



Ding Dong the wicked witch is gone!

Clare Burns, Ontario's Children's Lawyer moves on

While not having a house fall on her head as did happen to the wicked witch in the movie, "The Wizard of Oz", the one person who many referred to as Ontario's wicket witch of family law, Ms. Clare Burns, is being moved out from the position as the Children's Lawyer of Ontario.

Clare Burns has served as Ontario's Children's Lawyer since January of 2003 time during which a number of citizens would refer to as a reign of terror by the government funded agency which she was the head of.

Some believe that Ms. Burns is being put out to pasture due to increasing complaints from children and families about the way in which her agency conducted is business.

As the Children's Lawyer of Ontario, Ms. Burns came under increasing criticism by a number of children and families from across Ontario.

One of the biggest controversies hanging over Ms. Burns was her position on the accurate recording of evidence gathered during critical interviews between the workers at her agency and the children and parents involved.

With no supporting evidence to back up her words, Ms. Burns stated publicly on videotape at the Law Society of Upper Canada that the video recording of children during interviews was harmful to them.

Her position on the accurate recording of interviews with children contradicted the position of the Supreme Court of Canada which had ruled that videotaped evidence was more reliable and less harmful to children.

Children and parents reported numerous incidents of bias and incompetence by a number of the lawyers and social workers who were used to prepare assessment reports under the direction of Ms. Burns.

Many children and parents, willing to make statements on video about the Children's Lawyer's Office, reported that they believed that if interviews with workers with the Office of the Children's Lawyer had been recorded using video or audio for

the purpose of accuracy, much of the harm done to their families as a result of worker incompetence would have been avoided.

A number of children reported that the lawyers with the Office the Children's lawyer did not report child abuse to the Children's Aid Society. Other children reported being coerced or intimidated by their OCL lawyer.

Parents and children reported that they were warned by OCL workers not to record any of the proceedings, even if this is what they wanted.

Many of these complaints could have been easily verified if Ms. Burns had implemented the policy of video or audio recording interviews with children and their parents. Ms. Burns however, was steadfastly opposed to such measures which would have brought greater accountability.

Ms. Burns is being replaced by Debra L. Stephens who will become Ontario's official Children's Lawyer effective August 1, 2008.

Ms. Stephens was called to the Bar in 1982 with her practice being focused on estate, trust and guardianship issues, specializing in estate administration and planning.

She has also served as an agent for the Children's Lawyer. Stephens is a member of the Toronto Lawyers Association and the Ontario Bar Association, Family Law and Trusts and Estates Sections.

She has been an adjunct professor with the University of Toronto Law School and Humber College, and has published works on estate and trust issues.

Hopefully, Ms. Stephens will implement what Ms. Burns had failed to do and stamp out corruption in the agency and take steps to make video and audio recording standard practice of her workers.

Not only with this measure protect the children and families of Ontario but protect the workers from false allegations themselves.

Consideration the current public's mood for more accountability, the accurate recording of children's interviews by OCL workers is long overdue.