



No. S-097767
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1986, C.68

AND IN THE MATTER OF:

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL SET OUT IN ORDER

IN COUNCIL No. 533 DATED OCTOBER 22, 2009 CONCERNING THE

CONSTITUTIONALITY OF S.293 OF THE CRIMINAL CODE

OF CANADA, R.S.C. 1986, C. C-46

AFFIDAVIT OF FORREST GLEN MARIDAS

I, Forrest Glen Maridas of Edmonton, Alberta, MAKE OATH AND SAY AS FOLLOWS:

I. Identity and background

1. My name is Forrest Glen Maridas. I have personal knowledge of the facts and matters hereinafter deposed to, save and except where same are stated to be made on information and belief, and where so stated, I verily believe them to be true.
2. I make this affidavit in support of the Canadian Polyamory Advocacy Association's intervention in this Reference.
3. I am 34 years old, having been born Elizabeth Marie Duerscherl in Klamath Falls, Oregon on the 21st of March 1976. I am a permanent resident of Canada, and a US citizen. I have been a resident of Edmonton, Alberta since August of 2009, and Alberta overall since 2001.
- 4.
5. I hold a Master's of Clinical Counselling Psychology and a Master's Certificate in Art Therapy.
6. I am on maternity leave from a full-time position as a Counsellor in a university, and when not on leave, have a number of other counselling/therapy endeavours.

II. Common-law and family

7. I have been in a committed relationship with Russell Green Osborne since May 2005. Mr Green Osborne is a Canadian citizen, having been born in Calgary, AB on May 9th, 1979. We are the biological and legal parents of two young children. We are a happy, loving couple who enjoy our children.
8. Mr. Green Osborne is the biological and legal parent of a daughter, age 11, from a previous marriage. She resides with her mother in Calgary, AB full time but efforts are made to enable lengthy visitation when her busy schedule permits. Her mother is aware of our living arrangement and has not raised concerns about the quality of care that she receives from all members of the household when staying with us.
9. I have an intimate and conjugal relationship as well with Drew Alexander Thompson. Mr Thompson is also a Canadian citizen, having been born in Innisfail, Alberta on December 10, 1981. I have been in a relationship with Drew for two years. Also participating in the household is Mr. Thompson's partner of 5 years, Katy Joan Torpey Furness. Russell and Katy's relationship with one another, as well as myself with Katy and Drew to Russell's relationships to one another are roommates and friends, but not in intimate conjugal relationships.
10. Mr. Green Osborne, Mr. Thompson, Ms. Furness and myself as well as the children, consider ourselves a single household and chosen family unit. For brevity, I will refer to the group of us (four adults, two children) as "our family".
11. Russ' occupation is a student and agrologist in training. Drew works as a caregiver, self defense instructor and spiritual counsellor. Katy is an artist.

III. Experiences related to polyamory

12. I learned about non-monogamous relationships and the polyamorous community in my first relationship out of high school with a Jewish married couple. This couple was heavily involved in the bisexual and non-monogamous communities. Since that first adult relationship, every relationship I have engaged in has had a non-monogamous agreement. There were times where functionally I had just one conjugal partner, but there were never agreements to be monogamous. Being bisexual assisted in having a psychological framework for the ability of multiple relationships to make sense.

13. Russell was first introduced to the concept of ethical non-monogamy from a book of fiction, *Stranger in a Strange Land*, by Robert Heinlein. His first non-monogamous relationship was with myself. Drew's path of self discovery, through relationships, personal preferences and sexual preferences (which for him is fluctuating and evolving) all occurred together from his youth. Katy learnt about polyamory through her relationship with Drew. It was her first serious relationship, which they named an open relationship at first, with the possibility of other partners. Katy had struggled previously with her feelings regarding interest in multiple people at once.
14. Within our family, there are some similar, some different interests, enjoyed activities, lifestyle choices (such as sleep schedules), etc. that lend certain configurations of people doing things together at any one time. We have projects, discussions, supportive relationships, shared activities and so on where all or just a few of us participate in. Affectionate moments, that would be appropriate for an average couple in common living areas, occur regardless of other adults present, where monogamous individuals would have to have a "cheating" relationship hidden. So I could hug or kiss either Russell or Drew in front of one another, for example.
15. Our family believes a non-monogamous lifestyle choice facilitates us all to grow to more complete, supported and aware selves. We encourage one another to pursue additional safe and healthy relationships that may have a romantic or sexual aspect to them. We hope our non-monogamous choices lead to life improvement. Time cannot be expanded upon, but simultaneous activities increase nurturing of multiple goals at a time. Having more people in our family who care about our children, who support one another in multiple ways is influenced by multicultural family constructs; more communal and long practised. I have heard First Nation's elder speak about family, with more broad definitions, like our own. My grandmother spoke about all the women in her neighbourhood helping to care for children (1950's) as they travelled between yards. I believe our present family has incorporated many of the benefits of widening the concept of nuclear family.

