

# CERTIFICATES FOR FAMILY MATTERS

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LAO is significantly expanding its certificate services in family law cases through several, related initiatives targeted to the most urgent unmet legal needs. LAO's family law initiatives are designed to:

- reduce the number of unrepresented litigants in Ontario's courts
- promote early, more just and sustainable resolutions of complex family law matters
- promote the efficiency of the family court system
- provide representation to low-income litigants in a wide range of family law matters
- provide certificates to eligible clients before complex family issues escalate and end up in the courts.

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## COVERAGE FOR COMPLEX FAMILY MATTERS

LAO will support the more than 50 per cent of litigants in Ontario's family courts who lack legal representation by issuing certificates to financially eligible clients when their cases are legally complex.

These circumstances may include multiple legal issues, a self-employed parent, Hague applications, matrimonial property claims for clients on reserve and mobility claims.

LAO may also issue certificates under one or more of the following circumstances:

- the client identifies as First Nations, Metis or Inuit
- the client has mental health or addiction issues
- the client has literacy issues
- language barriers are present
- multiple parties are involved
- the case involves parents under 18
- the client is a teen or young adult (under 22 years of age) and needs legal advice and support about starting an access or child support claim against his or her parent(s)
- people 65 years of age and over

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## COVERAGE FOR THIRD-PARTY CAREGIVERS IN CHILD PROTECTION PROCEEDINGS

While in foster care, children often lose touch with their family, culture and community. LAO will now support such children through certificates to third-party caregivers (such as grandparents, aunts, uncles or other possible caregivers) under some circumstances, to seek a lawyer's advice and assistance to be added as a third party in

a child protection proceeding and, when added, to put forward a plan of care. This could allow grandparents, aunts, uncles or other possible caregivers to put forward a detailed plan of care when a child-protection agency is seeking custody of the child. The child could stay in the care of his or her extended family or home community when possible, rather than become a ward of the state.

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## SERVICES OUTSIDE COURT FOR PARENTS INVOLVED WITH CHILD-PROTECTION AGENCIES

Early intervention in child protection matters can keep cases out of the courts. This would benefit everyone, particularly children. Providing parents with access to legal assistance at the early stages, such as when agreements are signed between parents and child-protection agencies, can have a significant impact on families and offset the power imbalance between parents and child-protection agencies.

To prevent child protection agencies from apprehending children, LAO will facilitate early intervention initiatives by issuing a certificate, in some circumstances, for independent legal advice and negotiation:

- to help negotiate customary care agreements
  - to help negotiate special needs agreements
  - to help negotiate temporary care agreements
  - to facilitate the client's participation in an Aboriginal alternative dispute resolution process, such as Talking Together or Talking Circles
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## ACCESS TO CHILDREN AFTER ADOPTION

The *Child and Family Services Act* allows child-protection agencies to place crown wards up for adoption, provided the protection agency has given every person granted an access order 30 days notice. Once a child is put up for adoption, any existing access order is terminated.

LAO will issue certificates to parents wishing to file an openness application and for legal representation at the openness hearing. An openness order, if made, would allow some form of parental contact to continue after adoption.

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## FOR MORE INFORMATION

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