Legal Services Society

British Columbia
www.legalaid.bc.ca

AGENDA

LEGAL AID SETTLEMENT CONFERENCE

Legal Services Society's free conference for frontline settlement workers

Sheraton Vancouver Guildford Hotel

15269 104 Ave, Surrey, BC V3R 1N5

WEDNESDAY APRIL 10, 2019 – DAY 1

Times	Room	Workshop	Speaker
8:00 – 9:00	***Registration, welcome breakfast and materials pick-up***		
9:00 – 9:30	**Opening Remarks:** John Simpson – Manager Community & Publishing Services, Legal Services Society **Opening Ceremony:** Gramma Joy – Star Elder		
9:30 – 11:00	Tynehead Ballroom	**Updates on legal resources**	Tenant Resource Advisory Centre Access Pro Bono People's Law School The Law Foundation of BC Courthouse Libraries BC Legal Services Society — Parents Legal Centre, Surrey Rise Women's Legal Centre
11:00 – 11:15	*Coffee break*		
11:15 – 12:45	Tynehead Ballroom	**Overview of family law**	Hannah M. DeJong — lawyer, Boughton Law
12:45 – 1:30	*Lunch* Lunch Session - **Key findings and recommendations on legal information needs for English as an Additional Language (EAL) communities:** Jody Johnson and Trevor Van Eerden — Consultants, PEERs Employment and Education Resources *(Tynehead Ballroom)*		
1:30 – 3:00	Tynehead Ballroom	**Protection orders and domestic violence**	Uphar Dhaliwal — lawyer, DD Law Group Rob Dhanu — lawyer, DD Law Group Vanessa Munn— corporal, Domestic Violence Unit (DVU), Surrey RCMP Detachment Marnie Westbury — Crown counsel, Surrey Crown Counsel Office
3:00 – 3:15	*Coffee break*		
3:15 – 4:45	Tynehead 1-2	**Child protection law**	Uphar Dhaliwal — lawyer, DD Law Group
	Tynehead 3	**Income Assistance and PWD Benefits**	Monica Mah — advocate, Sources Samiihah Moosuddee — training developer, Sources
	Guildford C	**Residential tenancy**	Andrew Sakamoto — ED, Tenant Resource & Advisory Centre (TRAC)

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THURSDAY APRIL 11, 2019 – DAY 2

Times	Room	Workshop	Speaker
8:30 – 9:00	*Welcome breakfast*		
9:00 – 10:30	Tynehead Ballroom	**Overview of immigration law**	Amanda Aziz — lawyer, Embarkation Law
10:30 – 10:45	*Coffee break*		
10:45 – 11:45	Tynehead Ballroom	**Legal Services Society — Updates on:** • **Publications and other legal resources** • **Legal Information Outreach** • **Working with LSS intake**	Patricia Lim — publications development coordinator, LSS Silvia Tobler — senior legal information outreach worker, LSS Deneen Garrett — provincial supervisor, Legal Aid applications, intake and referral services, LSS
11:45 – 1:00	Tynehead Ballroom	**Gang violence and criminal law**	Rob Dhanu — lawyer, DD Law Group Mike Sanchez — sergeant, Surrey RCMP
1:00 – 1:45	*Lunch*		
1:45 – 3:15	Tynehead 1-2	**Overview of refugee law**	Amanda Aziz — lawyer, Embarkation Law Molly Joeck — lawyer, Edelmann & Co.
	Tynehead 3	**Wills & estates**	Sonali Sharma — lawyer, Athena Law
	Green Timbers 3	**Federal public pensions**	Monica Mah — advocate, Sources Samiihah Moosuddee — training developer, Sources
3:15 – 3:30	*Coffee break*		
3:30 – 5:00	Tynehead 1-2	**Elder law**	Sonali Sharma — lawyer, Athena Law
	Tynehead 3	**Welfare Law**	Alison Ward — CASL lawyer, Community Legal Assistance Society (CLAS)
	Green Timbers 3	**Section 211 reports**	Taruna Agrawal — lawyer, Rise Women's Legal Centre



TRAC

TENANT RESOURCE & ADVISORY CENTRE

promotes the legal protection of residential tenants across BC by providing Information, education, support and research on residential tenancy matters.

THE LAW FOUNDATION OF BRITISH COLUMBIA

BRITISH COLUMBIA

CITY OF VANCOUVER

Vancity

TRAC

OVERVIEW

DIRECT ADVOCACY

TENANT INFOLINE

LEGAL WORKSHOPS / WEBINARS

MULTILINGUAL / PLAIN LANGUAGE PUBLICATIONS

WEBSITE

ONLINE COURSE

GOVERNMENT WORK



DIRECT ADVOCACY

- Free representation at RTB dispute resolution hearings
- Direct Advocacy Manager – Practicing Lawyer

- Eligibility
  1. Group applications
  2. Serious or systemic
  3. No income cut-off, but priority might be given to low income tenants

TENANT INFOLINE

- Monday – Friday Telephone Service
- Answer approximately 7,000 calls per year
- Most common issues:
    1. Eviction
    2. Repairs
    3. Quiet Enjoyment
    4. Deposits
    5. Rent Increases



LEGAL WORKSHOPS

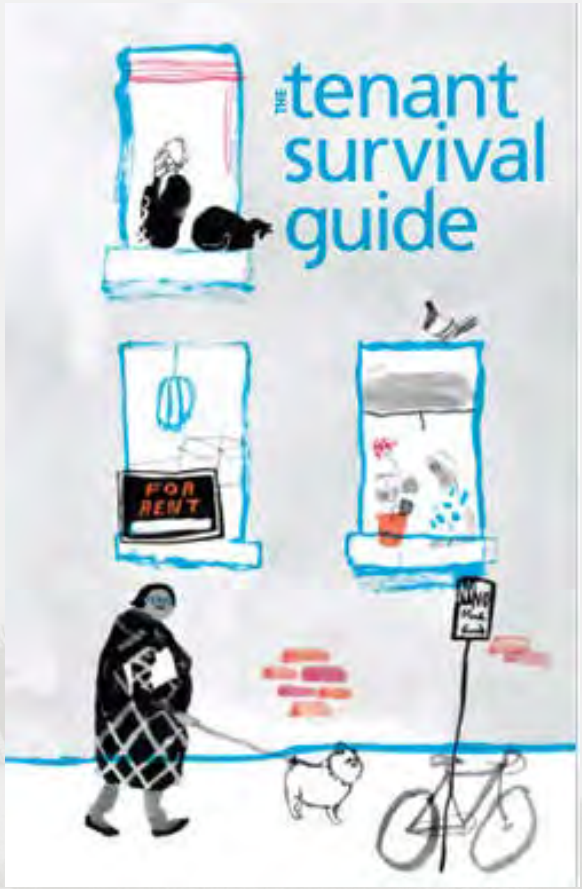
- Free legal education workshops and webinars for:
  - Seniors
  - Youth
  - New immigrants
  - Problem buildings
  - Advocates / service providers



PUBLICATIONS

- Tenant Survival Guide
  - Free publication funded by the Law Foundation of BC
  - Reprinted 10,500 copies

    Order through Crown Publications website: https://www.crownpub.bc.ca/Product/Details/7550005084_S



WEBSITE – tenants.bc.ca

TRAC
TENANT RESOURCE & ADVISORY CENTRE

HOME | ABOUT | RESOURCES | CONTACT | DONATE | FACEBOOK | TWITTER | TRAC FEEDBACK

SERVING DOCUMENTS



Print | Open All | Close All

LEGALLY SERVING DOCUMENTS

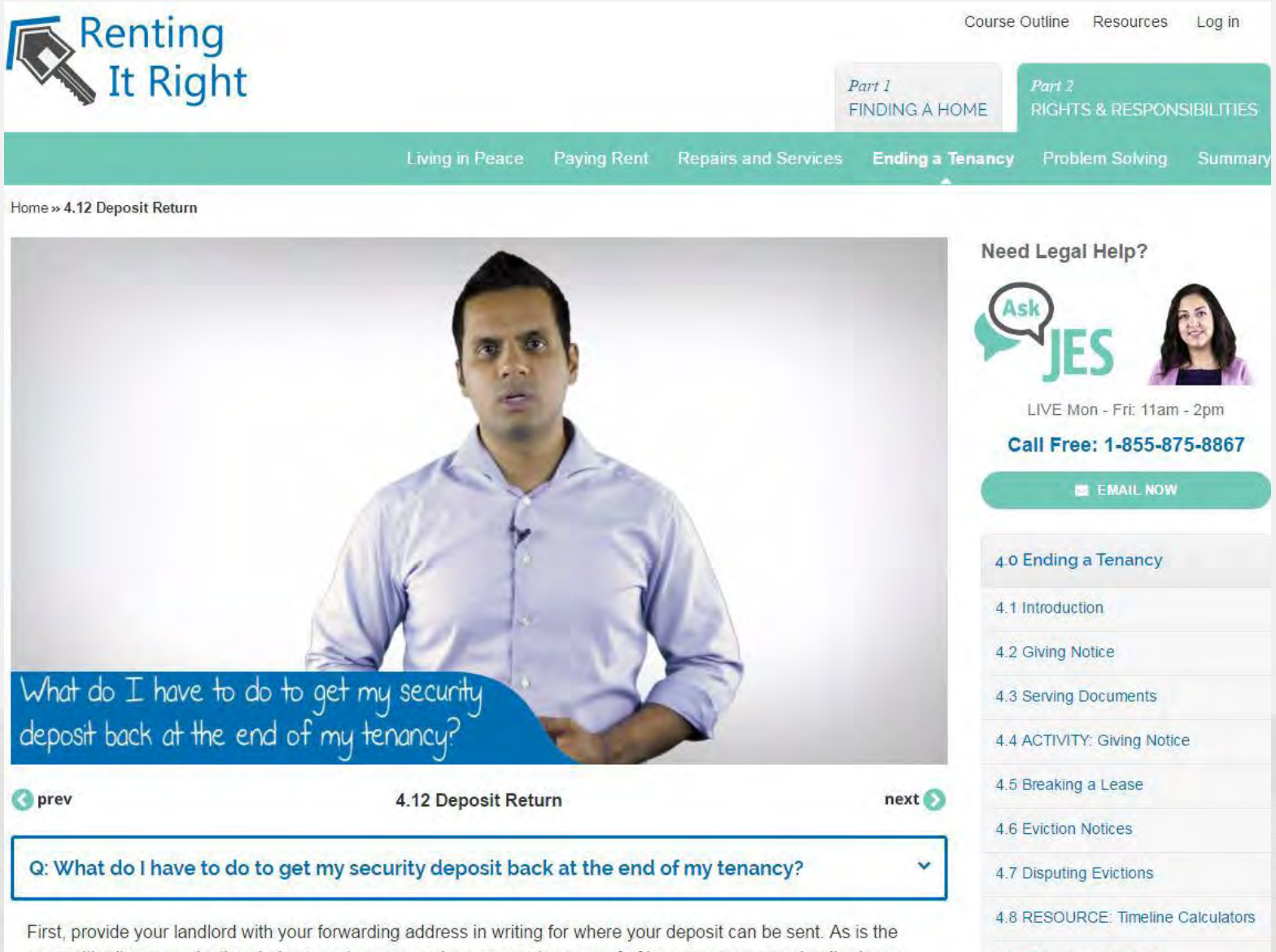
Sections 88-90 of the *Residential Tenancy Act (RTA)* cover the rules about how tenants and landlords can give, or "serve", forms and notices to each other. When it comes to providing your one month written notice, or any other type of form or notice, you should avoid email, text messaging, and social media, and instead use one of the following methods:

1. **In person:** You can serve your written notice in person to your landlord, an adult who lives with your landlord, or an agent of your landlord. If possible, bring a witness so you have proof that your notice was served properly. Write the date, time, and location of the delivery on your copy of the notice and have your witness sign it. A notice delivered in person is considered received that same day.
2. **Post the notice:** You can attach your written notice in a visible spot at your landlord's home, or the place where they carry out business as a landlord. For example, you can tape the notice to your landlord's door. If possible, bring a witness so you have proof that your notice was served properly. Write the date, time, and location of the delivery on your copy of the notice and have your witness sign it. Do not slide the notice under your landlord's door. The *RTA* says that a posted notice is considered received on the third day after being posted.
3. **Mailbox or Mail Slot:** You can put your written notice in the mailbox or mail slot at your landlord's home, or the place where they carry out business as a landlord. If possible, bring a witness so you have proof that your notice was served properly. Write the date, time, and location of the delivery on your copy of the notice and have your witness sign it. The *RTA* says that a notice left in the mailbox or mail slot is considered received on the third day after being left.

- STARTING A TENANCY
- DURING A TENANCY
  - Bed Bugs / Other Infestations
  - Fees
  - Finding Out Who My Landlord Is
  - Guests
  - Locks and Keys
  - Paying Rent
  - Pets
  - Quiet Enjoyment
  - Rent Increases
  - Repairs and Maintenance
  - Residential Tenancy Branch
  - Roommates
  - Selling a Rental Unit
  - Services and Facilities
  - Serving Documents
  - Sublet and Assignment
  - Utilities
- ENDING A TENANCY
- DISPUTE RESOLUTION
- TYPE OF TENANT
- TYPE OF HOUSING

ONLINE COURSE –

rentingitright.ca



CONTACT TRAC

tenants.bc.ca

rentingitright.ca

(604) 255-3099

(604) 255-0546

1 (800) 665-1185

@tracbc

@trac_bc

@trac_bc


Questions?

ACCESS PRO BONO / INCREASING ACCESS TO JUSTICE IN BC

UPDATE ON APB SERVICES

APRIL 10, 2019 – LSS SETTLEMENT CONFERENCE

Access Pro Bono

- We are a non-profit society incorporated in February 2010 to carry on the work of Access Justice and Pro Bono Law BC.
- All services are provided free of charge by our volunteer lawyers.
- Facilities are provided by social agencies committed to providing help to the needy.

Vision and Mission

Vision:
A justice system in which having limited means is not a barrier to obtaining quality legal services.



Mission:
To promote access to justice in BC by providing and fostering quality pro bono legal services for people and non-profit organizations of limited means.

Our Services

- Summary Advice Clinics
- Roster Programs (Barristers', Court of Appeal, Wills and Estates, Family, and Solicitors' Rosters)
- Civil Chambers Duty Counsel Program
- Paralegal Program
- Wills Clinic Program
- *Refugee Program
- Residential Tenancy Program
- Employment Standards Program

Summary Advice Clinic Program

- Appointments lasting approximately 30 minutes
- Qualified lawyers
- Strictest confidence
- Follow-up meetings, if necessary
- Written advice
- Our lawyers do not go into court but can prepare you to do so



Means Test

- No Equity Test
- To be eligible for most of our legal advice services, the client's **gross** monthly household income must be below the amount for your household size in the table below:
  - 1-3 $5,000 CDN
  - 4 or more $7,000

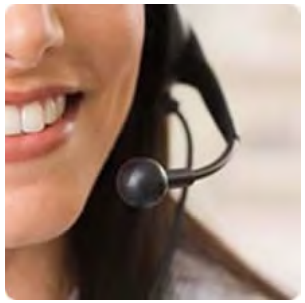


Clinic Process



Client

Access Pro Bono
Client Line
(1-877-762-6644)



Trained Client Call Volunteers

- Book advice appointments
- Provide alternative legal resources.

Legal Advice Clinics throughout BC









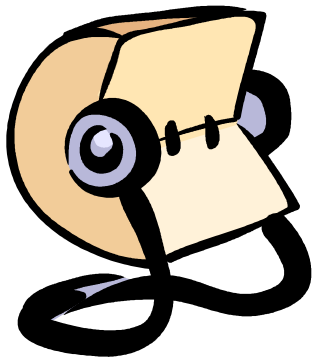




Main Contact

- Client Line
  - 604.878.7400
  - 1-877-762-6664
- Email
  - help@accessprobono.ca





Summary Legal Advice Clinics for Immigrants/Refugees

- **ISS of BC**
- **The Gathering Place**
- **MOSAIC**
- **Courthouse Clinic**
- **SUCCESS Coquitlam**

Roster Programs

- Barristers' Roster: lawyer volunteers take on general litigation cases for civil, criminal, and administrative law matters (except Provincial Court or Supreme Court trials).
- Family Law Program: volunteer family lawyers provide assistance and representation (including "unbundled" services) to clients in family law cases.
- Refugee Program: matches and supports volunteer lawyers with British Columbians (individuals and groups) seeking to sponsor one or more refugees from Syria, Iraq, and elsewhere. Roster lawyers provide free legal advice and assistance to sponsors for the benefit of refugees seeking to settle in BC.
- Wills & Estates Program: facilitates the provision of pro bono legal services in non-litigious estate matters including drafting wills, powers of attorney, committee agreements, and representation agreements.
- Solicitors' Program: volunteer lawyers provide legal advice and assistance to community organizations in all areas of non-profit law.

RESIDENTIAL TENANCY PROGRAM (1/3)

- Provides legal representation by volunteer lawyers and law students to low-income tenants and qualifying landlords who have an issue that comes under the Residential Tenancy Act.
  - Evictions
  - Illegal Rent Increase
  - Security deposit withheld
  - Requests for repairs (e.g. heat, etc.).

RESIDENTIAL TENANCY PROGRAM (2/3)

- Representation is BC-Wide but cannot be guaranteed.
  - Subject to a merit assessment.
  - Subject to volunteer availability.
- Outside of Vancouver, the client must be able to fax/email their documents to APB.
- Volunteers can potentially meet clients in person in Vancouver, Victoria and Nanaimo.

RESIDENTIAL TENANCY PROGRAM (3/3)

- Intake : 1877-762-6664 ext. 1500 or
- Email: tenancylaw@accessprobono.ca
- Website (contains useful information!)http://www.accessprobono.ca/residential-tenancy-program

- For summary legal advice : call APB Summary Legal Advice Clinic Program instead.
  - Intake line: 1-877-762-6664

- For legal information (tenants only): contact TRAC instead.
  - Tenant Infoline: 1-800-665-11185

EMPLOYMENT STANDARDS PROGRAM (1/3)

- Provides legal representation by volunteer lawyers and law students to low-income employees who have an issue that can be heard by the Employment Standards Branch.

- Common issues:
  - Termination pay.
  - Vacation pay.
  - Overtime.

- NOT:
  - Contractors.
  - Wrongful dismissal cases.
  - Termination pay if person is on a short-term contract.

EMPLOYMENT STANDARDS PROGRAM (2/3)

- Representation is BC-Wide but cannot be guaranteed.
  - Subject to a merit assessment.
  - Subject to volunteer availability.
- Outside of Vancouver, the client must be able to fax/email their documents to APB.
- Volunteers can potentially meet clients in person in Vancouver, Victoria and Nanaimo.

EMPLOYMENT STANDARDS PROGRAM (3/3)

- Intake : 1877-762-6664 ext. 1500.
- Email: esp@accessprobono.ca

- For summary legal advice or if the issue is not covered by the ESP, call APB Summary Legal Advice Clinic Program instead.
  - 1-877-762-6664

NEW PROGRAMS

- **Medical-Legal Partnership Program**
- **Court of Appeal Program**
- **New Clinics:**
  - **Consumer Protection Clinic at the Vancouver JAC**
  - **Canadian Chinese Consumers Association Clinic in Richmond**
  - **Barristers Family Law Clinic at The Gathering Place**
  - **Atira Women's Resource Society Clinic**

QUESTIONS?

- **Frank Yates, Clinic Coordinator**
- 604.482.3195 ext. 1508

- **Heather Wojcik, Roster Program Manager**
- 604.424.8286 ext. 1505

People's Law School
Work out life's legal problems

People's Law School Update

Legal Aid Settlement Conference | April 2019

Kathryn McCart, Education & Referrals Coordinator

Who we are

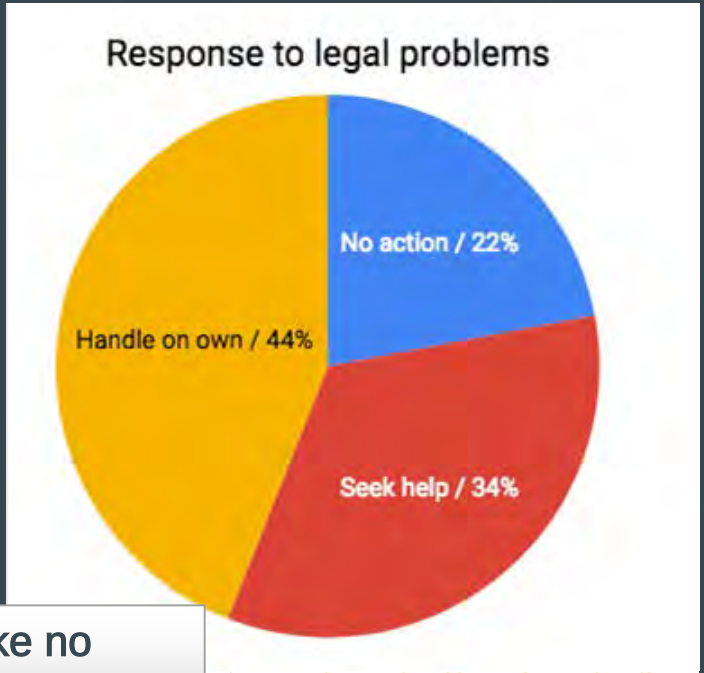
- A non-profit serving British Columbia
- We help people “work out life’s legal problems”
- We provide plain language information and education on the law
- Founded in 1972 as the first dedicated PLEI organization in Canada

People’s Law School

Work out life's legal problems

Our focus

- Our focus: **everyday legal problems**
- Our approach: using plain language to **empower people to take action**
- Our website: highlights **practical steps** people can take and tools they can use



Source: "The Legal Problems of Everyday Life", (Department of Justice Canada)

⅔ of people take no action or handle their own legal problem

We support print...

- *Work & the Law, When I'm 64: Benefits for Older Adults* and several other popular titles updated in 2018/19
- 20 titles in print for ordering from Crown Publications
- 15 titles in full text on Clicklaw Wikibooks: online, EPUB, print



... in-person learning in communities ...

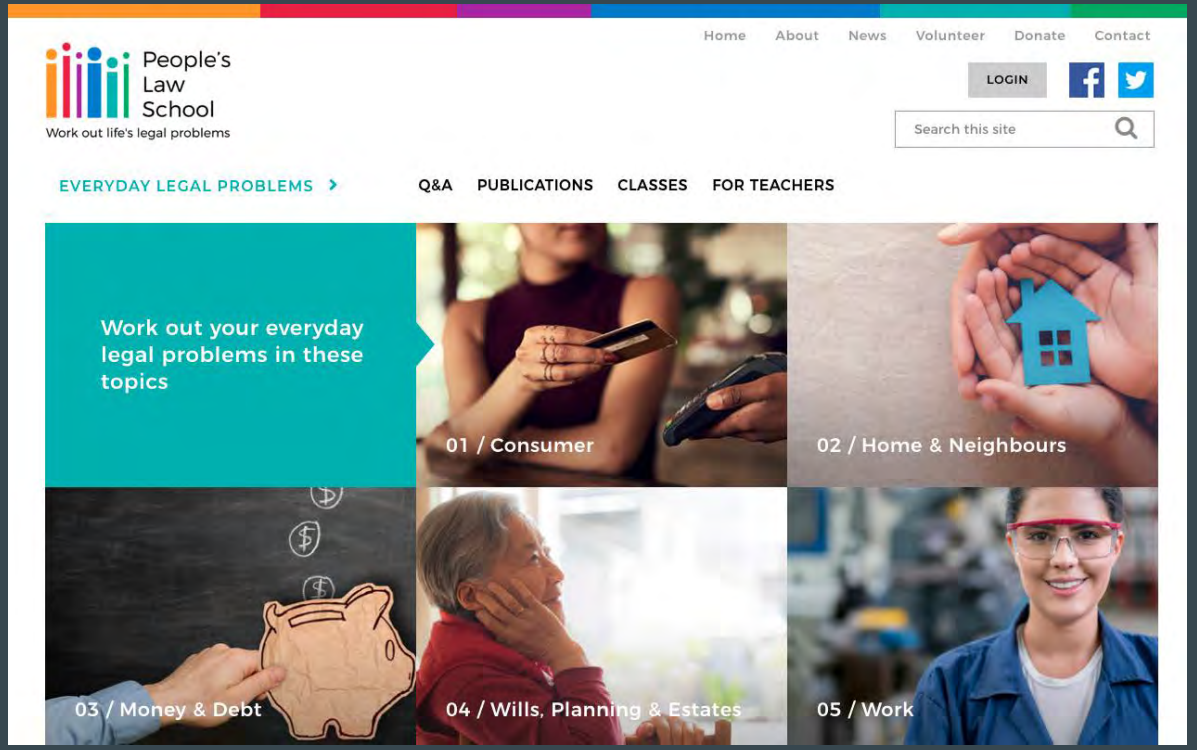
Classes on everyday legal problems hosted by community partners across BC — public libraries and community groups



… and increasingly, online

Our website at **peopleslawschool.ca**

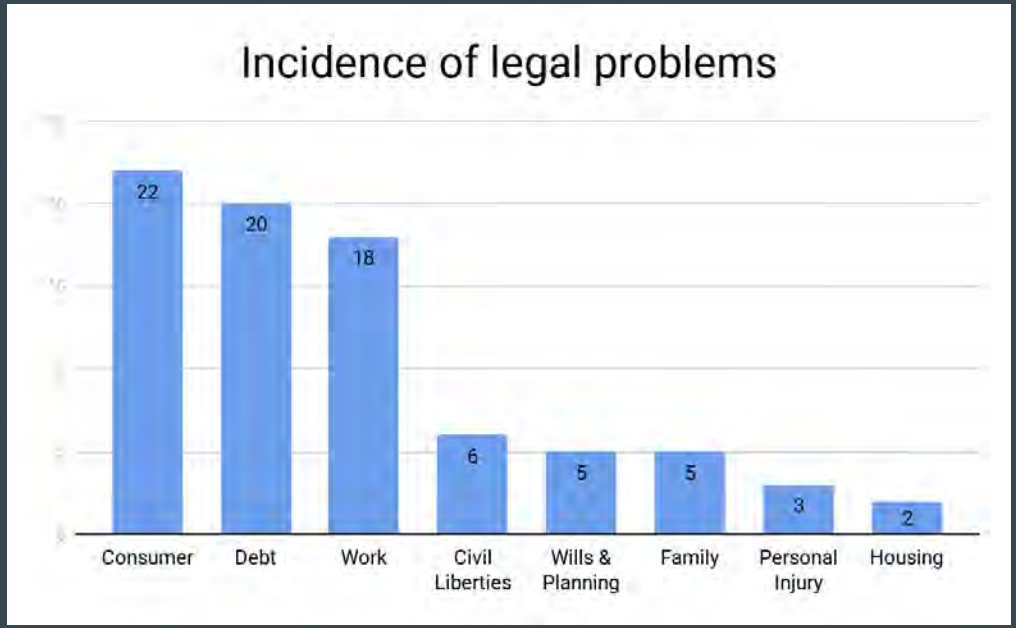
- Focuses on **everyday legal problems**
- Is **understandable** and approachable
- Provides **practical** step-by-step guidance, templates and tips



Let’s unpack that a bit

We focus on everyday legal problems that affect most people

- Consumer
- Debt *Expanded coverage in 2018!*
- Work *Expanded coverage in 2018!*
- Wills, planning & estates

