

STATEMENT TO THE PRESS

On September 15, 2006, Dr. Peter Markesteyn provided to me the Findings of his Review and Investigation of the circumstances surrounding the death of Zachary Turner in 2003.

I determined that these Findings should be publicly released in their entirety.

Dr. Markesteyn conducted an exhaustive investigation over a 15 month period. He reached two key conclusions:

- (i) Zachary Turner's death was preventable; and
- (ii) Zachary was in his mother's care when he should not have been.

In his Findings, Dr. Markesteyn examined the delivery of community services, health services, financial and justice services. He also examined the past performance of the Office of the Child and Youth Advocate.

Dr. Markesteyn was critical of the Office of the Child and Youth Advocate's role during Zachary Turner's lifetime. He found, while the Office had a mandate to act proactively and seek out information to promote the rights and interests of children, particularly in a case as notorious as Dr. Turner's, it failed to do so.

Dr. Markesteyn found that the Office of the Child and Youth Advocate relied on Child, Youth and Family Services to ensure any child protection concerns for Zachary and his half-sister were being addressed when they were not. He contributed this reliance, in part, to a lack of appreciation of the complexity of the case, and lack of independence from Child, Youth and Family Services, in practice.

As the current Child and Youth Advocate, I accept Dr. Markesteyn's criticism and acknowledge that the Office of the Child and Youth Advocate should have proactively sought out information to determine if Zachary's rights and interests were being protected.

I wish to advise the public that, since my appointment on August 1, 2005, the Office of the Child and Youth Advocate has undergone a major restructuring which corrected the conflict issues, both actual and perceived, related to child protection influences.

I also wish to assure the public that, while we will always respond to individual requests for advocacy services, we are now vigilant in seeking out, through community consultation as well as through media reports, situations wherein the protection of the rights of children and youth may be in question.

Dr. Markesteyn, in his Findings, examined the delivery of justice services to the extent that he was able to do so. I should state that the one question which has been asked since the tragic death of Zachary Turner, is “why was Dr. Shirley Turner granted judicial interim release, commonly known as bail?”. This is the one question that Dr. Markesteyn did not and could not answer. He describes at length in his Findings why he was precluded, constitutionally, from examining Federal legislation governing delivery of justice services under the *Extradition Act* and the *Criminal Code of Canada*, the Federal statute governing bail.

I have recommended to the Provincial Minister of Justice, the Honourable Tom Marshall, Q.C., that a copy of Dr. Markesteyn’s Findings be forwarded to the Federal Minister of Justice. Minister Marshall informed me that he has already had communication regarding the Findings with the Federal Justice Department and will be forwarding the Report to the Federal Justice Minister.

Dr. Markesteyn also examined, in his Findings, the delivery of community services and, in particular, the delivery of services provided by Child, Youth and Family Services, the agency of the Provincial Government charged with the protection of children. He describes this examination as “the heart of his Review”.

Dr. Markesteyn found that Child, Youth and Family Services failed Zachary Turner and his half sister, who was 12 at the time.

Dr. Markesteyn found that the Child, Youth and Family Services assessment, which formed the basis of the intervention plan for Dr. Turner and her children, was not in keeping with standard child protection practice. His Findings depict a series of events and decisions wherein the standards of professional practice, critical thinking and judgement were significantly out of line with what a reasonable person might expect. The facts upon which his conclusions were reached pertain to events which indicate a serious lack of judgement at the senior management level of the former Health and Community Services Board, St. John’s Region.

Upon review of Dr. Markesteyn’s Findings, it is evident that sub-standard Child Protection practices contributed to the outcomes of Zachary Turner’s murder and his mother’s suicide.

As the Child and Youth Advocate, I have determined that in order for the St. John's Office of Child, Youth and Family Services to carry out the remedial actions which must be undertaken to respond to the Recommendations of Dr. Markesteyn's Review, and for the system to move forward from this tragedy, two things are immediately necessary. First, the operations and procedures of Child, Youth and Family Services, St. John's Office, must undergo a review, and, second, the review should be conducted by an independent body to ensure the process is conducted fairly and is perceived to be unbiased.

I have written the Minister of Health, the Honourable Tom Osborne, and advised him of my concerns and my recommendation for an immediate, external review of Child, Youth and Family Services, St. John's Region.

I met with Minister Osborne on Monday of this week and was pleased to learn that the Minister had reached the same conclusion regarding the need for an immediate, external review and was in the process of finalizing arrangements required to commence the review.

Minister Osborne advised me that he will address the particular details of the Government's immediate response to Dr. Markesteyn's Findings, including his intention to conduct a review, during his Press Conference with Minister Marshall here this afternoon.

In closing, I feel it is important to state that Dr. Markesteyn's Report does not signal an end; rather, it constitutes a beginning. The Report provides insight and understanding of what went wrong and how the System tragically failed Zachary Turner. The protection of Zachary's rights was not the primary focus of the System during his lifetime. This fact should not be forgotten as we rebuild the System entrusted with protecting the children within our Province.



Darlene Neville
Child and Youth Advocate

October 4, 2006