

# Families and Corrections Journal

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## When a family member is a victim: An interview with David Molzahn and Christina Guest of CSC Victim Services.

'Stranger' crime happens, but it is the family home that may be the most dangerous place to be. Murder, rape, domestic violence, child abuse, incest, robbery - the list in which one family member, or someone who was previously in a relationship with the offender, is the victim. The list probably includes every crime.



David Molzahn and Christina Guest.

The Canadian Families and Corrections Network knows from its work with families that the offender is much closer to home than anyone likes to talk about. The CFCN also takes a wider view, that even if a family member is not the victim, the family is still harmed by the criminal behavior of the offender and its consequences on the family.

The CFCN was very interested with the start-up of the Correctional Service of Canada's Victim Services and about what services could they offer to families. David Molzahn and Christina Guest, who work with Victim Services for the Correctional Service of Canada, agreed to discuss this topic.

CFCN. There's a lot of concern and discussion about 'stranger' crime, but perhaps not as much discussion about crime happening with a family relationship. What do you think that's about?

DM. I have some personal theories on why that is. It's easier to think about people and offering services to them when there is a separation between the victim and the offender. When there is not, it becomes much more complex emotionally, psychologically, spiritually.

Within the correctional system, there are some challenges from an operational perspective where staff deal with the offenders in the institutions and hear, for example, that the victim is a spouse. On top of that, the family member would like to continue the relationship. It's difficult for some folks to comprehend. Not difficult, of course, in the community where you see that kind of thing happening all the time, but operationally staff wrestle with that a bit more. I think that this is a growing edge for us in Victim Services of the Correctional Service of Canada – to become clear about who the victims are and who the registered victims are. In many serious crimes, the crime occurs within the context of the family and we haven't been able to talk about that as clearly as we need to. I think some of the work that the CFCN is doing

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"Contribuer à bâtir des milieux de vie plus stables et plus sûrs, en offrant un soutien aux familles qui doivent composer avec le comportement criminel, l'incarcération et la réinsertion sociale."

is helping us ask those questions.

CFCN. You were recently in Saskatchewan to meet with Aboriginal peoples and families. Was there any discussion about family members being victims?

DM. The Aboriginal counselors and pastors at the meetings raised so many issues. They shared heart-breaking stories about their work in some of the smaller communities and discussed reaching out to both victims and offenders. That's such a unique perspective. My personal experience in working with family members as victims of crime has mostly been with Aboriginal families. When I was a hospital chaplain, I sat with a mother whose son was in intensive care and whose life support was being turned off. It was a family-on-family crime. The mother was dealing with a son who had passed away and another son who was going to serve a life sentence. That is the kind of story we heard quite frequently.

CFCN. Could you tell us about when, how and why Victim Services was started?

CG. In 1992 the law (the Corrections and Conditional Release Act) was changed to include an obligation on the part of the government of Canada to provide information to victims of federal offenders. A process was set up by which the Correctional Service of Canada could provide information to registered victims - victims who requested to receive that information about the offender who had harmed them.

CFCN. If a family member is a victim and they phoned the Victim Services, what can they expect?

CG. If they phone, they'll be asked to choose the region where they live by entering a number to push. What they can expect then is that someone at that regional office will answer, although they might have to leave a voice message. Someone will phone them back, same day, if they leave a voice message.

The family member would ask to register as a victim in order to get information about the person who harmed them. The Victim Services Officer would then describe the process of registering, what has to happen before CSC can release information to someone. The reason for that is that we can't release private information about the people in our custody except within very specific requirements. Victims are some of the limited number of people to whom we can provide some information and we need to ensure that the people who are phoning are actually the victim. There has to be some way for us to check that the person on the phone is who they say they are. A few simple questions are asked of the victim about the crime, about things

that the general public would not know about the particular crime against them.

CFCN. Would the family member have to give their name right off the bat?

CG. No, not if they are just phoning for information about Victim Services and what we do. We can readily give out information about what services are available to people who register, what information can be provided to registered victims, why victims have to register if they want this kind of information, why we have to follow certain policies and procedures to protect victims and to protect private information about the offender, because both have rights.

CFCN. And then if a family member wanted to register they would provide their name, phone number and other contact information?

