

Summary of changes: Family/CYFSA Law Tariff Reform



Phase 1

Current tariff	Change / reform	Action required
<i>Increased family law base tariff allocated for the initial authorization</i>		
The base tariff for representation prior to the first pre-trial is 12 hours.	Increase the base tariff to 16 hours prior to the first section 17 conference.	No action required from roster member.
<i>Select motions coverage</i>		
No current tariff allotment.	<p>A new eight-hour authorization to cover select motions. The authorization includes preparation plus court attendance time.</p> <p>The following motions are eligible for the authorization:</p> <ul style="list-style-type: none"> • Hague matters • Paternity testing • Exclusive possession of matrimonial home • Special party • Non dissipation or non-depletion (preservation) orders • Restraining orders • Abduction or threat of removal of child from the jurisdiction 	Submit written request for authorization through Legal Aid Online

Current tariff	Change / reform	Action required
	<ul style="list-style-type: none"> • Procedural motions (i.e.: failure or refusal to disclose police reports and records, medical notes and records or financial records necessary for evaluating case or making offers, questioning or re-attendance for questioning etc.) • Decision making • Parenting time and/or contact • Support • Mobility / relocation or change of residence • Partition and sale • Summary judgement motions 	
<i>Change in the compensation structure for case conferences</i>		
<p>There is a four-hour authorization for the initial case conference that covers both preparation and actual attendance in family law matters. On child protection certificates, coverage for the first case conference is included in the initial authorization.</p> <p>For subsequent case or settlement conferences (after the first), there is an authorization that includes two hours of preparation time plus actual court attendance time. Time spent negotiating outside of court is considered preparation time.</p>	<p>A new five-hour case conference authorization that covers both court attendance and preparation time for the first and each subsequent section 17 conference.</p> <p>The authorization now provides five hours in total, which allows more flexibility to cover attendances where the bulk of time is spent negotiating outside of the courtroom (“hallway” negotiations).</p>	<p>If the authorization does not appear on the certificate, roster members can submit a written request through Legal Aid Online.</p> <p>Once implemented, roster members will only enter additional court days since the new tariff includes both preparation and attendance. As in the past, attendances to speak to matters, adjournments, motions, trial scheduling, trial audits, or assignment court attendances will not be considered first or subsequent conferences</p>

Current tariff	Change / reform	Action required
<i>Child protection “third party involvement” enhancer</i>		
No current tariff allotment.	<p>Allow a four-hour enhancer when one or more of the following criteria are met:</p> <ul style="list-style-type: none"> • When there is notice that a third party will bring a motion to be added, a motion is filed to add a third party, or when a third party is added on consent and files an answer and plan of care • If a new placement is contemplated with other family members and/or kin • If a second Aboriginal Band becomes involved or an Aboriginal Band becomes involved that was not initially a part of the proceeding • If a second lawyer from the OCL is appointed <p>In allowing the authorization, LAO may also consider a scenario that is not contemplated above, based on complexity and additional people becoming involved.</p> <p>Applies to applications and to status review proceedings.</p>	If the authorization does not appear on the certificate, roster members can submit a written request through Legal Aid Online.

Phase 2

Current tariff	Change / reform	Action required
<i>Authorization for use of interpreters</i>		
No current tariff allotment.	A two-hour tariff authorization will be added automatically when an inherent interpreter disbursement is billed. This compensates roster members for time spent communicating through an interpreter.	If the enhancer does not appear on the certificate, roster members can submit a written request through Legal Aid Online.