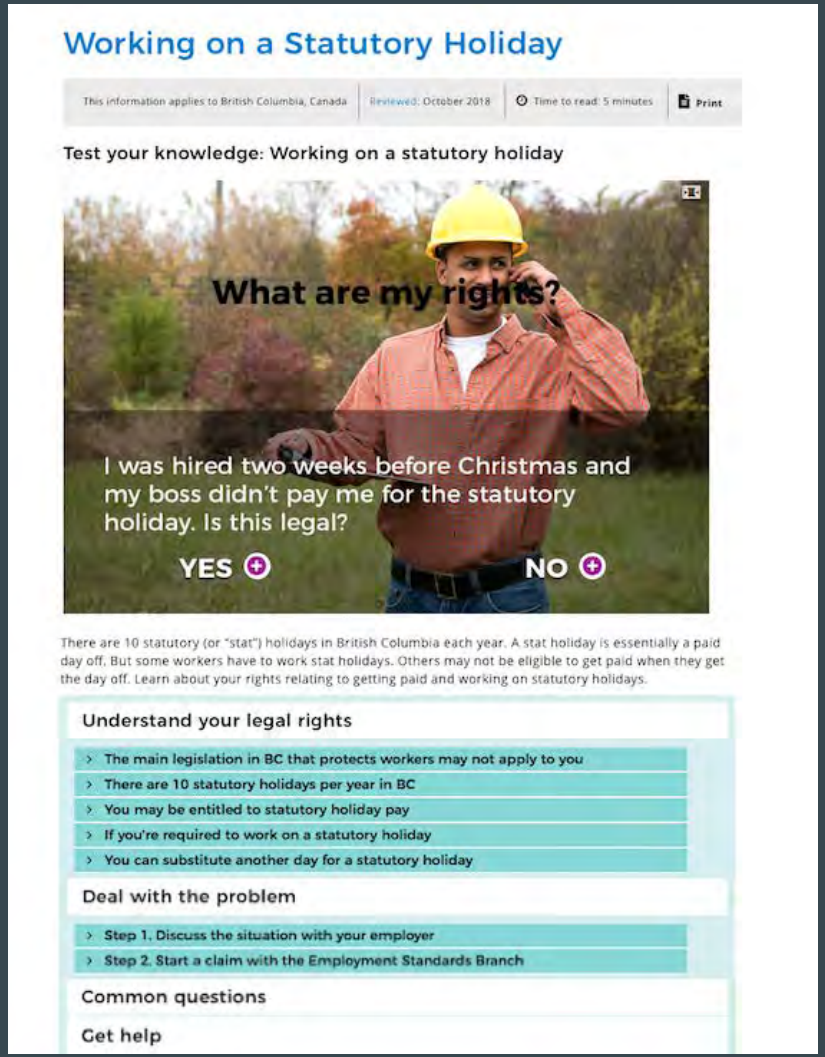


Source: “The Legal Problems of Everyday Life”, (Department of Justice Canada)

Understandable & approachable

Designed for the public

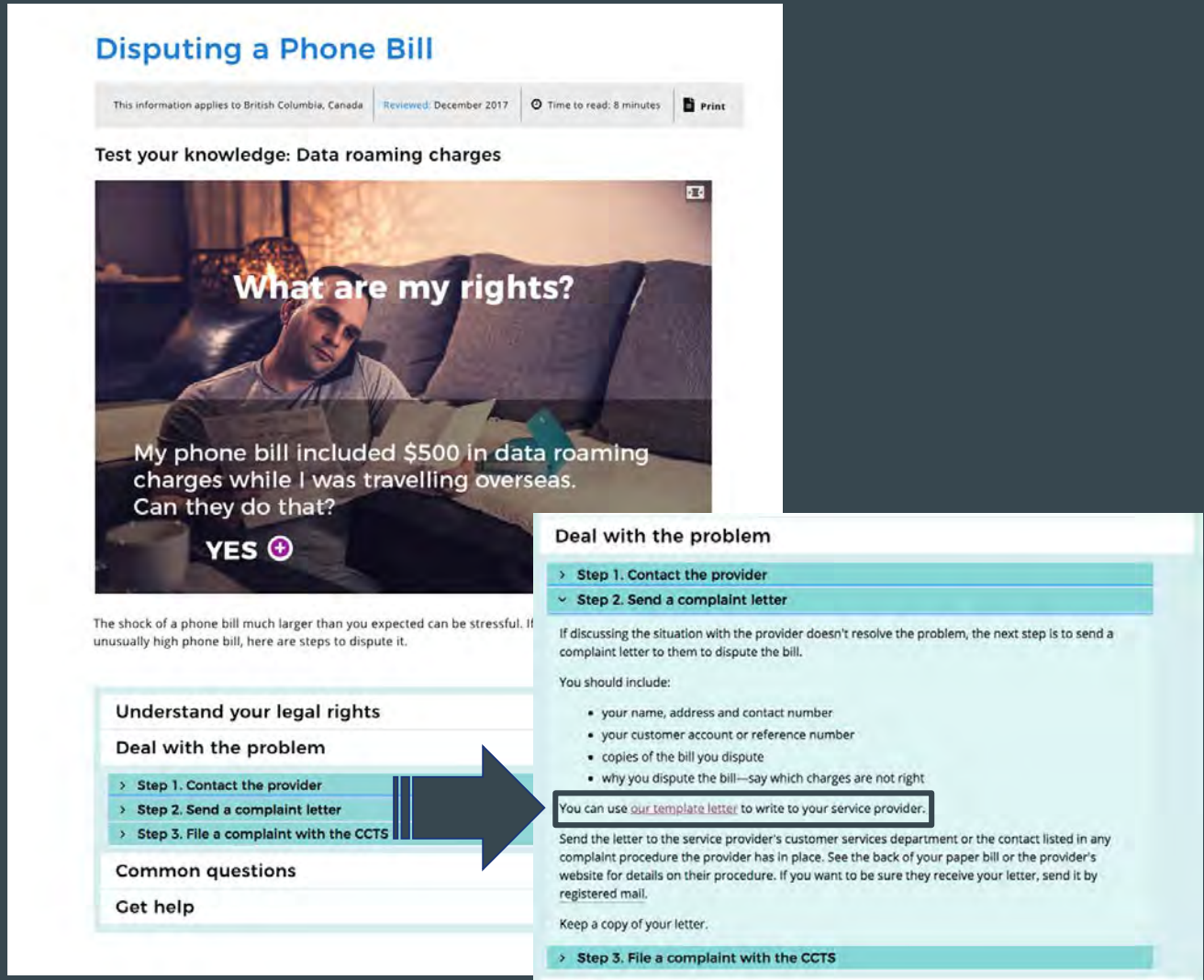
- In **plain language**
- **Interactive images** help make information more approachable
- **Accordions** allow people to expand content without overwhelming them



Practical

Step-by-step guidance and tools

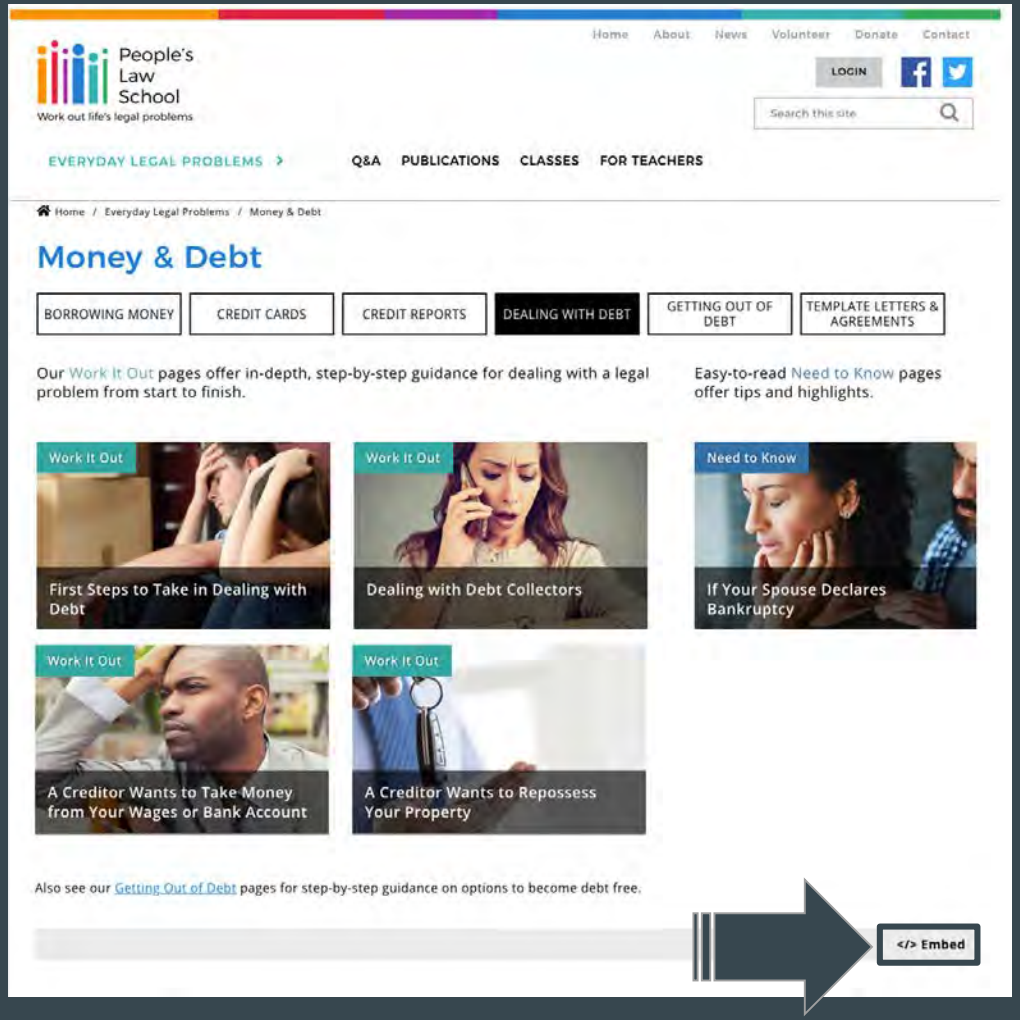
- Steps help people **understand options**
- Tools, such as downloadable template letters, help people **take action**



Shareable

We make our content **shareable** and findable

- We allow others to **embed** it on their own websites
- People can find reliable information on websites that they use and trust

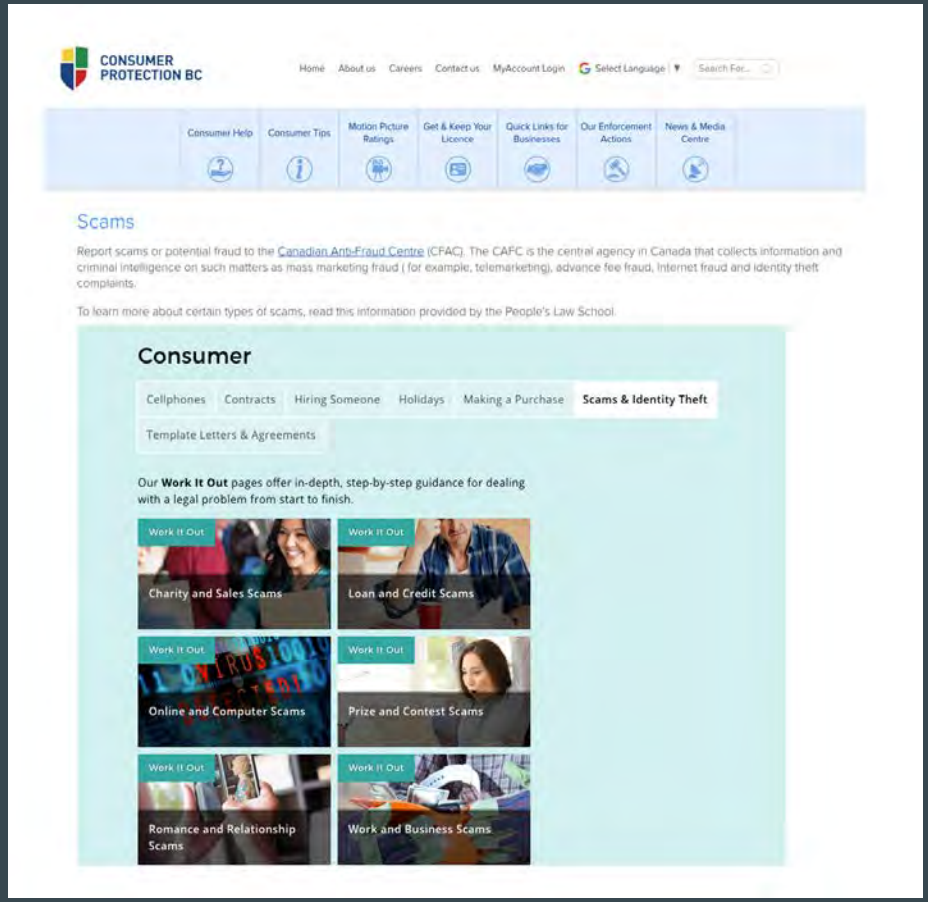


For example: Embedding

You can embed content from People's Law School on *your website*

- **You get free content**
  Engaging & practical content that **you choose**
- **Updated regularly**
  Updates flow automatically to your website
- **Easy to set up**
  Takes only minutes to embed content

To learn how to embed, go to peopleslawschool.ca/embed



New in 2018

Consumer and Debt Law is now a Clicklaw Wikibook

- **Key resource for advocates & others**
  Problem-solving manual published for over 20 years by Legal Services Society
- **Now a Clicklaw Wikibook**
  Better online experience *and* you can order a print-on-demand copy
- **Fully updated**
  Updated to 2018

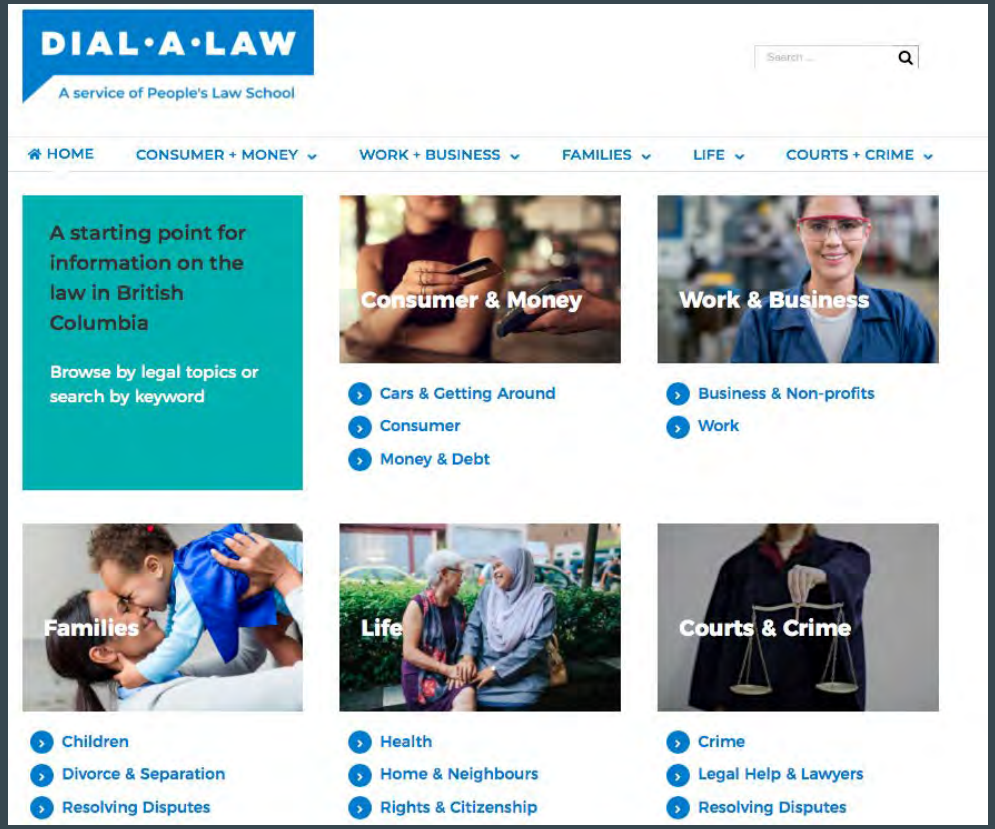


Go to wiki.clicklaw.bc.ca

New in 2019

People's Law School is now operating **Dial -A-Law**

- **Starting point information**
  Free information on over 130 topic areas
- **Rebooted website**
  Updated, more engaging website at dialalaw.ca
- **Refreshed phone service**
  All info can be accessed at 1-800-565-5297 (604-687-4680 in the Lower Mainland)



Go to dialalaw.ca

People's Law School
Work out life's legal problems

People's Law School Update

Legal Aid Settlement Conference | April 2019

Kathryn McCart, Education & Referrals Coordinator

Clicklaw

An Overview

COURTHOUSE LIBRARIES | BC

www.clicklaw.bc.ca is a program of Courthouse Libraries BC

Clicklaw

- A website that aggregates plain language legal information and services for British Columbians

Clicklaw Wikibooks

- Collaboratively developed, plain language legal publications that are published online in a Wiki platform

LawMatters
Legal info at your library

- Helps public libraries provide current legal information by providing assistance with developing legal collections & training sessions to public librarians

COURTHOUSE LIBRARIES | BC

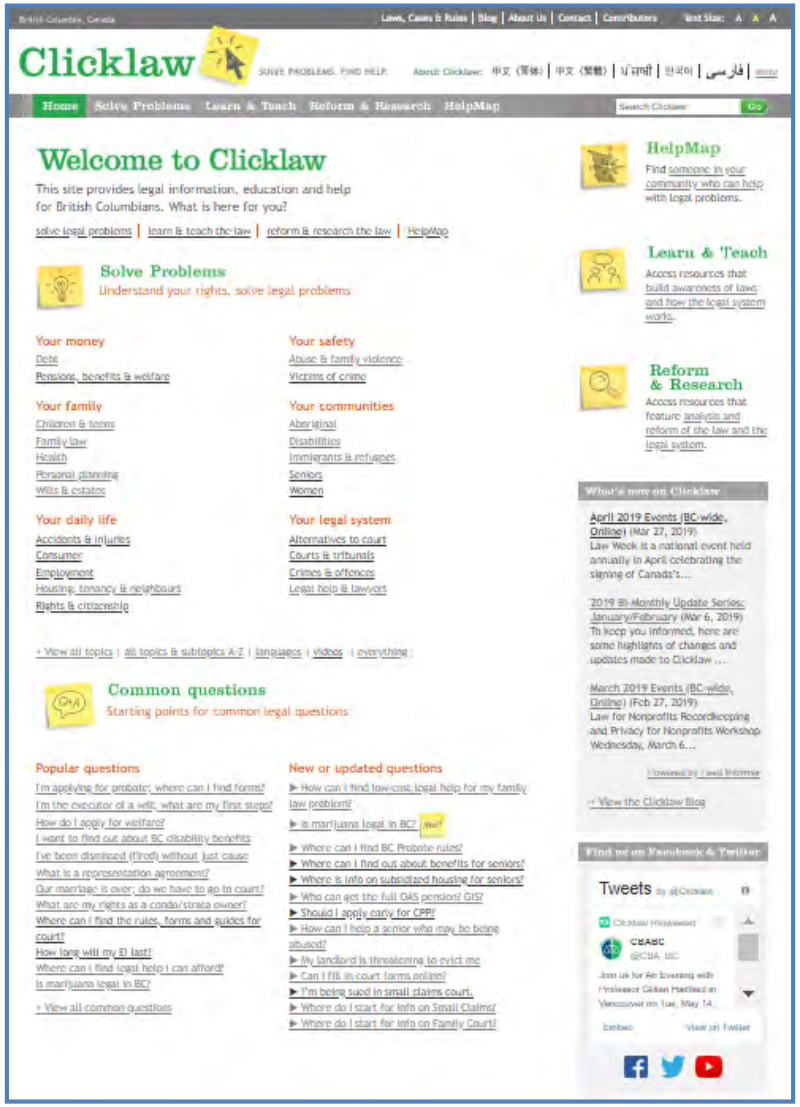
- A library with 28 branches to help clients find and use legal information

Courthouse Libraries BC provides four (4) programs that help the public

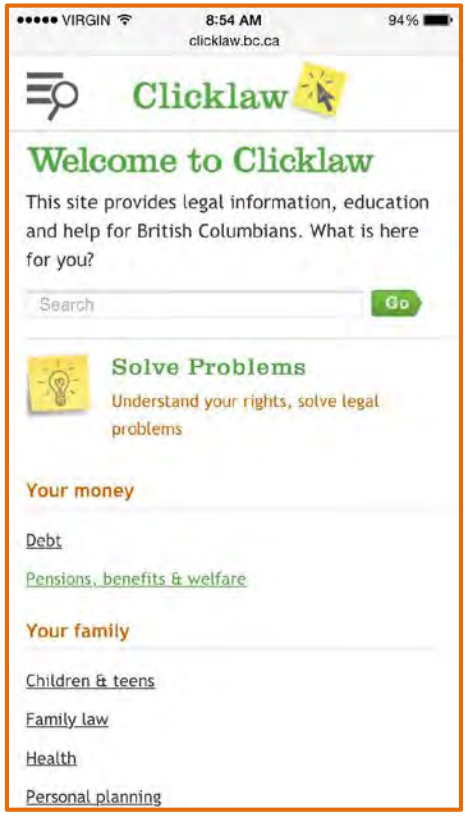


Clicklaw brings together information from 40+ organizations in BC

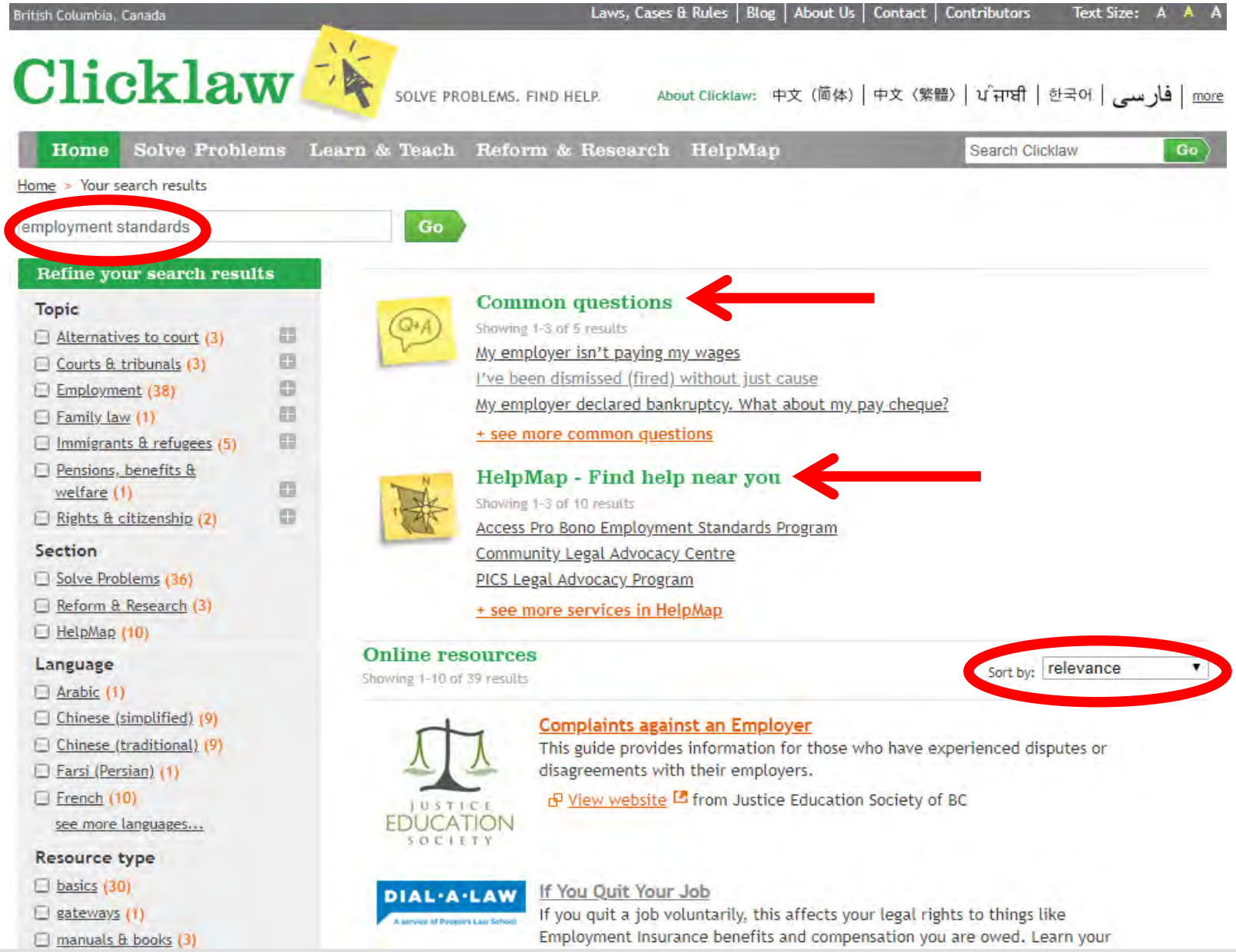
Desktop View



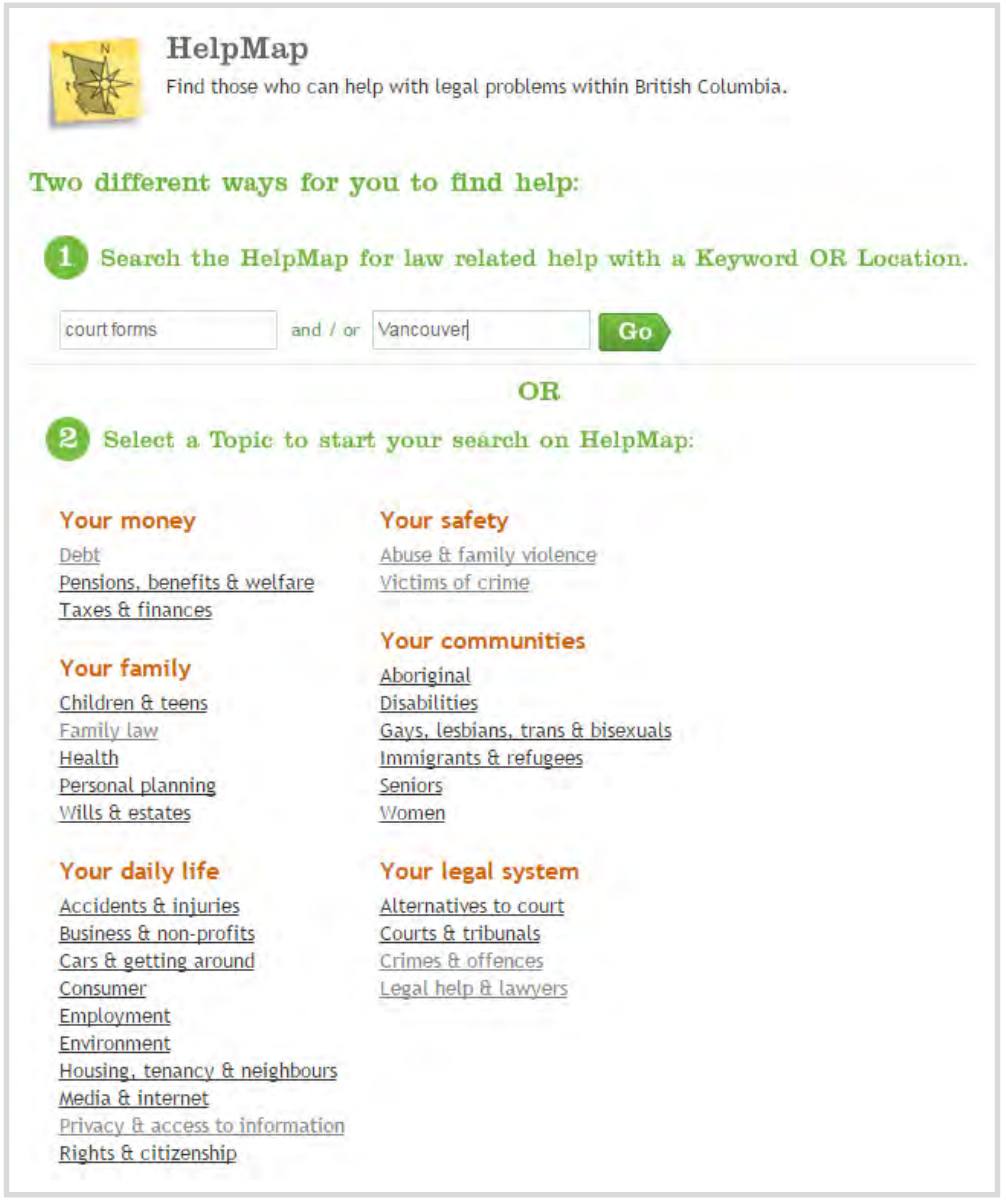
Mobile view



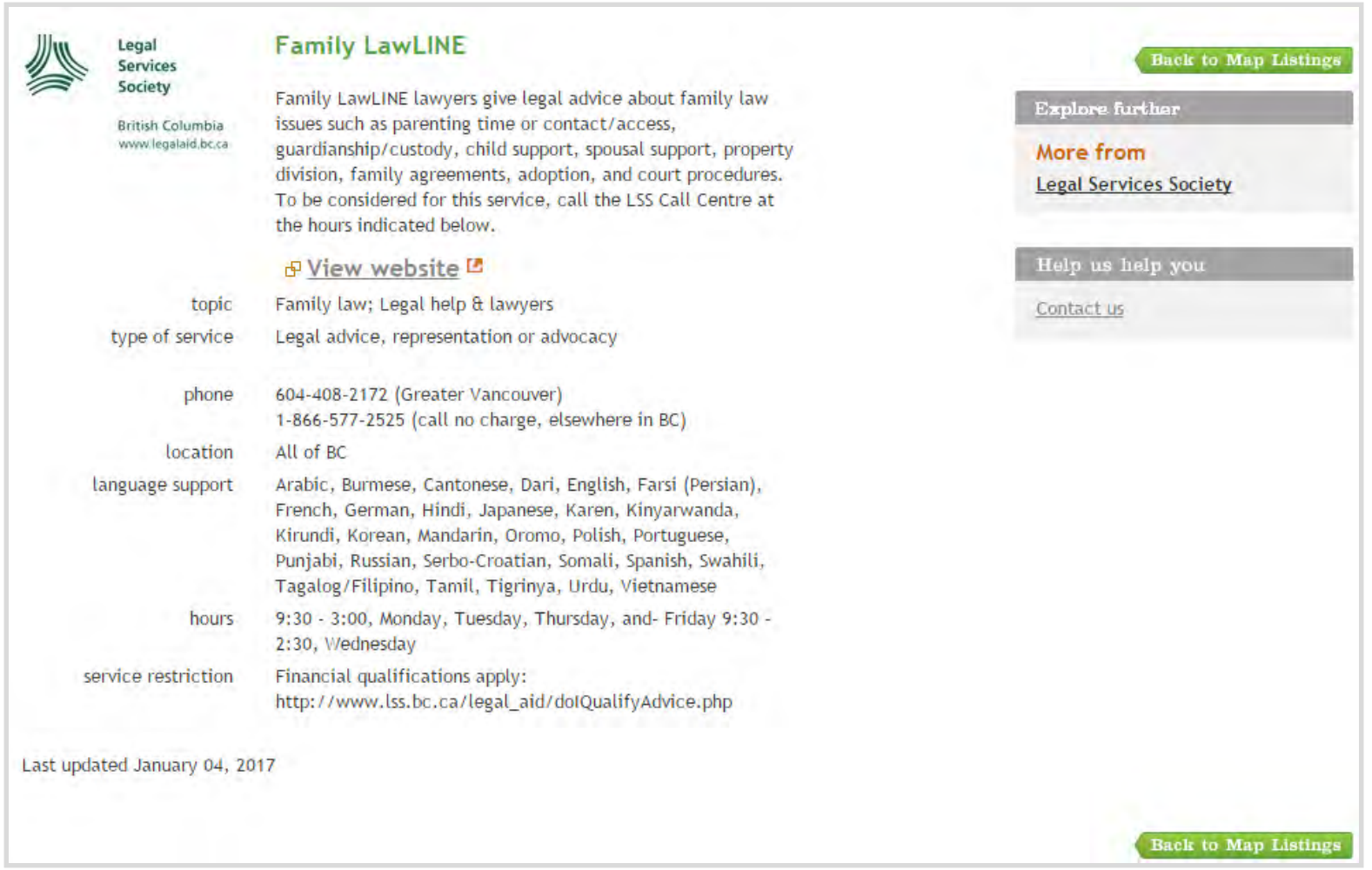
Browse on your desktop, tablet or mobile phone



