

# Eligibility for child protection law services



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## Merit assessment

Certificate services for child protection law services are available where an individual is financially eligible, subject to an initial and ongoing assessment of merit, including consideration of whether a reasonable client of modest means would pursue the matter, having regard to legal fees and likely outcome, as well as the potential consequences, including the termination of parental rights.

Merit for certificate services is presumed where the individual:

- has had their child or children removed from their care by a children's aid society or protection authority
- has been served with a protection or status review application by a children's aid society or protection authority
- has been served with an openness application
- is a party to the proceeding and has or intends to put forth a plan of care in response to a society's protection application
- has been served with a motion for summary judgment brought by a children's aid society
- has received a referral by LAO staff for certificate services
- has been asked to enter into an agreement for customary care, voluntary care, or temporary care, or to facilitate participation in an Indigenous alternative dispute resolution process
- has been served with an application under Part VII (Extraordinary Measures) of the *Child, Youth and Family Services Act, 2017 (CYFSA)*

Merit for certificate services is not presumed and a merit assessment is required where:

- a children's aid society or a child protection authority serves a status review application seeking to withdraw its involvement

- an individual seeks to bring an application for openness
- an individual seeks to bring a status review application

Where trial authorization has been granted but a trial has not occurred within one year, the roster member shall notify LAO and a merit reassessment may be required by LAO.

Upon a determination of merit, LAO may provide certificate services to individuals for representation regarding:

- protection applications
- temporary care and custody motions
- status review applications
- summary judgment hearings
- openness applications and hearings
- defending contested adoptions
- third party applications where a referral for certificate services has been provided to the third party
- non-litigation or pre-litigation services for parents in *CYFSA* proceedings (i.e., to assist in negotiating a customary care, voluntary care, or temporary care agreement, or to facilitate participation in an Aboriginal alternative dispute resolution process)
- proceedings under Part VII (Extraordinary Measures) of the *CYFSA*
- proceedings relating to *An Act respecting First Nations, Inuit and Métis Children, Youth and Families* (S.C. 2019, c. 24)

LAO will provide the following services subject to financial eligibility and merit assessments where available:

- legal advice
- in-court assistance
- document preparation services
- assistance with an alternative dispute resolution process

LAO may provide the following services, where available, without regard to eligibility:

- legal education
- legal information

- referral services