

# Counsel for Children and Youth Program Manual

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## **1.0 General Information**

### **1.1 Background**

Based on recommendations from the Children’s Advocate Office (now the Advocate for Children and Youth), and from Recommendation 8 of the Child Welfare Review Report, the Counsel for Children Program (CFC program) administered through the Public Guardian and Trustee (PGT) was created to provide for the appointment of lawyers for children and youth who are involved in the child protection system, described in more detail in Section 2 relating to the scope of the program. The CFC program does not appoint legal representation for children and youth involved in criminal or private custody and access matters.

The CFC program was established by the Saskatchewan Legislature through amendments to *The Public Guardian and Trustee Act*. The court hearing a child protection application may order that a child or youth be represented by a lawyer, pursuant to section 64.1 of *The Provincial Court Act, 1998* and section 33.1 of *The Queen’s Bench Act*. The PGT may also appoint counsel without a court order and advise the court of the appointment pursuant to sub-section 6.3(5) of *The Public Guardian and Trustee Act*.

### **1.2 Counsel for Children (CFC) Program Objectives**

The objectives of the CFC program are to provide a legal appointment service to:

- i.* ensure the child’s or youth’s voice is heard in child protection proceedings;
- ii.* provide timely appointments for legal representation;
- iii.* establish best practices, supports, and standards for quality legal representation;
- iv.* create a body of lawyers with expertise and experience in this area of law.

### **1.3 Interpretation of Policy**

- 1) Words which denote male or female gender are interchangeable;
- 2) Wherever the singular number occurs, the plural may be substituted, and vice versa, as the context may require;
- 3) “Children’s Counsel” means the person delegated by the Public Guardian and Trustee pursuant to section 7.1 of *The Public Guardian and Trustee Act* to exercise the powers of the PGT under s.6.3 of that Act, and to manage the day to day operation and administration of the CFC program.

## 2.0 Scope of the Counsel for Children Program

The Counsel for Children Program provides for the appointment of lawyers for children and youth who are in the care of the Minister of Social Services pursuant to *The Child and Family Services Act* (“CFSA”). In situations where a child or youth is receiving services under the CFSA, a lawyer may be appointed for the child or youth on a case by case basis, at the discretion of the PGT, or in situations where the court has ordered that counsel be appointed. Situations where a child has been placed with a Person of Sufficient Interest are within the mandate of the program. Children who reside on reserve are also eligible to have a lawyer appointed for them, and to that end, the Children’s Counsel will work with First Nations agencies to ensure access to the CFC program. The PGT or delegate may appoint a lawyer to act on behalf of a child or youth, if the child or youth is, or may be, subject to proceedings such as a dispute resolution process, application, or appeal under *The Child and Family Services Act*.

The CFC program does not appoint legal representation for children and youth involved in criminal or private custody and access matters.

## 3.0 Creation and Maintenance of Roster

### 3.1 Administration of Roster

The CFC program has established a roster of lawyers who have met the criteria and have been approved to represent a child or youth involved in matters under the CFSA. The CFC program will retain on file the following information: the personal information the applicant lawyer provides when he or she submits the Roster Application form (Appendix 1), any updated information provided during his or her tenure on the roster, any information obtained by the PGT or Children’s Counsel to assist in assessing a lawyer’s eligibility for taking appointments or the required information provided to a lawyer who accepts an appointment.

The CFC program collects, uses, and stores information about each lawyer who is on the roster and/or is approved for an appointment or applies to be a roster lawyer in a manner that is consistent with *The Freedom of Information and Protection of Privacy Act*,

The roster is organized according to the following centres:

- |                                      |  |  |
|--------------------------------------|--|--|
| <input type="checkbox"/> Battleford  | <input type="checkbox"/> Moose Jaw     | <input type="checkbox"/> Swift Current |
| <input type="checkbox"/> Estevan     | <input type="checkbox"/> Prince Albert | <input type="checkbox"/> Weyburn       |
| <input type="checkbox"/> Humboldt    | <input type="checkbox"/> Regina        | <input type="checkbox"/> Wynyard       |
| <input type="checkbox"/> Melfort     | <input type="checkbox"/> Saskatoon     | <input type="checkbox"/> Yorkton       |
| <input type="checkbox"/> Meadow Lake | <input type="checkbox"/> La Ronge      |  |

The information collected about each lawyer in the roster is used to:

- i. appoint lawyers;
- ii. determine a lawyer's eligibility for taking on appointments;
- iii. correspond with lawyers;
- iv. process invoices and provide payment for services;
- v. generate statistics that will assist it in program planning.

### **3.2 Roster Eligibility**

Any lawyer who wants to be considered for general appointments must be a member of the roster. In order to be considered for membership on the roster, a lawyer must meet each of the following criteria:

- i. provide a satisfactory Certificate of Standing from the Law Society of Saskatchewan, and provide consent for the CFC to contact the Law Society to obtain any relevant history of complaints and disciplinary proceedings;
- ii. be willing to provide legal representation according to the expectations and service standards as set out in this manual, and agree to be mentored on the first few files undertaken;
- iii. have completed the initial CFC program training;[note this involves accessing through the Law Society both the webinar materials from September 23, 2014 on *The Child and Family Services Act*; and the materials from the October 8, 2014 Law Society training on Representing Children/Youth in Protection Proceedings]
- iv. provide a Criminal Record Check and a Vulnerable Sector Check;
- v. provide any additional information requested by the Children's Counsel. *For lawyers to maintain membership on the roster, they must attend at least one relevant training session approved by the Children's Counsel (of 3 hours) in a calendar year.* Please note that attendance at regular conference calls held with roster lawyers and the Counsel for Children throughout the year can counted towards meeting the annual training required to remain on the roster. The Counsel for Children will also seek to obtain CPD credits for these sessions and will advise the roster when such credits are available.

### **3.3 Roster Application Process**

Lawyers who wish to have their names on the roster must complete the Roster Application Form (see **Appendix 1**) and forward an original signed copy to the Children's Counsel for consideration.

The Children's Counsel will notify the applicant lawyer electronically or in writing regarding the decision to approve or deny the application.

### **3.4 Removal of a Lawyer from the Roster**

A lawyer may request electronically or in writing that his or her name be removed from the roster.

The Children's Counsel may suspend or remove a lawyer's name from the roster where:

- i.* the lawyer has failed to provide the PGT with complete and accurate information;
- ii.* the lawyer's professional status has changed (e.g. suspension from the Law Society of Saskatchewan);
- iii.* any activity by the lawyer which puts in question his or her ability to properly represent a child, at the discretion of Children's Counsel.