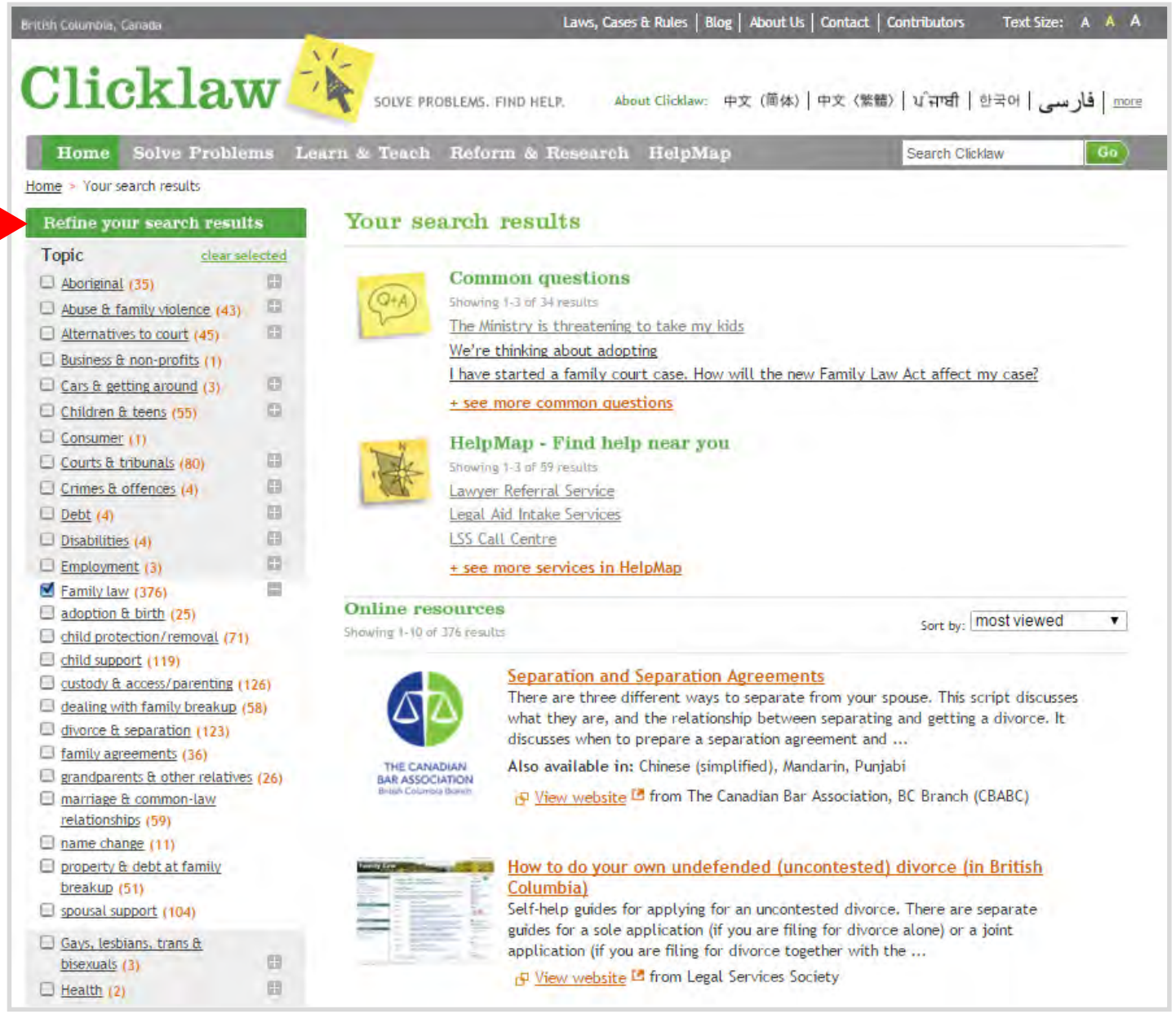
Search results for “employment standards”



clicklaw.bc.ca/helpmap: Search by topic and/or location



HelpMap listings include helplines, clinics, court form workshops, and more



Refine your search results



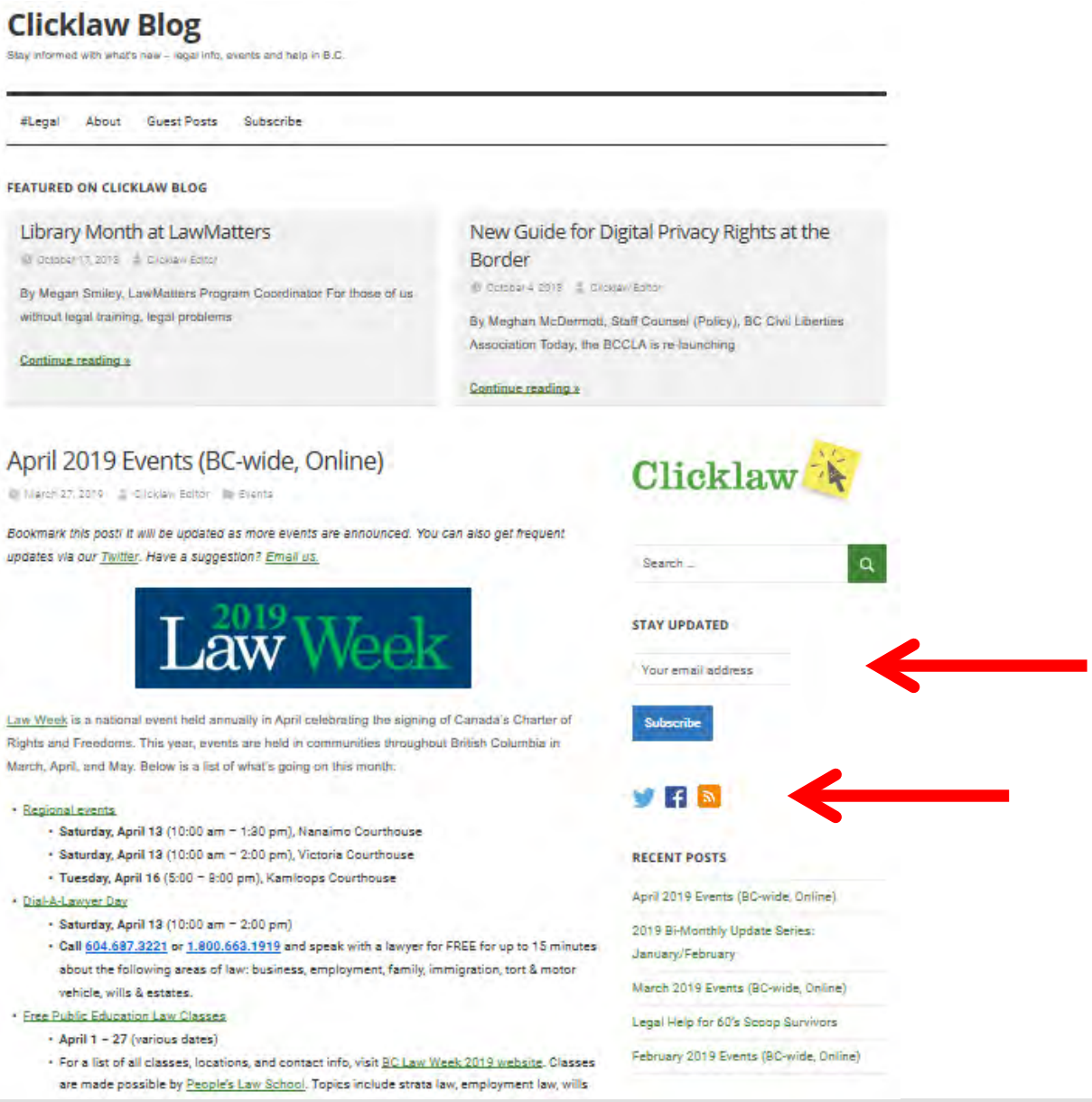
Languages

Legal resources and services in languages other than English

On Clicklaw, you can find legal resources in the Solve Problems section and services on the HelpMap in languages other than English.

Arabic	Resources in عربی	Services in عربی
Burmese	Resources in Burmese	Services in Burmese
Chinese	Resources in 中文（简体） and 中文（繁體）	Services in Cantonese and Mandarin
Dari	Resources in دری	Services in دری
Farsi (Persian)	Resources in فارسی	Services in فارسی
French	Resources in Français	Services in Français
German		Services in Deutsch
Hindi	Resources in हिन्दी	Services in हिन्दी
Japanese	Resources in 日本語	Services in 日本語
Karen	Resources in Karen	Services in Karen
Kinyarwanda	Resources in Kinyarwanda	Services in Kinyarwanda
Kirundi	Resources in Kirundi	Services in Kirundi
Korean	Resources in 한국어	Services in 한국어
Kurdish	Resources in کوردی	
Oromo	Resources in Oromo	Services in Oromo
Polish	Resources in jezyk polski	Services in jezyk polski
Portuguese	Resources in português	Services in português
Punjabi	Resources in ਪੰਜਾਬੀ	Services in ਪੰਜਾਬੀ
Russian	Resources in русский язык	Services in русский язык
Serbo-Croatian		Services in Serbo-Croatian
Somali	Resources in Soomaali	Services in Soomaali
Spanish	Resources in español	Services in español

Find resources & services in 29 languages



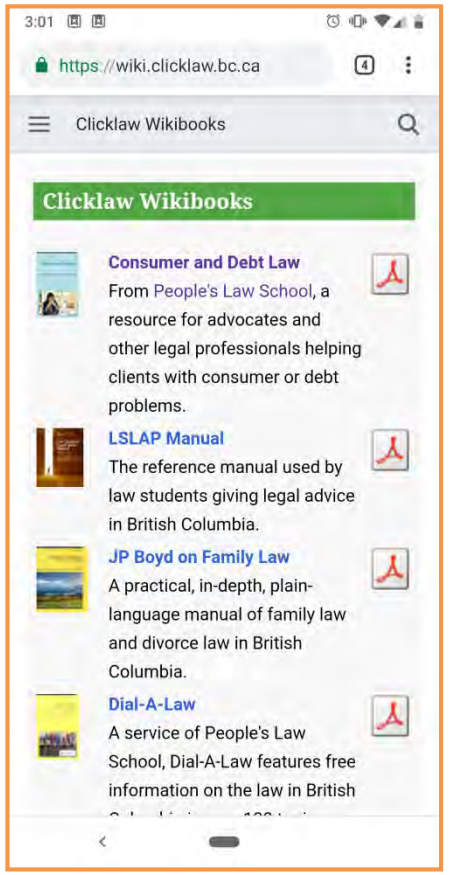
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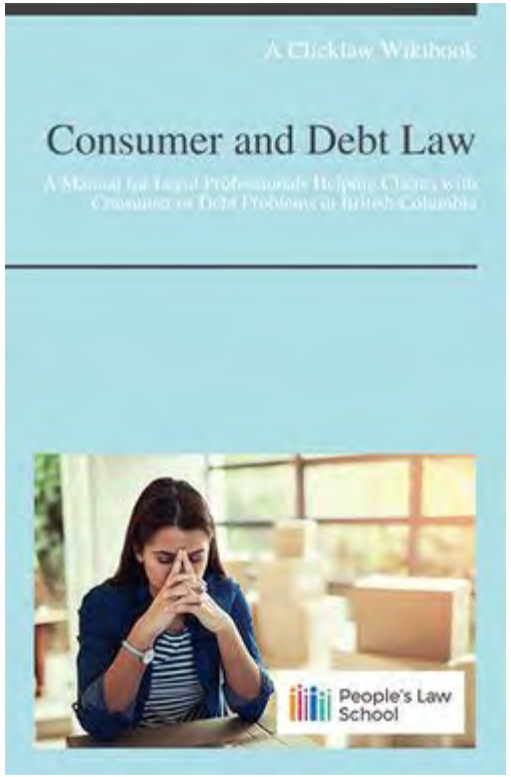


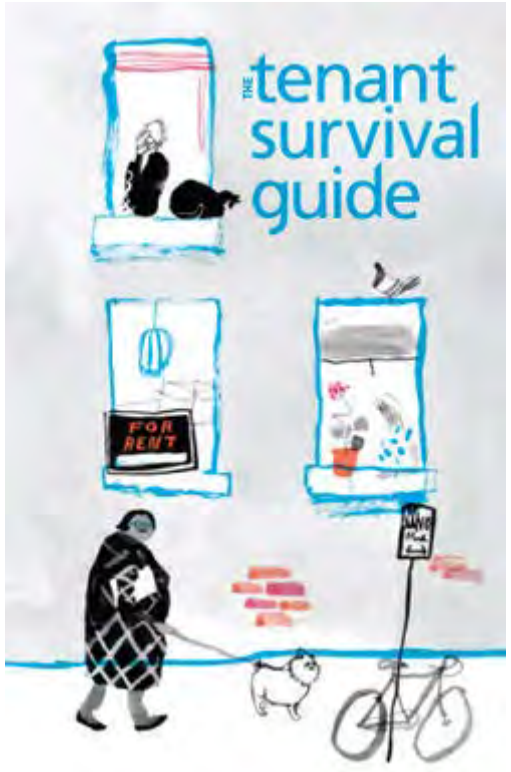
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LawMatters
Legal info at your library

What do we do?
Grant funding, collection support, and training

What's new?
Increased funding from the Law Foundation means bigger grants, more training, more outreach and increased awareness of PLEI

What it means for you?
In the next few years you'll see increased referrals, which we hope will go both ways as libraries become better able to connect people with the legal info they need.

https://www.courthouselibrary.ca/connect-collaborate/lawmatters

COURTHOUSE LIBRARIES | BC

Locations & Contact Information

If you have a question, please call 604.660.2841 or 1.800.665.2570 (toll free) between the hours of 8:30-4:30, Monday to Friday.

You can also email us at librarian@courthouselibrary.ca

Resource Libraries

- Vancouver
- Victoria

Regional Libraries

- Kamloops
- Kelowna
- Nanaimo
- New Westminster
- Prince George

Local Libraries

- Campbell River
- Chilliwack
- Courtenay
- Cranbrook
- Duncan
- Fort St. John
- Nelson
- North Vancouver
- Penticton
- Port Alberni
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- Powell River
- Prince Rupert
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- Rossland
- Salmon Arm
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Questions?

editor@clicklaw.bc.ca

@Clicklaw

SURREY PARENTS LEGAL CENTRE

WHAT IS THE PARENT'S LEGAL CENTRE?

- Legal Services Society Pilot Project
- New Model in Child Protection Services that seeks to achieve collaborative resolution prior to or early in court process
- Focuses on early intervention/addressing concerns before matter escalates, and attempts to achieve an alternative solution that maintain families as much as possible
- Ability to provide wrap around services with the use of Advocates

PLC APPROACH

- Collaborative and wrap-around support
- Scheduling ADR vs Scheduling Court hearing dates
- Integrating the services of lawyer and advocate
- Advocate will assist client in accessing community resources.
- Client-centered team support client

WHY EARLY INTERVENTION?

- Clients are eligible for services as soon as child protection investigation commences
- Getting assistance from a lawyer and advocate greatly increases Clients chances to fully understand safety concerns and meet those expectations as soon as possible
- Not necessary to have case in court in order to work with PLC
- Lawyer will take responsibility to respond to court application, while advocate assists in accessing community resources and provides additional support for meetings,

WHO QUALIFIES FOR PLC?

- Requirements:
  - Parent or "person who stands in in place of a parent"
  - Must have child protection concern
  - File must fall within Surrey Provincial Court catchment (i.e. Surrey, White Rock and Langley)

- Files that may not be appropriate:
  - Trial dates have been booked and is "imminent"
  - Client has serious and/or unresolved criminal allegations against them
  - Pre-existing FLA where client has counsel

IMPACT: VANCOUVER PLC

- Facilitating early resolution of child protection concerns by connecting with the client earlier, either at risk of removal or right after a removal
- Facilitating resolution in a timely way whenever possible
- Focusing on resolution of underlying parenting concerns
- Providing services and staffing the PLC in a manner that is culturally appropriate
- Enhancing quality control and consistency of service → Clients have more trust, confidence and greater satisfaction with justice system

APPLICATION TO SETTLEMENT WORK

- Provide legal support to your clients at any stage with MCFD
  - Immigration status is not a ground for removing children
  - Important to get client connected to legal supports
  - Work in tandem with immigration lawyers
  - Routinely arrange translation services
- Provide CFCSA primer to staff
- Set up an outreach/advice clinic for your clients

QUESTIONS?

- Location:
  - 308-7337 137th Street, Surrey, BC, V3W 1A4

Phone: **604-595-4360**

Rise, Your Clients, and You

Rise
WOMEN'S LEGAL CENTRE

Rise Women's Legal Centre

- Women's Legal Centre to assist women who do not have lawyers
- Student Clinician Program - up to 6 UBC Peter A. Allard Law School students providing legal assistance to women in Vancouver Lower Mainland
- Virtual Legal Clinic providing legal assistance to women outside Vancouver Lower Mainland through practicing lawyers around BC
- Family Advocate Support Line Lawyer providing assistance to frontline workers supporting clients



NOT LEGAL ADVICE

Staff at Rise

- Kim Hawkins — Executive Director
- Vandana Sood — Student Clinic Supervising Lawyer
- Taruna Agrawal — Family Advocate Support Line Lawyer (FASL)
- Vicky Law — Virtual Legal Clinic Lawyer
- Andrea Bryson — Case Manager
- Sheila Shierbeck — Operations Manager
- Dan McNeil — Articling Student
- Raji Mangat — Liaison Lawyer w/ West Coast LEAF
- Haley Hrymak — Lawyer (Status of Women Research Project)



Legal Help, Referral & Resources

- The focus is what does a woman need – not just how to address her legal issue.
- Some women have lawyers and still have unmet needs
- Some women have legal issues, but they may not need a lawyer at this time
- During the intake process, we try to ensure that women are connected with the right resource
- Women can always come back if things change, or if the resource is no longer available



Summary Legal Advice

- For women with specific legal questions (i.e. women contemplating leaving relationship, document review, immigration merits, unrepresented women who need help to define next steps)
- Meet with a pro bono lawyer for one hour appointment
- May be able to get follow up information, or to use information if client needs to come into student clinic



Student Clinician Program

- Family Law
- Limited representation in BC Courts following locations:
  - Vancouver Robson Square and Vancouver BC Supreme Court
  - New Westminster Provincial and Supreme Court
  - Richmond Provincial Court
- Immigration:
  - Humanitarian & Compassionate Grounds only
- CFCSA
- Wills



Student Clinician Program

- Unbundled legal services include:
  - Students assisting women with form preparation
  - Legal advice
  - Negotiations
  - Legal coaching for unrepresented women
- Limited Representation in Court:
  - Hearings in provincial court that are less than one day
  - Protection orders
  - Asset restraints
  - Case Conferences (in both Provincial and Supreme court)



Virtual Legal Clinic

- Lawyers provide summary legal advice to women in remote communities in the areas of:
  - Family law
  - Immigration and refugee law
  - Criminal law
- Both the woman & her court case must be outside the area between Whistler and Chilliwack (inclusive).
- Services are for both BC Provincial and BC Supreme court
- We cannot assist with matters outside of BC



Virtual Legal Clinic (VLC)

- Services provided are:
  - summary advice,
  - document drafting,
  - legal coaching for self-representing women
- Women must be connected to an organization in order to access VLC due to security reasons
- Organizations provide secure connection and privacy to allow us to ensure the security of communication



NOT LEGAL ADVICE

Family Advocate Support Line (FASL)

- Role is to provide support and training to advocates, transition house workers and other front-line workers
- Help front-line workers identify legal issues, prioritize clients' legal needs, choose solutions through legal information, advocacy and referrals
- Answer questions from front-line workers when assisting clients



NOT LEGAL ADVICE

Family Advocate Support Line (FASL)

- provide training catered to the particular Support Worker and/or the Organization
- This support is not limited to the advocates funded by the Law Foundation of BC
- Trainings can be provided through webinars



Practicum Students

- Social work practicum students provide support to the intake process
- Help women with collateral issues
  - Applying for income assistance, completing forms for Family Maintenance Enforcement Program

THANK YOU!

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Vicky Law
Lawyer (VLC)
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Andrea Bryson
Case Manager
236-317-9000
intake@womenslegalcentre.ca

Rise
WOMEN'S LEGAL CENTRE

JUSTICE EDUCATION SOCIETY

Improving the legal capability of British Columbians

JUSTICE EDUCATION SOCIETY

To function in modern society, you need to be legally capable



JUSTICE EDUCATION SOCIETY

A legally capable person...

- ✓ Can identify when they have a legal issue
- ✓ Knows their legal rights & rights of others
- ✓ Applies relevant information & legal advice
- ✓ Is organized and supported by evidence
- ✓ Communicates objectively and thinks critically about their issue
- ✓ Follows a plan of action with persistence, confidence and adaptability

JUSTICE EDUCATION SOCIETY

How does JES help people with legal issues?







JUSTICE EDUCATION SOCIETY

700,000 Visitors

1in6 British Columbians use JES web resources



Main site: JusticeEducation.ca



Legal Help | Family | Working | Housing | Crime

150+ Legal Help Guides

Legal Help Guides



Working — 23 Info Sheets / 9 Videos +

Getting Hired | Working in BC | Termination | Assistance Programs | Young Workers

Getting Hired
- Legally Allowed to Work
- Employment Basics
- Employment Contracts

Working in BC
- Employment Basics
- Five Ways to Protect Yourself As a Worker
- Getting Paid
- Complaints against an Employer
- Discrimination in the Workplace
- Foreign Workers and Domestic Workers
- Pregnant? You have rights

Termination
- Employment Termination
- If You're Fired – Wrongful Dismissal

Young Workers
- Introduction
- When You Can Work
- Applying for Work
- Employment Basics for Youth
- Safety at Work
- Leaving Your Job

Assistance Programs
- Workers' Compensation
- Applying for Employment Insurance Benefits
- Employment Insurance
- Social Assistance
- Disability Assistance
- Income Assistance for Youth

90+ Legal Help Videos





Wills & Estates | Driving | Consumers & Debt | Lawsuits & Legal System | Rights

Legal Help Guides



Working

23 Info Sheets / 9 Videos +

Getting Hired | Working in BC | Termination | Assistance Programs | Young Workers

Getting Hired

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- Employment Basics
- Employment Contracts

Young Workers

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- Pregnant? You have rights

Termination

- Employment Termination
- If You're Fired – Wrongful Dismissal

Assistance Programs

- Workers' Compensation
- Applying for Employment Insurance Benefits
- Employment Insurance
- Social Assistance
- Disability Assistance
- Income Assistance for Youth

Understanding Disputes

Select Language



When we find ourselves involved in a dispute, it can sometimes take us by surprise. We may not see ourselves as people who get into conflicts at all. We are familiar with some amount of conflict in our everyday lives, but we are not always sure what to do when it starts getting bigger. This lack of awareness makes it difficult to avoid disputes and to decrease conflict once it has started. Our stress increases and our unhelpful behaviours start to come out and make things worse. Before we know it, we're in a conflict loop.

Negotiating a Solution

Select Language



Negotiating a solution to your dispute is the last step in a process that started with Choosing a Dispute Resolution Option, and learning more about how our behaviours contribute to conflict in Understanding Disputes. The next step was Preparing for a Tough Talk with the other person in your dispute. You are now ready to put into practice everything that you've learned so far.

Early Resolution

Select Language



Conflict is all around us. From time to time, everyone gets into a dispute with someone else. It might be with a neighbour, a work colleague, a property manager, or a service provider. One thing is for sure, we all face conflict in our lives.

For some of us, it is important to win a dispute at all costs, and we risk damaging important relationships. Others avoid conflict altogether. But unresolved conflict tends to grow, and what may have started as a small problem can become a huge crisis.

Preparing for a Tough Talk

Select Language



Sometimes to settle a dispute our first and best option is to have a conversation with the other person even when we know it is going to be tough. Perhaps we have had a conflict with our boss but nothing has been resolved. Maybe our cellphone provider is overcharging what it promised. Or maybe the property manager of our apartment building isn't making the repairs he agreed to. Whatever the issue, it is usually a good idea to negotiate face to face to settle a dispute. The key to having a successful conversation, though, is to be well prepared.

Legal Writing

Select Language



To complete court forms correctly, you must learn some basics about legal writing. Legal writing is the style of writing used when you're writing a document that's filed or presented at court.

When legal documents are poorly written, the judge has difficulty understanding your situation and your legal arguments might be lost. The easier it is to understand your documents, the more convincing your legal arguments will be. Since you want to convince the judge to decide in your favor, it's important to take the time to write clearly and well.