CG. That's right. We do require the request in writing. We would say where to get the forms, what they would need to do to fill it out. The Victim Services officer could also fill it out for them over the phone and then send it to the family member for them to sign and send it back.

CFCN. If the family member registered as a victim and phoned Victim Services, would they speak to the same person again or would they have to explain their story each time?

CG. The goal is to have as few people as necessary to speak with. Because all the information provided by the victim is recorded on a secure database, if the original Victim Services Officer is not available, other VSOs in that office would be able to answer questions or provide the information without the family member having to repeat their story.

CFCN. If a family member was registered, what kind of information can you provide?

CG. There are two categories. One is the information that CSC must disclose to registered victims are : the offender's name, the offence for which the person was convicted - This is included because the victims may not have followed the court process all the way through and the offender may not have been convicted with the offence that he or she was initially charged with, the court that convicted them, the date when the sentence began, and then the dates when the person will become eligible for temporary absences and parole. The second category is discretionary information may be disclosed based on the balance of the offender's rights and the victim's rights. The victim may be told the offender's age, the location of the penitentiary, the date that the

offender is to be released for various reasons, times of hearings, conditions that are attached to the offender's release, the destination of the offender when released and whether the offender is in custody, and if not in custody, the reason.

What victims often are interested in is finding out when the person might be allowed out of the institution, for example to do a work program, an educational program, mental health program. We are obliged to tell the victim the date that the person is being escorted outside the penitentiary. This can be reassuring to victim or the victim's family members to know, to be kept in the loop, that when they don't hear anything, the offender is inside the penitentiary.

Registered victims can have access to sentencing information such as the parole eligibility date, the end date of the sentence – anything that might affect the victim in terms of the person's release. If they are interested, they can inform the National Parole Board about their feelings about the person's potential release in the form of a Victim Impact Statement when the offender goes before the Board for a decision.

CFCN. In the CFCN's work, some family members who are victims end the family relationship. Others continue the relationship. There is conflict inside the family because one family member wants to support the offender, while another family member doesn't want to have anything to do with the offender. What have you found so far inside Victim Services around that?

CG. Clearly there's that mix. One of the things that is important for family members to know is that in cases where children have been harmed a family member can register on behalf of the child. It's clearly stated in the legislation who can serve as an 'agent' of the actual victim if the victim is incapacitated, under age or unwilling to deal directly with the Correctional Service.

CFCN. A grandmother, an aunt?

CG. A grandmother, an aunt, a stepmother, and as you said, a number of families fall apart. For example, if a child was the victim and the mother has divorced the offender, the mother can register as a victim and can also register as the agent for the children. She could qualify under both those categories.

Victim Services is not there to judge the relationship that they choose to maintain or not with the offender. The services are available to those who qualify as victims. Family members do not have to be decided about what their relationship is going to be with the person who is incarcerated.

The CSC does assist people who want to maintain a relationship with the offender but have been victimized by them. Sometime that can assist family members who register as victims to be assured that the information that they receive is correct. The information that they receive from the person who is incarcerated may not always be complete or correct.

CFCN. Is the offender told that a family member has registered as a victim. Is there safety - is the identify of the victim protected in that sense?

CG. The information about victims is completely separate and secure. There are very clear procedures in place so that the offender does not know that a victim has registered and obviously a family member who is registered as a victim would be in that category. It is very clear that the victim's information is not shared with the offender. Individuals who deal primarily with managing the offender's sentence don't have access to the victim's information.

CFCN. If there was one thing that you would want family members who are victims to know, what would it be?

CG. Call. Check out the services that are available. I would want them to know that the Correctional Service, although it has the mandate to manage the sentences of offenders, also has the mandate, equally valid and important, to assist people who have been victims. We have a role in helping them to live in the aftermath of the crime, to give them options and freedom, as well as access to CSC's victim services and the National Parole Board's services, to help them take charge of their lives in whatever way they choose to do that.

CFCN. So that whatever happened doesn't have to control their lives any further.

CG. There may have been a horrible time in their lives, but there are resources to help people work through and get beyond it.