The Children's Counsel shall provide notice of removal from the roster to the lawyer electronically or in writing.

A lawyer who is removed from the roster and wishes to be reinstated is required to reapply for membership.

### **3.5 Mentor selection**

Any roster lawyer may apply to become a mentor. Applicants shall apply in writing to the Children's Counsel, outlining his or her:

- expertise in the substantive and procedural issues related to child and youth representation;
- demonstrated interest in helping new lawyers grow professionally and a willingness to share professional experience and knowledge;
- accessibility; and
- excellent interpersonal skills.

Mentors shall be compensated for their time according to the Tariff (Appendix 5). Mentors may provide up to 5 hours of mentoring to a requesting lawyer per appointment.

## **4.0 Request for a Lawyer**

Requests can be made by a child or youth, or by any other interested party. Interested parties may include the child's caseworker, a parent or guardian, other adult family members, the Advocate for Children and Youth (ACY), lawyers for any of the parties, or the Pro Bono program.

A request for an appointment of legal representation may be made in one of two ways:

- 1. To the CFC program electronically or in writing by using the **Request for a Lawyer Form (Appendix 2)**, or by contacting the CFC program by phone to complete the Request for a Lawyer Form. Requests to the CFC program should be directed to the Children's Counsel or designate. Children's Counsel may seek further information on the matter including completion of information in the referral form by contacting Social Services [Owen Manz, Shari Krause or the caseworker or counsel for Social Services] or the First Nations Agency involved before making a decision. They may be asked to confirm details about the child's name, date of birth, location, parents, caseworker information, and the proposed Ministry plan for the file. The Children's Counsel shall assess whether counsel should be appointed. The Children's Counsel may deny the request, and shall then notify the person making the request of the decision. If an applicant is dissatisfied with the decision of the Children's Counsel, he or she should contact the PGT.
- 2. By asking the court to appoint counsel. The court may direct an appointment by the PGT or deny the request. Where an appointment is made by a court, preferred practice is for the order to be faxed to the Children's Counsel at (306)787-5065 or emailed to Betty Ann Pottruff at [bettyann.pottruff@gov.sk.ca](mailto:bettyann.pottruff@gov.sk.ca). Children's Counsel will then contact Social Services [Owen Manz, Shari Krause and any listed caseworker or Social Services counsel] or the First Nations agency involved to complete the referral sheet so that counsel for the child/youth can be appointed.
  - To the extent possible, the Counsel for Children Program has asked that the courts, legal aid, counsel for the Ministry and caseworkers provide the request or order for counsel at least two weeks prior to the next court date to allow time for roster lawyers to perform conflict checks, determine availability and to contact the child/client.

**Appointment of counsel should be considered with regard to:**

- *any difference in the interests or views of the child and the interests or views of the parties to the hearing*
- *the nature of the protection hearing, including the seriousness and complexity of the issues;*
- *the ability of the child to express his or her interests or views;*
- *the views of the child regarding representation;*
- *the non-attendance of parties to the proceeding; and*
- *any competing plans presented by various parties, including sibling groups, where there are diverse plans and ideas with respect to their individual best interests or any difference in the interests or views of the child and the interests or views of any other child involved in the proceeding*

Refer to s.6.3 of *The Public Guardian and Trustee Act*.



## **5.0 Appointment of Lawyers**

The PGT or delegate may appoint a lawyer in one of two ways:

- i.* by assigning a roster lawyer;
- ii.* by approving a lawyer specified by a child.

If there is no available roster lawyer able or willing to take the appointment, a non-roster lawyer may be appointed. He or she must adhere to Clause 3.1.1.

### **5.1 Specific Lawyer Requested**

A child or youth who is eligible for an appointment of legal representation may request a specific lawyer.

Approval of requests for a specific lawyer is subject to the discretion of the PGT or delegate. If the specified lawyer is not able or willing to accept the appointment, the PGT or delegate will proceed with a general roster appointment.

The CFC program does not accept recommendations from third parties for specific lawyers to be appointed for a child or youth.

### **5.2 Appointment Considerations**

The PGT or delegate makes the following considerations when appointing lawyers from the roster:

#### ***i.* Centre**

Lawyers who have identified a location of practice that matches the centre where the child or youth is residing or where the hearing will take place are considered for an appointment.

#### ***ii.* Request for a Lawyer of a Specific Gender**

If a gender preference for a lawyer is indicated, consideration will first be given to roster lawyers of the specified gender.

#### ***iii.* Request for a Lawyer Who Speaks a Specific Language or Has a Specific Cultural Identity**

If a language preference other than English is indicated or a request is made for a lawyer with a specific cultural identity, consideration will first be given to roster lawyers who meet these criteria.

#### **iv. Quality Assurance**

One of the CFC program's objectives is to ensure that all children and youth have access to representation by lawyers who are knowledgeable and skilled in law. The complexity of the particular case and the lawyer's experience in the practice of child representation will be considered when determining which roster lawyer will be appointed to represent the child or youth.

#### **v. Request to Represent a Sibling Group**

In circumstances where the legal matter pertains to a sibling group, the Children's Counsel processes one referral for the children/youth as a group. If the Children's Counsel is aware of conflicting interests amongst the siblings, separate appointments for all or some of the siblings may be made.

If a lawyer is asked to represent multiple children or youth under a single appointment, the CFC program tariffs and fees apply equally to these cases (see Appendix 2), although exceptions may be authorized by the Children's Counsel.

If the assigned lawyer determines that there are varying and/or conflicting interests amongst the siblings, it is the responsibility of the lawyer to contact the Children's Counsel and request that a separate lawyer be appointed for one or more of the involved siblings.

#### **vi. Subsequent Referrals for Children and Youth**

If a child or youth has previously received legal representation through the CFC program and they are eligible to receive legal representation again, consideration will be given to appoint the same lawyer to represent the child or youth.

#### **vii. Appeal of a Court Order**

If an appeal of a CFSA order is filed and the CFC program appointed a lawyer to represent the child or youth in the original court proceedings, the lawyer will be considered for reappointment with the consent of the child or youth.

### **5.3 Timeframe for Engagement**

To ensure timely appointments for children and youth, and to provide each lawyer on the roster with a reasonable amount of time to respond to offers, the following timelines apply:

### **Timelines for Lawyers to Respond to Offers**

Level of Urgency	Number of Days to Court	Maximum Time Allowed for Lawyer to Respond
Non-urgent appointment	4 business days or more	By the end of the next business day
Urgent Appointment	Up to 2 days	First available lawyer on Roster

If a lawyer does not respond in the allotted time period, the next qualified lawyer on the roster is contacted and offered the appointment. This process continues until a lawyer is appointed.