Legal Research

Select Language



Legal research is about learning and understanding the law. A judge can only give you what you are entitled to under the law. And they can grant you relief if you have asked for it. You can develop a stronger, more convincing argument by understanding the law.

In BC, the law includes two elements:

1. Legislation – written laws decided by government (for example, the *Family Law Act*)
2. Case law – decisions made by judges in other cases

Building Your Case

Select Language



To build your case, you need to answer these four questions:

1. What do I want?
2. What is the law?
3. What do I need to prove?
4. How am I going to prove it?

Presenting in Court

Select Language



You may find yourself presenting at court such as at a trial or hearing. No matter the reason for being at court the most important thing is to prepare. This will allow you to present a better argument and will make the judge more likely to rule in your favour.

A good way to prepare is to create a trial binder (a binder you can take to court that contains all the important documents and notes).

JUSTICE EDUCATION SOCIETY

Case Building Worksheet

Fill in the columns. Under What I want state the orders you are asking the judge to make. Under the Law summarize the law you are relying on. Under points to prove apply the law to your situation to find what you need to show the judge. Under the Proof state the evidence you are using to support your points. *E.g. What I want: To be able to sell ice cream on Sundays. The Law: One must hold a permit to sell ice cream on Sundays. Points to prove: You have a permit to sell ice cream on Sundays. The Proof: The Permit.*

What I Want	The Law	Points to Prove	Evidence (the proof)

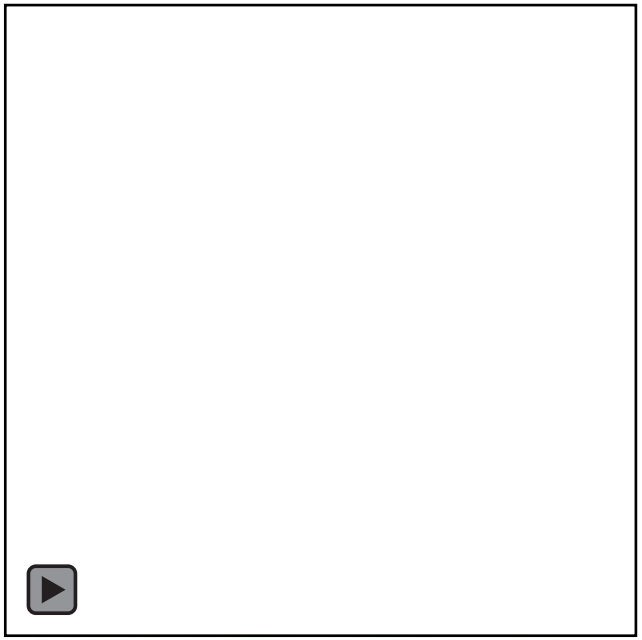
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Toll Free: 1-855-875-8867

Chat live @ JusticeEducation.ca

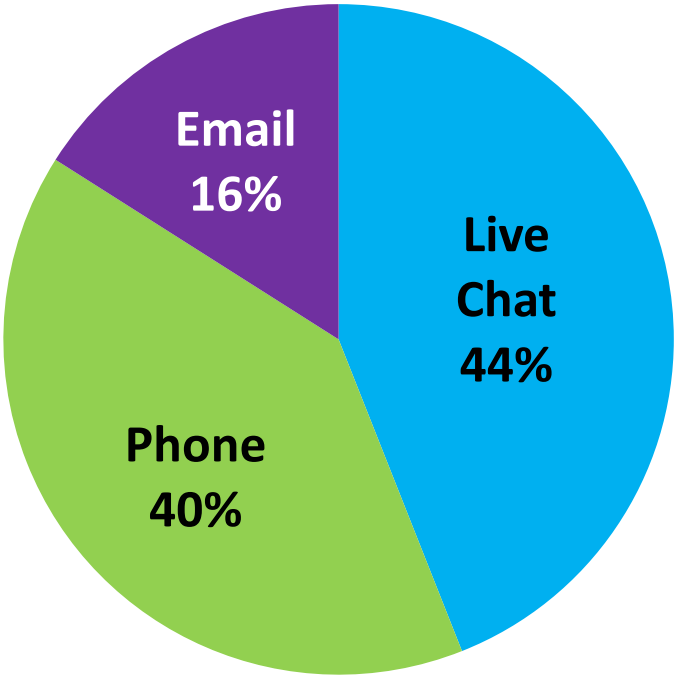


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Legal Help | Family | Working | Housing | Crime

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Wills & Estates | Driving | Consumers & Debt | Lawsuits & Legal System | Rights

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Popular JES legal help sites



Legal Rights FOR YOUTH

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Call Free: 1-855-875-8867

EMAIL NOW





Age-Based Legal Rights



Family Break-up



Medical Rights



Work



Driving



prev **3.1 Introduction** next

Section 3 - Repairs and Services

Need Legal Help?

Ask JES



LIVE Mon - Fri: 11am - 2pm

Call Free: 1-855-875-8867

EMAIL NOW

3.0 Repairs and Services

3.1 Introduction

3.2 Standard Repairs

3.3 ACTIVITY: Repairs

3.4 Emergency Repairs

3.5 ACTIVITY: Emergency Repairs

3.6 Essential Services

3.7 Non-Essential Services

Part 1: Working it Out

1. Getting Started
2. Key Issues
3. Preparing Yourself
4. Getting Help
5. Reaching Agreement

Part 2: Going to Court

6. Court
7. Building your case
8. Court Forms
9. Court Process
10. Preparing for Court
11. Orders and Agreements

Select Language



Help for separating couples in BC

About this course

- How to Separate is an online course that helps people in BC move through separation or divorce.
- Access any part of the course to address your specific needs.
- Part I: Learn about key issues, key decisions, who can help and getting to agreement.
- Part II: Prepare to go to court, build your case and prepare for trial.

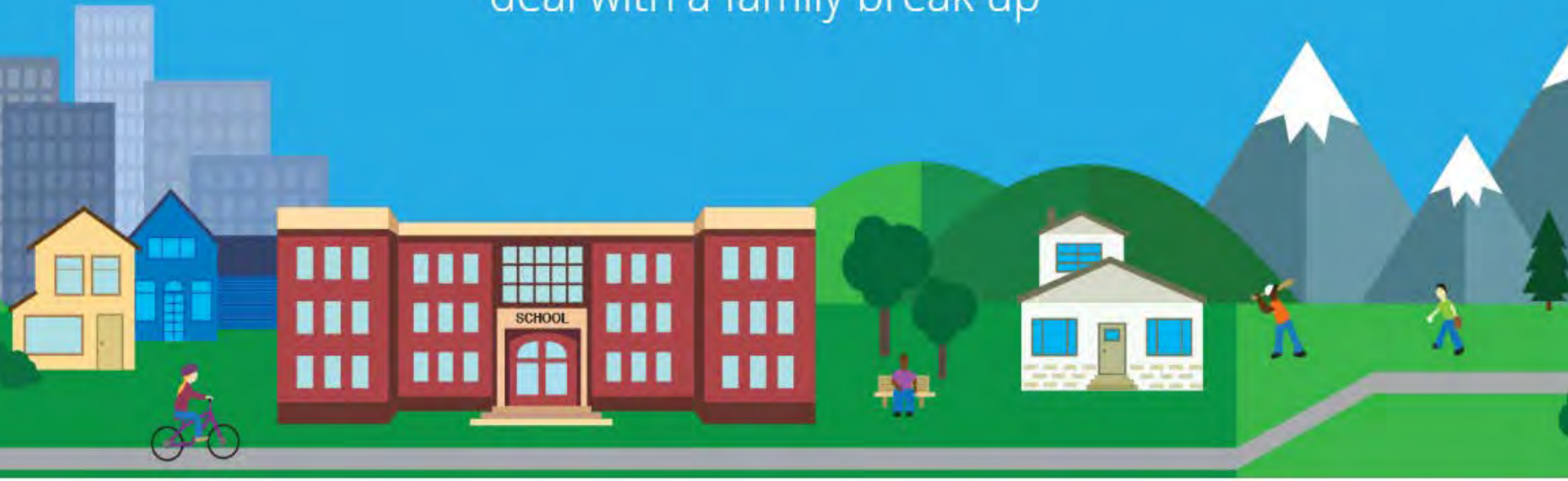
Who this course is for

- This course will help BC spouses who are going through the process of separation or divorce.
- It is for those who can work it all out on their own, as well as those who need the court to make family decisions.
- If there is a threat of violence, it is important to address safety issues first, before going through the course content. (learn more)

Families Change

Guide to Separation & Divorce

Helping kids, teens and parents deal with a family break up





Parents



Teens



Kids

Families Change

Guide to Separation & Divorce



Parenting After Separation

Parenting After Separation is an online course that mirrors the content of in-person workshops delivered throughout British Columbia. The course covers key legal rights and responsibilities, the impact on the children, communication and problem solving. The course helps participants make positive decisions about the way they resolve parenting issues after separation.

VIEW COURSE



Parenting After Separation: Finance

This online course provides information and strategies to help separating parents make positive decisions about parenting arrangements, child support, spousal support and property division. The focus is on information, building financial skills and increasing awareness of options for dealing with the financial challenges of parenting after separation.

VIEW COURSE



Small Claims BC
Online Help Guide

Visit our other websites:

Select one...



I'm going to sue - I'm being sued

- Claim up to $5,000
- Claim over $5,000
- Settle out of court

I'm involved in a lawsuit

- Court Process
- Court Forms
- Court Locations

I have a judgment

- Collecting
- Appealing

Chat

ca/judgment/collecting-on-judgment

Family Law



In BC, both the Supreme Court and the Provincial Court hear family law cases. The Supreme Court hears cases involving divorce, adoption, and the division of family property. It also hears cases involving parenting arrangements resulting from a separation.

Child protection matters must be heard in Provincial Court. If a case involves guardianship, parenting time, or child support, these matters can be heard in either court.

If you and your spouse agree on issues relating to the

Ask JES
Call Free:
1-855-875-8867
EMAIL NOW



Family Resources

Court Forms | Court Rules | Court Fees

The Justice Education Society, Legal Services Society, the BC Ministry of Justice and other agencies have published a range of information to help couples deal with family law issues.

Select the family matter that best applies to your situation.

Divorce & Separation
Discover resources and information about where you can go to get help with your divorce or separation – including information on the new Family Law Act.

Parenting After Separation
Learn about workshops and resources that help parents make decisions that are in the best interests of their children.

JUSTICE EDUCATION SOCIETY

What about multilingual Legal Help?







JUSTICE EDUCATION SOCIETY

Court Information Program for Immigrants



Ask JES

Multilingual Legal Help

CONTACT US
604-760-5727

Ask JES provides answers to legal questions in other languages, through our Court Information Program for Immigrants (CIPI).

CIPI operates out of 222 Main Street and Surrey courthouses, providing in-person and phone-based services.

When clients use Ask JES and request answers to legal questions in a CIPI service language, they will be connected with a CIPI court worker. Languages include: Cantonese, Mandarin, Punjabi, Hindi, Spanish.

Our multilingual court workers can:

- Explain court processes for criminal, family, youth and civil trials
- Explain court documents and legal terms
- Show clients the courtroom
- Describe the roles of court personnel
- Provide referrals to organizations and publications that may help
- Lead educational workshops for community groups

JES Legal Help Guides use Google Translate

View and print legal help in 100 languages

Disability Assistance

Select Language

What is disability assistance?



Disability assistance is for people who – through disability – cannot work or have difficulty working full-time. The government helps these people through financial aid, training programs and education. If you have disabilities, you may qualify for persons with disabilities (PWD) benefits.

How do I know if I qualify Persons with Disabilities (PWD) benefits?

To qualify:

- You must be at least 18 years old
- Your disability must be severe and be expected to last for two years, and
- It must directly or significantly restrict your ability to perform daily living activities.

Also, because of your disability, you need:

- Significant help from another person or
- Help from an assistive device (e.g. a wheelchair), or
- Help from an assistance animal.

残疾援助

Chinese (Simplified)

什么是残疾援助？



残疾援助是谁的人 - 通过残疾人 - 无法工作或有困难的全职工作。政府通过财政援助，培训计划和教育帮助这些人。如果您有残疾，你可能有资格获得残疾（PWD）福利的人士。

我如何知道我是否有资格残疾人（PWD）好处的人？

为了证实：

- 您必须年满18岁
- 贵士必须是严重的，可以预计将持续两年，
- 它必须直接或显著限制您进行日常活动的能力。

此外，因为你的残疾的，您需要：

- 从另一个人显著帮助或
- 从辅助装置帮助（例如轮椅），或
- 从援助动物帮助。

100+ Languages

JUSTICE EDUCATION SOCIETY

Improving the legal capability of British Columbians

Lali Pawa – Program Lead, Public Legal Education

604-760-5727 | Lali.Pawa@JusticeEducation.ca

Overview of Family Law in BC

HANNAH M. DEJONG, BOUGHTON LAW
SETTLEMENT WORKERS CONFERENCE
APRIL 10, 2019

Hello!

I Am Hannah DeJong

I work at Boughton Law as a family law lawyer

You can contact me at hdejong@boughtonlaw.com



OUTLINE

- Introduction
- Parenting
- Child Support
- Spousal Support
- Property and Debt
- Dispute Resolution


DIVORCE LAWYER
I want half the value of the house and the kids every other weekend.
I want him thrown into a vat of lava filled with special piranha that can live in lava.



INTRODUCTION

What is Family Law?

1,216,497

Canadians will experience
a family law problem in any
three-year period

Cost of Justice Report, 2016, CFCJ

WHAT IS A SPOUSE IN BC?

Married

People who have a marriage contract

Unmarried

People who have lived together in a marriage-like relationship for at least **two years**

Unmarried with child

For all purposes other than division of property or debt, unmarried people who have lived together for less than two years but have a child together



PARENTING

Making arrangements for children’s care

THREE THINGS PARENTS MUST DECIDE

1. Where the children will live
2. How parenting decisions will be made
3. How much time each parent will have with the children

WHAT LANGUAGE DO WE USE?

Divorce Act (Canada)

Custody

Access

Family Law Act (BC)

Guardianship

Parenting Responsibilities

Parenting Time

Contact

WHICH ACT APPLIES?

- Both acts apply, *Family Law Act* is more robust and recent
- *Divorce Act* contains the principle of maximum contact (between child and both parents)
- *Family Law Act* says no particular parenting plan or arrangement “is presumed to be in the best interests of a child.”

Best Interests of the Child



In making an agreement or order for guardianship, parenting arrangements or contact with a child, the parties and the court **must** consider the best interests of the child **only**.

Family Law Act, s. 37

BEST INTERESTS OF THE CHILD

To determine what is in the best interests of a child, **all** the child's needs and circumstances must be considered, including:

- the child's health and emotional well-being
- the child's views, unless it would be inappropriate to consider them

Family Law Act, s. 37

BEST INTERESTS OF THE CHILD

- nature and strength of relationships between the child and significant persons in the child's life
- history of the child's care
- child's need for stability, given age and development stage
- ability of each guardian to exercise parenting responsibilities

Family Law Act, s. 37

BEST INTERESTS OF THE CHILD

- impact of family violence against the child or another family member on the child's safety, security or well-being
- if a person responsible for family violence may be impaired in their ability to care for the child and meet the child's needs

Family Law Act, s. 37

BEST INTERESTS OF THE CHILD

- appropriateness of an arrangement that requires the guardians to cooperate on issues affecting the child, and risks of requiring cooperation
- any civil or criminal proceeding relevant to the child's safety, security or well-being

Family Law Act, s. 37

Bottom Line

An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's **physical**, **psychological** and **emotional** safety, security and well-being.

Family Law Act, s. 37



GUARDIANSHIP

- Parents living together at child’s birth are guardians
- Parents can lose guardianship status by agreement or order
- A person other than a child's parent can be that child's guardian.

GUARDIANSHIP

- A parent who has never lived with a child can only be a guardian by agreement with the other parent; by regularly caring for the child; or by court order.
- Courts have interpreted "regularly cares for" as meaning more than occasional visits.

PARENTING RESPONSIBILITIES

- Only guardians can have parenting responsibilities
- Includes day-to-day decisions, who child associates with, education and extracurricular activities, cultural, linguistic, religious and spiritual upbringing, giving consent, applying for a passport, licence, benefit
- receiving third party health, education or other information respecting the child

PARENTING TIME

- No presumptions about which parenting schedule is in child’s best interests
- Practical reality: it is almost always in a child's best interests to grow up with two parents, with as strong a bond with both parents as possible, and to spend as much time with both parents as possible.

PARENTING TIME

Generally, what works well is:

- Very young children: more transitions and shorter parenting times (i.e. 2-2-3)
- School-age children: less transitions and longer parenting times (i.e. week on, week, off)
- Teenagers: extended periods with each parent, or “come and go as you please”

CHILD SUPPORT

Making arrangements for children’s support

CHILD SUPPORT OBLIGATION

- Child support is for the benefit of the child, not the recipient spouse
- Parenthood triggers a legal obligation to pay child support unrelated to the parent's relationship with the child
- Children under 19 who have not withdrawn from parent's charge are eligible for child support

CHILD SUPPORT GUIDELINES

- The Federal *Child Support Guidelines* (the Guidelines) were created to reduce arguments about child support
- The amount of child support is usually fixed according to tables contained in the *Child Support Guidelines* (the Guidelines)
- Link: Child Support Table Look-Up

TYPES OF CHILD SUPPORT

Regular Child Support

Fixed sum paid monthly based on number of children, province, and income

Special Expenses

Categories of expenses usually split in proportion to parent's incomes

SPECIAL AND EXTRAORDINARY EXPENSES

- Must be necessary and reasonable according to the parents' means
- Fixed categories: child-care, medical and dental insurance premiums, out-of-pocket health-care over $100, education (including post-secondary), and extracurricular activities.

CHILD SUPPORT FOR ADULT CHILDREN

To be eligible, child over 19 must be **unable to withdraw from parent's charge** , for example:

- child attending college or university
- child has a serious, chronic illness or disability

Guideline amount presumed, but discretion to order a different, more appropriate amount based on circumstances

Child Support Guidelines, s. 2(b)

CHANGING CHILD SUPPORT

- Good practice is to exchange income information and update child support and special expense ratios each year
- Can change child support order or agreement if there has been a **material change in circumstances** (i.e. income increase or decrease, change in child's residence)



SPOUSAL SUPPORT

Helping spouses become self-sufficient

SPOUSAL SUPPORT BASICS

- Unlike child support, spouses **not** automatically entitled to support
- Must meet definition of spouse to seek spousal support
- *Exception*: Can seek spousal support if in marriage-like relationship for less than 2 years, but have a **child**

OBJECTIVES OF SPOUSAL SUPPORT

- recognize financial advantages or disadvantages a spouse may face from the relationship or separation
- reduce economic hardship as a result of the breakup
- share financial burden of consequences to caring for the children during the relationship
- help spouses become financially independent

Divorce Act, s. 15(6)

ENTITLEMENT TO SPOUSAL SUPPORT

Needs-Based

Spouse has financial need and the other spouse has the ability to meet that need

Compensatory

Spouse suffered economic loss or hardship as a result of the relationship its breakdown

Contractual

Spouses agreed spousal support is payable

AMOUNT AND DURATION

Factors:

- length of time spouses cohabited
- role of each spouse during relationship
- order, agreement or arrangement for support of spouse

In BC, amount and duration of support are largely determined by ***The Spousal Support Advisory Guidelines***

Divorce Act, s. 15(4)



PROPERTY & DEBT

Dividing family property fairly

Who is entitled?

Must meet definition of spouse to seek property and debt division (married or living together 2 years)

No exceptions



TIMELINE FOR DIVISION

- Start date is when spouses began living together (not date of marriage)
- Triggering event and end date is the date of separation

LIMITATION PERIODS

- married spouses must bring their claim within **two years** of the date of their divorce
- unmarried spouses must bring their claim within **two years** of the date of separation
- time limit suspended while parties engaged in family dispute resolution with a family dispute resolution professional

FAMILY PROPERTY

- All property owned by either party at the date of separation, including assets acquired after separation with family property
- Includes: real property, personal property, vehicles, corporate interests, ventures and partnerships, bank accounts, investments, RRSPs and pensions
- Includes increase in value of excluded property

FAMILY DEBT

- All debt incurred by a spouse during the spousal relationship is family debt
- Includes debt incurred after separation to maintain family property

EXCLUDED PROPERTY

- All property the spouse owns on the date the spouses began living together or the date of marriage, whichever is earlier
- Includes property bought with excluded property

EXCLUDED PROPERTY

Some property acquired during the relationship can also be a spouse's excluded property, including:

- gifts (not from your spouse)
- inheritances
- court awards
- insurance payments
- property held in a trust contributed by someone else

DISPUTE RESOLUTION

Solving problems and disagreements

COSTS OF JUSTICE

$10,098

Average spent on legal problems by people who appeared in court

$5,516

Average spent on legal problems by people who did not appear in court

Cost of Justice Report, CFCJ, 2018

DISPUTE RESOLUTION IN THE FLA

- Emphasis on and support for dispute resolution processes out of court
- Duty to make full and frank disclosure also imposed on parties not in court
- Support of agreements generally, especially agreements on property and spousal support

DISPUTE RESOLUTION OPTIONS



Negotiation

Discussion with the other party or lawyer



Mediation

Structured session with a neutral third party to help you reach an agreement



Med-Arb

Start with mediation first, and if it fails, move to arbitration



Arbitration

Present case to hired arbitrator who makes binding decision



Collaborative Law

Agree to no court, lawyers work as team to negotiate settlement

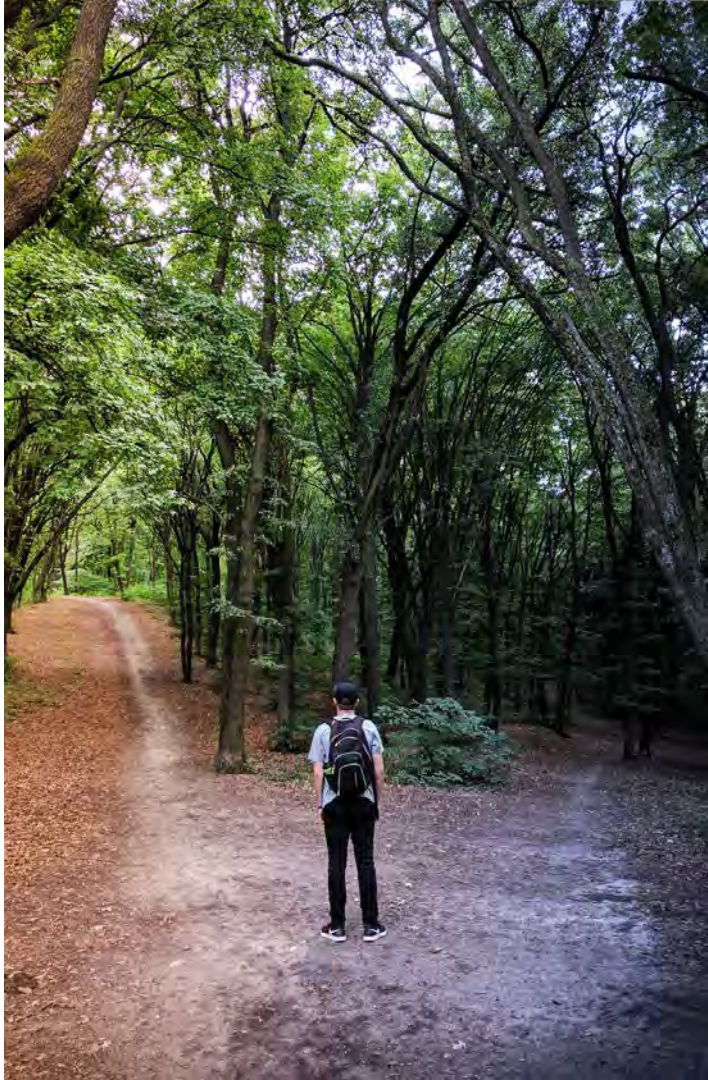


Litigation

Going to court

Bottom Line

In family law matters (except urgent or high-risk situations), court should be a **last resort** after exhausting out-of-court options



Unbundled Legal Services

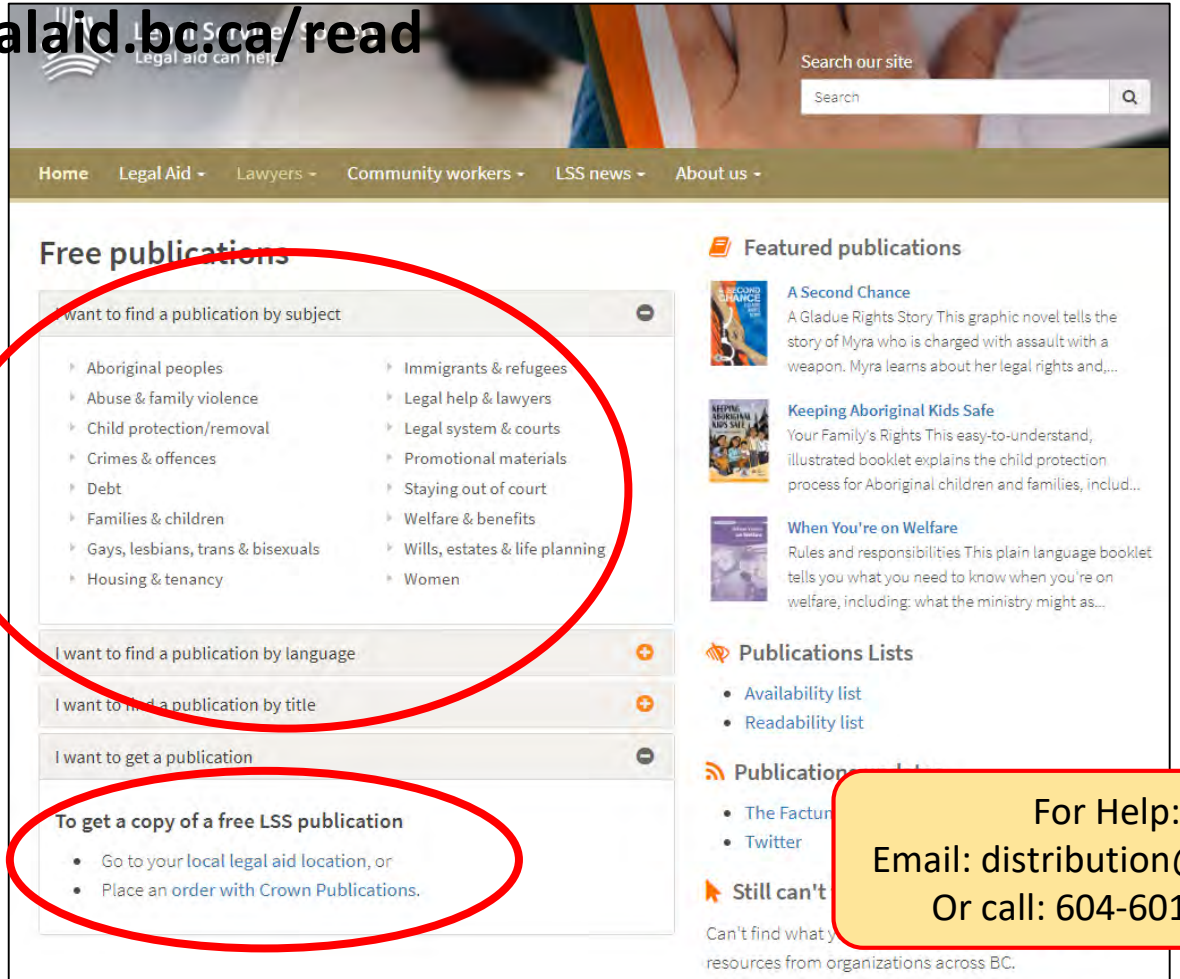
Hire a lawyer to help with part of your family law problem, and handle the rest of your case yourself



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Or call: 604-601-6000

Family Law in BC Website: www.familylaw.lss.bc.ca

900+ pages of information on Family Law!!



Family LawLINE posters available through LSS Publications.





Thanks!

Any questions?