Right to left: Elizabeth Martin, CFCN Quebec Coordinator, and Corina Hayward, Senior Policy Analyst Senior Policy Analyst, Aboriginal Corrections Policy Unit, Public Safety Canada

#### What can Aboriginal offenders and their families do? By Corina Hayward.

Excerpts from “Aboriginal families, incarceration and reintegration,” a presentation by Corina Hayward, Senior Policy Analyst, Aboriginal Corrections Policy Unit, Public Safety Canada, at the Families and Restorative Justice conference, Memramcook New Brunswick. November 2007. For a complete version, please go to [www.cfcn-rcafd.org](http://www.cfcn-rcafd.org)

The over-representation of Aboriginal people in the correctional system is due in part to the historical relationship of Aboriginal people with Canada. Children who lived through the residential school experience are now adults and many of them are parents and grandparents. One of the side effects of not growing up with your family, of not knowing who you were and that you were loved, is that you do not know how to be part of a caring, loving family. Many survivors of the residential school experience do not know how to parent and are often incapable of showing the love that they feel for their children. Instead, they treat their children the only way they know how – the way they were treated. This has resulted in a generation of children that grew up with seemingly uncaring parents, or dysfunctional homes including alcoholism, domestic violence and child abuse.

Often, these children became wards of the state and were removed from their parents for their own safety and protection. Ironically, this continues the cycle of deprivation. For children who have moved from one foster home to another, there is nowhere they can call home, there are no roots that they can cling to and the

very essence of who they are becomes more and more lost.

So these youngsters coming up have often suffered at the hands of abusive and/or dysfunctional parents (who were never taught to be parents), have addictions issues, have medical problems, have a low level of education, have high unemployment rates, come from fragmented and dysfunctional communities, have experienced discrimination and isolation from mainstream society, have experienced a loss of identity, have high suicide rates, etc.

For some of these reasons, among others, many Aboriginal youth appear to be turning to street gangs to fill the void that they experience within themselves. Most Aboriginal gang members have very similar stories about their upbringing. A significant percentage of our Aboriginal offenders enter the criminal justice system at a very young age, and as we know, age of entering the justice system is a significant predictor of recidivism, have lived in foster homes or group homes and are increasingly coming to us with violent backgrounds. It is fairly easy to see what kind of appeal a street gang would have to a young person with this kind of historical legacy to overcome, with no immediate family around to support them or having family around that are simply too dysfunctional to be of assistance, with substance-abuse issues and poor coping mechanisms – always searching for a place where they feel they “belong” or “fit in”.

It is sad to say but the street gangs often act as a surrogate family for our Aboriginal youth; they often share similar histories, they feel included, important, powerful, they often have status in the gang and if they do get caught for breaking the law, they will usually have friends, family members or fellow gang members in prison. There lies no real attraction to quitting the gangs or embracing a pro-social lifestyle. In contemplating leaving the gang, the Aboriginal offender must often come to terms with the reality that they will lose most of their closest friends (that have become like family to them), they will likely have to move away from an area that is considered “home” to them, they will be alienated from everyone they used to associate with, etc. It quickly becomes apparent that in most instances, without guidance and support, our Aboriginal youth will likely not choose to disassociate themselves from their fellow gang-members as this is the lifestyle that they are comfortable with, these are who their friends and family are and they are able to justify their criminal offending and values by viewing them simply as a means to an end. And, as I mentioned

before, often times these offenders have been victimized by “the system” (i.e. foster care, Child and Family Services, criminal justice system, etc.) and feel justified in acting out against this ‘system’, with little or no thought given to individual victims.

So what can Aboriginal offenders and their families do?

Community healing is a process that begins with the individual, and then extends to the family and to the community. It has been shown that once this process begins, Aboriginal people become empowered with the knowledge of our history, culture, traditional teachings and practices.

Healing can also be defined as “the process of building new and more positive patterns of human relations and community life (starting with our own development)”. While healing process can be as unique and different as there are different people, all come from the premise of do no harm. The spirit and intent behind healing processes is to mend what was broken, to put back together the lives of individuals and their families, and to create an environment where those who have yet to be born can live happy, healthy lives and make a positive contribution to the lives of those around them.

In Canadian Aboriginal communities, who you are is based upon where you’re from and who you are related to. It is a complex web of inter-relationships built upon generations of family ties. Integral to this is the concept of cultural identity. People from different cultural backgrounds have unique languages, traditions and practices that differentiate them from other Aboriginal people.