### **5.4 Conflict checks**

The Children's Counsel or designate shall provide to the lawyer the referral information received regarding the child or youth, interested and opposing parties' names, and the date of court so that the lawyer may perform a conflict check prior to accepting an appointment. If the child or youth is in the care of the Minister, the name of the caregiver will also be provided for the purposes of a conflict check. In appropriate cases, the child's Band name may also be provided for the purposes of a conflict check.

### **5.5 Acceptance of Appointment and Notice of Appointment**

Once a lawyer electronically or verbally accepts an appointment, the Children's Counsel will send a letter electronically or in writing confirming the appointment. The lawyer must agree to the appointment electronically or in writing and sign the signature page of the appointment letter and return it to the Children's Counsel electronically or by mail promptly for the appointment process to be complete and to ensure payment for services.

The Counsel for Children office then provides the court and other known counsel with the Notice of Appointment. Counsel for Children also advises the child protection/caseworker and SS central office that an appointment has been made and asks that the worker advise the child and any caregiver of the appointment so that they can be alerted to expect to be contacted by the lawyer. The Fact Sheet on the program and a copy of the Rack Card are forwarded to the child protection worker to share with the caregiver and child/youth as appropriate. Where a party is not represented by counsel, the lawyer for the child may serve a Memo of Notification at the last known address for that party. If the Children's Counsel/appointed lawyer is aware that an Aboriginal Court Worker is assisting a parent, a copy of the Memo of Notification should be sent to the Aboriginal Court Worker as well.

Once an appointment is accepted by the lawyer, he or she will be provided with any additional information on the case by the Children's Counsel.

As soon as an appointment is accepted by the lawyer, a solicitor-client relationship forms and the lawyer is bound to decline conflicting clients and to protect the privacy of the child or youth. Note, however, that under Rule 2.03(3) of The Law Society of Saskatchewan's *Code of Professional Conduct* it is mandatory for a lawyer to disclose confidential client information when the lawyer has reasonable grounds for believing that a crime is likely to be committed and the crime is one involving violence against the person. The rule is as follows:

**2.03 (3)** A lawyer must disclose confidential information, but only to the extent necessary if the lawyer has reasonable grounds for believing that an identifiable person or group is in imminent danger of death or serious bodily harm and believes disclosure is necessary to prevent the death or harm.

## **5.6 Child's Refusal of Legal Representation**

When a referral to the CFC Program is made by another person for the benefit of a child, permission of the child should be obtained by the lawyer during initial contact. If permission is not obtained, generally legal representation will not be appointed. Where there is a court order for a legal appointment, counsel may need to return to court and ask to withdraw, depending on the circumstances. There may be some exceptions, such as young children who are not able to grant permission or sibling groups where some members of the group do not want legal representation.

## **5.7 Appointed Lawyer Absence**

Appointments are directed to a named lawyer. A lawyer may have another lawyer appear in court to request a routine adjournment; however, if the appearance involves a contested issue, the appointed lawyer should inform Children's Counsel to determine if such substitution of counsel is appropriate and to seek approval of the Children's Counsel. Such requests are not encouraged and must include written explanation.

If unanticipated emergency situations arise that make it impossible for a lawyer to meet appointment obligations, the Children's Counsel must be promptly notified of the situation to determine if other counsel needs to be appointed to represent the child.

In the event of a planned or anticipated absence, the lawyer will contact the Children's Counsel as soon as possible to ensure the obligations of the appointment can be met.

## **5.8 Mentor Program**

While some lawyers have access to the professional support and guidance of colleagues, many other lawyers practice more independently and do not have the benefit of informal consultation with more experienced lawyers. A mentor program provides roster lawyers with access to expertise in procedural and substantive law, as well as guidance related to file management, as it

is required. Representing children and youth is a specialized area of practice, and it is important that lawyers who are new to this work have access to the specialized guidance and experience of mentors.

Designated mentors will provide professional support and guidance to lawyers who are new to the roster. A lawyer accepting an appointment is, however, the sole representative for the child or youth client.

A lawyer who is new to the roster is expected to access the services of a mentor for up to three appointments. The lawyer may access up to five hours of a mentor's time per file/appointment for three appointments; any additional hours of mentor support requires the pre-approval of the Counsel for Children Manager.

In addition, the Children's Counsel may require a roster lawyer to access the services of a mentor for other appointments if Children's Counsel determines that the nature of the issues in the case and/or counsel's level of experience make the appointment of a mentor for the case appropriate.

## **6.0 Expectations of Appointed Lawyers**

A lawyer who accepts an appointment is required to carry out legal representation in accordance with the following expectations:

### **6.1 Code of Professional Conduct**

Lawyers are expected to govern themselves according to the Law Society of Saskatchewan's *Code of Professional Conduct*.

### **6.2 Role of Counsel**

Rule 2.02(9) of the *Code of Professional Conduct* states:

*When a client's ability to make decisions is impaired because of minority or mental disability, or for some other reason, the lawyer must, as far as reasonably possible, maintain a normal lawyer and client relationship.*

*Testing Capacity:*

Counsel should initially determine the child or youth capacity to give instructions. Specifically, counsel should determine:

- i. Whether the child or youth understands that the lawyer represents him or her, and does not represent anyone else involved in the child protection process, and is representing only the child or youth.

- ii. Whether the child or youth's understands privilege, as explained to the child or youth privilege. The lawyer should advise the child or youth that information will not be shared with anyone else without the child or youth's permission to do so.

### *Instructional Advocacy*

Counsel appointed by the PGT or delegate shall assume an instructional advocacy role when representing children and youth who are able to express a wish, opinion, or position unless there are conditions present that would preclude counsel from doing so. Counsel should meet with the child or youth as soon as possible to assess the child or youth to determine:

- a) the child or youth's capacity to give instructions;
- b) the child or youth's ability to understand the role of a lawyer and the concept of privilege; and
- c) the child or youth's ability to express his or her views and preferences.

There may be conditions present that that may justify the departure from the role of instructional advocate include:

- the child is preverbal
- the child has easily apparent low cognitive functioning
- the child has mental impairment due to illness or intoxication
- inability to understand the role of a lawyer and the concept of privilege

A child being under a particular age (for example, 12) does not necessarily justify a departure from the role of instructional advocate unless, for example, the child is an infant and can be assumed to be preverbal.

