



The Office of the Children’s Lawyer: *An Overview of our Role*

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The Office of the Children’s Lawyer (“OCL”)

- An independent law office operating within Ontario’s Ministry of the Attorney General
- Children’s Lawyer appointed by Order-in-Council
- Investigates, advocates, protects and represents the personal and property rights and obligations of children in proceedings before the courts and tribunals of Ontario

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Areas of Law

OCL Lawyers and Social Workers represent and assist children primarily in the following areas:

- Child protection proceedings
- Custody and access disputes
- Estates and civil litigation

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Our Vision

Children and youth will obtain the best possible outcomes from legal disputes involving their personal and property rights.

Our Mission

We work with and on behalf of children and youth to assert and protect their rights in custody and access, child protection, estates and civil litigation matters. We accomplish this by providing excellent, timely, helpful services.

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OCL Staff and Panel Members

80+ In-house Staff :

- 14 In-house Personal Rights Lawyers
- 11 In-house Property Rights Lawyers
- 11 Regional Clinical Supervisors (social workers)
- 46 Support Staff (intake, accounting, law clerks, legal assistants, etc.)

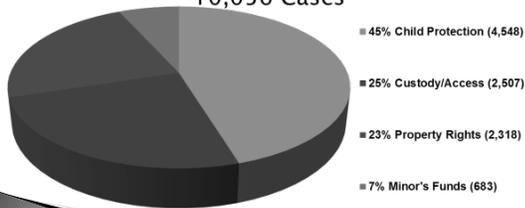
Across Ontario:

- 500+ fee-for-service (“panel”) Lawyers
- 280+ fee-for-service (“panel”) Clinicians

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Case Numbers We serve over 17,000 children

Total Open Cases
10,056 Cases



Revised Aug 29, 2017

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Personal Rights – Child Protection

- OCL only becomes involved and assigns counsel for a child when the Court has made an order under s. 38 of Ontario's *Child and Family Services Act*
- The Office has no discretion to refuse these cases, however we may seek to have the s.38 order set aside at a later stage

Personal Rights – Custody/Access

- Pursuant to s.89 of Ontario's *Courts of Justice Act* ("CJA") we may at the request of the court provide legal representation for children involved in a custody/access dispute
- The Office has the discretion to determine whether to accept the case, and, to decide what type of service to provide.

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Custody and Access Intake

- Due to resource limitations, the OCL is unable to accept all referrals from the court
- Most cases we accept are high conflict and involve multiple family issues, such as:
 - Mental health challenges
 - Allegations of domestic violence/sexual abuse
 - Significant substance abuse
 - Young parents with challenges
 - Mobility
 - Alienation
 - Children with special needs

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Clinical Services

- Pursuant to s. 112 of the *CJA*, we may have a Clinician conduct an investigation and prepare a report for the court with recommendations for the court
- Clinicians may also assist our lawyers in custody/access proceedings

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Property Rights Estates

a) Estate Notices

- The *Rules of Civil Procedure* require that the Children's Lawyer be served with a Notice of Application for a Certificate of Appointment of Estate Trustee if there is a minor who as an interest in an estate.
- The OCL monitors the administration of these estates to ensure the minor's interest is protected.

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Property Rights Estates

b) Estate Litigation

- The Children's Lawyer also represents minors in estate litigation proceedings. The Children's Lawyer responds to proceedings on behalf of minors as required by law. Alternatively, the Children's Lawyer may commence a proceeding on behalf of a minor.
- The types of claims in which the Children's Lawyer may be involved include:
 - Applications by trustees for directions
 - Applications for dependant's relief
 - Removal of trustees
 - Will challenges/interpretations
 - Sale of minor's property
 - Guardianship of minor's property
 - Variations of Trusts
 - Passings of Accounts

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Property Rights Civil Litigation

- The Children’s Lawyer acts for minors in civil litigation in the following ways:
 - Acting as litigation guardian for a minor plaintiff or defendant where there is no other person willing and able to act (ALG)
 - Protecting a minor’s interest in a proceeding where there is a litigation guardian other than the Children’s Lawyer
 - Reviewing minors’ settlements and making recommendations to the court when directed by the court (CLR)
 - Representing a minor’s interest in ensuring that settlement funds are appropriately managed on behalf of a minor (GPPI)

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Property Rights

Minor’s Funds

- If the Accountant for the Superior Court of Justice (Ontario) holds funds on behalf of a minor and the minor’s parent or caregiver requires funds for the direct benefit of the minor, the parent or caregiver may apply in writing to the Children’s Lawyer’s Minors’ Funds program for payment out of Court.
- Counsel for the Children’s Lawyer attends at the Superior Court approximately every 4 to 6 weeks. A judge decides each request.

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Contact information

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