



News Release

For Immediate Release

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CHILDREN'S LAWYER PROVIDES VALUABLE SERVICE BUT NOT MEETING DEADLINES: AUDITOR GENERAL

(TORONTO) The Office of the Children's Lawyer, part of the Ministry of the Attorney General, provides legal and clinical investigation services that are valued by the children, their parents or guardians, and the courts, but it doesn't always deliver these services in a timely enough manner, Auditor General Jim McCarter says in his *2011 Annual Report*.

"The value of these crucial services would be greater if they were delivered more quickly," McCarter said today following the release of the Report. "The Office only met its investigation deadline in custody and access cases 20% of the time and doesn't have a formal strategy in place to remedy this."

The Office of the Children's Lawyer provides children under the age of 18 with legal representation in child protection cases, custody and access cases, and property-rights matters such as personal injury claims. The Office, which accepts about 8,000 new cases a year, is unique—no other jurisdiction in Canada provides children with the same range of centralized legal services.

The Auditor General's more significant findings included the following:

- Family Law Rules require the Office to provide the court with a report and recommendations within 90 days for those custody and access cases it is asked to investigate yet the Office met this deadline less than 20% of the time.
- The Office had no process in place to evaluate why its payments to lawyers and clinical investigators over the last 10 years rose by more than \$8 million even though caseloads remained the same and the number of new cases actually dropped.
- In the 2010/11 fiscal year, the Office exercised its discretion to refuse more than 40% of child custody and access cases referred to it by a court. The Auditor found that many decisions to refuse cases were made primarily because of a lack of financial resources, and that the Office had not adequately assessed and communicated to the Ministry of the Attorney General the impact of these refusals on children and the courts.
- The Office allows lawyers to bill at rates up to \$350 an hour when recovering their costs from a child's estate or trust or settlement funds. However, if the same lawyers charge the Office directly, they are paid only \$97 an hour.

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