When acting as an instructional advocate, counsel is expected to:

- a) Consult with the child to ascertain his interests based on his/her wishes, opinions, and positions;
- b) Obtain the child's consent before proceeding to advocate those interests on her behalf; and
- c) Report back to the child on the outcomes of his advocacy initiatives.

When a child or youth is able to express a wish, opinion, or position, but is *unwilling* to do so, instructional advocacy is still the preferred model of representation. In the absence of a stated wish, opinion or position, counsel will identify the child or youth's interests, discuss those interests with the child or youth, seek consent to proceed, and advocate accordingly. When consent cannot be obtained, counsel may do non-instructional based advocacy.

### *Non-Instruction Based Role*

When instructional advocacy is not possible, for instance, when a child or youth is unable to express a wish, opinion, or position, or when conditions are present that justify a departure from this role, counsel will exercise discretion in assuming a non-instruction based role.

Counsel in a non-instructional role (*Amicus curiae*) role assists the court by ensuring that all the relevant evidence is placed before the court and by providing information to the court about legal issues that may arise. In this capacity, the focus of counsel's efforts is on ensuring that all feasible options for the care of the child or youth are investigated and that any relevant evidence which the parties have not introduced is brought before the court. Counsels who adopt this role should explain the court process to the child or youth to the extent possible, and should ensure that the wishes of the child or youth, if expressed, are introduced in evidence. Counsel is not expected to make submissions about what outcome resolution would be in the best interests of the child or youth. Counsel may also have a more neutral role, such as attempting to facilitate a settlement.

Counsel shall advise the court of the role he or she has assumed, whether it is that of an instructional advocate or a non-instruction based role. Counsel should also inform the court if an *ad litem* litigation guardian has been appointed.

### **6.3 Policy and Service Standards**

Appointed lawyers are responsible to read the current version of the CFC Program Policy Manual. Appointed lawyers must adhere to the service standards set out in this Manual.

#### *Meeting with a Child or Youth*

Counsel should endeavor to have at least one face-to-face meeting with the child or youth before submissions are made to the court, regardless of whether the child or youth has the capacity to instruct counsel. If there are exceptional circumstances the lawyer must provide an explanation. Exceptions may include:

- The client resides in a remote location, and there is insufficient time before court to meet with the client.
- A meeting cannot be arranged due to the client's circumstances – for example, the client is AWOL, will not return phone calls, lawyer not advised of placement changes, etc.

Under these circumstances a meeting via telephone, video conference, FaceTime, etc. will be acceptable.

A lawyer appointed to represent a child or youth is expected to travel in order to meet with his or her client in an environment that is most comfortable and suitable for the child or youth. The lawyer should ask the child or youth where he or she would like to meet. The lawyer may offer suggestions. The lawyer's office is often not a "child friendly" meeting place unless no better options exist.

For those children or youth who do not have capacity to provide instructions, counsel must meet with the child or youth to fully understand the child or youth's stage of development, personality and needs.

If counsel wishes to meet with a child at school, have the child absent from school for an appointment with counsel, or otherwise contact the child through the school – or if the child indicates they wish to meet with counsel at school, during school hours, or to communicate with counsel when the child is at school, then counsel are expected to follow the procedures outlined in “A Guide for Working Together To Support Pupils in The School Setting Who Are Involved In Child Protection Proceedings”. See Appendix 6.

If counsel has difficulty gaining access to the client, counsel should contact the program, and Children’s Counsel will follow up and attempt to resolve the issue. However, in some case, it may be necessary to return to court to seek a court order pursuant to subsection 6.3(8) of *The Public Guardian and Trustee Act* requiring that access to the child/youth be granted to counsel.

### *Gathering Information*

Lawyers are required to request and examine all relevant information. This includes requesting disclosure from counsel for Social Services as well as any other relevant disclosure from other counsel. This also includes contacting significant individuals in the child or youth’s life, and obtaining the client’s consent when required.

If counsel seeks to obtain medical information about the child, can and should the Minister consent to disclosure of Health information?

Gathering full and complete information will help counsel to understand the circumstances surrounding the child or youth’s views and preferences, and explore all possible options available to the child or youth.

If counsel has difficulty obtaining information about the child, it may be necessary to obtain a court order pursuant to subsection 6.3(8) of *The Public Guardian and Trustee Act* requiring that the information be shared with the child or youth’s counsel.

### *Advising of Processes*

Counsel should advise the child or youth of processes, including processes prior to a court hearing, and opportunities to participate in those processes. Exceptions may include that the child or youth would not understand, or that the child or youth is AWOL.

### *Participating in Early Resolution and/or Pre-Hearing Processes*

Counsel should promote early resolution processes such as mediation and case conferences to the extent possible, as well as participating in any pre-trial processes and negotiating with other counsel,

### *Representing the Child or Youth’s Views in Court*

Counsel must ensure that a child or youth’s views and preferences are before the court.

Exceptions may include that the child is preverbal, or that the child or youth is unwilling to have their views and preferences put before the court.



### *Attending Hearings*

Counsel should attend the initial hearing and all other “hearings of substance.” When the child or youth is represented in court early on and throughout the court proceedings, the court and other parties will become more aware of the significance of the child or youth’s status in the proceeding. Counsel should also be aware of relevant Rules of Court and local practices. Practice Directive #4 is attached as **Appendix 3**.

### *Advising the Child or Youth of Decision*

Counsel is required to have at least one contact in person or by phone with children or youth after the court has made a determination of the matter to explain the outcome of the decision. Exceptions may include that the child or youth would not understand the decision/outcome, or the child or youth cannot be located.

## **6.4 Authority of PGT to Ensure Quality Legal Representation**

The PGT must take seriously the quality of service, and will benefit from feedback from the children and youth, and lawyers involved with the roster. Lawyers and children/youth participating in the roster will be provided with, and asked to complete, feedback forms once the referral has come to an end.

In addition to discontinuing an appointment or removing a lawyer from the roster, as previously described, the PGT or Children’s Counsel may refer a matter to the Law Society of Saskatchewan where appropriate.

## **7.0 Termination of Appointment**

### **7.1 Request to Dismiss a Lawyer**

Unless special considerations apply, when a child or youth expresses a desire to dismiss a lawyer or no longer have a lawyer, the following process will be followed:

- i. The lawyer for the child or youth once aware of the child or youth’s views should: determine if they can resolve any issue with the child or youth; whether the child or youth is comfortable that they can represent their views when appropriate; or wishes to be represented by another counsel. The child or youth can be encouraged to talk directly to the Children’s Counsel if this would assist them to determine how they want to proceed or if they want to make their views on the need for counsel clear to Children’s Counsel.
- ii. If the situation cannot be resolved, the lawyer can terminate their representation for the child/youth by serving notice on the child, in cases of instructional advocacy, other counsel – including notice to the Counsel for Children – and the court. If necessary, and particularly where the court has made an order for counsel, counsel may seek direction from the court as well as inform the Children’s Counsel of their application to the court.