You can find me at:
hdejong@boughtonlaw.com

CREDITS

- Presentation template designed by Slidesmash
- Photographs by unsplash.com
- Content (in part) from JP Boyd's Clicklaw Wikibook on Family Law in BC

LEGAL INFORMATION PUBLICATIONS AND WEBSITES

PATRICIA LIM
SETTLEMENT CONFERENCE
APRIL 11, 2019





Legal
Services
Society

British Columbia
www.legalaid.bc.ca

PUBLIC LEGAL EDUCATION AND INFORMATION

- Legal information publications
  - Overview
  - How to order publications
- Legal information websites
- How to get updates

FREE

PUBLICATIONS

LSS Publication Readability

How much legal understanding is needed?

Level 1 — None needed.
No legal understanding required. Outline or "first step" information, written in clear language for those with no previous knowledge or experience with the law.

Level 2 — Some helpful.
Some understanding helpful but not essential. Offers all basic information on a topic, meant for those who are reasonably comfortable reading and who may have a general sense of some legal concepts.

Level 3 — Some needed.
Basic familiarity assumed. Detailed material, written primarily as a reference for the advocate/intermediary audience, although accessible to members of the public with adequate literacy skills.

Legalaid.bc.ca/read



MULTILINGUAL

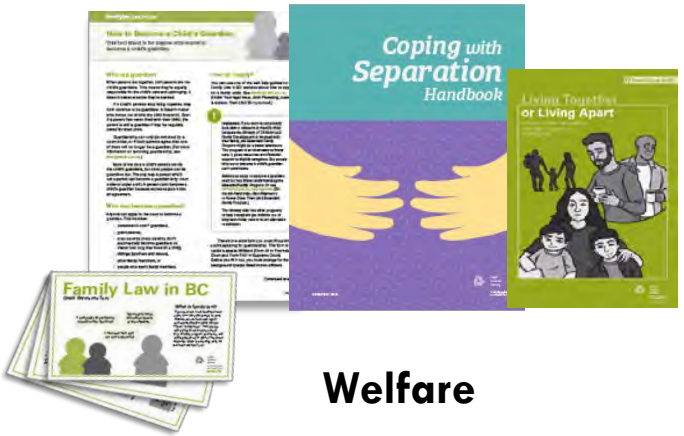
Four main languages

- Traditional Chinese
- Simplified Chinese
- Punjabi
- Spanish

Also…

- Arabic
- Farsi
- Tagalog
- Kurdish
- Dari
- Pashto

Family law (m)



Child protection



Welfare



Abuse & Family violence (m)



Immigration & refugees (m)



Criminal law



(m) = some multilingual available

Available at legalaid.bc.ca/read

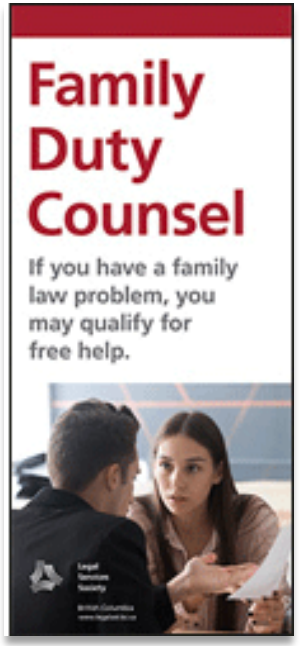
LETTING PEOPLE KNOW ABOUT LEGAL HELP AND LEGAL AID



multilingual



Interpreters available for this service





Available at legalaid.bc.ca/read

LETTING PEOPLE KNOW ABOUT PARENTS LEGAL CENTRE





Locations open 2018/2019

- Campbell River
- Surrey
- Smithers/Hazelton
- Williams Lake
- Prince George
- Kamloops
- Duncan
- Victoria
- Vancouver

Available at legalaid.bc.ca/read

HOW TO ORDER PUBLICATIONS for FREE

Ordering process



Free publications

I want to find a publication by subject

- Aboriginal people
- Abuse & family violence
- Child protection/removal
- Crimes & offences
- Debt
- Families & children
- Gays, lesbians, trans, & bisexuals
- Housing & tenancy
- Immigrants & refugees
- Legal help & lawyers
- Legal system & courts
- Promotional materials
- Staying out of court
- Welfare & benefits
- Wills, estates, & life planning
- Women

I want to find a publication by language

I want to find a publication by title

I want to get a publication

To get a copy of a free LSS publication

- Go to your local legal aid location, or
- Place an order with Crown Publications.

Featured publications



Gladue Submission Guide
Plain language guide for Aboriginal peoples, lawyers, and Native courtworkers about how to prepare an oral or written Gladue submission for a bail or...



Is That Legal?
What the Law Says about Online Harassment and Abuse To help youth become safer online when they use social media. It describes four online situations...



Live Safe, End Abuse
Live Safe, End Abuse is for people leaving an abusive partner. The fact sheets and folder contain information on what abuse is, how people can plan fo...

Publications Lists

- Availability list
- Readability list

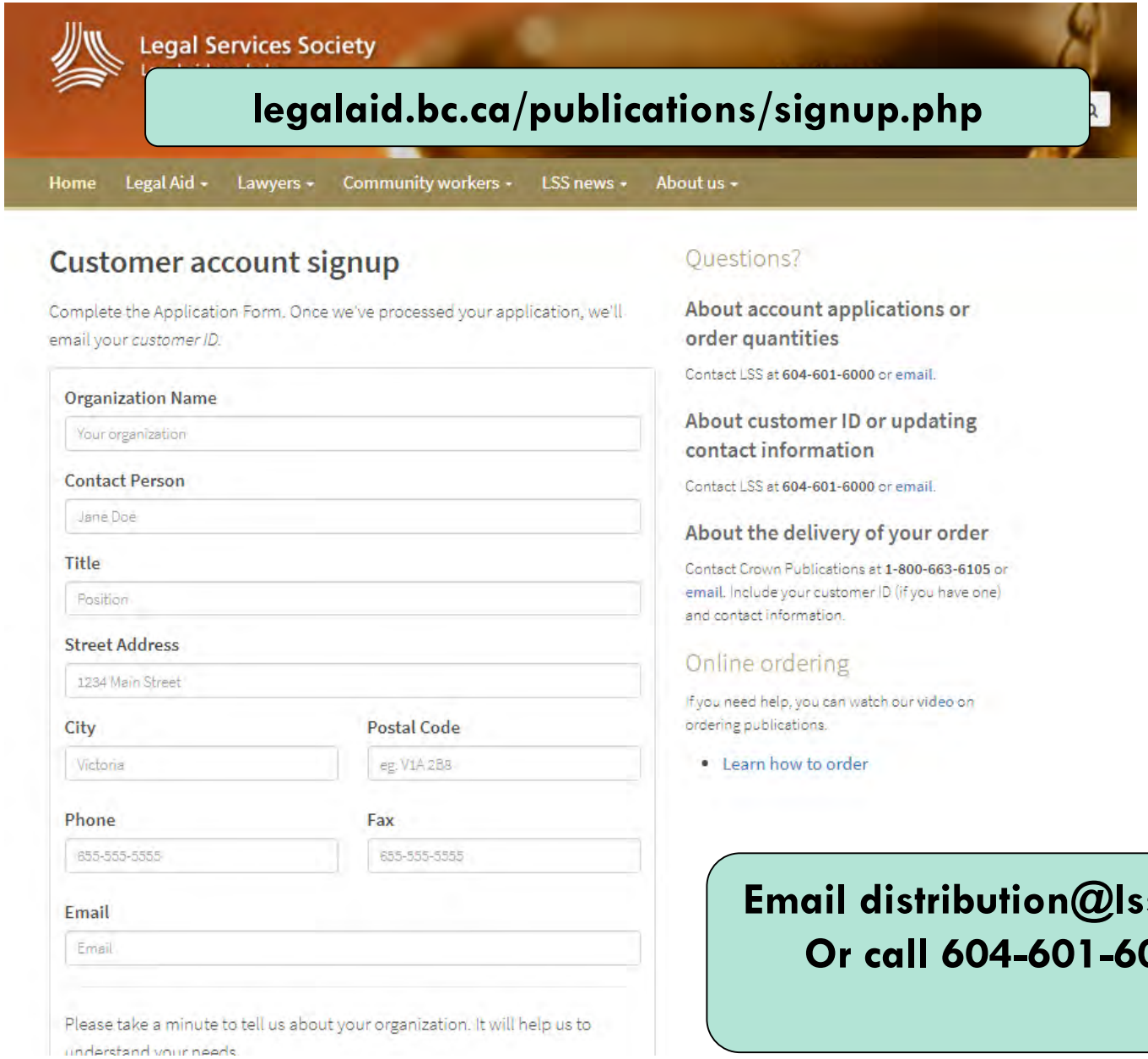
Publications updates

- The Factum Blog
- Twitter

Still can't find what you're looking for?

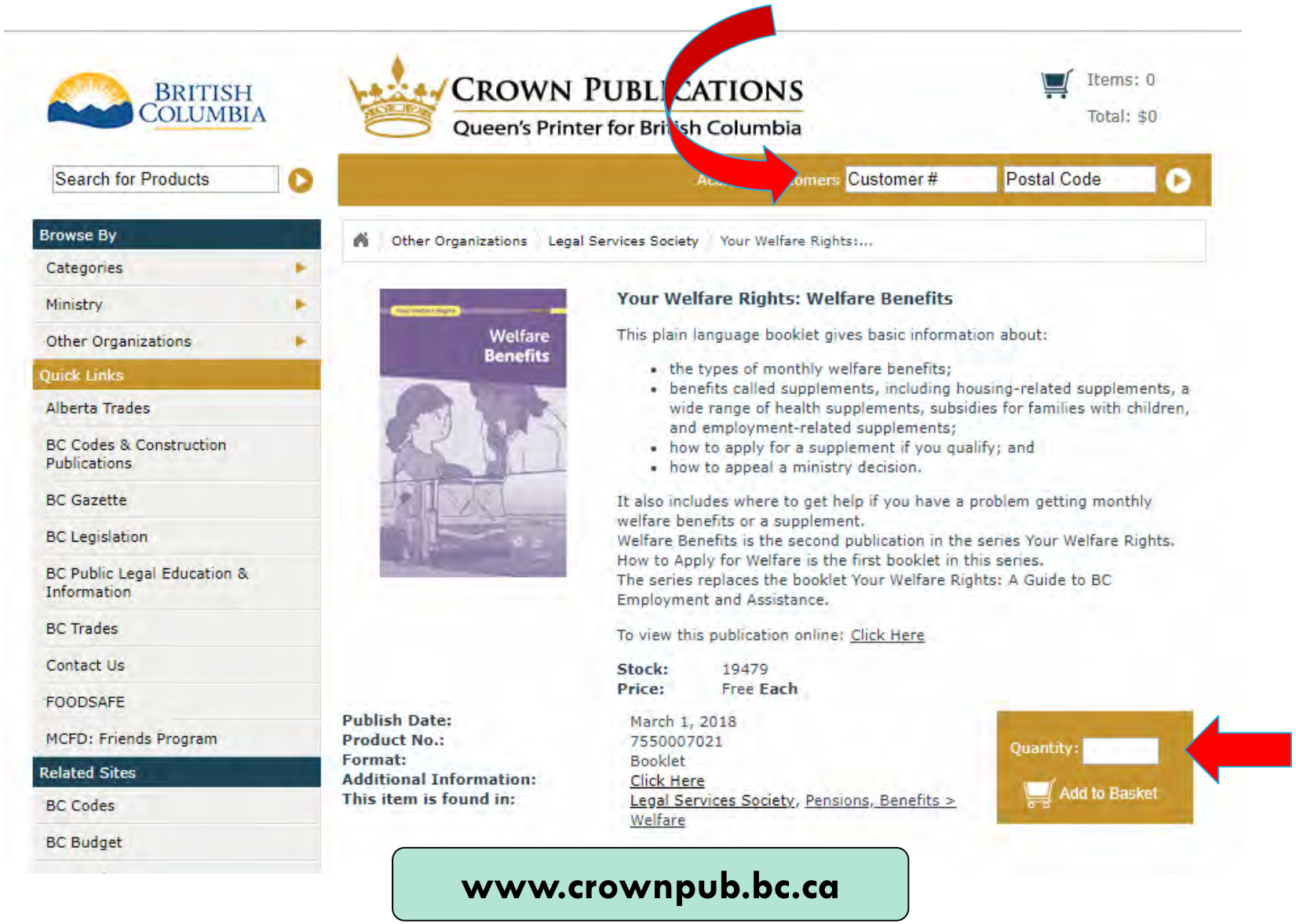
Can't find what you're looking for? Clicklaw has

Ordering process



Email distribution@lss.bc.ca
Or call 604-601-6000

Crown Publications



www.crownpub.bc.ca

LEGAL INFORMATION WEBSITES

UPDATES AND CHANGES ROLLING OUT IN THE NEXT 4-6 WEEKS

Family Law Website familylaw.lss.bc.ca

MyLawBC Website mylawbc.com





familylaw.lss.bc.ca

FamilyLaw.
Legal help for people in BC

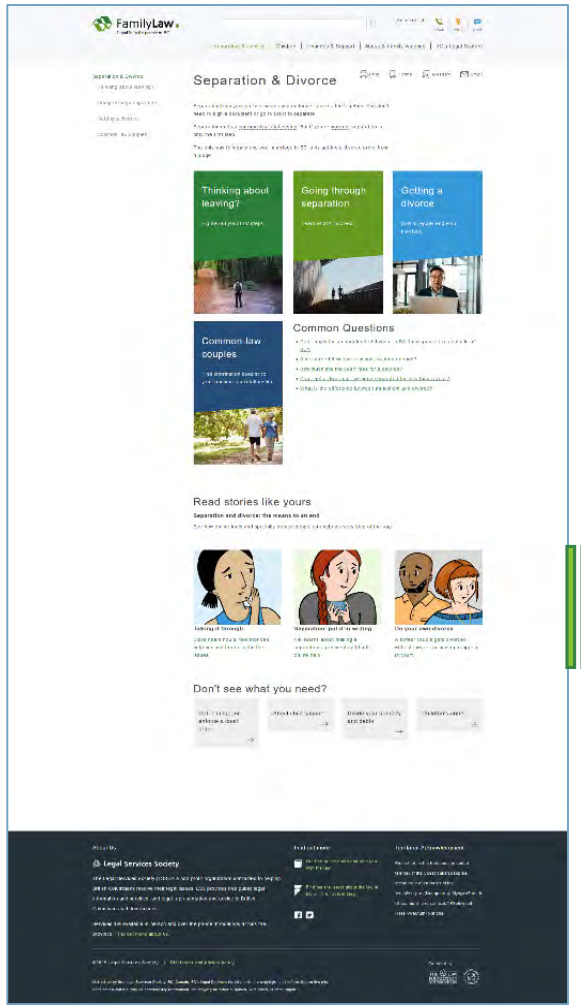
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PREVIEW





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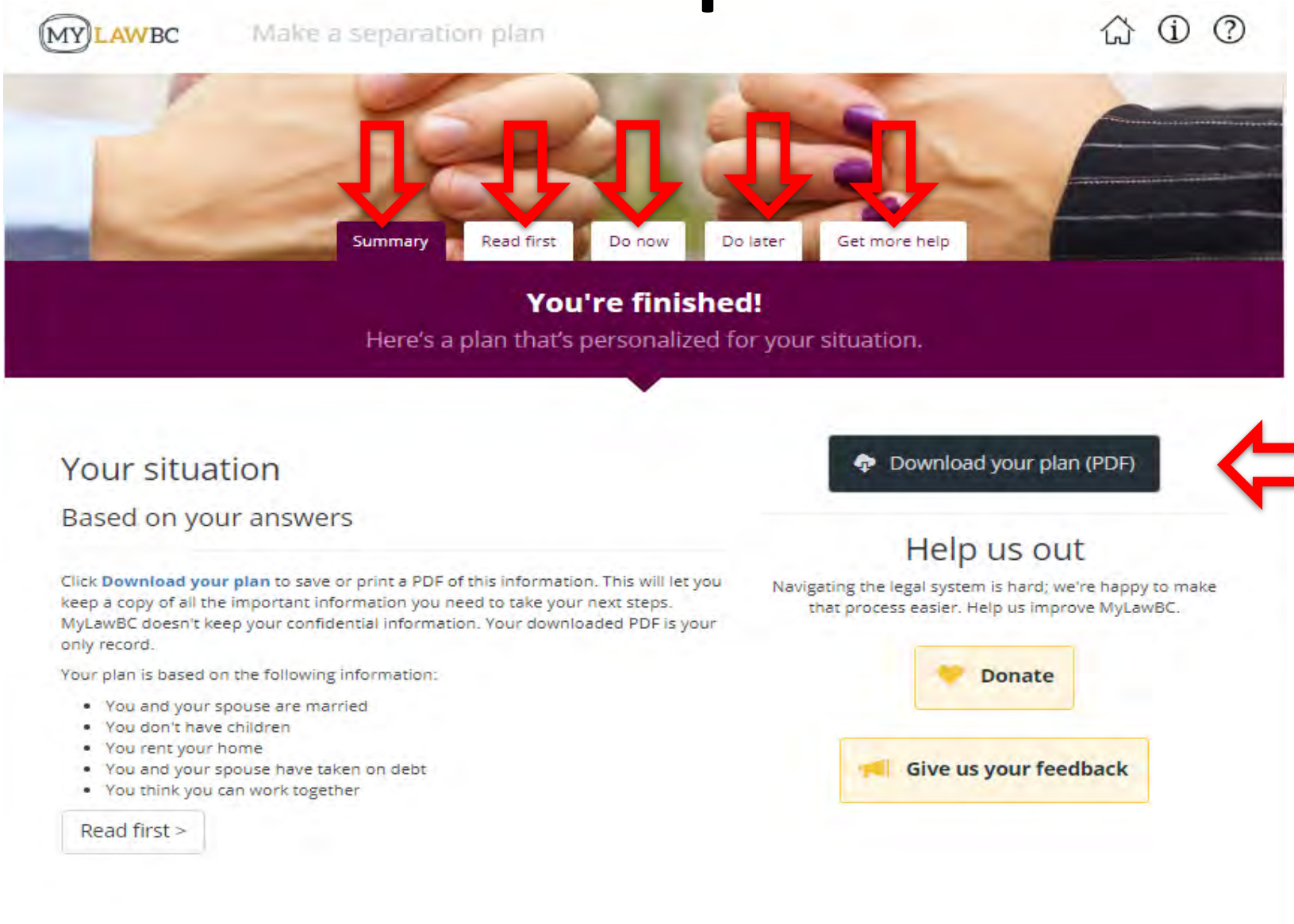


Coming up

- **New pathways on criminal and Indigenous legal issues**
- **Online Family Resolution Centre**
  - parenting agreements with a free mediator

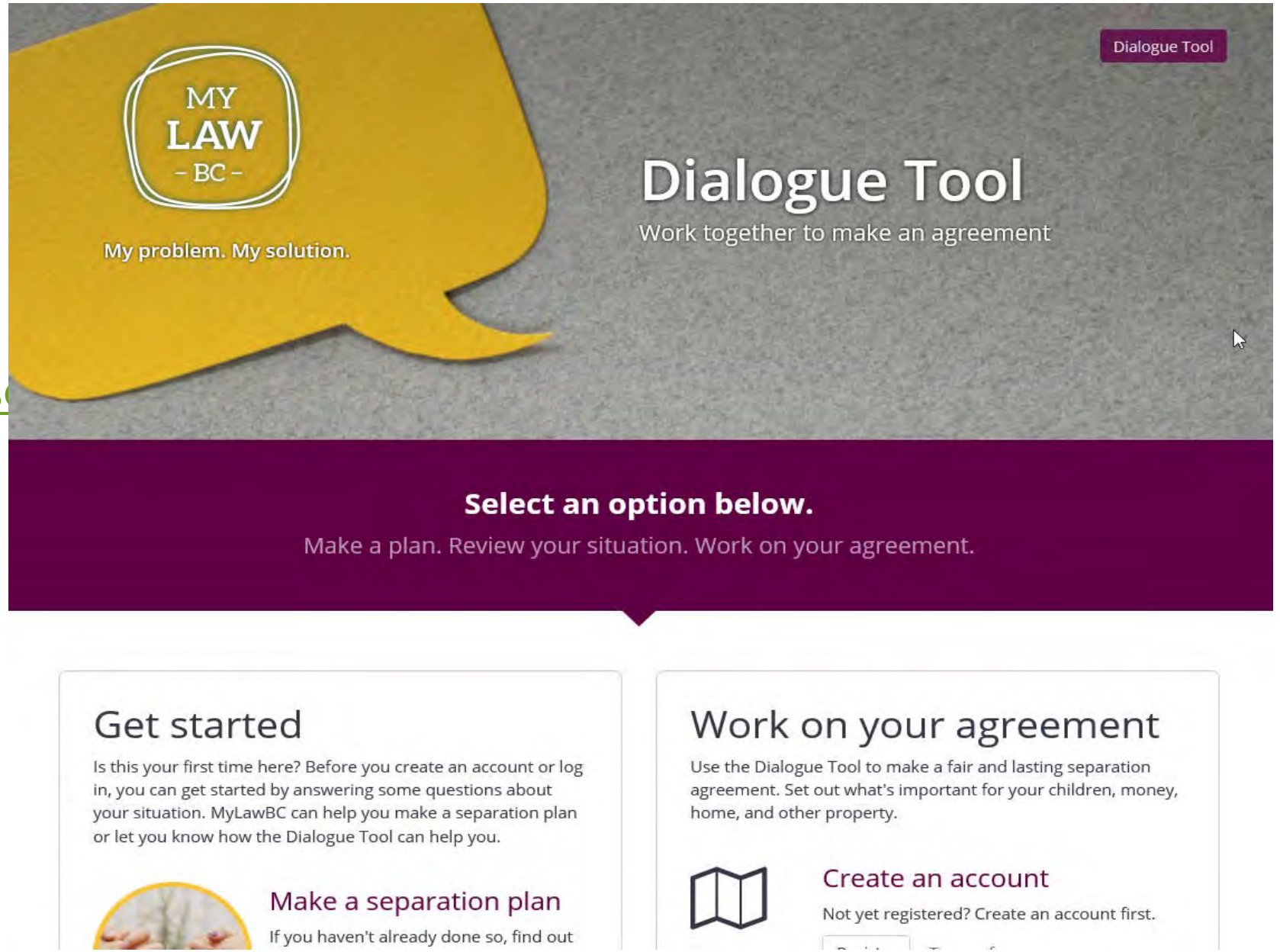


Action plan



WWW.MYLAWBC.COM

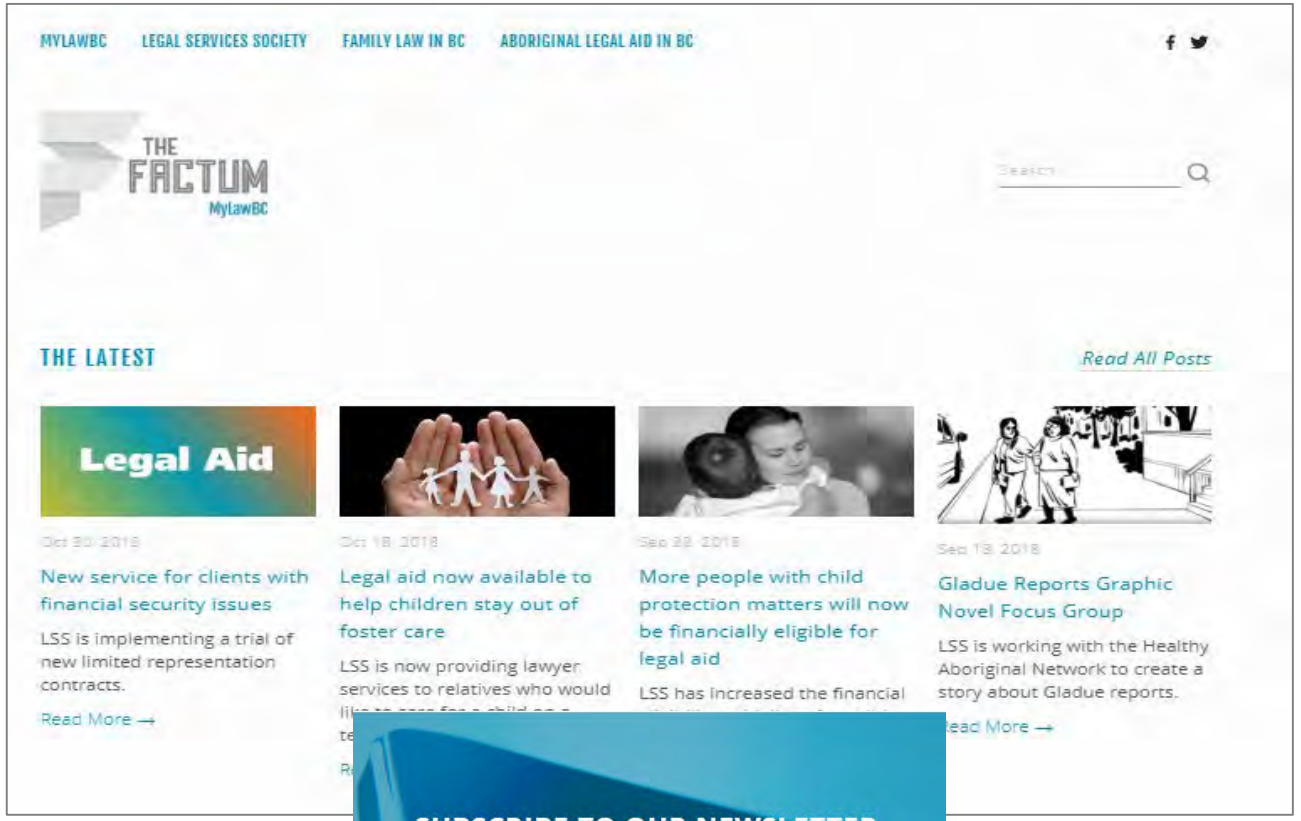
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HOW TO GET UPDATES

factum.mylawbc.com



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- New ideas for MyLawBC pathway topics
- Section on Family Law website for immigrants
- General feedback on publications and websites

If you think you can help,
please put your name on the
sign-up sheet on your table

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IDEAS FOR NEW OR EXISTING PUBLICATIONS?

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Senior Legal Information Outreach Worker, LSS

CATHY SOSTAD

Working with LSS Intake



April 2019

Deneen, Provincial Supervisor, Legal Aid Applications

Services Overview



Community Partners

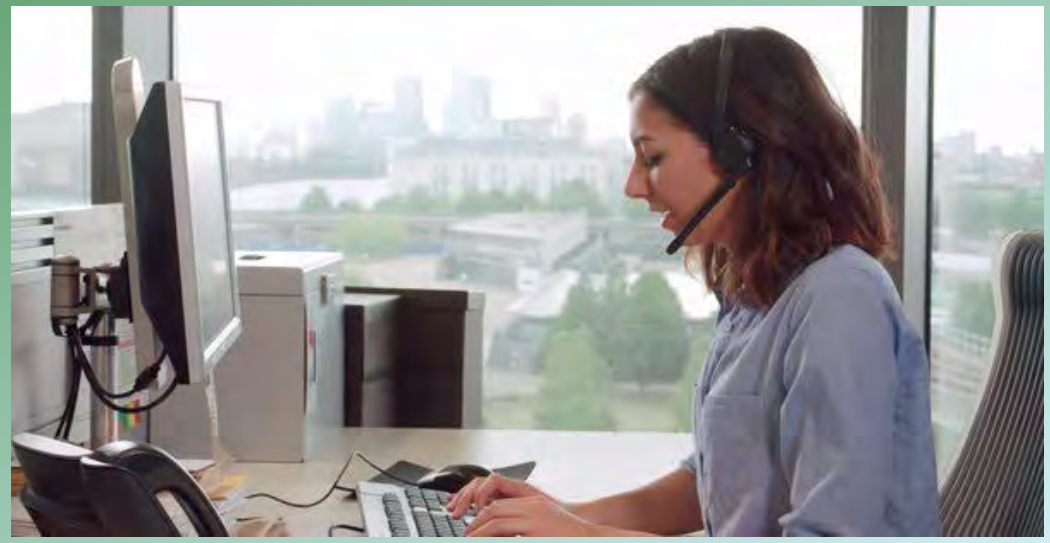
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Family LawLINE



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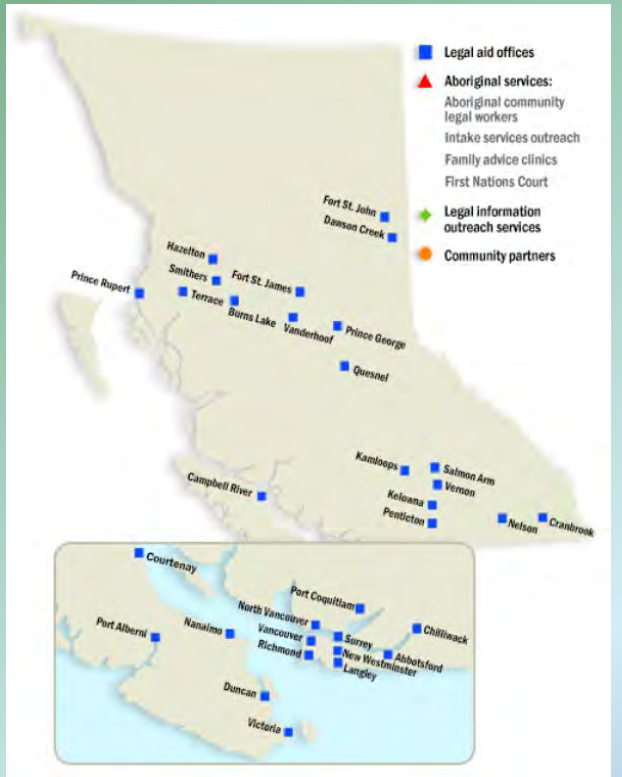
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What Legal Problems Are Eligible For Coverage?