IV. Polyamorous orientation

16. Russell and I had the agreement from the beginning of our relationship to be non-monogamous, feeling there could be other people we may want to share our lives with. Utilizing open communication about progressing feelings, Russell and I spent many hours in conversation about the implications of additional relationships. Russell and I are

encouraging of each other having connections, getting needs met, and growing as individuals through time. The same is true between myself with Drew and Drew with Katy. Within our family, there is not a ranking system that some polyamorists follow, of primary, secondary, etc. relationships. When any of us feel more akin to someone about one specific need or activity, we share the interaction with that person. There are shared experiences, comfortabilities, etc. that also go along with the length of a relationship yet, we strive for each relationship (even beyond those we live with), to have a life of its own. We do not feel naming that potential for what a relationship will be is any guarantee that it will fit that box. Instead, we turn over the course of each relationship to what is natural for it. There are goals, desires that are shared and we put energy and effort into them, such as staying together in a healthy way, as a monogamist would. I feel a long term commitment to both Russell and Drew as important people in my life. There are different aspects of my life that may lead to sharing more with one person or another. Russell and I have stated a verbal, marriage-like commitment to one another, as well to be the primary caregivers of our children. Russell sponsored my application for immigration under the family class as well. We are common-law partners.

17. Drew and I have a verbal commitment as well. Having now spent a year living together, we would like to be seen as common-law as well. Katy would call her commitment with Drew a life partnership and Drew considers their commitment hand-fastened long term partners. Handfasting is an ancient European tradition signifying a contract of union, either temporary or permanent in nature.
18. We see ourselves as a household, a chosen family, and a cohesive group. We share a common set of ideas to work together for shared goals as well as being supportive of everyone's individual life plans. We often attend activities and travel as a complete unit, based on what every individual wants to do. We all believe we are hard-wired to be polyamorous. We all agree as well that each relationship has variations over its course; the amount of time spent, level of energy, life decisions, and many other factors make every relationship unique. Not all of our relationships are of equal levels in all areas. We subscribe to jealousy management theory; mutual trust and security in our partnerships. Speaking openly about needs and feelings lead us to being positive about our self-worths, importance, and roles with our partners. We also share positive regard for one another in the relationships that are not romantic.

V. Elements of Conjuality

A. Self-Image and Commitment

19. I am sure I can feel a strong connection to more than one person at a time, as do the rest of my family. We see commitment as marriage-like intention. We are not flippant about safety regarding additional possible relationships.
20. We see one another as chosen family. We try to the best of our abilities to view decisions as affecting the whole and to have positive regard for one another, even with relationships that are not romantic or sexual.

B. Child rearing

21. While Russell and I are the primary caregivers of our children we all have agreed that responsible, loving, and consistent childrearing is important. When it comes to needs to be met, children are first. All the members of our family have agreed to be positive long term stable adults in children's lives, to varying degrees of responsibility and time commitments. Between us all, we have open discussions about parenting and child development progress.

C. Extended family relationships

22. I am "out" as bisexual and polyamorist orientation to my family of origin and extended family as we talk about our lives together. I feel it is a very important part of my life and prefer to engage people in real conversation about the subject. I am not close with my extended family but I assume some of my family would speak to one another about what I disclose, if any of them asked me about my life I would share the truth. Russell's family of origin and extended family all know about his polyamorist life. The last Thanksgiving was an example of Russell and Drew's parents both coming to our home to celebrate the holiday. My family of origin lives in the United States, so there is little contact. Drew is "out" to everyone outside of requested discretion made by his family of origin for some family members. Katy is "out" to everyone she is close with but hasn't specifically addressed the issue with her family of origin and extended family.
23. To many people we are seen as interwoven unit. Our oldest child picked nicknames for each of us for a time, and Drew and Katy received them as well. Our oldest does not understand romantic jealousy the same as other children, which we feel is a positive quality. We hope this extends for our children into believing they do not have to make something scarce or regimented for it to be precious.

