

Family case management: CYFSA extended society care

Last updated: April 2018

Case management eligibility criteria

Family law matters may be streamed to case management under three particular circumstances:

- A certificate is issued for an extended society care application
- A pre-trial or trial date is set and the service provider is requesting pre-trial or trial authorizations
- Interim billings total \$5,000 in fees and disbursements

Case management budget

- Budgets set based on existing tariff authorizations and case management (CM) authorizations
- CM authorizations to be added to certificate (additional hours)
 - 5 hours
 - 10 hours
 - 15 hours
 - 20 hours
- Budgets will be determined in consultation with the case manager
- Budgets once set can be amended prior to costs being incurred
- No discretion is available on case managed files

Case management budget

Wording	Description	Base time	Days in court	Hours in court
CYFSA10	CYFSA Base	45	NA	NA
FA085	Status Review – Contested	25	NA	NA
FA090	Motion for Temporary Care and Custody	6	NA	Time spent
FA048	Motion for Summary judgment	8	NA	Time spent

Wording	Description	Base time	Days in court	Hours in court
FA021	Subsequent Pre-trials	0	2 hrs each day	Time spent
FA089	Trial Authorized	18	6 hrs each day	Time spent

Case management process

- Counsel completes Family Case Management Assessment Form and forwards to LAO
- LAO Case Manager reviews assessment form, contacts counsel to discuss case and set budget if indicated
- Case management authorizations added to certificate
- Counsel completes work and submits account for payment (Payment within 21-25 days if account matches i.e., account does not exceed budget, is not late billed, etc.)

CM authorization hours (CYFSA extended society care)

Type	Prep	Hours
Pre-trial	Disclosure: exceeds the norm - tariff allocation is inadequate	5-10
	Procedural pre-trial motion (initiating or responding): complex - adding party, reserve band involved	5 incl. Court time
	Substantive pre-trial motion (initiating or responding): complex - increasing access	5 plus Court time
Trial	Complex, medical evidence, experts	10-15
	Parenting Capacity Assessment	10
	Trial by Affidavit	10

Case Management (CYFSA extended society care): wordings and authorizations

Code	Description
CYFSA10	For representation in proceedings under the <i>Child, Youth and Family Services Act</i> where extended society care is in issue. Tariff maximum of 45 hours for all services up to the end of the first pre-trial.
CYFSA12	For representation at Status Review hearing under CYFSA. Tariff maximum of 25 hours if the Status Review is contested.

Code	Description
FA021	Representation: Any 2nd Conference For all preparation for any pre-trial conference, case conference or settlement conference subsequent to the first or for any legal aid settlement conference. Tariff maximum of 2 hours for all services other than attendance at hearing.
FA084	For representation at Status Review hearing under CYFSA. Tariff maximum of 10 hours if the Status Review is uncontested.
FA089	Authorized to proceed to hearing under the <i>Child, Youth and Family Services Act</i> . Additional tariff maximum of 15 hours for all services prior to the first day of trial, other than attendance at trial, and 6 hours for all services for each subsequent day of trial, other than attendance. Tariff maximum of 3 hours for necessary matters subsequent to trial.
FA090	For representation on motion for temporary care and custody . Additional tariff maximum of 6 hours , other than attendance at the motion.
FA048	For representation on defending a motion for summary judgment under the CYFSA. Additional tariff maximum of 8 hours prior to the first day of the motion, other than attendance at the motion.
FD100	This certificate has been flagged as a potential Case Management matter . Please complete the Family/CYFSA Case Management Assessment Form if fees and disbursements are expected to exceed \$8,000.
FA101	This Certificate is subject to Case Management Rules and an additional 5 hours have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
FA102	This Certificate is subject to Case Management Rules and an additional 10 hours have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
FA103	This Certificate is subject to Case Management Rules and an additional 15 hours have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances on approval of his/her case manager. Approval must be requested in advance of hours being incurred.
FA104	This Certificate is subject to Case Management Rules and an additional 20 hours have been authorized. No discretion is payable on Case Managed certificates. Counsel may receive additional hours in exceptional circumstances on approval of his/her case manager. Approval must be requested in advance of hours being incurred.