

Mar 2, 1999.

Box 44036  
Brampton, Ont. L6V 4H5

Mr. Charles Harnick, Attorney General of Ontario  
720 Bay St., 11<sup>th</sup> Floor  
Toronto, Ontario

Dear Mr. Harnick

**RE: INTERFERENCE WITH PROCESS OF JUSTICE BY MR. WILSON McTAVISH AND REPRESENTATIVES OF THE OFFICE OF THE CHILDREN'S LAWYER**

I am writing to complain and to have questions answered about the interference with justice that I experienced as a result of the actions of Mr. Wilson McTavish and official representatives of the Office of the Children Lawyer (OCL). As a parent and taxpayer I am utterly disgusted with the treatment I receive by representatives of this office.

On Monday Feb 15, 1999, I went to OCL to review caseworker notes relevant to my current custody case. I have been experiencing access denial problems with my children by my former wife who is a vindictive and angry custodial parent. As a result of a slow legal process that put roadblocks in the way of justice, my children are suffering.

From the very beginning the woman social worker assigned to my case from the OCL appeared to be biased against me. Because of what seemed to me to be a tainted report not reflective of the facts, I obtained a court order allowing me to review the workers notes at the OCL office. For some reason, I was specifically denied by the court, at the request of the OCL, the right to tape-record my meeting with OCL representatives. This, in my mind, only made it more important for me to have a third party present at the review.

Because of my difficulties in understanding all of the issues involved, and due to the fact that I am unable to afford a lawyer and have been unable obtain the services of a lawyer through legal aid, I assigned legal power of attorney to an associate who had been through the process himself. This person possessed much more knowledge and experience than myself. I felt very confident and relaxed knowing that this person would help me understand and to overcome the difficulties I faced.

Prior to attending at the meeting, I obtained independent legal advice at the courthouse and had the necessary legal documents signed and witnessed to make this person my legal power of attorney under the Power of Attorney Act of the Province of Ontario.

When this support person came to the office he was immediately challenged by representatives of the OCL and ordered to leave. Although it was OK for representatives of the OCL to have two people in the room to support each other, it was not OK for me to have support. Where OCL had the benefit of the taxpayers paying for a solicitor and social worker, I was denied bringing a third party into the room, even though it would make me feel much more comfortable and would cost the taxpayers nothing.

When I insisted that I wanted my support person to remain, then things began to heat up. OCL representatives left the room and returned with Mr. Wilson McTavish. Mr. McTavish did not ask who the party was or why he was there. When Mr. McTavish was asked the question "What harm is there by having a third party present" he refused to answer. He just ordered my support person

out of the building. He advised my support person that he was trespassing and that he would be forcefully removed from the premises if he did not leave voluntarily.

We asked for the police to be called to at least ensure that some sort of written official record of the incident was made, but this was denied. Mr. McTavish, instead, called building security. One of the security staff refused, when asked, to give his name for the record which obviously was to make it difficult to trace down witnesses to events where violations of the rights and freedoms of individuals may be occurring.

Mr. McTavish clearly put me in a position where I either had to ask my support person to leave or be denied access to my file. Faced with that dilemma, I was left with no choice. I was left alone to face a lawyer and a social worker who I believe were biased against me.

I feel that my right to a fair and accountable meeting with staff was denied and that Mr. McTavish blackmailed me to either back down or to get out. What is happening is that the taxpayers of this province are paying high priced lawyers and social workers to do nothing except to harass a citizen, impede accountability and to make sure that the court sees things only the way they see it, even if it is tainted.

When I sat down to have the file reviewed, the writing was so bad that the social worker read her notes to me. When she had finished reading her notes, I asked her that I wanted to review certain sections of the notes again which she seemed hesitant to do. After leafing through some of the pages, I came across some notes that the worker had not read. What I found shocking was that these notes were derogatory, inappropriate and showed a clear bias against me. Other notes indicated problems that my daughter was experiencing in the home of her mother. Notes relevant to the child's inappropriate environment with the mother were not included in the official report. In my opinion this report from the OCL to the court was tainted to the mother's advantage and to reflect the social worker's bias against fathers.

When I read these notes out in the presence of the OCL lawyer, the social worker, obviously embarrassed, grabbed the notes from my hands with such force as to damage the documents. Although I was supposed to still have 15 minutes left to review the notes, I was abruptly told that my time was up and that my review was over. The social worker told me that the notes belonged to her and that was that. These notes of course are not allowed out of the office nor am I allowed to have a physical copy. I am only allowed to look at them with the OCL lawyer present.

It was obvious that quite by accident, I had found something that the social worker did not want to be seen. It was apparent to me why the OCL make sure that there are no witnesses in the room, except witnesses on their side to back up their own people (all paid by taxpayers of course).

All I can say is that I am shocked by this whole incident. The whole process is geared to keep information secret and confidential, thus helping to ensure that those at the Office of the Children's Lawyer cannot be held accountable when they do not do their jobs properly. With no witnesses and people like me with no money to hire a lawyer, the system seems geared to do whatever it wants with you with the taxpayers footing the bill. It's is more about protecting jobs than about protecting children or ensuring justice.

Tragically, starting with the biased social worker's report, the whole system is geared to take kids away from fathers and to use taxpayer's money to do it. In the process, my family has been denied justice and the fair opportunity to bring to the light of the public, evidence which I consider critical to the protection of my children.

At this time I would like a response to the following specific questions:

- 1) Why did the representatives of the OCL not want a third party support person to be present with me while I review my file? Could you please explain exactly the reasoning behind this?
- 2) Under what authority or written procedure does Mr. McTavish get the authority have to tell me that I am not allowed anyone else other than a lawyer present with me in the room?
- 3) Why is it that the process of reviewing a file so controlling and manipulative so as to keep information hidden and secret?
- 4) Under what authority or law does Mr. McTavish or representatives of the office of the Children's lawyer have the right to evict persons who I chose to accompany me and to whom I have assigned power of attorney to under the provisions of the Powers of Attorney Act R.S.O. 1990 Chapter P.20 as amended?
- 5) Why is it that I was denied the opportunity to tape record my meeting at the office? For the record, I would like someone to give a clear logical explanation for this. How does concealing information benefit justice for families.

As a citizen of this province, I feel that justice has been denied my children and myself. A process is in place where the truth is suppressed and where the citizens are forced to use lawyers, even when they can't afford them. To me this is nothing more than protecting the unaccountability of the system at the expense the rights of parents and their children.

Mr. McTavish's response to my matter supports the position that he put forth in testimony to the Joint Senate and House of Commons Committee on custody and access. In his presentation to the Committee he stated on record that the office of the Children's lawyer does not represent the best interests of the children.

If Mr. McTavish does not represent the best interest of children, and if he does not represent the interests of the parents, which my incident certainly would support, then I must ask, who's interest does Mr. McTavish represent? Is it the high priced lawyers and social workers drawing big salaries from the taxpayers while they tear families apart?

Your response to my questions would be greatly appreciated.

Yours truly



Mike Milne

cc: All members of provincial parliament  
All members of federal parliament  
Various news reporting agencies & family advocacy groups