**CHRISTOPHER ROSS GIDLA**

GIDLA & ASSOCIATES

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**IN THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

**Family**

**Petition No.FH /2020**

**BETWEEN**

|  |  |  |  |
| --- | --- | --- | --- |
| **NADIA RIVAS** | | | **Petitioner** |
|  |  | | |
| **And** | |  | |
|  | | |  |
| **ORLANDO RIVAS** | | | **Respondent** |

I, **ORLANDO RIVAS,** 7 Buena vista Street, St. Joseph make oath and say as follows:

1. The facts hereinafter deposed to are true and correct and within my knowledge save where other wise stated.
2. I have read the affidavit of the Applicant/ petitioner made in support of the application relating to the Children(hereinafter referred to as the “Applicant”) filed herein on the 18th of October, 2019 and I make this affidavit in response thereto.
3. In response to paragraph 4 of the affidavit, I deny that I ever behaved in manner to such as to put the applicant and my children to fear for their lives. I ever have been abusive verbally, emotionally and physically towards the applicant and my older son Andres. In fact the applicant always showed a conflicting behavior. She would be calm sometimes and mostly on other occasions she would show a very aggressive and loud behavior towards me and the Children. She would be very strict with even with the minor things with the Children and very intimidating, Often, abusive and very angry on the Children. There is one incidence that the Eldest Child Andres, said he had enough and took a knife and put it towards his throat threatening to kill himself. I had to intervene and took the knife away. She has a tendency to make any small issue into a big issue. On one incidence I was cleaning the Children’s toys and I had a plastic bat in my hand and she was shouting at me and I had to tap her and ask her to keep calm. She started to make a big fuss and started to complain that I bet her with the bat.
4. In response to paragraph 5, I deny that I ever I made cause to physically abuse and threaten the applicant. Furthermore, the statement that she made in the paragraph that she made complaints to the police station, were not substantiated in the copies of the report. All the reports said was information and there was no mention about the physical abuse. The statement that she made that she hid the reports because of fear of what I might do to her , absolutely do not make any proper sense.
5. In response to paragraph 6, I deny that I ever was physically abusive towards her and threatened to kill her. Moreover when I cross examined her on that issue on 28th November ,2019, she admitted that I never threatened her. On New year’s day, 2019, She said she would take care of the children and instead she was having a long conversation with her friend outside in the Car. Finally after about an hour or so, she came inside and I asked her why did she leave the children so long, I said, I hope you are not talking about my business. She became angry and started saying it’s her business and moreover I am so evil and wicked. We had an argument at that instance, but I never said I would be a murderer. I did not threaten to kill her.
6. In response to paragraph 7, I deny that I ever was aggressive and abusive towards to my Children. I always had a loving relationship with my Children. They love to play with me and be around me all the time. We watch movies together. Some times we play with the remote control cars. I always help them with their school work. The applicant is always busy talking to her friends on her phone. She talks all the private instances to her friends belittling me. Either she is on her phone or sleeping. In fact her over controlling nature towards the Children made an negative impact on the Eldest Child and his ability to cope with her aggressive behavior. At one instance he said he had enough and took a knife towards his throat and threatened to kill himself. If I did not intervene I do not know what would have happened.
7. In response to paragraph 8 , it is the applicant who cause these tensions to my Children. She was always quarrelling with my Eldest Child. Often I had to intervene between their physical fights. I always had a loving bond between my Children and me. She always tries to quarrel with me and argue with me for every small issue and this was causing a tension in my Children. I often asked not to argue in front of the Children. She would sometimes use obscene language towards the Children and me. I often begged her not to do that. But she would not stop. I am student of Bible institute and I always wants to bring my Children in a Christion upbringing. She also says that too but lose her temper very easily because of her controlling nature. My Eldest Son is a good boy and if he was given a proper love to him he would never behave in a manner to such that he would need Psychiatric treatment. The Applicant instead of giving the love he needs She always regards him as a Psychiatric patient and takes him to the hospitals for Psychiatric evaluation
8. In response to the paragraph 9, She has been doing these proceedings with my knowledge, and I have never acted in any abusive way. I only pleaded with her to give me proper access to my children. She tried to block the Children from seeing me and took the Children from my house even before the an interim Order was made. When asked about it she threatened me that she would use the undertaking I made and use it against me. Even today , even though an interim order was made that I could pick up the Children every day from School, in blatant disregard towards the Order made by this Honorable Court She would send her father to pick up the Children even before the School is finished interfering with the School work. She is always vindictive in that nature, ignoring and disrespectful towards this Honorable courts orders.
9. In response to paragraph 10, I admit I used to smoke. But I stopped smoking since I started the Bible School. Probably I fell a couple of times back. But I completely stopped since August, 2019. Because , I used to smoke she takes advantage of this and stamps me as a drug addict. I never was unpredictable, even though I was smoking before. I never smoked to the extent that I wouldn’t know what I was doing.
10. In response to paragraph 12 I was never disrespectful towards the applicants parents. My father in law and I were always on friendly terms. In fact he expressed that he was surprised how this was happening.
11. In response to paragraph 13, I deny that I ever put the applicant in that situation.
12. In response to paragraph 14, on September 30th , 2019, I was resting and I heard noises and arguments about my Eldest Child Andres missing homework. They came into my room and shook me to wake me up. I got up and they still carried on with argument. I told her to relax and I would deal with him. She started to say that Andres is too blasted disrespectful and they started to fight physically in front of me and I had to intervene and asked Andres to go to his room and stay there. She continued with her shouting . I proceed to tidy up the room where I found the toys scattered. I had a bat plastic toy bat in my hands. She went on and on with her curses towards me and the Children and started saying that I was training him to rebel against her. At that point I tapped her with the bat on her shoulder and said stop telling the child those things. At that point she started making a big fuss about it and started saying I beat her with the bat. My father’s caretaker was there at that time and she saw what happened.
13. Moreover, the police report she mentioned in the paragraph 15 did not mention any beating or was there ever a medical report.
14. In response to paragraph 16, I admit that Andres refused to speak with the police. I admit I was angry when I found that the police were a bit rough and rude with my Child. At that point I did say, if you want to leave you can leave but do not bring the police to question my Children and to frighten my Children. The whole episode of how the Police came had up set my children and they were crying when I reached home. I did not make the children cry.
15. In response to paragraph 19 I neither admit nor deny since I was not a party to those proceedings.
16. I therefore ask this Honorable Court not to grant the orders granted. The Children are always happy when they are around me. Even she is granted the sole custody or the care and control, the Children will be left with the Grandparents, without the care of the Mother or the Father, as she is always busy with her work, or with talking to on the telephone, or too tired after work to even do anything. The conflicts between Andres and the Applicant would not be handled since I would not be present. Hence in these circumstances it is safe for Andres and Nathan to be with me. Either Sole custody to me or alternatively, Joint Custody with Care and Control to me.

Sworn to at }

Street, port of Spain this }

Day of 2020 }

Before Me

Commisioner of Affidavits.