

Submission to the Victoria Times Colonist
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The recent B.C. Supreme Court decision in the “J.P.” case has been the subject of much discussion in the media, including debate about the role of the Representative for Children and Youth. Although this has been a distraction from the more pressing issue of the well-being of the family at the centre of this, I want to clarify my Office’s role, how I have approached the issues, and the actions I have taken before and since the Premier’s Office and the Minister for Children and Family Development asked Bob Plecas to review and investigate this matter.

First, my staff and I continue to advocate for the four children involved in the child welfare, family law and civil litigation proceedings since 2008. I can tell you this because J.P. and her children have consented to my disclosing that information to the public. By law, I have strict confidentiality requirements and any information I share must be filtered through the lens of my specific statutory role.

The decision to appeal Mr. Justice Walker’s decision lies entirely with government. However, once that process is engaged, the court is the proper forum for making findings of fact and law. My goal as Representative has been to maintain a relationship with the family and to support them, as they clearly require specific assistance to cope with what they have been through. In that regard, I am very pleased that the minister has offered to find a way to provide supports for the children and I intend to help the family take her up on that offer.

When government informed me that it was bringing in an outside contractor to review the case, including all of J.P.’s files, and to interview staff and others about the children, I offered to work with the minister to see if there was a way Mr. Plecas could be engaged through my Office in an approach that would safeguard the family’s privacy and minimize the trauma associated with yet another investigative process. I was rebuffed. J.P. and her legal counsel have subsequently told government it is inappropriate for Mr. Plecas to look through her files and she has now taken a complaint regarding this to B.C.’s Privacy Commissioner.

To be clear, I have not yet decided whether my Office will conduct an investigation into the J.P. matter for two important reasons. First, the proceedings around the sexual abuse allegations are not concluded and I will wait to learn if there has been a decision to recommend charges before deciding whether my Office will investigate. Secondly, considering an appeal has been launched, I recognize that any findings of fact upon which I would be able to assess deficiencies or improvements in child welfare must show proper deference to the courts.

I recognize that an investigation by my Office may be warranted in the future, but it is premature now to determine that. I do know that the credibility of any future investigation would rely, in part, on maintaining a careful separation between my process and that of Mr. Plecas. I also know that it is very difficult for J.P. and her children to continue the civil trial process and that anyone else “investigating” their experiences would be very stressful. I’ve sat with J.P. to discuss this and would only observe that one should tread carefully in the lives of families, even when they seem strong enough to exercise their civil rights, because the emotional toll can be difficult.

J.P. has made a complaint about government giving Mr. Plecas and his subordinates access to her family’s files and the Privacy Commissioner will decide that matter. Meanwhile, I have informed Mr. Plecas that I would be pleased to respond appropriately in writing to any questions he might have.

While some people may want to depict this as a conflict between me or my Office and Mr. Plecas, I must work within my statute, and in collaboration with all members of the Legislative Assembly. In order to be independent, I do not take orders from the minister nor do I stand down from a task if government feels it would like to assign it elsewhere.

I will watch this process and inform the Select Standing Committee on Children and Youth and the public, as appropriate, on any new steps regarding J.P. However, my primary concern now is for the children, and making sure they get support to recover from an extremely distressing experience.

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