

## Urgent Notice Re Family Coverage

### Final deadline for opinion letters: May 23, 2002

The Family Case Management Program will accept no opinion letters after 5:00 p.m. May 23, 2002. This is a direct result of the cuts to LSS funding and the proclamation of the new Legal Services Society Act.

### New LSS family coverage guidelines

Further to our Notice to Counsel of March 12, 2002, as a result of funding reductions, and the proclamation of the new LSS Act, the Society is changing its family coverage. Effective May 22, 2002, the Society will provide emergency services referrals for family issues only if they meet new coverage guidelines.

Under the new guidelines, coverage will be provided if:

1. The applicant is—
  - a) a victim of domestic violence and likely needs a physical restraining order, or
  - b) has a child or children who are at risk and a supervised access order or restraining order is needed to protect them, or
  - c) needs a change to the current custody or access order to ensure the safety of the applicant and/or the child(ren).
2. A non-removal order is required to prevent the applicant's child(ren) from being permanently removed from the province.

Once a client is found eligible for legal aid, coverage includes additional relief available under the Family Relations Act or Divorce Act, within the limits of the emergency services tariff. This includes custody, access, and maintenance orders, and orders restraining the disposition of property.

### The family tariff

The emergency services tariff will apply to all referrals issued from May 22, 2002 onward. There will be no funding for non-emergency or approved services. Counsel will have to resolve the client's issues on an interim or final basis, if possible, within the time allowed for under the emergency services section of the family tariff.

### Referrals issued before May 22, 2002

LSS is seeking permission from Ministry of Attorney General officials to obtain authorization to run an operating deficit in 2002/03. This one year deficit will allow us to complete previously *approved* services for family cases that were referred to counsel prior to May 22, 2002 and are currently in the system. If we receive permission, counsel will be able to complete their cases under the terms of their existing referrals. If we do not receive permission, LSS will likely be required to terminate existing family law referrals on 90 days' notice. Until further notice, you may continue to provide, and bill for, services within the limits of your current referral.