Depending on the circumstances, the lawyer may need to seek leave to withdraw from the court.

- iii. In situations that do not involve instructional advocacy, notice of intention to withdraw as counsel should be served on the Children's Counsel rather than the child/youth.

## **7.2 Termination of Appointment by the PGT**

The PGT or delegate may terminate an appointment if:

- i. the information upon which the appointment was based on was not accurate;
- ii. the lawyer fails to comply with the policies and procedures as set out in this manual (e.g. use of agents, failure to meet with the child or youth);
- iii. there was an administrative error;
- iv. the quality of representation is called into question.

Prior to cancelling an appointment based upon a lawyer's failure to comply with this manual, the Children's Counsel must contact the lawyer, advise the lawyer of the issue and may ask the lawyer to comply with this manual.

A lawyer may request that the PGT or delegate terminate an appointment if personal issues arise or circumstances come to light that place them at odds with Chapter 7 of The Law Society of Saskatchewan's *Code of Professional Conduct*.

In circumstances where an appointment is terminated, the lawyer shall provide written notice to the Court and counsel for the Minister that he or she is no longer the lawyer of record.

## **7.3 Conclusion of Appointment**

All legal services related to an appointment shall terminate six months after a final decision by the court or appeal panel has been rendered on the matter for which the lawyer was appointed, allowing time for a meeting with the child after the appeal period has expired. The appointed lawyer shall complete the Legal Appointment for Children Final Report, Appendix 4, at the conclusion of the file, which includes – for cases of instructional advocacy – a record that they discussed with the child or youth client that the lawyer would technically remain on the file for a further six months and be accessible to the client should the case resolution fail during that six months and the matters at issue be re-opened – i.e. conditions are not met or new circumstances lead to another apprehension, etc. The client can be advised that the lawyer/client relationship will terminate at the end of the six months otherwise.

Where counsel is re-engaged on a file within the six months, they will immediately advise the Counsel for Children Program to update the status of the file so that the lawyer's original appointment is not inappropriately terminated.

If the child or youth requires counsel to support them to express their views in matters arising after the six months, then a new appointment of counsel is required.

At the conclusion of the six months, in instructional and non-instructional cases, the Counsel for Children Program will provide written notice to the Court and to counsel for the Ministry noting that the appointed counsel is no longer the lawyer of record.

## **8.0 Review Process**

A lawyer may request the PGT to review a decision of the Children's Counsel relating to:

- i.* the removal of a lawyer from the roster;
- ii.* A decision denying an application by a lawyer to be added or reinstated to the roster;
- iii.* the fees payable to a roster lawyer; or
- iv.* the application of a policy to a roster lawyer.

A request for a review must be filed with the PGT within 30 days of the date of the decision referred to in the request. The person filing the request must specify the decision he or she wishes reviewed and provide a brief submission setting out the grounds for the request.

The PGT must acknowledge receipt of a request within 7 business days of receiving it. The PGT may require the person submitting the request to provide additional material.

The PGT must issue a written decision within 45 days of receipt of the request or provide the person submitting the request with notification that a specified additional period of time is required to complete the review.

## **9.0 Tariff of Fees**

Legal fees and disbursements incurred by lawyers while in Saskatchewan during the course of an appointment are paid by the CFC Program according to the tariff and fees and disbursements set out in "Appendix 5" of this policy. A lawyer who wants to request an increase in the number of hours allowed for preparation time, or in the hourly rate, shall apply to the Children's Counsel electronically or in writing, and include a justification for the request.

Fees and disbursements charged pursuant to this program are GST/HST and PST exempt. Therefore any fees and disbursements claimed on this file which will be reimbursed by the Ministry should not have GST applies.

## **9.1 Invoicing and Payment for Services**

A solicitor who has provided services pursuant to an appointment and who has completed such services or who has ceased to act shall submit the following within six months of the last service date:

- Prescribed Account schedule Form (Appendix C)
- Invoice
- If billing to the maximum amounts established within the tariff, a detailed list of each and every service rendered, showing the date and time involved in rendering the service and a summary of fees, and any absence fees being charged.
- Any written authorization received for expenditures
- Such other supporting material as required

Interim accounts are accepted and indeed encouraged to ensure amounts owing within the fiscal year and billed before the government fiscal year end of March 30.

Each account submitted shall be examined, settled, and approved for payment in accordance with this policy.

The Children's Counsel may disallow fees, in whole or in part, where, in their opinion, proceedings were unreasonably taken or prolonged, where not calculated to advance the interest of the client, were incurred through negligence, or were otherwise unreasonable in their nature, scope or time expended.

The Children's Counselor designate may require justification from a lawyer of all items included in their account.

When the account has been settled, payment will be made to the lawyer or the firm of the lawyer who rendered the account, showing the disposition of the items.

For accounts submitted more than six months after the last service date, and which files have been closed by the Children's Counsel, an administrative fee may be assessed and deducted from accounts paid. The administrative fee will be \$50.00. This may be appealed to the Public Guardian and Trustee.

## **9.2 Invoicing for Incomplete Appointments**

If an appointment is terminated prior to the conclusion of the matter, payment for services rendered may be made for services provided to date.

## **9.3 Retention of Appointment Information**

The appointed lawyer shall retain, and make available on request from the PGT or Children's Counsel, any or all information about a specified appointment for a period of one year after the submission of charges marked 'final invoice' by the lawyer. This includes receipts held by the lawyer related to claims made.

## APPENDIX 1: Request for a Lawyer Form



### Request for a Lawyer

Ministry of Justice  
Counsel Appointments for  
Children and Youth

Even if the child or youth has been previously denied legal representation, a new application can be submitted if there has been any change of circumstances in the child or youth's life.

Personal information is being collected to determine eligibility for legal representation and to arrange legal representation that meets the child/youth's needs. The information provided on this form will be shared among those individuals /organizations involved with the delivery of the service. The collection, use and disclosure of personal information is in accordance with *The Child and Family Services Act* and *The Freedom of Information and Protection of Privacy Act*.