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Where charges are serious and there is a likelihood of jail.



Family Law

Serious family situations regarding parenting (guardianship, parenting arrangements or custody/access), protection orders, child support, and more, depending on the issues. And the issues need to be addressed immediately to ensure the safety of the children and/or the client.

We now also have Limited Representation Contracts that allow a client to deal with financial security issues such as property division, spousal support, and child support, if there are no other serious family issues.



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Where the Ministry of Children and Family Development (MCFD) or a Designated Agency has removed a child(ren) or where there is a risk or threat of a child(ren) being removed. This could also include custody and/or access issues arising from a child in care.



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Financial Eligibility

Representation Income Chart

Table of net household income

Household Size	CFCSA Cases	All other cases
1	$2,630	$1,630
2	$3,280	$2,280
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4	$4,570	$3,570
5	$5,220	$4,220
6	$5,870	$4,870
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Effective April 1, 2019

Financial Eligibility

Personal Property (All case types)

Household Size	Exemption
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6 or more	$6,000

Effective April 1, 2019



Financial Eligibility

LEGAL ADVICE GUIDELINES

Household Size	Monthly Net Income
1 – 4	$3,570
5	$
6	$
7 or more	$



- Effective April 1, 2019

FINANCIAL DISCRETIONARY COVERAGE

Legal Representation – Criminal, Family, Immigration, and Appeal Cases

- A file can be sent for a Discretionary Coverage Review if an applicant is over the financial eligibility guidelines on income by approximately $100 – $200 for Criminal, Immigration, and Appeal cases, or $500 for Family cases, or on assets by $500, and the matter is a serious and complex case and there is available budget.
- There is no Discretionary Coverage Reviews on CFCSA cases as they are already allowed an additional $1,000 per month for income.



Requesting A Review of A Denial

A client can request a review of a denial for legal aid

- This request must be in writing.
- The client should state why they disagree with the denial and explain why they believe they should get legal aid.
- The client should include any supporting documents.

Coverage and Financial Eligibility Reviews must be submitted within 30 days of the denial of legal aid to:

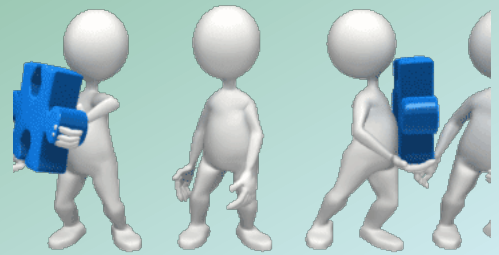
Provincial Supervisor
Vancouver Regional Centre
425 – 510 Burrard Street
Vancouver, BC V6C 3A8
Fax: 604-682-0787
Email: provincialsupervisors@lss.bc.ca



Working Together

You can help your clients:

- Understand the intake process
- Prepare for the interview
- Organize documentation



- Make sure they follow up on the status of their file and provide Intake staff with requested information

Presenter: Deneen

Provincial Supervisor, Legal Aid Applications
Phone: 604-601-6217
Fax: 604-682-0787
E-Mail: deneen.vancouver@lss.bc.ca



LEGAL SERVICES SOCIETY

SETTLEMENT CONFERENCE

APRIL 10-11

PUBLICATION UPDATES

LEGALAID.BC.CA/READ

ABUSE & FAMILY VIOLENCE

Is that Legal? What the law says about online harassment and abuse (1)

BOOKLET EXPLAINS ONLINE HARASSMENT AND ABUSE

Live Safe, End Abuse (1)

BOOKLET/ FACT SHEET FOLDER FOR PEOPLE LEAVING AN ABUSIVE PARTNER

For Your Protection (2)

BOOKLET EXPLAINS PEACE BONDS & PROTECTION ORDERS

Leaving Abuse (1)

THIS GRAPHIC NOVEL EXPLAINS YOUR LEGAL RIGHTS IF YOU ARE IN A FAMILY VIOLENCE SITUATION

IMMIGRATION & WELFARE

Need help with your refugee claim? (1)

INFO CARD ABOUT THE LEGAL AID IMMIGRATION PHONE LINE

Sponsorship Breakdown (2)

BOOKLET EXPLAINS WHAT HAPPENS WHEN AN IMMIGRATION SPONSORSHIP BREAKS DOWN

FAMILY LAW

Family Law in BC: Quick Reference Tool (1)

POSTCARDS INTRODUCE THE READER TO THE BASICS OF FAMILY LAW

Living Together or Living Apart (2)

BOOKLET EXPLAINS THE BASICS OF FAMILY LAW IN BC

Mothers Leaving Abusive Partners (2)

PLAIN LANGUAGE GUIDE DESCRIBES FAMILY LAW LEGAL PROCESS AND TERMS.

Separation Agreements (2)

EXPLAINS WHAT TO DO IF YOU BELIEVE YOUR AGREEMENT MIGHT BE UNFAIR

CHILD PROTECTION AND REMOVAL

Parents' Rights Kids' Rights (2)

BOOKLET EXPLAINS THE CHILD PROTECTION PROCESS

If You Can't Get Legal Aid for Your Child Protection Case (2)

BOOKLET EXPLAINS WHY, HOW, AND WHEN TO ASK THE JUDGE TO APPOINT A FREE LAWYER IF YOU HAVE BEEN DENIED LEGAL AID

YOUR WELFARE RIGHTS

How to Apply for Welfare (2)

BOOKLET EXPLAINS THE WELFARE APPLICATION PROCESS

Welfare Benefits (2)

BOOKLET LISTS WELFARE BENEFITS AND HOW TO GET THEM

When You're on Welfare (2)

EXPLAINS MONTHLY REPORTS, WHO YOU CAN LIVE WITH AND STILL GET WELFARE, ELIGIBILITY REVIEWS, AND MORE



READABILITY LEVELS

1

- No legal understanding required.
- Outline or "first step" information.
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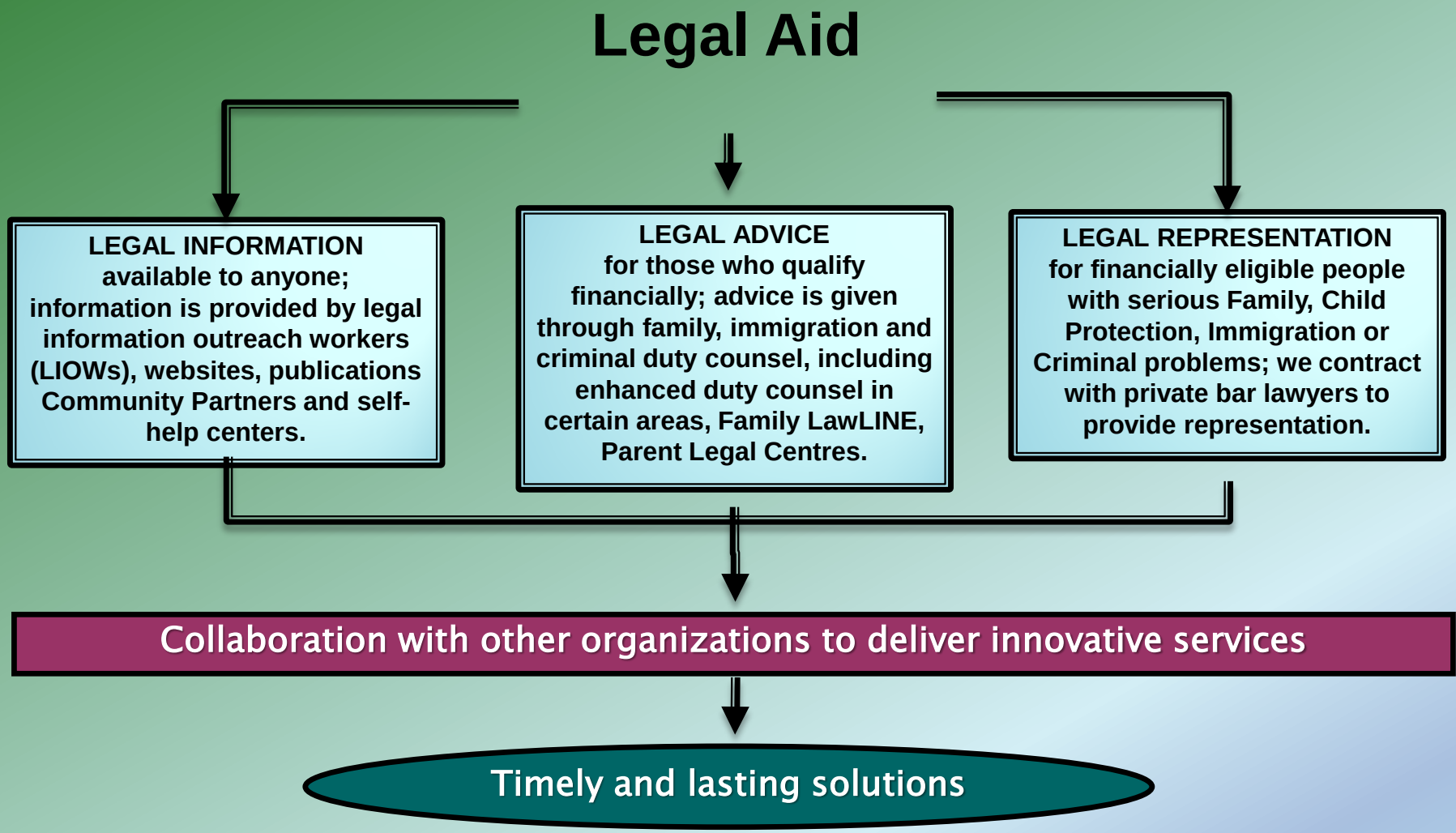
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April 2019

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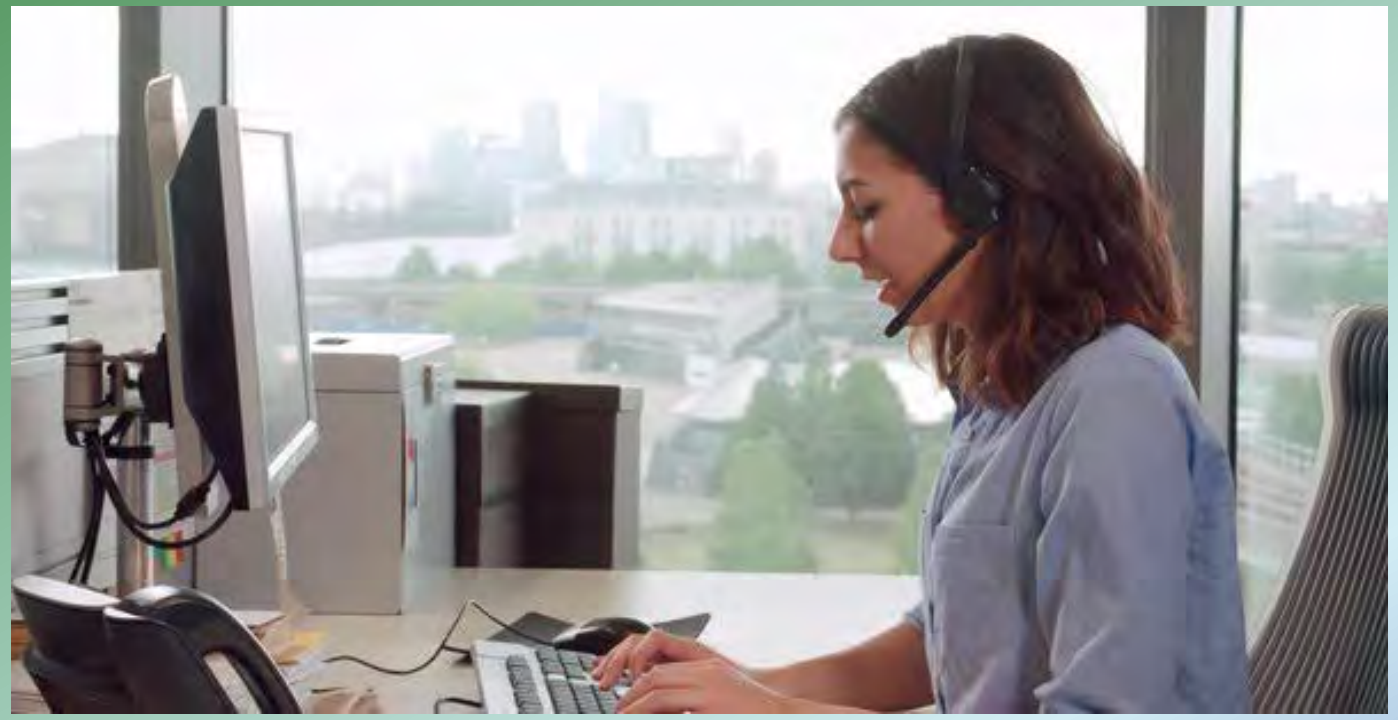
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- There is no Discretionary Coverage Reviews on CFCSA cases as they are already allowed an additional $1,000 per month for income.



Requesting A Review of A Denial

A client can request a review of a denial for legal aid

- This request must be in writing.
- The client should state why they disagree with the denial and explain why they believe they should get legal aid.
- The client should include any supporting documents.

Coverage and Financial Eligibility Reviews must be submitted within 30 days of the denial of legal aid to:

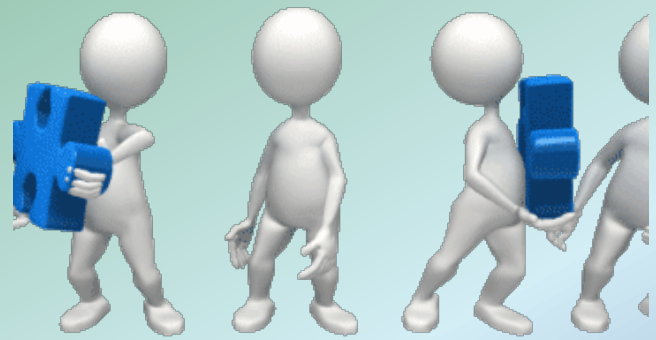
Provincial Supervisor
Vancouver Regional Centre
425 – 510 Burrard Street
Vancouver, BC V6C 3A8
Fax: 604-682-0787
Email: provincialsupervisors@lss.bc.ca



Working Together

You can help your clients:

- Understand the intake process
- Prepare for the interview
- Organize documentation



- Make sure they follow up on the status of their file and provide Intake staff with requested information

Presenter: Deneen

Provincial Supervisor, Legal Aid Applications
Phone: 604-601-6217
Fax: 604-682-0787
E-Mail: deneen.vancouver@lss.bc.ca



Overview of LSS Coverage Guidelines

Family coverage

General policy

To qualify for legal aid representation, an applicant must:

- Be financially eligible, and
- have a Family law problem covered by the Family coverage guidelines:
  - need an initial, or a change to the current, guardianship or parenting arrangement order if there is a risk of harm or violence to the client or their child or children;
  - have guardianship/custody of a child/children who have been unlawfully held by the access parent/party;
  - have been permanently or repeatedly denied contact or parenting time with a child;
  - need a Family law protection order or other legal assistance to protect themselves or their children from harm or violence;
  - need an order to prevent the other parent from permanently relocating their child or children out of the Province. The threat must be real and imminent, and involve a permanent change of residence;
  - be a respondent in a maintenance enforcement committal proceeding; or
- be eligible for coverage provided through the exception review process, or
- have a financial security issue and be eligible for limited representation.

Who is covered?

When the legal issue involves children, an applicant must be a:

- parent (including a same-sex parent),
- a member of the children's immediate or extended family,
- a relative or individual who has lived with the children in a parental or custodial relationship, or
- a member of the community who has a cultural or traditional responsibility towards the children.

An applicant, with or without children, may be eligible for legal aid if their physical safety is at risk.

An applicant who's in jail may qualify for legal representation. Application would be sent for an exception review.

An applicant does not have to permanently reside in BC or hold Canadian citizenship to qualify for legal aid representation.

Exception

Youth who are temporary or permanent wards of the Ministry of Children and Family Development (MCFD) are not eligible for legal aid representation. In such cases, MCFD will arrange for counsel through the Ministry of Attorney General.

Limited representation contracts

An applicant is covered under a limited representation contract where:

- they don't meet family coverage guidelines for a family standard contract, and
- have a family law problem that involves one or more of the following issues:
    - Child support
    - Spousal support
    - Division and/or preservation of family property

AND

- they are unable to deal with the matter using other resources, and
- limited representation will assist them to move their case forward, understand their case, and self-represent if necessary.

CFCSA

General policy

To qualify for legal representation, an applicant must:

- ❖ be financially eligible; and
- ❖ have a CFCSA problem covered by the CFCSA coverage guidelines.

An applicant must be:

- ❖ a parent (including parents in a same-sex relationships), or
- ❖ a party to the proceeding who is a:
    - ➢ member of the children's immediate family,
    - ➢ relative or individual who has lived with the children in a parent or custodial relationship, or
    - ➢ member of the community who has a cultural or traditional responsibility towards the children.

Where an applicant is financially eligible and his or her children have been removed or are at risk of being removed, coverage is provided.

Where the child isn't born yet and there is a risk of removal at birth, coverage is provided.

Where the CFCSA director has filed an application to obtain a Continuing Custody Order (CCO), coverage is provided.

Where the client is the applicant or respondent for an application to cancel a CCO, coverage is discretionary.

Where the CFCSA director has filed an application to permanently transfer custody of a child, who's in the temporary care or custody of a person other than the child's parent or MCFD, to a person other than the child's parent(s), coverage is provided.

Where the CFCSA director has filed an application to permanently transfer custody of a child who's in the continuing care of MCFD to a person other than the child's parent(s), and the director's application puts the parental relationship with the child at risk, coverage is discretionary.

An applicant does not have to permanently reside in BC or hold Canadian citizenship to qualify for legal representation.

Exception

Youth who are temporary or permanent wards of the Ministry of Children and Family Development (MCFD) are not eligible for legal aid representation. In such cases, MCFD will arrange for counsel through the Ministry of Attorney General.

Third party (non-parent) applicant who is not a party to the proceeding

An applicant may be covered if:

- they're:
    - the child's relative (such as sibling, grandparent, step-grandparent, aunt, uncle), or
    - a member of the child's community who has a cultural or traditional responsibility towards the child.

AND

- they want to become a non-custodial or custodial caregiver for a child who is at risk of removal, has been removed, or is in the care of MCFD.

An applicant is not covered if:

- there is a final CFCSA order regarding the child (there can be ongoing court proceedings, but no Continuing Custody Order or Permanent Transfer of Custody Order under s.54.01 or 54.1), or
- they only want access to a child who's in the care of MCFD.

If an applicant satisfies the guidelines above, the application is sent for an exception review.

Note: If a third-party applicant is receiving temporary or permanent custody of a child who's in the care of MCFD *with consent* of the Director, MCFD, they are eligible for independent legal advice. However, if the applicant needs more than independent legal advice because the case is complex, LSS may assess them for a representation contract. In such cases, the application will be forwarded for an exception review.

Third party (non-parent) applicant - Exception review guidelines

The decision to approve a representation contract for a third party applicant who is not a party to the proceeding is a discretionary decision made by the Manager, Family Law Services or their delegate.

Considerations include, but are not limited to, the following:

- the applicant is not currently the child's foster parent,
- the applicant has a reasonable likelihood of success in achieving the desired outcome,
- the outcome will benefit the child if successful,
- the child may be left at risk of removal if coverage is denied,
- the applicant has, or has the ability to have, a real and substantial connection to, or relationship with, the child,
- the applicant is able to provide stability for the child's care,
- the applicant can have a significant role in maintaining the child's connection to their cultural traditions, customs, language, and/or community,
- the applicant doesn't have other viable options, other than legal representation, to deal with the issue, and
- there's remaining LSS budget available to fund the case.

Note: Clients making third party applications do not get sent to the Parents Legal Centres (PLC). See Parents Legal Centres. If approved, the Regional Centre/Local Agent Intake staff issue Contracts to LSS's Tariff Bar.

Independent legal advice for a child or third party

An applicant isn't covered for independent legal advice for a child or a third party who may be receiving permanent custody of a child. Instead, the Ministry of Children and Family Development (MCFD) has contracted with LSS to provide an applicant with a lawyer's services. LSS has a province-wide roster of lawyers who provide independent legal advice to:

- **children over 12** who're
  - the subject of proposed consent orders, or
  - wards of MCFD, and
    - consenting to adoption, or
    - being permanently transferred to the custody of a person who isn't their parent.

  OR
- **third parties who may be receiving permanent custody of a child**.

NOTE: *If a client does not qualify financially for legal aid they may be able to go to court and make a "JG" application. Before a client can apply for a "JG" application the client must apply for legal aid. They must be refused by the legal aid intake worker, then they must ask, in writing, for that decision to be reviewed. If the review is also denied, the client will be sent a letter along with our booklet "If You Can't Get Legal Aid for Your Child Protection Case", which explains how to apply to the courts for a court appointed lawyer to assist them with their matter.*

Choice of Indigenous Counsel for Indigenous Clients With Family or CFCSA Cases (Pilot Project)

If an Indigenous client with a Family or CFCSA case requests Indigenous counsel and no local Indigenous counsel is available, LSS will try to find non-local Indigenous counsel who is available to accept the contract and will pay this lawyer Travel costs.

Parents Legal Centres

A Parents Legal Centre (PLC) provides advice and limited representation services to parents facing child protection issues to support early, collaborative resolutions outside of contested hearings. LSS launched a PLC at the Vancouver Provincial Court (Robson Square) in February 2015, and a second PLC in Surrey in February 2018. As well, 4 new PLC offices opened in November, 2018: Prince George, Campbell River, Smithers/Hazelton, and Duncan. Three to 4 more offices are slated to open before the end of the 2018/2019 Fiscal year.

If a client:

- is a parent (including parents in a same-sex relationship), or
- is a party to the proceeding with whom the child resides and who stands in place of the child's parent or guardian, and
- has a child protection matter that is in or would be heard in Provincial Court in one of the cities the PLCs are located in, and
- meets the financial eligibility guidelines for a CFCSA Representation Contract

The PLC will provide:

- information and advice on options for resolving child protection issues out-of-court
- legal advice and representation, where appropriate, at collaborative processes such as mediation and Family case planning conferences
- information and advice on court processes
- legal advice and representation at uncontested hearings
- referrals to other services, including online resources and other public agencies

All eligible applicants will be referred to the PLC instead of receiving a CFCSA representation contract under the *CFCSA Tariff*. If the issues cannot be resolved collaboratively and the applicant meets coverage and financial eligibility guidelines for a CFCSA representation contract, LSS may appoint a lawyer to complete the case.

Note: Clients making Third Party applications do not get sent to the Parents Legal Centres (PLC). If approved, the Regional Centre/Local Agent Intake staff issue Contracts to LSS's Tariff Bar.

Criminal Coverage Guidelines

General policy

To qualify for legal representation, an applicant must:

- be financially eligible, except for specified exceptions, and
- have a Criminal law problem covered by the criminal coverage guidelines.

An applicant is covered if he or she:

- faces a Criminal proceeding,
- is charged with a Criminal offence, and
- if convicted, faces a risk of jail (includes house arrest).

An applicant does not have to permanently reside in BC or hold Canadian citizenship to qualify for legal representation.

Additional grounds for coverage

Less serious summary offences may be covered for adult applicants in very limited circumstances.

An applicant who does not necessarily face a risk of jail may be covered if he or she:

- faces a loss of livelihood upon conviction,
- has a mental or physical disability, or
- faces immigration complications that may result in deportation.

Aboriginal hunting and fishing rights

An applicant is covered if:

- they are Aboriginal, and
- the alleged offence:
  - occurred in a geographic area the applicant claims is his or her traditional territory, or
  - involves a traditional right; or
  - occurred outside the applicant's traditional territory, but involves the exercise of an existing Aboriginal right extended to the individual by:
    - a traditional Aboriginal law or custom,
    - a band bylaw, or
    - Aboriginal government legislation.
- The applicant does not have to face a risk of jail if convicted.

NOTE: *If a client does not qualify financially for legal aid they may be able to go to court and make a "Rowbotham" application. Before a client can apply for a "Rowbotham" application the client must apply for legal aid. They must be refused by the legal aid intake worker, then they must ask, in writing, for that decision to be reviewed. If the review is also denied, the client will be sent a letter along with our booklet "If You Can't Get Legal Aid for Your Criminal Trial", which explains how to apply to the courts for a court appointed lawyer to assist them with their matter.*

Youths

Anyone under the age of 18 who is not a ward of the Ministry of Children and Family Development is covered for all Criminal Code and other charges under federal legislation (such as drug charges). They do not have to be financially eligible or meet LSS criminal coverage guidelines.

Youths under age 18 charged with Provincial offences, such as motor vehicle offences, offences under the Schools Act, etc., must be financially eligible and the case must meet criminal coverage guidelines.

Over age 18, facing Youth Criminal Justice Act charges

Applicants over the age of 18 who face Youth Criminal Justice Act charges are covered until the end of the case.

Exception

Youth who are temporary or permanent wards of the Ministry of Children and Family Development (MCFD) are not eligible for legal aid representation. In such cases, MCFD will arrange for counsel through the Ministry of Attorney General.

Immigration Coverage Guidelines (Only the Vancouver Legal Aid office deals with immigration cases)

General policy

To qualify for legal aid representation, an applicant must:

- be financially eligible, and
- have an Immigration law problem covered by the LSS Immigration coverage guidelines.

An applicant is covered if he or she:

- is making a refugee claim in Canada, or
- faces an Immigration proceeding and it could result in deportation from Canada to a country where his or her life is in danger or if he or she has other compelling reasons for not returning to his or her country.

LSS screens Immigration cases for merit to determine whether the applicant has a reasonable chance of being successful in his or her case.

Refugee claims

Contracts for refugee and protected persons claims made in Canada include:

- preparation of a Basis of Claim form, and
- preparation for and representation at refugee hearings before the Refugee Protection Division (RPD) of the Immigration and Refugee Board.

Other immigration cases

The following types of cases will be referred to the LSS Judicial Appeals Section at the Vancouver Regional Centre. The Judicial Appeals Section screens these cases for merit and issues contracts if they determine that the applicant has a reasonable chance of being successful in his or her case.

- an appeal of a refugee claim refusal to the Refugee Appeal Division
- admissibility hearings before the Immigration and Refugee Board Adjudication Division
- judicial Review applications to the Federal Court of Canada, and appeals to the Federal Court of Appeal or the Supreme Court of Canada to review an order of the Immigration and Refugee Board or an immigration officer
- applications to stay a removal from Canada made to the Federal Court of Canada
- applications to reopen or reinstate proceedings before the Immigration and Refugee Board
- permanent resident (landed immigrant) deportation appeals to the Immigration Appeal Division (IAD) of the Immigration and Refugee Board
- Pre-Removal Risk Assessment (PPRA) submissions to Citizenship and Immigration Canada
- Humanitarian and Compassionate (H&C) submissions to Citizenship and Immigration Canada
- applications by people detained by immigration who cannot access duty counsel
- applications by spouses or partners with conditional permanent residence who are leaving the relationship before the end of the two-year conditional cohabitation period
- sponsorship appeals to the Immigration Appeal Division of the Immigration and Refugee Board where the applicant is in Canada and faces a risk of removal

Family LawLINE

The Family LawLINE is a telephone advice service that provides brief next-step help for people representing themselves, as well as provides options for resolving legal issues outside of court, and referrals to online resources and other agencies. Clients with a Family law issue can access this service through the Legal Services Society provincial call centre, engage with a lawyer over the telephone, and share documents by email or fax. Lawyers work from their own offices across the Province and engage with clients through a free remote access telephone system.

