to school, and his absence from school will be justified and he will be in order. **So I did provided to them the exact paper they have asked. And yet when I tried to subscribe him to BedNet they say that that isn't what they have told me! And on 16.08.22 Ethan was expelled because of illegal absences!** Or that they have said to me that materials from school will be sent to us until such a time the criminal court comes with the decision. **And yet not only that they haven't send anything they have made sure Auxilia doesn't come either to help Ethan. By informing first them that he is expelled!** Just to name a few....*

*And if they didn't informed you **I HAVE**. So many times, all of you separately, and together.*

*No his safety cannot be guaranteed, and not only at school but in **the court neither!** As it appears from this Decision.*

***Staying home has a positive impact on Ethan on various ways as I have mentioned so many times!***

*The statement that Ethan himself wants to go to school is just the following example of contradictions. How the judge can know this if I have shield Ethan, which makes it impossible to see what he wants or needs?! **Again***

**not the voice of my child**, but the voice of the judge is heard.

*My child is afraid of kids!*

**Ethan is terrified to go to school, so am I. But Ethan does want to go to school where he can be safe and happy, so do I.**

*I have people that can confirm this and I have note from his psychologist dated May'22 saying Ethan is afraid to go back to school. Which was provided to the prosecution, OCJ, SDJ and the Juvenile judge as well. No one took note of it.*

*I agree with OCJ how important is for Ethan to go to school, but I disagree that it has to be from September. This child didn't have the proper health care to be able to heal from his trauma. So forcing him to go back to school as nothing happened, would do only damage and nothing good. He needs time to adjust, gain some confidence and trust, first! To be given some tools to be able to cope with it. Therefore I have put him on the waiting list of UZ Leuven Children Psychiatry .. Then when he is ready I would love to take him to school. And again best to build up, half a day for example to begin with..."*

Mama was unable to start Bednet for lack of a medical certificate . She is demanding clear sanctions, restrictions and conditions from the court regarding the school to ensure Ethan's safety and awaits the court's verdict before sending him back to school. After all, she fears that as soon as Ethan goes back to school, he will be attacked again, possibly resulting in his death. An attempt was made to make it clear to her that the court has no jurisdiction to take such measures . In the meantime it appears that Ethan has been permanently suspended from his last school , so that a new school has to be looked for.

⇒ *"I was unable to begin BedNet simply because the school and CLB decided that way*

**If I understand correctly the criminal court has no jurisdiction to punish the school and CLB for what they have done to my son. But the juvenile**

**court has the jurisdiction to take away my son for me because I am trying to protect him?**  
**Is that correct?"**

Finally, the court notes that Ethan's situation today is virtually the same as it was in 2019. The steps that Mom took voluntarily to look for appropriate help, unfortunately, did not have the desired effect. Since mom refuses any conversation with social services and also does not give permission to request information, it is not clear to the court whether context counselling was ever started.

⇒ *And indeed finally I couldn't agree more with her Honor, Ethan's situation is indeed the same as 2019 just as I have constantly compering it through the whole decision that has been made. Even worse.*

***But not on the way her Honor suggests!***

*Not to repeat myself over and over again. Would like to say that contextual guidance was started on 18.12.19 with SKG de Schommel until August 2020 (2 months extra because I have asked if possible to make the transition to Resonance.) The guidance with Resonance began in August 2020 and ended in November 2021.*

*De Schommel and Resonance have agreed that there is nothing much they can do for as, because **the issues are at school not at home.** They have no authority or training to help.*

*Although the judge claims that they don't know if guidance was ever started is **not true**. On the meeting 29.09 2022 her Honor herself said that I had guidance from SKG de Schommel.*

*Once again like in 2019 the Verdict, is just the same like this decision: Incomplete, Untruthful, Deceiving and Manipulating.*

**Which absolutely can not be considered to be in my son best interests.**

**My son is the COLLATERAL DAMAGE!**

Concerning the concerns about Ethan's academic, social and emotional development, the suspicious and isolating context in which Ethan grows up and the inability of the counsellors to talk to the parents and Ethan, an observation by a specialized service is necessary to estimate what Ethan needs to develop in a healthy way. The OOC Ter Heide could start up residential in the short term.