Healing, in the context of community wellness is a term that is applicable, not only to the physical health of the individual, but also to spiritual, mental and emotional health. In addition, it is not only the individual that is affected. Each individual is a part of a family, which, in turn, is part of the larger community. If individuals are not “in balance”, it is easy to conclude that families and communities are not either. Healing is considered a process or a lifelong journey. It is not necessarily something to be achieved (as in being physically healed) but something that permeates one’s life and promotes the necessary balance to ensure that individuals, families and communities are healthy in all aspects of self (physical, spiritual, mental and emotional).

Ultimately, of course, it all comes down to the offenders and their families and if they want to make the necessary changes to provide a better future for

their children. Governments can pour millions into institutions and communities, there can be programs and services up the ying yang, Elders can talk themselves silly, but if the horse does not want to drink, he or she won’t. And, unfortunately, the cycle will continue.

I sat with an Elder a few years ago. He and his wife had both been in residential school, they had been abused there and in their community, they had been raised in violence and chaos and substance abuse but they raised a whole whack of their own kids and foster kids in a sober and healthy environment and these kids went on to become teachers and pilots and artists and generally just good solid productive role models for their community. I asked him that day as we sat there, “How did you do it? How did you overcome all of that, all of what you went through to raise these kids in a good way?” Well he looked at me like I was from outer space and said, “It was easy. My wife and I both wanted kids, lots of kids, but we never wanted to have them go through or experience what we did. So we had to get our own shit together – and yes, Elders say shit – first so that we could provide them with a good life. Simple.” A very special man.

So with offenders and their families, someone has to say “Enough.” We can’t live like this anymore, this is not good for us and it is not good for our children and we must make it better. I don’t want my kids in a foster home or a gang or a prison.” Now don’t get me wrong, I know that this is easier said than done and that, besides a lot of hard work, it also takes a good measure of luck and the generosity of others. There is going to be racism and discrimination and maybe you are not going to get that job just because you are an Indian, but doing life on the instalment plan in the pen or being a member of a gang isn’t going to fix that either.

When I was a Native Liaison Officer, I used to talk to guys and it was a common theme that there just weren’t any programs outside. I said, “Bullcrap, there just aren’t any programs outside that come to you the way they do inside. An Elder doesn’t come to your house everyday, a Sweat doesn’t mean showing up on a Wednesday with the wood all neatly stacked and the food being cooked in the kitchen and the Elder there waiting for you. Outside you have to look for it, you have to spend your own time and money looking for it and you have to offer your tobacco and then work your butt off cutting wood or whatever there for a week or ten days or a month while the Elder just watches you and decides if you should even go in the Lodge. And you have to find out how to do things the proper way

and take the flak as you're learning and, most importantly, you have to keep going back. And you will find everything that you need to help you, it will not come overnight and it is never easy and it will involve being willing to look deep inside yourself with honesty and go back to when you were a victim – as most offenders were.”

It requires finding out who and what made you so angry – and believe me, most offenders have good reason to be angry, their histories are often horrendous – and then taking responsibility for when you took that hurt and that anger of what was done to you and started spewing it onto others and became a victimizer. And start healing. Start healing those wounds in you and those wounds you caused in others. And start becoming, as we say, a good human being again.

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Intra family sexual abuse.

By Elizabeth Martin, Quebec Coordinator, CFCN

Intra family sexual abuse creates an emotional roller coaster and high levels of stress for the whole family. First family members may be outraged, angry and feel betrayed. They have difficulty understanding how the abuse could occur, right under their nose. They feel guilty for not being able to prevent the abuse. They fear re-abuse. They want to comprehend the dynamics and factors underlying incest. They may also face stigmatization from the extended family and the community.

For example, children are jeered at school, enduring comments such as: “Your father is disgusting, he is a pedophile.” Children sometimes stop using their father’s name to prevent taunting. Mothers often need to speak to the school principal/psychologist/teachers before the situation improves for their children. Society at large does not make a distinction between incest and pedophilia. Although both crimes are sexual and reprehensible, the factors that contribute to incest vary from those of pedophilia.

Intra family sexual abuse can bring an end to the marital relationship. For other families, spouses choose to remain with the abuser and they may face opposition from extended family and friends for doing so. They may be criticised about continuing their relationship with the abuser of their children or stepchildren. They are accused of not noticing or not speaking up when the father /step father/uncle acted in inappropriate ways. They feel pressured to choose between having a relationship with the victim or with the abuser.