The Family LawLINE can also provide up to six hours of service per legal matter. Clients can make phone appointments so that one lawyer and client can work together throughout the contract.

The Family LawLINE will provide the following:

- Up to 6 hours of service for each current legal matter
- Appointments so that one lawyer and client can work together throughout the contract
- Interpreters if clients need services in languages other than English
- Information and advice on court processes, both Provincial and Supreme Court
- Information and advice on options for resolving legal issues out-of-court
- Referrals to other services, including online resources and other public agencies
- Assistance with preparing documents for court or other legal processes
- Coaching to help people who are representing themselves through all stages of court and other collaborative processes
  - Coaching will help the client understand the law relevant to their particular case, make more effective court appearances, present evidence properly, prepare for negotiation and settlement, and use Public Legal Education and Information (PLEI) tools.

To qualify for the Family LawLINE service, a client must:

- Qualify financially
- Have an eligible family law issue
- Not have a lawyer already working for them

To access the Family LawLINE service:

- To find out if a client is eligible for this service, they must call the Legal Services Society provincial call centre at 604-408-2172 (for Greater Vancouver) or toll free 1-866-577-2525 Monday to Friday from 9:00 am to 3:00 pm (Wednesday to 2:30 pm).

Expanded Family Duty Counsel (Victoria)

Expanded Family Duty Counsel at the Victoria Justice Access Centre (JAC) is modelled on the Expanded Family Duty Counsel program in Vancouver.

Expanded Family Duty Counsel will provide up to six hours of service per legal matter, set appointments so that clients can work with the same lawyer throughout their legal matter, and introduce legal coaching to help clients represent themselves in court.

These services are in addition to regular Family Duty Counsel services (information and advice on Family law issues, court processes, and options for resolving legal issues outside of court; help with document preparation and preparation for court appearances; representation in court on brief uncontested issues; and referrals to online resources and other agencies).

Expanded Criminal Duty Counsel (Port Coquitlam)

Expanded Criminal Duty Counsel (CDC) is located at the Provincial Court in Port Coquitlam. Expanded CDC will provide out-of-custody duty counsel services, including summary advice and assistance, to accused people making initial appearances in Port Coquitlam. The Duty Counsel lawyer will retain conduct of select non-complex cases up to the trial fix date where the applicant meets the Expanded CDC's coverage and financial eligibility guidelines. The Duty Counsel lawyer will provide continuing services to try to achieve early resolution of cases, such as:

- reviewing disclosure
- having discussions with Crown Counsel
- attending court if a guilty plea is required to resolve the case
- expanded criminal duty counsel will not conduct bail hearings

All eligible applicants with matters in Port Coquitlam will be referred to Expanded CDC instead of receiving a criminal representation contract under the *Criminal Tariff.* If the case cannot be resolved before the trial fix date and the applicant meets coverage and financial eligibility guidelines for a Criminal representation contract, LSS may appoint a lawyer to represent him or her at trial.
The Expanded CDC in Port Coquitlam will replace regular out-of-custody duty counsel at that location. In-custody Duty counsel will continue to be done by lawyers on the Criminal Duty Counsel roster.

Note: The applicant doesn't need to face a risk of jail upon conviction to be eligible for Expanded CDC.

Note: If the applicant is currently in jail and eligible for a representation contract, but they may be eligible for expanded CDC services if released, the applicant will be referred to In-custody Duty Counsel or his/her lawyer will be issued a "bail hearing only" contract.

Reciprocals

As of **September 4th 2018,** clients who wish to apply for legal aid Family/CFCSA services in another province may now apply to the corresponding province directly. This means that clients from other provinces may apply for our service directly and vice versa.

If a BC client is dealing with a matter in another province and they are unable to find contact information for that province they can contact the BC Legal Aid Call Centre at 1-866-577-2525 to get that information.

Each province will still have a Reciprocal Coordinator in case clients have trouble contacting the other provinces. Courtesy applications may be sent to the other provinces by the Reciprocal Coordinator in these cases. You may contact our Reciprocal Coordinator at reciprocity@lss.bc.ca to see if he can assist.

Discretionary coverage

Criminal cases

If an applicant is only marginally over the financial eligibility guidelines, by up to $200 on income or $500 on assets, and the matter is a serious and complex case that would likely result in a successful Rowbotham order, and there is available budget, the intake worker can send it for a discretionary coverage assessment.

Family

If an applicant is only marginally over the financial eligibility guidelines, by up to $500 on income or $500 on assets, and the matter is serious, and there is available budget, the intake worker can send it for a discretionary coverage assessment.

Immigration, and Appeal cases

If an applicant is only marginally over the financial eligibility guidelines, by up to $200 on income or $500 on assets, and the matter is serious, and there is available budget, the intake worker can send it for a discretionary coverage assessment.

CFCSA and Parents Legal Centres

There is no discretionary coverage for CFCSA or Parents Legal Centre matters as the financial eligibility income guidelines for CFCSA and the Parents Legal Centres are $1,000 over our regular financial eligibility guidelines. If a client is over the financial eligibility guidelines for CFCSA or the Parents Legal Centres, they are refused on the basis of financial eligibility and provided with a JG Application.

Exception review guidelines

Exception review merit considerations for all cases:

The decision to approve a case on exception review is a discretionary decision made by a Provincial Supervisor, Legal Aid Applications, and is based on established guidelines, a merit test, and available budget.

Merit considerations include:

- the applicant's issue is significant;
- the outcome will benefit the applicant and/or his/her children if the case is successful;
- the applicant has a reasonable likelihood of success;
- a reasonable person of modest means would themselves pay to pursue the case;
- the applicant does not have other viable options, other than legal representation, to deal with the issue; and
- there is remaining LSS budget available to fund the case.

Family cases

An application dealing with a matter under the Family Law Act can be sent for an exception review if:

- the applicant has recently been denied extended family services (within the past year);
- the applicant has received prior contracts in relation to the same children or parties;
- the emergency services policy is unduly harsh in the particular circumstances of an applicant's case or the circumstances are unusual and complex;
- the applicant has a mental or physical disability and is unable to represent him or herself (there must be a significant barrier that will create an injustice if the applicant is not represented);
- a significant injustice can only be avoided by appointing counsel;
- the applicant is so traumatized by past abuse that he/she is unable to represent him/herself;
- there is references in court documents to sexual, physical, emotional abuse; or
- the applicant is the subject of litigation harassment.

Criminal cases

If a policy is unduly harsh in the particular circumstances of an applicant's case or the circumstances are unusual and complex.

If an applicant has been charged with spousal assault (summary or indictable offence) where:

- there is no risk of jail if convicted; and
- he or she has a contract for a Family or CFCSA issue that might be negatively affected by the spousal assault charge.

Denial of Legal Aid

If a client is denied legal aid they can request a review of the decision. They must submit a written request within 30 days of the date of the decision. They should state why they disagree with the refusal and explain why they believe they should get legal aid. They also need to include any documents that might support their request for a review.

The request for review can be sent to:

Provincial Supervisor, Legal Aid Applications
Vancouver Regional Centre
400 – 510 Burrard Street
Vancouver, BC
V6C 3A8
Fax: 604-682-0787
Email: provincialsupervisors@lss.bc.ca

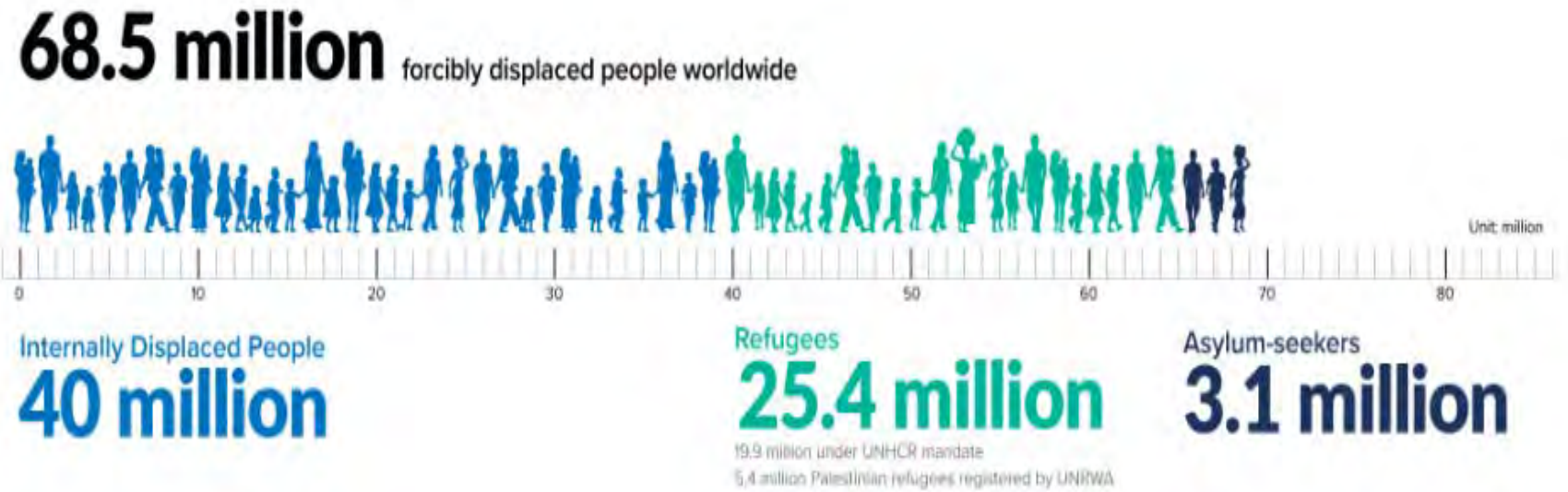
Refugees and the Law

Amanda Aziz
Lawyer
Embarkation Law Corp.

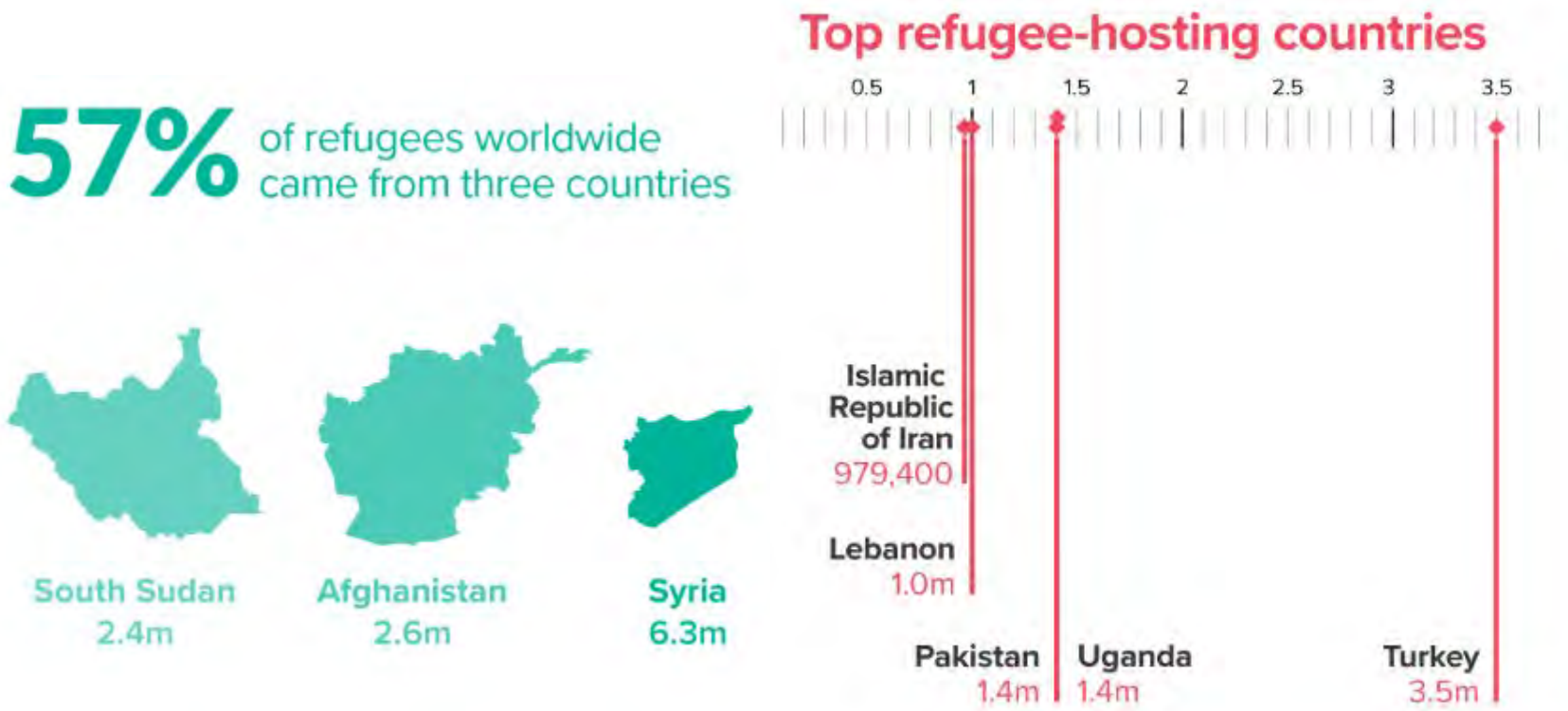
Molly Joeck
Lawyer
Edelmann & Co.

Refugee Lawyers‘ Group

Worldwide Figures at a Glance



Figures at a Glance



Canada Refugee Figures

Total Asylum Claimants processed by the CBSA and IRCC, January - February 2019

Provinces/Territories	Jan	Feb	Total
Newfoundland and Labrador	--	--	--
Prince Edward Island	0	0	0
Nova Scotia	10	15	25
New Brunswick	10	--	10
Québec	1,870	1,770	3,640
Ontario	2,150	2,215	4,360
Manitoba	10	30	40
Saskatchewan	15	5	20
Alberta	135	145	280
British Columbia	235	265	500
Yukon	0	0	0
Northwest Territories	--	0	--
Nunavut	0	--	--
Outside Canada	0	0	0
Total - CBSA & IRCC	**4,435**	**4,445**	**8,880**

Canada Refugee Figures

Total Asylum Claimants processed by the CBSA and IRCC, January – December 2018

Provinces/Territories	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Newfoundland and Labrador	10	5	10	5	5	--	10	--	--	--	15	--	70
Prince Edward Island	0	0	0	0	0	0	0	0	0	0	0	0	0
Nova Scotia	--	5	5	--	5	--	--	15	10	10	5	5	80
New Brunswick	--	--	5	5	--	--	5	5	5	5	5	--	45
Québec	2,065	2,110	2,385	2,930	2,300	1,880	2,340	2,510	2,450	2,590	2,210	2,175	27,950
Ontario	1,605	1,440	1,440	1,505	1,855	1,550	1,625	2,010	2,230	2,470	2,525	1,850	22,115
Manitoba	35	50	70	65	45	45	70	60	60	40	40	35	620
Saskatchewan	10	5	--	10	10	--	5	--	5	10	--	--	75
Alberta	130	120	105	130	115	110	170	180	175	210	160	160	1,760
British Columbia	135	170	170	160	190	175	175	190	235	265	245	195	2,310
Yukon	0	0	0	0	0	0	0	--	0	0	0	0	--
Northwest Territories	0	0	0	0	0	0	0	0	0	0	0	0	0
Nunavut	0	0	0	0	0	0	0	0	0	0	0	0	0
Outside Canada	0	0	0	0	0	0	0	0	0	0	0	0	0
Total - CBSA & IRCC	**4,005**	**3,910**	**4,200**	**4,815**	**4,525**	**3,775**	**4,400**	**4,975**	**5,170**	**5,610**	**5,210**	**4,430**	**55,025**

Canada Refugee Figures

Total Asylum Claimants processed by the CBSA and IRCC, January - December 2017

Provinces/Territories	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Newfoundland and Labrador	5	10	5	5	10	5	5	10	10	15	--	--	85
Prince Edward Island	0	0	0	0	0	0	0	0	0	--	0	0	--
Nova Scotia	--	--	0	5	10	10	5	15	5	--	10	10	85
New Brunswick	--	0	--	10	0	--	10	--	--	0	--	--	30
Québec	580	655	1,125	1,045	1,070	1,305	3,160	6,060	2,440	2,545	2,190	2,550	24,725
Ontario	1,730	1,875	1,795	1,580	1,605	1,540	1,480	2,090	1,730	1,655	1,620	1,510	20,210
Manitoba	35	95	155	125	120	85	100	105	75	100	60	35	1,085
Saskatchewan	--	--	10	20	15	10	5	10	5	10	--	--	100
Alberta	145	110	165	115	125	150	135	175	180	185	125	130	1,730
British Columbia	130	155	175	160	170	170	215	340	270	240	175	130	2,335
Yukon	0	0	0	0	0	0	0	0	0	0	0	0	0
Northwest Territories	0	0	0	0	--	0	0	0	0	0	0	0	--
Nunavut	0	0	0	0	0	0	0	0	0	0	0	0	0
Outside Canada	0	0	0	0	0	0	0	0	0	0	0	0	0
Total - CBSA & IRCC	**2,630**	**2,905**	**3,430**	**3,070**	**3,130**	**3,275**	**5,115**	**8,800**	**4,720**	**4,755**	**4,185**	**4,375**	**50,390**

Canada Refugee Figures

Total Asylum Claimants Processed by CBSA & IRCC Offices, 2011 - 2016

Provinces/Territories	2011	2012	2013	2014	2015	2016
Newfoundland and Labrador	10	15	--	10	15	60
Prince Edward Island	--	0	10	0	0	0
Nova Scotia	40	45	20	30	40	65
New Brunswick	20	20	10	15	5	20
Québec	4,490	4,480	2,405	2,635	2,955	4,655
Ontario	18,480	14,010	6,785	9,225	11,090	16,205
Manitoba	150	150	80	165	175	240
Saskatchewan	65	55	40	35	45	80
Alberta	875	780	495	625	955	1,205
British Columbia	1,175	920	510	695	780	1,335
Yukon	0	0	--	0	0	--
Northwest Territories	--	0	0	0	0	0
Nunavut	0	--	--	--	0	0
Outside Canada	0	0	0	0	0	0
Total - CBSA & IRCC	**25,315**	**20,470**	**10,365**	**13,440**	**16,060**	**23,870**

Canada Refugee Figures

- Per year / over last 10 years:
  - 26,000 average refugees arrive in Canada –
  - 11,000 - refugees who came to Canada and successfully claimed refugee status
  - 4,000 were their dependents
  - 7,000 refugees received government assistance to resettle in Canada, and
  - 4,000 privately sponsored (by citizens and community groups)

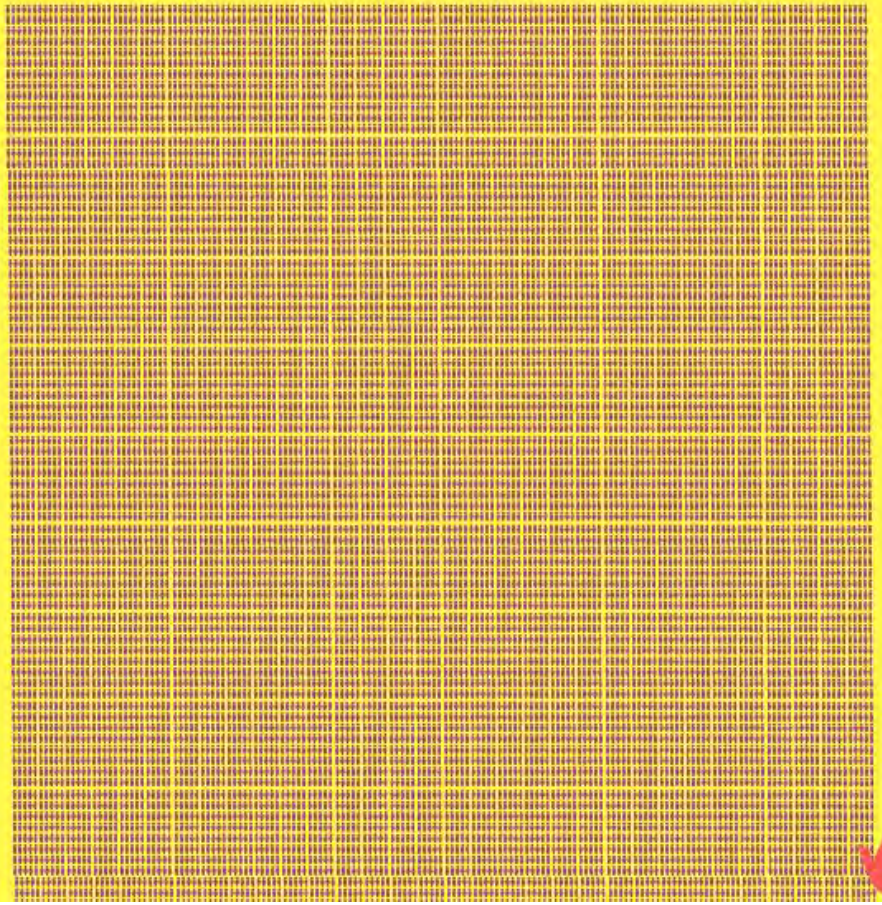
Category	2010	2011	2012	2013	2014
Government-assisted refugees	7,264	7,363	5,412	5661	7573
Privately sponsored refugees	4,833	5,584	4,225	6269	4560
Blended Visa Office-Referred refugees				153	177
Refugees landed in Canada	9,038	10,743	8,586	8036	7749
Refugee dependants	3,562	4,183	4,856	3712	3227

Top 25 Source Countries

Nigeria	Venezuela	Syria
India	Haiti	Afghanistan
Mexico	Egypt	Somalia
Colombia	Congo	Palestine
Iran	Bangladesh	Sri Lanka
Pakistan	Ethiopia	
Turkey	Burundi	
China	Eritrea	
USA	Sudan	
Romania	Sudan	

THERE IS NO BORDER CRISIS!

Number of tourists who entered Canada from the US in 2018: 24,400,250



Number of asylum claimants from the US who entered Canada on foot in 2018: 20,587



they keep going

UNHCR
The UN Refugee Agency

WHO CAN GET REFUGEE PROTECTION IN CANADA?

YOU NEED TO SHOW THAT YOU CANNOT RETURN TO YOUR COUNTRY OF NATIONALITY (OR OF HABITUAL RESIDENCE) BECAUSE YOU FEAR PERSECUTION FOR AT LEAST ONE OF THE FOLLOWING REASONS:

1. RACE OR NATIONALITY



Examples:
ethnic and language groups

2. RELIGION



Examples:
religious minorities, religious converts

3. MEMBER OF A PARTICULAR SOCIAL GROUP



Examples:
sexual orientation, gender identity, gender-based violence, family

4. POLITICAL OPINION



Examples:
journalists/bloggers, human rights activists, real or perceived government opponents

OR IF YOU FEAR ONE OF THE FOLLOWING:

1. RISK TO YOUR LIFE / CRUEL AND INHUMAN TREATMENT



Personal risk (for example victims of crime and revenge) that is not faced by the general population

2. RISK OF TORTURE



Severe mental or physical harm committed by the authorities (or under their orders/with their consent) to get information or for punishment

Refugee Definition

UN REFUGEE CONVENTION, IRPA s.96

96. A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

- is outside each of their countries of nationality (or habitual residence, if stateless) and is unable or, by reason of that fear, unwilling to avail themself of the protection of each of those countries (no state protection);
- Nowhere in that country they could go to be safe (Internal flight alternative)

Refugee Definition

PERSONS IN NEED OF PROTECTION, IRPA s. 97

97 (1) A person in need of protection is a person in Canada whose removal to their country of nationality or former habitual residence (if stateless), would subject them personally:

(a) to a danger, believed on substantial grounds to exist, of torture within the meaning of Article 1 of the Convention Against Torture; or

(b) risk to life or of cruel and unusual treatment or punishment

Refugee Definition

- 1951 Convention Relating to the Status of Refugees and 1967 Protocol - Signatory
- Principle of Non-refoulement – Article 33(1) of the Refugee Convention:
  - "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."
- Definitions do not include refugees fleeing famine, poverty, natural disasters or wars
  - factors may be relevant in determining issues such as internal flight alternative.
- Subjective/Objective fear/credibility (~delay/failure to claim)

Exclusion

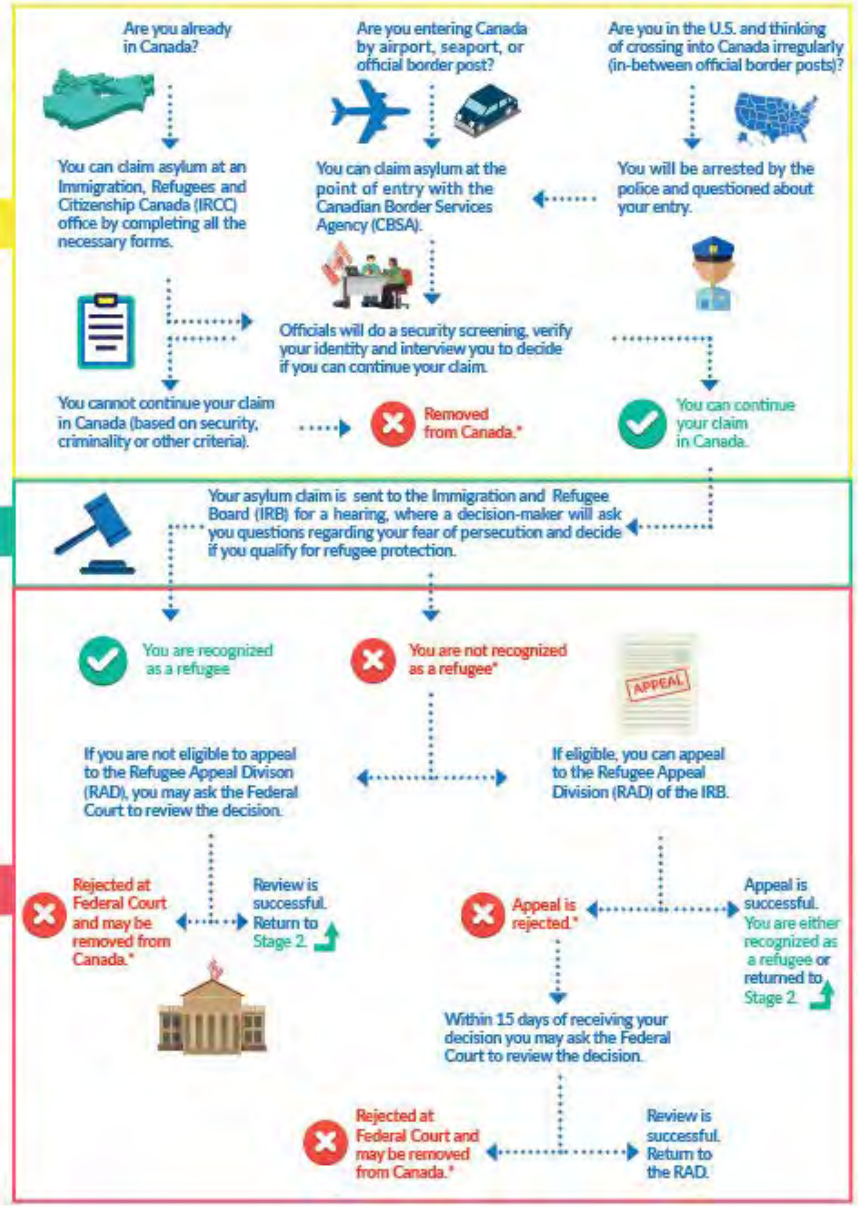
- Should the person be excluded from Canada's protection because they have status in another country (Article 1E) or
- because they do not have a right to Canada's protection (Article 1F) for example because of war crimes, serious criminality, crimes against humanity, etc.?
  - 1FA – war crimes or crimes against humanity
  - 1FB – serious non-political crime
  - 1FC – crimes contrary to the principles of the United Nations

Making a Refugee Claim in Canada

- **Where:** Port of entry* or Inland IRCC office
  - Except at US border (Safe-third country agreement)
- **How:** Say “refugee” “fear” to a CBSA or IRCC officer
- **When:** Before a removal order is issued, and (for inland claimants) preferably before their status has expired
- **To whom:** IRCC or CBSA officer [A99(3)]

UNHCR
The UN Refugee Agency

CLAIMING ASYLUM IN CANADA



*This chart does not include every step in the asylum process nor timelines for filing forms or evidence. You should get legal help to present your case before the IRB.

