

# Tariff reform 2023: Summary of changes for family law



Updated: September 27, 2023

| Description   | Tariff maximum                                |  |
|---|---|--|
|   | Certificates issued prior to October 16, 2023 | Certificates issued on or after October 16, 2023 |
| Applications and proceedings under the <i>Divorce Act</i> , <i>Family Law Act</i> and the <i>Children's Law Reform Act</i> , and negotiation of domestic contracts under the <i>Family Law Act</i>  | 12 hours                                      | 16 hours   |
| Preparation for attendance at the pretrial conference, case conference or settlement conference   | 4 hours                                       | Replaced   |
| Preparation for an attendance on any pre-trial conference subsequent to the first, and any subsequent settlement conference (including a Legal Aid settlement conference) or case conference  | 2 hours                                       | Replaced   |
| Attendance on any pre-trial conference subsequent to the first, and any subsequent settlement conference or case conference.  | No maximum                                    | Replaced   |
| In matters not involving domestic violence, preparation for an attendance on a second pre-trial conference, court-based settlement conference or case conferences after the first. Additional preparation time is not available for third and following case conferences. | 2 hours                                       | Replaced   |

| Description  | Tariff maximum                                |  |
|--|---|--|
|  | Certificates issued prior to October 16, 2023 | Certificates issued on or after October 16, 2023 |
| In matters not involving domestic violence, actual attendance time at the second pre-trial conference, court-based settlement conference or case conference. Additional attendance time is not available for third and following case conferences. | No maximum                                    | Replaced   |
| In matters not involving domestic violence, preparation for an attendance at one Legal Aid settlement conference.  | 2 hours                                       | Replaced   |
| In matters not involving domestic violence, actual attendance time at one Legal Aid Settlement Conference  | No maximum                                    | Replaced   |
| For preparation for and attendance, including negotiations with opposing counsel, at each conference under Rule 17 of the Family Law Rules and at each Legal Aid settlement conference   |   | 5 hours  |
| Preparation for an eligible complex motion for all services other than actual attendance at the motion   |   | 8 hours  |
| Actual attendance at an eligible complex motion, excluding waiting time and adjournments   |   | Actual time (no limit)                           |

## Notes

- No action required from the roster members to receive the tariff increases for the initial application and for the Rule 17 conference, as they will be automatically applied to certificates issued on or after October 16, 2023.
- To be considered for coverage for complex motions, roster members must submit a written request for authorization through *Legal Aid Online* by uploading their request using the “Submit certificate coverage materials” link found under the “Certificates” tab.
- Coverage for temporary motions for applications and within a motion to change is available. Examples of eligible motions include:
  - Hague matter

- Paternity testing
  - Exclusive possession of matrimonial home
  - Special party
  - Non-dissipation or non-depletion (preservation) orders
  - Restraining order
  - Abduction or threat of removal of child from the jurisdiction
  - 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
- The new five-hour Rule 17 conference authorization covers both court attendance and preparation time for the first and each subsequent Section 17 conference. The authorization allows more flexibility to cover conferences where the bulk of time is spent negotiating outside of the courtroom.
  - The five hours for the first Rule 17 conference are added by the authorization. When entering subsequent case conferences in the online account, only enter the second and subsequent Rule 17 conferences in the “# of Extra Days” field.
  - As before, attendances to speak to matters, adjournments, motions, trial scheduling, trial audits or assignment court attendances will not be considered as first or subsequent Rule 17 conferences.