#### PART ONE – BACKGROUND INFORMATION

Surname	Given Name	Contact Number(s)
<input type="text"/>	<input type="text"/>	<input type="text"/>

#### PART TWO – SOURCE OF REFERRAL

<input type="checkbox"/> Advocate for Children and Youth	<input type="checkbox"/> Other adult family member
<input type="checkbox"/> Social Services	<input type="checkbox"/> Court
<input type="checkbox"/> Child/Youth	<input type="checkbox"/> First Nations Agency
<input type="checkbox"/> Parent or Guardian	<input type="checkbox"/> Other

#### PART THREE – INFORMATION ABOUT A CHILD/YOUTH REQUIRING A LAWYER

Last Name	Given Name	Contact Number(s)
<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of Birth m/d/yy	Gender	Aboriginal? <input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>
Address	City	Province
<input type="text"/>	<input type="text"/>	<input type="text"/>
Postal Code		
<input type="text"/>		

#### Type of Placement (Legal status of child)

<input type="checkbox"/> Supervision Order	<input type="checkbox"/> Temporary Guardianship
<input type="checkbox"/> PSI	<input type="checkbox"/> Permanent Guardianship
<input type="checkbox"/> Other	<input type="checkbox"/> Long Term Guardianship

Caregiver's Name
<input type="text"/>

Caregiver's Address	City	Province	Postal Code
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Mother's Name
<input type="text"/>

Father's Name
<input type="text"/>

Are siblings also needing / requesting a lawyer for this matter? If so, names, ages and residence:

Name	Age	Residence
<input type="text"/>	<input type="text"/>	<input type="text"/>
Add	Remove	

**PART FOUR – INFORMATION ABOUT THE NEED FOR A LAWYER**

Date and Time of Court or Proceeding

Location

Type of matter

☐ Mediation☐ Court Hearing☐ Appeal☐ Other

Reason for requesting a Lawyer

☐ Child/Youth's interests or views are different than the interests or views of the parties to the hearing☐ The issues are serious and complex☐ Child/Youth is able to express his/her own interests or views☐ The child/youth has asked for a lawyer☐ Parties have not been participating in the proceedings☐ Other

Selection of Lawyer (choose one)

Please select a lawyer for me ☐ Yes ☐ No

Preferences (i.e. gender, culture, language)

Request for the following lawyer

**PART FIVE – INFORMATION FROM CASEWORKER (if known)**

Information Relevant to Referral

Caseworker Name

Caseworker Address

City

Province

Postal Code

Phone Number

Cell

Email

Identify special considerations regarding the child (i.e. language, disability, etc.)

**PART SIX – INFORMATION ABOUT OTHER COUNSEL (if known)**

Counsel for Social Services

Name

Number

Counsel for Mother

Name

Number

Counsel for Father

Name

Number

Counsel for Other

Name

Number

**OFFICE USE ONLY**

Individual notified

☐ Child☐ Caseworker☐ Referral Source

Date

Did child/youth consent to have lawyer appointed for him/her?

[Submit by Email](#)[Print Form](#)[Save As](#)[Reset Form](#)

## APPENDIX 2: Roster Application Form

### General Information for Applying to the Roster

The **Counsel for Children Program (CFC)** is responsible for the appointment of legal representation for Saskatchewan's children who are the subject of proceedings or receiving services under *The Child and Family Services Act* when directed by a court or by the Public Guardian and Trustee.

Any lawyer who wants to be considered for an appointment must be a member of the roster. In order to be considered and maintain membership on the roster, a lawyer must meet each of the following criteria:

- Be an active member in good standing with the Law Society of Saskatchewan;
- Be willing to provide legal representation according to the expectations and service standards as set out in the Counsel for Children manual;
- Have completed the training required by the Children's Counsel, and be willing to seek assistance of a Mentor for the first three appointment files accepted;
- Provide a Criminal Record check;
- Provide any additional information requested by the Counsel for Children program Manager.

For lawyers to maintain membership on the roster, attendance at three hours of relevant training per calendar year is required.

The Children's Counsel will notify the applicant lawyer in writing regarding the decision to approve or deny the application.

The roster is an administrative structure that stores information about participating lawyers. The information contained in the roster is protected in accordance with *The Freedom of Information and Protection of Privacy Act* guidelines.

Selection of a lawyer for a child may be based on the specific circumstances of the case, and may take in to account a request for a specific lawyer, a request for a male or a female lawyer, a request for a lawyer who speaks a certain language, and the location of either the child or the hearing.

If there are areas in the application where you would like to provide the CFC Program with more information, please attach as a separate document.

**In order to be considered for membership on the roster, you must complete and sign this application form.** Completed applications should be forwarded by email to [pgt@gov.sk.ca](mailto:pgt@gov.sk.ca), sent by fax to (306)787-5065, or mailed to the Public Guardian and Trustee, Counsel for Children Program, 100 – 1871 Smith Street, Regina, SK, S4P 4W4.

Please note that the CFC program has the right to verify any information contained in this application.

Part One: Background Information			
Surname	Given Name	Initial	Gender
Firm Name and Mailing Address		Phone:	
		Fax:	
		Cell:	
		Email:	
In addition to direct communication with yourself, is anyone else allowed to accept referrals from program on your behalf?			
Surname	First	Position	Phone number
Part Two: Legal Practice Background			
Are you a member of the Saskatchewan Bar in good standing? ____Y ____N			
Year of call to the Bar:			
Are you a member of any other Bar?		Specify:	
Are you familiar with <i>The Child and Family Services Act</i> ? ____Y ____N			
Have you ever appeared in Provincial Court or the Court of Queen's Bench on a child protection matter? ____Y ____N			
Have you ever appeared before the Court of Appeal? ____Y ____N			
Please identify Other Languages You Speak:			
Location of Practice: Specify what region or communities in which you practice:			
Will you consider appointments from areas outside your identified locations of service?			

I am applying to have my name entered on the roster. In making this application, I undertake to comply with the CFC manual, and to perform all duties undertaken by me as a member of the roster while my name remains on it. I certify that all information provided in this application is complete and correct.

I consent to the Children's Counsel or designate contacting the Law Society to obtain any information relevant to my practice which may affect my ability to represent children or youth effectively. I further undertake to notify the CFC program if any complaint is made to the Law Society about me.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## APPENDIX 3: Family Practice Directive #4



COURT OF QUEEN'S BENCH FOR  
SASKATCHEWAN

### FAMILY PRACTICE DIRECTIVE #4

#### FAMILY SERVICE PROCEEDINGS

**REFERENCE: FAM-PD #4**

**Effective: May 1, 2014**

1. The following practices, procedures and forms shall be used in proceedings under *The Child and Family Services Act*.
2. Initial Summary (IS)
  - a. The Applicant must complete and file an Initial Summary (IS) in the attached form in each matter.
  - b. The IS is to be signed by the family service worker or supervisor responsible for the application.
  - c. The IS is to be disclosed to the opposing counsel/or party at the same time and in the same manner as other family service court documents are disclosed.
3. Court Appearance Memo (CAM)
  - a. The Applicant must complete and file Court Appearance Memo (CAM) in the attached form for each matter.
  - b. The CAM must be filed with the Court by the end of the day on the Friday prior to Chambers.

