

February 6, 2005.

██████████ Dr.
██████████ Ontario
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Ministry of the Attorney General
Office of the Children's Lawyer
14th Floor, 393 University Ave.
Toronto, Ontario
Tel: (416) 314-8094
Fax: (416) 314-8050
Attn: Manjusha Pawagi, Legal Counsel

Dear Ms. Pawagi

RE: Your letter dated February 1, 2005 regarding the appeal of the Honourable Justice Wolder's court Order to interview my children

I am in response of your letter dated February 1, 2005 in which you have asked me my position in the matter of Gauvreau v. Gauvreau, court file No. 4769/04. As your agency has refused to speak to my children as ordered by the Honourable Justice Wolder's Order, I assume your request is about your agency's appeal of the judge's Order.

With no thanks to the Office of the Children's lawyer, it would now appear that matters involving the children's access have been settled between my former partner and myself. After over 2 ½ years of trying unsuccessfully to have meaningful access to my children through the courts, matters have been settled quickly with the help of Mr. Vernon Beck of Family Conflict Resolution Services from Oakville, Ontario. In fact, within days of Mr. Beck becoming involved in my family matter, he established communication with the other side and helped me to negotiate unsupervised access with my children directly with the other party. My children now have unsupervised access with me, including overnights, and my children are very happy now. In just a few days, this community-based agency managed to resolve problems involving my children that the courts and all the lawyers had been unable to resolve in more than 2 ½ years. All this was done without involvement of the courts and at no cost to the taxpayers of Ontario.

I must say that I am most deeply disappointed in your agency's handling of this matter. I can only say to you that the Office of the Children's lawyer has miserably failed my children and the court at a time when some simple help from your agency could have assisted matters. I was looking forward to your agency speaking to my children and reporting back to the court. I was thoroughly appalled, however, when Ms. Clare Burns, the Children's Lawyer, showed up in court herself and argued to the court why she was not going to abide by the judge's court order.

It appears that Ms. Burns has no real interest in protecting children's interests. I can't imagine how someone who is supposed to be Ontario's Children's Lawyer could not even have one of her lawyers speak to my two children in such an uncomplicated matter. It probably took Clare Burns more time and cost the taxpayers more money to have her come from Toronto to the Milton, Ontario court and to argue why she was not going to help my children than it would have been if one of the lawyers from your agency had just spoken to my children and reported back to the court as originally ordered by Justice Wolder!

In my opinion, Clare Burns is a dismal failure as this province's children's lawyer and I am certainly going to bring this to the attention of my Members of Federal and Provincial Parliament. Judging by the amount of legal paperwork that the Office of the Children's Lawyer has prepared to appeal this matter, in addition to the appearance of Ms. Burns personally at the Milton court, thousands of taxpayer's dollars must have been spent by your agency, all for the purpose of NOT helping two children whose only wish was to speak to someone who could convey their wishes to the judge about wanting to see their father. The Office of the Children's Lawyer miserably failed my children and failed in its mandate to represent children.

In reference to the appeal of Justice Wolder's Order by your agency to interview my children, it is my position, that should the Office of the Children's Lawyer drop the Appeal of Justice Wolder's Order in this matter, then I will consider my children's matters involving the Office of the Children's Lawyer closed. I believe that no more taxpayer's dollars should be spent on this matter.

If however, your agency intends to continue to pursue the appeal through the courts, then it is my intent to present arguments to the court to defend Justice Wolder's Order and fight your agency's appeal of Justice Wolder's Order. Although I found the justice system generally unable to deal with matters involving my children in a timely matter, Justice Wolder did make the right decision when he ordered your agency to interview my children. His Order was in the best interest of my children at the time the Order was made.

Justice Wolder's court order to your agency was a just and reasonable one. Your agency was simply asked to interview my children who were 9 and 10 years of age. It would not have taken much time to do. As your agency is expected to act in the interests of children of the Province of Ontario, I do not consider it acceptable that your agency should have the power to overrule a judge's order. I have read correspondence from Clare Burns in another case where she has stated that the Office of the Children's Lawyer does not represent the best interest of children and that it is up to the court to decide what is in the best interest of children.

Clearly, in my children's case, Justice Wolder, rightfully determined that it was in the best interest of my children that they be interviewed by one of your lawyers. It is my position that your agency should have interviewed my children and should have followed Justice Wolder's simple court Order. Seeing as your agency has admitted that it is the court's job to determine

what is in the children's best interest, then your agency should not be left with the power to overrule a judge's order and to subvert what a competent court has determined is in the best interest of children. I suspect that there is some sinister purpose in the appeal to somehow set the stage to allow your agency to pick and choose cases and to be less accountable to the courts and to the children of Ontario. This is not right.

I feel that the Office of the Children's Lawyer Office should exist to serve the courts and the children of Ontario in a cost efficient manner and that the courts should not be subservient to the Office of the Children's Lawyer. Your agency should and **MUST** be accountable to the courts and to the children of Ontario and must be there to serve them without question when ordered to do so.

Now that I have advised you of my position in this matter, I would appreciate being advised of the Office of the Children's Lawyer position in this matter.

Your response in writing would be appreciated.

Yours truly,

A handwritten signature in black ink that reads "Mark Gauvreau". The signature is written in a cursive style with a large initial "M".

Mark Gauvreau

cc: The Honourable Justice Wolder