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October 30, 2020

BY EMAIL

Mr. Darryl Ross
Ottawa, ON
darrylondunlin@gmail.com

Dear Mr. Ross:

Re: Holmes and Ross - child access
Our Reference: HMCY-0001

It has come to my attention that on October 15, 2020 there was a serious incident involving your hospitalization in the intensive care unit that must be addressed. I am advised that the hospitalization was as a direct consequence of a relapse in your alcoholism or your abuse of non-prescription medications. I also note that this is not the first time for such events, and this seems to be a repeating pattern.

Ms. Holmes verily believes that this incident is another example of your abusing alcohol or non-prescription medication. Despite numerous requests and previous court orders, to date you have not provided the appropriate level of disclosure with respect to your hospitalizations, alcohol or substance abuse, treatment, treatment plans and related information. As previously noted, my client is seriously concerned about the safety of the children while in your care.

Your Prior Hospital Visits:

I have still not received a response to my correspondence dated July 10, 2020. I note that I am still waiting for the following disclosure:

1. Complete hospital records regarding your treatment for the incident in July 2020;
2. Medical disclosure previously requested, including supporting documents pertaining to your treatment plans, programs or services regarding alcoholism and/or prescription drug use (per the Order of Master Champagne dated January 19, 2018); and



3. Documents relating to your car accidents from November 2016 and March 2017 including, but not limited to police reports, accident reports, court documents, photos of the damage and bills for repairs to the car (per the Order of Master Fortier dated October 4, 2017).

Incident of October 15, 2020:

I also note that on the evening of October 15, 2020 Ms. Holmes received a telephone call from the paramedics. They informed her that they had been speaking with you and that Ms. Holmes was on your contact list for emergencies. They wanted to check on you because you were unintelligible on the telephone and they needed Ms. Holmes to confirm your address. I understand you have moved three times in 2020.

While Ms. Holmes was on the phone with the paramedics, you attempted to call Alice and Charlotte on FaceTime twice while you were intoxicated (either by alcohol or non-prescription drugs). This behaviour causes Ms. Holmes serious concern because it demonstrates that you are not considering the girls' best interests. Rather than focusing on your own health and improving your situation, you were trying to contact the girls when you were not in the best state of mind.

Ms. Holmes subsequently contacted the Queensway Carleton Hospital and they confirmed that you had been admitted to the Intensive Care Unit. I also understand Ms. Holmes was in contact with your mother, Ms. Holly Ross, to obtain an update on your health. However, she provided limited information to my client.

On October 19, 2020 your mother informed my client that you had been released from the hospital and you were staying with her in the interim.

On October 28, 2020 (over a week after you were discharged) you finally admitted to Ms. Holmes that you had a relapse in your alcoholism. I understand from your correspondence that you are committed to getting help, and you will be contacting your Employee Assistance Program to obtain counselling. Ms. Holmes hopes that you are able to receive the help that you need.

Therefore, in addition to the disclosure previously requested and the documents noted above, we will require the following additional information:

4. Hospital records regarding your recent admittance, as well as discharge reports;
5. Contact information for your new counsellors; and
6. Details regarding your treatment plan.



At this time, Ms. Holmes does not feel comfortable with you exercising any access with the children until you can demonstrate your sobriety and provide the disclosure requested. Ms. Holmes is willing to discuss supervised access, with a supervisor who is approved by her after we receive the disclosure noted herein.

Motion for interim custody and revised child support

At this time, Ms. Holmes believes that it is in the best interests of the children for her to have the ultimate decision-making authority on their behalf. However, this does not mean that she will exclude you from the decision-making process. It is best for the children at this time for you to continue focusing on your recovery. Ms. Holmes has had *de facto* sole custody for the past two years and has continued to keep you apprised of the children. Therefore, it is best if this arrangement is put into a formal court order.

Kindly advise whether you are agreeable to a consent order giving Ms. Holmes interim sole custody as well as revising child support based on your current income. If you do not agree, please accept this letter as official notice of Ms. Holmes' intention to bring a motion seeking interim sole custody of the children, as well as a revision of child support payments. The previous Order of Justice Kershman is over two years old. As such, ongoing child support must be adjusted to reflect your current income. Kindly provide your three most recent pay stubs and 2019 Notice of Assessment.

If Ms. Holmes is forced to bring a motion, we will be seeking costs against you. I hope that will not be necessary.

Sincerely,

Alison Boyce