- c. The CAM is to be disclosed to the opposing counsel/ or party at the same time and in the same manner as other family service documents are disclosed.

4. Applicant Pre-Trial Form (APTF)

- a. The Applicant must file an Applicant Pre-trial Form (APTF) in the attached form for each matter.
- b. The APTF must be filed with the Court and a copy provided to the opposing counsel/party by noon on the Friday prior to the pre-trial.

5. Respondent Pre-Trial Form (RPTF)

- a. The Respondents must file a Respondent Pre-Trial Form (RPTF) in the attached form for each matter.
- b. The RPTF must be filed with the Court and a copy provided to the Applicant or its counsel by noon on the Friday prior to the pre-trial.

Chief Justice M.D. Popescul

**INITIAL SUMMARY**

FSM NO.:

SOCIAL WORKER:

Child's Name	Date of Birth	Mother	Father

**CUMULATIVE TIME OUT OF PARENTAL CARE:**

Dates (date) to (date)	Child's Name (if more than one child on the application)	Legal Status (Apprehended, Section 9, Private Placement)	Time Out of Parental Care (in year, month format)

**CIRCUMSTANCES LEADING TO THE APPLICATION:**

History, circumstances of apprehension, etc.

**ORDER RECOMMENDED:**

___ s. 37(1)(a) – Placement with Parent Under supervision? Term: Parent:
___ s. 37(1)(b) – Person of Sufficient Interest Term: PSI: Date of Homestudy:
___ s. 37(1)(c) – Short Term Wardship Term:
___ s. 37(2) – Permanent Wardship Date of Panel Approval:
___ s. 37(3) – Long Term Wardship to Age 18 Date of Panel Approval:
Conditions to attach:

**FSM NO.:**

**COURT APPEARANCE MEMO**

**DATE:** (chambers date)

**SOCIAL WORKER:** (name)

**CHILD(REN):**

1. (name)

2. (name)

**DATE(S) OF BIRTH:**

DOB

DOB

**DATE OF APPREHENSION:** (date)

**DATE OF APPLICATION:** (date)

**APPEARANCE NUMBER:** (number)

**ORDER RECOMMENDED:**

☐ s. 37(1)(a) – Placement with Parent Under supervision?

Term:

Parent:

☐ s. 37(1)(b) – Person of Sufficient Interest

Term:

PSI:

Date of Homestudy:

☐ s. 37(1)(c) – Short Term Wardship

Term:

☐ s. 37(2) – Permanent Wardship

Date of Panel Approval:

☐ s. 37(3) – Long Term Wardship to Age 18

Date of Panel Approval:

Conditions to attach:

## Page 2 - COURT APPEARANCE MEMO

## SERVICE:

	DATE SERVED:	METHOD OF SERVICE:
MOTHER: (name)		
MOTHER'S BAND: (name)		
FATHER: (name)		
FATHER'S BAND: (name)		
SIGNIFICANT OTHER(S): (name)		

## REGISTRATIONS OF LIVE BIRTH:

	FILED? Yes or no
(child's name)	(yes or no)
(child's name)	(yes or no)

## EVIDENCE:

1. Affidavit of .....
- 2.
- 3.

## DOCUMENTS NEEDED:

1. Proof of service on...
2. Affidavit...

HAS A DRAFT ORDER BEEN FILED? Yes or No

## PRE-COURT COMMENTS:

**Page 3 - COURT APPEARANCE MEMO**

**MSS COUNSEL:** (name)

**MOTHER'S COUNSEL:** (name)

**FATHER'S COUNSEL:** (name)

---

**REPORT TO WORKER (FOR COUNSEL USE ONLY):**

**WHO APPEARED?**

**WHAT HAPPENED IN COURT?**

**APPLICANT PRE-TRIAL FORM**

**Date:** (pre-trial date)

**Court File Number/Name:** (court file number/name)

**Counsel for Ministry/Agency:** (name)

**Date of Application:** (date)

**Order Recommended:** (details of order recommended)

**Mother:** (name and date served)

**Mother's Band:** (name and date served)

**Father:** (name and date served)

**Father's Band:** (name and date served)

**Other:** (name(s) and date(s) served or consent(s) filed)

**Birth Registration:** (confirm that previously filed that attached)

**Evidence:** (details of evidence filed (affidavit(s), home assessment(s), etc.)

**Summary:** (details from evidence in paragraph or point form addressing circumstances leading to application, concerns of Ministry/Agency, position of Ministry/Agency on application and any other issue/matter Ministry/Agency feels is relevant to the proceeding)

**RESPONDENT PRE-TRIAL FORM**

**Date:** (pre-trial date)

**Court File Number/Name:** (court file number/name)

**Counsel:** (name)

**Representing:** (name and relationship to child/children)

**Evidence:** (details of evidence filed on behalf of this party)

**Summary:** (details from evidence in paragraph or point form addressing circumstances of this party, any steps taken or to be taken by this party, this party's position on application and any other issue/matter this party feels is relevant to the proceeding)



## APPENDIX 4: Final Report

### Counsel for Children Appointment Final Report

100 – 1871 Smith Street, Regina, S4P 4W4

#### Report of Lawyer – General

Client:	
Lawyer:	
Law Firm:	
Address:	
Email:	

#### Account Summary

Total Fees:	\$	Check one:  <input type="checkbox"/> <b>Final account</b>  <input type="checkbox"/> <b>Interim account</b>
Total Absence Fees:	\$	
Total Disbursements:	\$	
File Closure Fee, if applicable	\$	
<b>TOTAL ACCOUNT</b>	<b>\$</b>	

**My detailed invoice is attached.**

#### Legal Services Rendered

*The information collected here will assist in monitoring usage of the program, and making improvements where needed.*

The present status of the matter in which legal services were rendered is:

- ☐ work authorized has been completed and file has been closed.  
☐ appointment is terminated. My file is closed.  
☐ Interim account is submitted. My reason for submitting an interim account is:

\_\_\_\_\_  
\_\_\_\_\_

Court:		
Place of Hearing:		
Date of Court Appearances:		
Presiding Judge(s):		
Outcome:		

**Please attach a copy of the court order if applicable.**

Please advise what advocacy role you assumed with respect to this child:

☐ Instructional advocate ☐ Non-instructional

If you assumed a non-instructional based role, what was the reason?