D. Community relationships

24. Within work, social settings, friend networks, school, and being out in the community at large (i.e. stores, events) we all are out as polyamorists. Our multiple relationships are recognized by the people we spend time with. We do not have wills, advanced directives or other documentation created at this time. We have brainstormed sharing a name among the adults in our family to connote connection and lifestyle, but have not completed the decision on it.
25. Any adult in our family is authorized to pick up or drop off children at day care.
26. Our friends, close people, and dating partners learn about the parameters we set out to take care of everyone's hearts. We have done some speaking for community organizations about non-monogamy, as well.
27. When we attend events (one campsite, sharing a tent, checking names for reservations, etc.), we have done so as a family together speaking for one another.

E. Cohabitation

28. We live together, having this be the second rented house we have shared. Our present house is a single family dwelling with a downstairs suite. We rent the entire house and loosely share the space. The master bedroom primarily serves the children as sleep and play area. The children tend to sleep in the master bedroom most often. Generally Russell and I sleep in that room as well. Our oldest child enjoys sleeping with her dog in another space sometimes. When sleep schedules permit I sometimes sleep with Drew and bring the baby. On more rare occasions, Drew, Katy and myself sleep together or Drew, Russell and myself sleep together at night. On camping trips we have shared one large piece of foam to sleep. We share tasks in our home amongst us by personal preference, health considerations and physical limitations. The areas where children most frequently used tend to get the messiest; Russel and I try to pick up after them. Generally, there are not certain tasks that have to be completed by a certain person.

F. Sexuality and emotional attachments

29. I am pleased with my friendship, romantic and sexual relationships with Russell and Drew. We have deep connections, in sometimes different areas, that create closeness, positive regard, and love.

30. There is no sexual relationship between Russell and Drew, yet they respect one another and share some common interests that are sometimes not shared by myself. They spend time together, talk and assist each other in aspects of daily life.

G. Financial interdependence

31. I am able, at the present time, to make the higher wage and am passionate about my work. For me to be able to work and feel comfortable with the care of my children is a wonderful outcome of being able to have family members as caregivers. We agree beforehand who watches which children during the hours I work with an option of bottle feeding infants while I'm not available. Both Russell and Drew have been kind enough, when both children were infants, to come to my place of employment with a baby, so that I could see the baby and breastfeed them between appointments. Adult household members contribute in common household budget and consult in financial planning. We have regard for one another's comfortability in this area. We also prioritize expenditures based on shared importance, such as medication and needs of children, over individual choices.

H. Ceremony

32. Russell and I had a one year anniversary party where we invited Russell's family and our shared friends to publicly declare our relationship and commitment. We do not completely share a common spiritual path and do not find it necessary to feel closer through a religious or legal marriage.
33. Drew and I have talked about symbols of commitment and relationship steps. These things become less clear cut sometimes in a polyamorous situation. Having Drew verbally commit to being an important adult in my children's lives is a powerful connection. Also, we have verbally made commitment agreements to one another. Having social support for this joy would be wonderful.

I. Other

34. We have tended to spend vacations with either the family members who have shared interest in attending events. Some things Russell and I attend while Katy and Drew attend some things together. There are also many times our whole family goes together.

VI. Distinctions between polyamory and traditional (religious) polygamy in philosophy and practise

A. Religion and philosophy

35. We were all raised with some form of religion, as well all our parents are married and monogamous. I was raised Catholic, while Russell's family of origin baptized him Lutheran. Russell's mother identifies as non-denominational Lutheran and his father is eclectic Christian. Drew attended Catholic school, with parents who are nondenominational Christian. Katy was raised Anglican attending both church and Catholic school.
36. Among the four of us, there are many common ideas, but no exact agreements of all beliefs. I draw on Eastern concepts, such as Buddhism (with a tenant of spiritual vegetarianism), some earth based beliefs, magic, and metaphysical/new age aspects of making sense about life meaning/purpose and the universe. Russ has an agnostic/atheistic belief system, rooted in science to explain the universe. Drew would define his faith as eclectic beliefist. He sees himself on a personal spiritual journey, to the extent that he wants to assist others in finding a personal understanding through being a Reverend of the Universal Life Church Monastery of Seattle, Washington. Katy does not follow one organized faith path, but attempts to live her life by having a positive regard for others. She is aware of spirituality, builds her own path through using questions of life as means of personal growth. We all have evolving personal ethics or are guided by a personal code of honour.
37. Russell and I are reserved about sharing our beliefs too strongly with our children preferring to expose our children to a variety of beliefs in a somewhat equal basis and address this area of life purpose and meaning when our children are old enough to conceptualize these abstract ideas. We feel it is within their best interest to not be swayed by us or others around them, to genuinely come up with the tenants by which they live their life. We are comfortable and would be supportive if they choose a monogamous lifestyle (or not) when they grow into their adult sexuality.
38. We strive to support and care for needs within our existing relationships to the best of our abilities. We are open to everyone in our family having additional relationships if that situation arises. We see this openness as a means for seeking outside support, filling in for time commitments, and resolving needs that would put a strain on other relationships. Among us, we value self discovery about areas of growth, and see additional connections through new relationships as valuable. An example could be that one of us feels the need to