⇒ ***Here I will not say much.. Because I can't put it to words what I feel about it or what would that do to Ethan's well being in general. If he is ripped away from his home and parents the only place he feels loved and protected and thrown away in isolation with bunch of kids with different behavioral issues mostly violent than would be absolutely abusive and would violate most of his rights.***

***I hope the Appeal knows that 2019 they have taken the right decision. And this time does the same. Looking on the facts not listening to who what has been said!***

***While I have provided so much evidence of what is happening behind the scenes. The decision made should be based on the FACTS, not on:***

***She said, he said, and rumour has it!"***

This was clearly communicated to mom at the cabinet meeting.

⇒ ***Which I was absolutely against it after I understood pretty much what is it about. Nothing was clearly communicated to me.***

After the cabinet meeting , Mum sent an email to the registry , informing her that she would enrol her son in a school to prevent him from being taken away from her .

The further development of Ethan can not be sufficiently guaranteed at home , because no assistance is allowed , which means that a drastic interim measure is immediately necessary to meet the concerns about Ethan 's home situation .

⇒ *By now I have said (provided evidences as well) enough that Ethan ( as every child) best develops in environment that they feel safe. And this is at home with his parents. I have never jeopardized my son in any manner. All I have done is always looking for his best interests. Even fighting against all odds.*

Ethan will therefore be placed under the supervision of the juvenile court from now on pending residential admission to the OOC Ter Heide.

⇒ **I will NEVER agree to any supervision or even less placement out of home.**  
*Simply because there is no reason for it...*  
*I do look for help and I do have help... And still looking for more...*

In view of the foregoing , the conditions provided for in Article 47 / 1 ° of the Decree of 12 July 2013 on integrated youth care have been fulfilled . A measure provided for in article 48,1 of the aforementioned decree is necessary .

### **3. Applied legal articles**

The measure ( s ) is / are taken with respect for and in application of the following legal provisions :

- Articles 3 , 16 , 31 to 37 and 41 of the law of 15 June 1935 on the use of language in court cases.
- Articles 47/1 , 48,1-2 " of the Decree of 12 July 2013 on integrated youth care , as amended by the Decree of 15 March 2019 containing various amending provisions ;
- Articles 10 , 51 , 52 , 52ter , 55 , 58 , 62 and 63bis of the law of 8 April 1965 on youth protection , as amended by the decree of 15 February 2019 on juvenile delinquency law.

#### **4. Decision of the juvenile judge**

The juvenile judge subjugates the minor **GAYANOVICH Ethan , born in Leuven on 20 December 2012** supervision of the social service for judicial assistance **from 29 September 2022 pending residential admission to the OIOC Ter Heide.**

Any switching between functions and / or type modules may only take place with the explicit permission of the juvenile judge.

⇒ ***First to say it again supervision or placement out of home is out of the question!***

*Second at the meeting on 29.09.2022 the judge said that he will be in a institution for period of 4 months during the week and home in the weekends. Something that isn't mentioned in this document! Which means that this will be indefinite. I don't think, that is even legal.*

*My son stays with me, where he is safe, happy, loved, taken care off. It's where he belongs.*

*He has mother that never did something to harm him and always did everything she could to insure his well being. The decisions taken in regards of my son should be taken by me. As it's in my rights and no reason to strip me of them! No supervision either, those people did enough damage in 2019.*

The juvenile judge orders the provisional execution of this decision.

This decision was taken in the cabinet of the juvenile judge of the court of first instance in Leuven juvenile court division on **September 29 2022** .

The decisions of the juvenile court , taken pursuant to Article 52 of the Act of 8 April 1965 , are subject to appeal within a period of 30 days by the Public Prosecution Service and by all other parties involved in the proceedings ( Article 58 , first paragraph ) and 62 of the Act of April 8, 1965). With regard to the Public Prosecution Service , the period of 30 days runs from the notification of the decision . With regard to the other parties to the proceedings, the period of 30 days from the date on which the copy is handed over the decision and, in cases where this handover has not been possible, from the day on which the parties concerned became aware of the decision by means of a court letter. An appeal must be lodged by the parties by a statement made to the registry of the court that issued the order .