Alternately, some family members may ‘blame the

victim,' including describing the victim’s behavior as enticing. There is a need for family members to fully understand that the responsibility lies with the adult. They need to know that the adult abuser was and is responsible to respond appropriately to a child or teenager’s affections.

The victim’s trauma varies depending upon the victim’s age and circumstances. The victim of the abuse may feel torn between her feelings of love for her father /stepfather and hate/confusion for the way she was violated. The trauma of the abuse, together with other risk factors such as lack of parental control, family environment and values, can contribute to a victim engaging in a cycle of sexual promiscuity.

Silence always accompanies incest. Arrest and incarceration can break the cycle of incest in a family and other victims in the family might find the courage to speak out.

When the abuser owns up to his crime and takes responsibility, the abuser may be able to sensitise family members to his abuse cycle and correct their false beliefs about how the abuse happened. Family members, friends and the wider community may be more supportive of family and community reintegration in those circumstances.

Has someone in your family committed a crime?

Is someone in your family in prison?

Do you look after the children of an incarcerated parent?

If you answered "yes" to any of these questions, you may be on a difficult journey that feels like an emotional roller-coaster.

It can be hard to find answers and support.

**Canadian Families and Corrections Network**  
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When children lose one parent to murder and the other to incarceration.

By Lloyd Withers, National Coordinator, CFCN.

When one parent murders the other, the shock and horror of the murder affects the entire family. Every member of the family is a victim: the parents of the father, the parents of the mother, brothers, sisters, and on and on.

If there were children or stepchildren in the relationship, the children lose one parent to murder and the other parent to a life sentence. One person that the children love has taken the life of another person that they love. If the couple had children, then the children experience the trauma of losing both parents, of witnessing the murder, or of discovering the body of one or both parents and more.

This is far too common an occurrence. Statistics Canada (2005) reported that, between 1994 and 2003, there were 4,490 solved homicides. Of these, 38% were family related and almost half (47%) involved the murder of a spouse. Statistics Canada (2004) also reported that, in about 31% of murders by men against a spouse, the offender also committed suicide.

There are radical changes in living arrangements for the children in the murder of a parent. Children may live with grandparents or other relatives who are also coping with loss and the impact of the offence on themselves. For some children and their caregivers, the emotional impact can destroy any desire for ongoing contact with the incarcerated parent.

Even if the children reside with a grandparent, custody disputes can ensue between paternal or maternal grandparents. Support or aid services that are available to parents may not necessarily be available to grandparents, thereby creating increased financial hardship on the grandparents.

There are often conflicts between other family members about visiting or providing to the Lifer. Some family members may actively dissuade other family members from maintaining contact and may cut off family ties from any family members who choose to do so. The conflict can include disputes over whether the children should be allowed or encouraged to maintain contact with the incarcerated parent, particularly if the

children request contact with their parent. For children who may end up in foster or other care, difficulties can be just as confounded.

What is in the best interest of the child with respect to their relationship with the incarcerated parent is not an easy question to answer. Every situation is unique. The children may wish to visit notwithstanding and this request needs to be honestly and openly explored with the children. If the incarcerated parent successfully petitions the courts for access (visitation) with their children, this will also require an honest and open discussion with the children about what they want. Children who wish to visit will need to be appropriately prepared about what to expect inside an institution and during the visit. The children will also need an opportunity to discuss what they experience was like. For some children, their willingness to discuss the visit may not be immediate but one or two days after the visit.

If caregivers have concerns then it is often a good idea to consult with a professional about the children and a family doctor or psychologists assigned to the children's school are good starting points. It may also be appropriate to request an assessment of the incarcerated parent and their current readiness to visit with the children. Every situation is unique and what is in the best interest of the child can depend on whether the offender has started to understand the effects of the crime on his or her family and has begun to successfully engage in whatever treatment or interventions that the courts and the correctional process have deemed necessary.

The effects of the crime go on and on, and especially for the children. It is important in the immediate aftermath of murder that the children receive ongoing support, encouragement and a listening ear. With all of the adult events and conflicts going on around them, the needs of the children may be overlooked. Playing quietly with their toys does not necessarily mean that they are doing OK. The children need family members, and professionals, who take the time to ask the right questions about what they are experiencing and how they are coping.

After all, the children have lost not one parent – they have lost two.

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