vent upset feelings, and while our partner could do this with us, if we have another outlet it could spare some shared distress. The other individuals could be a friend we feel camaraderie with or love, and have as an additional aspect sharing sexuality or not. We allow one another to explore current unmet needs and newly discovered outlets, and resolve these feelings through multiplying support. We view polyamory as a means for increased personal growth, when one person is assisted by their partners. In monogamy this happens, with more people to give extra support, where it could drain one partner, but there are constructs in place to limit how close and intimate that connection can be.

B. Distribution of power and responsibility

39. We discuss important decisions together. Some areas are taken care of by the person or people who care about or are knowledgeable about that area. We tend to put more weight on one person's desire about a situation when they have very strong opinions about it or it affects them primarily. There is not a formula for weighting one person's power over others, especially along age and gender lines. We support and encourage one another to have individual decision making as well. We discuss and problem-solve with the people that it makes sense to discuss together.
40. We have leadership, per situation, areas we each are adept at, with children's needs coming first to everyone. We get perspectives from other people not in the household, family members, consultation with knowledgeable people, friends, and others also.

C. Sexual conduct

41. We have agreements about sexuality that we take very seriously, as we see it as a matter of healthy, safety and life. We have openness, that can occur only with safety measures. We negotiate desires and needs, per intimate relationship. We have the intent to allow us all to follow decisions that we feel we must take, with discussion if there are concerns other members see regarding healthiness and safety.
42. We share commitments to one another, agreeing about measures taken to protect against sexually transmitted infections as well as giving consideration to each persons choice regarding having children. The four of us and any other additional people who reach a level of close commitment have gone through safety checking. We agree to have a fluid bond commitment. We take very seriously the agreement that if one person behaves in a manner


to risk their health it would affect our entire family unit, including the children that I am breastfeeding or future children.

43. We allow one another to have openness to outside relationships, with understanding communication, safety, and incorporating existing agreements. Russell would limit other relationships based on the additional person's understanding and fitting within the framework of the existing relationship with myself. Drew determines choices about additional partners based on emotional and physical attraction, energy and time.

VII. The impact of Section 293 on our family and its members

43. While we have a reasonable belief that we will likely not be persecuted under the law for our multiple committed relationships, we could foresee an improved psychological well being if there was no doubt. The multiple conjugal relationships we are in serves very real needs and intentions to be open to love and connection as it enters our lives.
44. We want our partners to take care of our affairs if we pass away, and if the partner who is our common-law partner on paper passes with us, we would like for our other partner(s) to have that right. We would like to not have fears about others looking at our lives as unhealthy for children to grow up in. We know many people who fear being "out" polyamorists because of child custody issues, or potential loss of custody based solely on their decision to be non-monogamous. We believe sexuality is not something children should be bombarded with at a young age and adults should behave impeccably around children in this regard. We feel monogamous people have many relationships but do not involve sexuality/affection due to cultural conditioning. For ourselves, these relationships can evolve because each relationship has a life, progression, and course of its own without these limitations.
45. We recognize some risk from submitting this affidavit. We believe many non-monogamous people would be more "out" about their relationships and lives if they did not have a fear of retribution. Also, we believe there would be more happy people, to freely participate in a social dialogue about time and jealousy management (no different than loving all of one's

children, no matter how many you have). We trust one another, have equality and deep regard that compels us to announce to many more people through this process that a non-monogamous lifestyle can be healthy.

SWORN BEFORE ME at the City)
of Edmonton, Alberta)
this 2 day of June, 2010.)
)
A Commissioner for taking)
Affidavits For the Province)
of Alberta .)



Forrest Glen Maridas

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