



### **The family law challenge**

Current funding limits family law representation to situations where there is a risk of violence, persistent denial of access to a child, or a risk that a child will be permanently removed from the province. There is no coverage for divorce and separation, adoption or financial issues. As a result, only 2 out of 5 people who apply for representation by a lawyer in family law cases receive representation.

What's needed are innovative ways, along with the necessary resources, to deliver services that are currently not available but are needed to ensure the stability and safety of children and families.

The Legal Services Society currently provides the following services using government and non-government funding.

### **Information services**

**Family law website:** Self-help guides, informational videos, and fact sheets on a variety of family law topics including custody, access, guardianship, child and spousal support, and uncontested divorces. The site also includes direct links to court forms, legal information publications, and other helpful organizations. See [familylaw.lss.bc.ca](http://familylaw.lss.bc.ca).

**Publications:** LSS staff produce legal information and self-help materials in a number of languages to help clients identify, avoid, and resolve common legal problems. Topics include family law. A complete list is available at [legalaid.bc.ca/publications](http://legalaid.bc.ca/publications).

**Legal Information Outreach Workers:** LIOWs help low-income people find legal information and understand court forms. They also provide referrals to other resources and give presentations at Aboriginal, women's, immigration, social service, and other community agencies.

There is no financial eligibility test for legal information services.

### **Advice services**

**Family duty counsel:** Family duty counsel are lawyers who can help low-income people deal with family law and child protection problems. Located in most courthouses, they can:

- give legal advice about custody, access, guardianship, child support, some property, tentative settlement agreements, and court procedures;
- speak for clients in court on simple matters such as adjournments, consent and emergency restraining orders, and uncontested custody, access, and support hearings;



# Legal Aid Facts

## Family law services

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- attend family case conferences and judicial case conferences with clients; and
- help clients draft documents, review documents to be filed in court, and negotiate and settle issues.

Duty counsel do not provide representation at trial.

Family duty counsel are available in most Provincial Courts and in the busiest Supreme Courts.

**Family law advice lawyers:** Low-income parents experiencing separation or divorce may be eligible for up to three hours of free legal advice from a family advice lawyer. These lawyers can provide advice about: custody, access, guardianship, child support, property (limited advice), tentative settlement agreements, and court procedures.

Family law advice lawyers are available at the [Vancouver Justice Access Centre](#), the [Nanaimo Justice Access Centre](#), the Family Justice Centre in Kelowna, the New Westminster Family Justice Counsel office, and at courthouses in Kamloops, Prince George, Surrey, and Victoria. Services are available by referral from a [family justice counsellor](#) or a child support officer.

**Family LawLINE:** Family LawLINE is a telephone advice service. Lawyers give brief "next step" advice about family law issues such as custody, access, guardianship, child support, spousal support, property division, family agreements, adoption, and court procedures.

There is a [financial eligibility test](#) for most family law advice services.

### Representation by a lawyer

Representation by a lawyer is available to [financially eligible](#) clients who are facing serious family situations where:

- the client's safety or the safety of her or his children is at risk;
- the client has been denied access to her or his children on an ongoing basis; or
- there is a risk that a child will be permanently removed from the province.

These services are available for matters under the *Family Relations Act* or the *Divorce Act*, and in both the Provincial Court and the Supreme Court.

Generally, only one referral for serious family situations services will be issued. There must be a change in the client's circumstances to be eligible for another emergency services referral.