☐ child pre-verbal    ☐ child could not provide instruction    ☐ child refused to provide instruction  
☐ other (*explain*): \_\_\_\_\_

Did you state a position on behalf of your client?

\_\_\_\_\_

Did you meet with your client in person? If not, why not?

\_\_\_\_\_

Did you communicate the final outcome to the child or youth? How? (*If applicable, please attach a copy of any reporting letter sent to the child or youth.*)

Did you advise the client that you would remain their lawyer of record on the file for a further six months before terminating the relationship to assist the client if the “final outcome”, noted above, fails within the six months?

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

## APPENDIX 5: Tariff of Fees

### TARIFF OF FEES

Maximum Fees Calculated on an Hourly Fee Basis

*Appendix 5*

Effective October 1, 2014

Type of Proceedings	Service Description	Tariff
<b>General - Preparation</b>	Billable per hour for general preparation such as reviewing disclosure, interviewing the client, general legal advice, the drafting of any pleadings, affidavits, etc.	Up to 10 hours @ \$92/Hour for matters dealt with up to, and/or concluded in Chambers
<b>General - Chambers/Court</b>	Actual Time – billable per hour or portion thereof	Actual time @ \$92/hour
<b>Case resolution processes</b>	Actual time for engaging in early and out of court resolution, including negotiating with opposing parties, supporting clients in negotiation, supporting clients in alternative dispute resolution processes including case conferences, mediation, OPIK, etc.	Up to 10 hours @ \$92/Hour
<b>Pre-trial conference - preparation</b>	Billable per hour or portion thereof for pre-trial preparation	Up to 10 hours @ \$92/hour
<b>Pre-Trial conference – court appearance</b>	Actual Time – Billable per hour or portion thereof	Actual time @ \$92/hour
<b>Pre-Trial – Additional preparation</b>	When pre-trial conferences last more than 5 hours, you are entitled to bill up to one hour of preparation time for each additional full hour of hearing time exceeding the first five hours. This item is applicable only if the hours for Pre-trial preparation have been maximized.	Up to 1 hour per qualifying hour of Pre-trial time
<b>Hearing Required - preparation</b>	Billable per hour or portion thereof for trial preparation	Up to 15 hours @ \$92/hour
<b>Hearing Required – court appearance</b>	Actual time - Billable per hour or portion thereof	Actual time @ \$92/hour Or flat fee: \$540 for provincial court trial, \$860 for Queen's Bench trial
<b>Hearing Required – additional preparation</b>	When a hearing exceeds 10 hours, additional preparation time is available. You are entitled to bill up to one hour of preparation time for each additional hour of Court time that exceeds the 10 hours. This item is only applicable if the hours for Trial preparation have been	Up to 1 hour per qualifying hour of trial time

	maximized.	
<b>All Appeals</b>	The prior approval of the program manager or designate is required. In addition, the manager or delegate will allow reasonable disbursements for printing of transcripts, factums, and appeal books.	
<b>Appeals - preparation</b>	Billable per hour or portion thereof for preparation	Up to 25 hours @ \$92/hour
<b>Appeals – court appearance</b>	Actual time – billable per hour or portion thereof	Actual time @ \$92/hour
<b>Mentoring</b>		For up to 5 hours per file, @\$92/Hour, 15 hours per lawyer. Pre-approval of Children's Counsel required for more than 15 hours mentoring time per lawyer.

The program recognizes that the office administration inherent in accepting referrals is not fully captured by tariff items. A one-time \$25.00 file closure fee is available for all referrals and is to be included on the final account submitted.

Absence fees for travelling time are charged at a rate of \$92/hour as follows:

- a) Travel to municipalities other than the place where the solicitor resides for court appearances
- b) Travel to interview a client

#### **Travel and Sustenance Rates**

- (1) Chartered Aircraft ) Approved where it is considered to be the most economical
- (2) Scheduled Aircraft ) considering expenses and loss of time. Receipt required
- (3) Bus – receipt required
- (4) Vehicle rental – requires pre-approval
- (5) Private Vehicle

Mileage and meal rates are based on government rates and will be adjusted as those rates are adjusted. So the rates as of October 1, 2020 are as set out below:

#### **Private Vehicle**

Rates effective October 1, 2020	Ordinary	North of the 54 <sup>th</sup> Parallel
Kilometers	<b>\$0.4850</b>	<b>\$0.5222</b>

#### **Meals**

No receipts required, however, no claim may be made for a meal when:

	Departure later than:	Return earlier than:
Breakfast	7:30 a.m.	8:30 a.m.
Dinner	11:30 a.m.	12:30 p.m.
Supper	5:30 p.m.	6:30 p.m.

Rates	Ordinary in Province	Beyond Road's End in Province	Out of Province
Breakfast	\$10.00	Actual and reasonable charges supported by receipts. Where receipts not available, ordinary rates apply.	\$13.00
Dinner	\$18.00		\$20.00
Supper	\$23.00		\$28.00
Per diem	\$51.00		\$61.00

The above rates include reimbursements for GST, gratuities and the overnight allowance.

#### Accommodation

- 1) Actual and reasonable charges, supported by receipt. Lawyers are expected to seek accommodation in the least expensive rooms of the hotel/motel they have chosen.
- 2) An amount of \$35/night (no receipt required) will be paid for accommodation in private residence.
- 3) Overnight allowances are included in the revised meal rates.

#### Other

- 1) Taxis – receipts required when over \$4.00
- 2) Telephone – receipts required
- 3) Parking – actual costs supported by receipts, or actual costs up to \$4.00 where metered

### **Disbursements**

Witness fees and travelling expenses of witnesses in accordance with provision of the Rules of Court. (Out of province witness fees must be approved by program manager in advance.)

- Postage, photocopying, courier, telephone and facsimile expenses will be paid as follows:
- Postage – actual disbursement to a maximum of \$50
- Photocopying - \$.25/page to a maximum of \$100
- Courier – actual disbursements
- Facsimile - \$.25/page to a maximum of \$50
- Long Distance – actual disbursements to a maximum of \$75
- Process Servers – actual and reasonable disbursements (receipts required)

If charges for disbursements exceed the maximum specified, detailed and actual receipts will be required.

Any other proper disbursements should be pre-approved by the program manager or designate.

The program will not pay for any research material, including on-line research costs unless authorized by the program manager. Time spent by a solicitor doing research is considered preparation time.