Exceptions to Safe Third Country Agreement

Does not apply, R159.2-R159.6 [A101(1)(e)] :

(a) a location that is not a port of entry (**irregular entry**);

(b) a port of entry that is a harbour port, including a ferry landing or, with some exceptions (transit through Canada), an airport

(c) **Qualifying Family member in Canada** with status or pending claim [includes parents, child, spouse, grandparents/ children, uncle, aunt, nephew or niece] not "in-laws"

(d) Unaccompanied Minors

(e) Document Holders or Visa Exemptions [eg. Mexico]

(f) Public Interest Exception - Death Penalty Cases (if not inadmissible)

Persons Ineligible to Claim

- **Removal order** issued [A99(3)]
- Previously granted refugee status [A101(1)(a)]
- **Previous claim rejected** [A101(1)(b)]
- Previous claim found ineligible [A101(1)(c)]
- Convention refugee in another country and can return there [A101(1)(d)]
- Arrived from designated **Safe Third Country** (United States) unless falls into exceptions
- Determined to be **inadmissible** on grounds of security, violating human or international rights, serious criminality or organized criminality [A101(1)(f)]

Inland Claim – the process

What is a BOC?

- BOC & other IRCC forms must be filed before presenting to initiate inland claim
- For Port of Entry claims, all forms are completed except BOC must be filed within 15 days
- Hearing date no longer given – first in, first out

Eligible to apply for:

- work permit/study permit (automatic on Schedule 12)
- Social assistance
- Interim Federal Health Care
- After claim initiated

Should begin to gather corroborative evidence asap

Inland Claim – the process

Acceptance of the claim –

- Protected person permanent residence application

Refusal of the Claim –

- Refugee Appeal Division (or judicial review)
- Removal order is stayed until appeal period expires or appeal is denied (note: not for DCO countries)
- Can submit new evidence to RAD (not on Judicial Review)

Other Avenues for Status

- Humanitarian and compassionate applications
- Pre-removal risk assessment applications
- People without status – stateless, non-removable
  - Eligible for work permit, study permit and social assistance
  - MSP
  - No ability to travel outside the country

- 10 million stateless people worldwide who have been denied a nationality and access to basic rights such as education, healthcare, employment and freedom of movement.

Overseas Sponsorship

- Sponsor: Group of 5 Canadians or permanent residents, Sponsorship agreement holders (SAH) or community group
- Refugee:
  - Definition under s. 96 (not 97); or
  - Persons who "have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violations of human rights" (ss. 146-147 IRPR); or
  - Per Minister's public policy categories. Recent examples include IRCC's temporary public policy to facilitate the sponsorship of Syrian and Iraqi refugees;
  - s. 25.1 IRPA, allows the Minister to grant an exemption if the Minister is of the opinion that it is justified by humanitarian & compassionate considerations relating to the applicant, taking into account the best interests of a child directly affected
- Must be recognized as refugee by UNHCR or another state – unless policy exemption or SAH sponsor
- Outside country of origin/risk
- No reasonable prospect of a durable solution in current country
- Will be able to become successfully established in Canada?
  - Unless in "urgent need of protection" or "vulnerable"; rarely applied in practice
- Must declare ALL relatives (children/spouse) or will be barred from sponsoring in future (Reg 117)

Loss of Status

- **Inadmissibility** (all immigrants):
  - Security, violating human or international rights, serious criminality (6 mo+ imprisonment, or potential of 10 year or more sentence) or organized criminality
  - Medical/family/financial – N/A to refugees/PRs
- **Danger Opinion:** Required to remove an inadmissible refugee
- **Cessation:** loss of refugee status for reavailment of protection of country of origin (obtaining passport / returning to country of origin) , new nationality, re-establishment, change of country conditions
- **Vacation:** loss of refugee status for fraudulent claims

Support is Critical

- Finding housing, navigating the world and succeeding in their claim
  - Evidence gathering, filling forms, emotional support, referrals, etc.
- Health – physical/ psychological
  - Mid-Main, Umbrella; Rain city; VAST
- Family or community organizations
  - SOS/Mosaic, Red Cross, VAST, Inland Refugee Society, Options, Kinbrace, ISS of BC etc., Ready Tours
- Legal representation
  - Legal Services Society, Law Students Legal Advice Program, Pro Bono BC
- Difficulties if detained

Tips for Support Workers

- Contact LSS or counsel *before* going to CBSA/Police/IRCC
- Credibility – first impressions matter forever
- Documentation to support claim – Begin gathering asap
- Brainstorm. Send scanned copies first – followed by originals in the mail
- Vulnerability/mental health issues/trauma – refer to VAST or counsellor for assessment asap

Questions?

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604-662-7404
amanda@embarkation.ca

Molly Joeck
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ATHENA LAW

Being Mortal: The importance of difficult conversations

Wills, Powers of Attorney & Representation Agreements

April 11, 2019

Housekeeping

Please mute mobile phones

Presentation duration: 50 mins

Q&A at end: 10 mins

ATHENA LAW

Agenda

ATHENA LAW

1. Welcome & Introduction
2. Wills, POA and Representation Agreements
3. Failing to Plan- Legal Consequences
4. Q&A & Closing

Testamentary (after death) v. Incapacity

- **WILL**
- **POWER OF ATTORNEY**
- **REPRESENTATION AGREEMENT**

WILL VS POA VS HEALTH CARE AGREEMENT

Estate Planning:

WILL = VOICE AFTER YOU'VE PASSED AWAY

Incapacity OR Personal Planning:

Power of Attorney = Voice while you are alive for legal, financial and property matters.

Representation Agreement: Voice while you are alive for healthcare decisions.

What's in a WILL (Why do I need one?)

- Who acts as your representative (Executor)
- Who takes care of Minors (Guardian)
- Who gets what and how (Beneficiaries)
- Funeral Wishes (Ceremony, What happens to Body)
- Digital Assets (What happens to your social media, website?)

What makes a Will Valid?

- Person who makes it must be 19 years or older
- Must be witnessed by 2 witnesses over the age of 19
- The 2 witnesses must be present at the same time as the Will-Maker sign the will
- Best to have witnesses who are not mentioned in the Will

New Marriage or Relationship= New Will

- Eg. Fred has a Will made in 1999 when he was single. In his Will he left everything to his siblings. Fred passed away last year. He had a new common-law partner who he had been with since 2001. Fred did not update his will.

- What happens with Fred's new partner?

- She will have to contest the will. Means she will have to make an application to state that Will was not valid and that Fred had intended to include in his will

ATHENA LAW

WESA- What happens if you don't have a will

1. **Dying Without a Will w/a Spouse (someone who is married to you or has been in a marriage-like relationship for 2 years and until the date of death.**

• SPOUSE AND DECEASED HAVE KIDS TOGETHER	• DECEASED HAS KIDS THAT ARE FROM A DIFFERENT RELATIONSHIP
Spouse gets up to $300,000 then remainder is split bet/amongst Kids (Spouse has option to purchase the family home BUT no life interest)	Spouse gets up to first $150,000 and then remainder is split bet/amongst kids

1. **Dying without a Will w/out a spouse or kids**

- Everything is distributed based on a PARENTELIC SCHEME!

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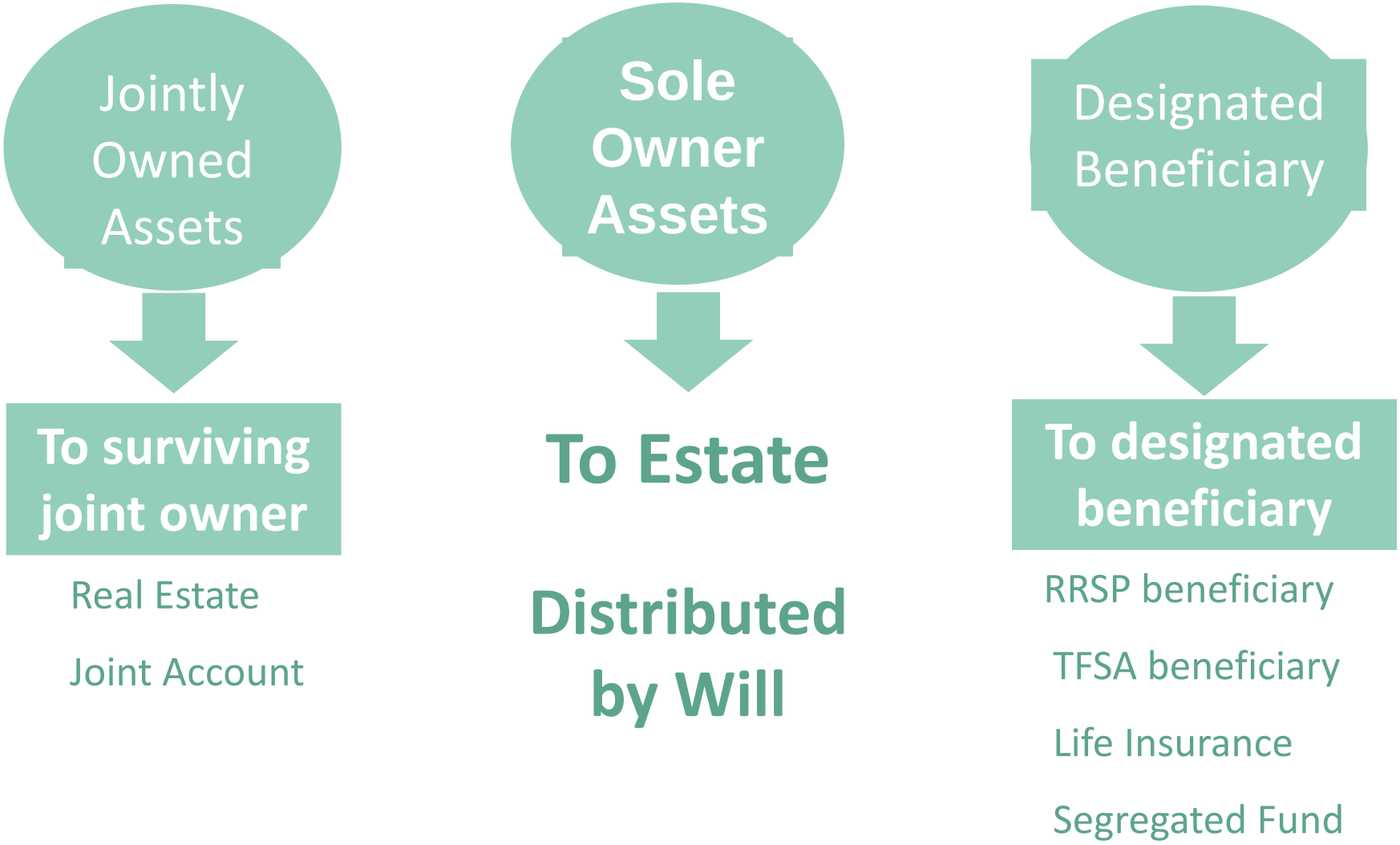
Other Instruments to Consider

- Joint Tenancy
- Living Trusts
- Spousal Trusts or Alter Ego Trusts
- Life Insurance & Segregated Funds

ATHENA
LAW

Joint Assets and Designated Beneficiaries

Not all assets are distributed through a Will

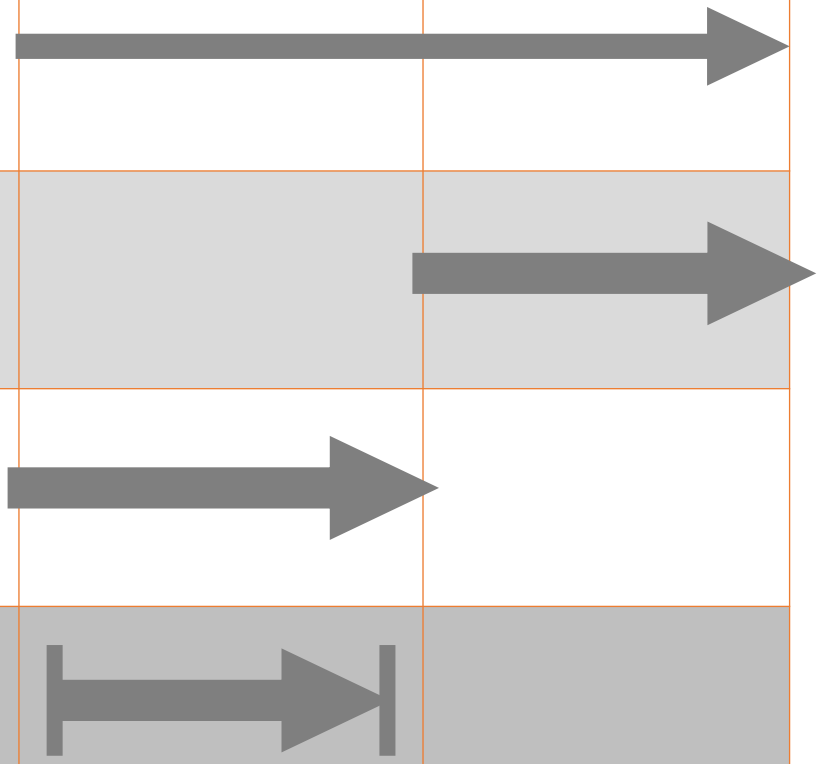


What is a Power of Attorney?

- Legal Document
- Allows adult (Donor) to appoint an Agent (Attorney) to make to make LEGAL AND FINANCIAL decisions on her/his behalf when they are still alive but are unable (due to lack of mental capacity* caused by illness or injury)

Types of Power of Attorney

Type	When active	Capable	Incapable
Enduring	Immediately and continues past point of incapability		
Springing	Starts at point of incapability		
Regular	Immediately and until incapable		
Limited	For specific time(s) and/or purpose(s)		



What can an Attorney Do?

- ✔Depends on type of POA appointment
- ✔Unless specified- almost everything to do with financial and legal decisions (i.e. paying bills, accessing bank accounts, investing, buying and selling stocks, credit card applications, changing beneficiary designations, etc…)
- ✔Buying and selling real estate
- Gifting money/donating to charities and others (including her/himself)

What can an Attorney Do?

- ✔Depends on type of POA appointment
- ✔Unless specified- almost everything to do with financial and legal decisions (i.e. paying bills, accessing bank accounts, investing, buying and selling stocks, credit card applications, changing beneficiary designations, etc…)
- ✔Buying and selling real estate
- Gifting money/donating to charities and others (including her/himself)

REPRESENTATION AGREEMENT S.9

Type	What is it
RA 9 (Adult has full capacity)	• Contract re **healthcare** decisions (can't be someone who is paid) • 1 or more representative • Can include advanced directive • specify any health care related wants or needs (NOT FINANCES) • recommend filing with your doctor(s) + nidus • Starts when adult is deemed "incapable" * • Can include coverage of requests under Health Care (Consent) and Facilities (Admissions) Act • 1 Witness Required only for Adult (*Note cannot be representative, spouse, child, parent of the representative, employee or agent of representative, or under 19)

REPRESENTATION AGREEMENT S.7

Type	What is it
RA 7 (Borderline Capacity)	• Contract re healthcare decisions (can't be someone who is paid) • 1 or more representative (Very specific signing requirements • **Cannot include Advanced Directive** • Personal care • Routine management of financial affairs (this includes things such as paying bill, depositing income, purchasing food/accommodation/services, and making investments). • It does **NOT** include, among other things, selling real property; • Major and minor health care (but not the extended powers below) • Obtaining legal services other than divorce; • • Accepting a care facility proposal if the facility is a family care home, group home for the mentally handicapped, or mental health boarding home

Keys to Good Planning



You Can Make a Simple Will with MYLAW BC

This DOES not cover the following:

1. Naming minor (under 19) has beneficiaries you will need to set-up a trust in your will
2. Donating to charities
3. Don't have an executor (need to consult with a legal clinic like APB)
4. Going through a Divorce or separation involving children and custody/guardianship issues
5. You can't sign off on your will because of illness
6. You have pets and you want specify ownership
7. You have a business or interest in a business
8. You own property abroad
9. You owe income tax abroad
10. You want to compensate your Executor for the work they have done

Other Community Resources

Seniors First
http://seniorsfirstbc.ca/

Access Pro Bono (Legal Help):
604.482.3195
300 – 845 Cambie Street, Vancouver, BC

Public Guardian & Trustee of BC
604-660-4444
www.trustee.bc.ca

Healthcare Representation Agreement:
B.C MY VOICE Program (Download file)
http://www.healthlinkbc.ca/healthfeatures/advance-care-planning.html

Nidus (personal planning registry)
http://www.nidus.ca/

ATHENA LAW

How to Contact Sonali?

ATHENA LAW
604.357.4772
sonali@athenalaw.ca



Questions

Thank you!

Elder Law and Advocacy

LSS- Presented by Sonali Sharma, Lawyer, Athena Law, Surrey, BC

April 11, 2019

Purpose of this Session

- Overview of what is elder law
- To Encourage Advocates and People working with Senior Persons to think about issues and how to support these individuals

What is Elder Law?

- Seniors (+65) population in BC is growing 25%
- Immigrants make up (28%) of the Senior Populations
- Most growing section = 85+
- Elder law is an area that deals with issues affecting the above population

What issues/risks do Seniors Face?

- Abuse(financial, emotion, physical, sexual, institutional, spiritual)
- Self Neglect
- Active Neglect by others (denying food, water, medication, etc…)
- Isolation
- Dependency
- Financial Abuse Transitions (Eg. Widow just loses her husband and has to manage her own finances, she may begin relying on new friends to help)
- Cultural and Socioeconomic factors and transitions

How to Report Abuse?

- ReACT Adult Protection Program
- Seniors Abuse Information Line (SAIL)
- Vancouver Police Department (Elder Abuse Unit)
- Designated Agencies

What can a Designated Agency do?

- Talk to Adult
- Take no further action
- Refer adult to other services or involve another agency
- Assist the Adult to get a POA or Representation Agreement
- Apply to the court for an interim order under the *Adult Guardianship Act* (upto 90 days) requiring person to stop staying at or away from premises where adult lives (unless person is a owner or on the lease)
- Apply for order for adult's maintenance

Public Guardian and Trustee Office

- Mandate to serve adults who require assistance wit decision making through protecting legal rights, financial interest and personal care interests

- 3 MAIN FUNCTIONS
  - Assessment and Investigation (when adult is incapable)
  - Make a report of the investigation
  - Depending on report- take action

Slide credit: Kari Boyle

Examples of Elder Advocacy

Ruth was 89 years old. She had no spouse or children. She owned property in Vancouver. Over the years, a friend became Ruth's major source of community and the friend moved in with Ruth. Ruth had diabetes and the friend didn't monitor and control. Ruth slowly started to physcially and mentally deteriorate. Ruth's friend convinced Ruth to transfer many of her assets into friend's name and bank at which she banked didn't find this strange as Ruth's friend always accompanied her. What happened to Ruth?

Elder Advocacy Examples

John was a teacher and had a stroke, which left him unable to communicate and led to onset dementia. He was recently moved into assisted care. He does not have children and has a nephew who can help. How do we support John as advocates?

Elder Advocacy Examples

Barbara has 3 children and lives with her husband and adult daughter who are her primary care givers (she has alzheimer's). Before Barbara became incapable of making her own decisions- she named one of her children as her Committee (Guardian). The costs of Barbara's care are expensive and even though Barbara's husband lives with her and they own the house together, he is limited in his decision-making abilities. He and his child don't see eye-to-eye. How do we support Barbara and her husband?

Community Resources

- Understanding and Responding to Elder Abuse E-book
  - https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/info-resources/elder-
- Seniors First
  - http://seniorsfirstbc.ca/

Slide credit: Kari Boyle

Questions

Thank you!

B.C. Welfare Law and Issues for Newcomers to Canada

Settlement Workers Conference

April 11, 2019

***Prepared by Alison Ward, Barrister and Solicitor, Community Legal Assistance Society, updated to April 9, 2019, based on and adapted from MOSAIC's Legal Issues for Newcomers (2014).*

There are several specific issues in welfare law that are likely to affect newcomers to British Columbia. I will review several of these below (these presentation notes are adapted from MOSAIC's publication, Legal Issues for Newcomers, of which I am one of two legal editors).

Background

Welfare (also sometimes called social assistance or income assistance) is money and/or other benefits that the Ministry of Social Development and Poverty Reduction ("the ministry") in B.C. gives to people who can't afford the basics of life, like housing, food and medicine. It's mostly given to people who can't work or find a job or can only find part-time work.

To qualify for welfare benefits, a person's "family unit" must earn less than a specified amount of money per month, and have assets (money and belongings) that are worth less than a specified amount. The ministry considers a "family unit" to include an individual (the applicant), their spouse/partner, and their dependent children who live with them. For a spouse/partner and children to be included in the family unit, they must be living with the applicant and, in the case of children/dependants, must be under 19 years of age.

There are four types of welfare benefits in B.C.:

1. Income assistance. What most people get when they receive welfare.

2. Hardship assistance. Temporary assistance for people who can't get income assistance or disability assistance but are in need *and* meet other specific requirements.

3. Persons with persistent multiple barriers benefits. For people with a medical condition that makes it difficult to work. Currently, recipients must have been on income assistance and/or hardship assistance for 12 out of the last 15 months to qualify.

4. Disability assistance: These are benefits for people who have received the Persons with Disabilities ("PWD") designation, and their family units. They are sometimes also called PWD benefits.

A person can apply for welfare if they:

- are an adult (19 years or older, with limited exceptions);

- live in B.C.; and

- meet the immigration requirements for welfare

Immigration requirements for welfare eligibility:

For a family unit to be eligible for welfare, at least one adult in the family unit must be EITHER:

a) a Canadian citizen,

b) authorized under an enactment of Canada to take up permanent residence in Canada,

c) determined under the *Immigration and Refugee Protection Act* (Canada) or the *Immigration Act* (Canada) to be a **Convention refugee**,

d) in Canada under a temporary resident permit issued under the *Immigration and Refugee Protection Act* (Canada) or on a minister's permit issued under the *Immigration Act* (Canada),

e) in the process of having his or her claim for refugee protection, or application for protection, determined or decided under the *Immigration and Refugee Protection Act* (Canada), OR

f) subject to a removal order under the *Immigration and Refugee Protection Act* (Canada) that cannot be executed.

*Source: See section 7(1) of the *Employment and Assistance Regulation,* and section 6 of the *Employment and Assistance for Persons with Disabilities Regulation*

What can you argue is a "removal order … that cannot be executed"?

Examples could include:

- a person who **has legal appeals and applications pending**. For example, they may have applied for judicial review of an immigration decision, and the removal order is stayed by the Court until the Court makes a decision about their case.

- a person who has applied for **Pre-Removal Risk Assessment (PRAA)**. In this situation, a removal order cannot be enforced until a decision has been made on the PRAA application.

- **Administrative deferral of removals (ADR)** – An ADR is used by the federal government to temporarily defer removals in situations of humanitarian crisis. An individual who is not allowed into Canada on grounds of criminality, international or human rights violations, organized crime, or security can still be removed despite the ADR. An ADR is currently in place for certain regions in Somalia (Middle Shabelle, Afgoye, and Mogadishu), the Gaza Strip, Syria, Mali, the Central African Republic, South Sudan, Libya, Yemen, Burundi, Venezuela and Haiti.

- **Temporary suspension of removals (TSR)** – The TSR program interrupts removals to a country or place when general conditions pose a risk to the entire civilian population. An individual who is not allowed into Canada on grounds of criminality, international or human rights violations, organized crime, or security can still be removed despite the TSR. Canada currently has a TSR in place for Afghanistan, the Democratic Republic of Congo, and Iraq.

- **Travel documents** – it is possible that CBSA may not be able to obtain a passport to allow the individual to enter another country (in other words, the other country may not agree to accept the person).

- **Identity** – it is possible that the person's identity or citizenship cannot be confirmed

One exception to the immigration requirements for welfare eligibility

There is one exception to the citizenship requirements for welfare above.

A single parent without any immigration status in Canada may get welfare if:

- at least one of their children is under 19, lives mostly with them, AND is a Canadian citizen;
- the parent has left an abusive spouse;
- the parent has made an application for permanent resident status in Canada (for example, an application based on humanitarian and compassionate concerns); AND
- the parent cannot leave BC with their child(ren) because of one of the following:

    - another resident of BC has parenting rights (also called custody and access) or contact (visitation) rights with one or more of their children through a court order, agreement, or other arrangement, and it would probably violate the order, agreement, or other arrangement if the parent left BC with the children;

    - another resident of BC is claiming parenting or contact rights with the child; OR

    - the parent or one of their children is being treated for a medical condition and leaving BC would be dangerous to that person's physical health.

What if an adult in the family unit does not meet the immigration requirements for welfare?

If an adult living in a family unit (e.g. a spouse) doesn't meet these immigration requirements, the ministry won't pay any welfare benefits for that person. Let's say the person without status lives in a family unit with their spouse (who is a Convention Refugee) and two dependent children. In this situation, the ministry will issue welfare benefits for a family of 3 people only.

Although the adult who doesn't meet the immigration requirements for welfare will not receive welfare benefits, the ministry considers any income the adult earns to be the family unit's income, and any assets they own will be considered to be the family assets.

Welfare applications by Sponsored Spouses or Dependants:

If an individual or their dependants were sponsored to come to Canada, their sponsor made a promise to support them for a certain number of years (either three or 10 years). Sponsorship is considered a legally binding contract.

If a sponsored person applies for welfare during these years, the ministry must be satisfied that their sponsor can't or won't support them. Normally, the ministry does this by contacting the person's sponsor and asking them if the sponsor is willing and able to continue supporting the person.

However, special rules apply where the sponsored person has been **abused by their sponsor**. If you have a sponsored client who is fleeing an abusive sponsor (either their spouse or other relative), it is very important that your client tell the ministry about the abuse when they first apply for welfare. The abuse does not need to be confirmed by a third party. Once a welfare applicant has disclosed abuse to the ministry, **the ministry is not supposed to contact the sponsor.**

Other requirements for welfare applicants

1. Three or five week work search

(*Note: in March 2019 the BC government announced it will be eliminating the 5 week work search. This change has not taken place yet, and we do not know when it will happen).*

Most people must complete a work search before they can get welfare benefits. If a person or their spouse has not received welfare benefits in BC before, the work search currently lasts for five weeks. If a person has received only hardship benefits in the past, their work search is also for five weeks.

If a person or their spouse has received welfare benefits in BC before, their work search lasts for three weeks.

There are some people who are not required to complete a work search before they can get welfare. These include:

- people who are fleeing an abusive spouse, or other abusive relative;
- a single parent with at least one child under three years of age;
- someone with a physical or mental health problem that the ministry believes prevents them from looking for work;
- people who are 65 or over;
- family units in which at least one person has been found to be a Person with Disabilities; and
- people who can't legally work in Canada (e.g. someone seeking refugee-protection status who isn't eligible for a work permit because they are from a Designated Country of Origin. In this case, the person must provide the ministry with documentation of their claim for refugee protection). If a person is applying to waive the work search rule on

the grounds that they are not eligible for a work permit, but their spouse can legally work in Canada, then the spouse must do the work search.

2. Welfare application where a person has immediate needs, or is fleeing abuse

i) Immediate Needs Assessment:

A person who must do a work search (either 3 or 5 weeks) usually does not get any welfare benefits until their work search has been completed.

There is one exception: if a person must do a work search but they have *an immediate need for food, shelter or urgent medical attention*, then:

- the ministry must schedule their eligibility interview (to see if the person is eligible for welfare) on an urgent basis. The ministry's service standard is the eligibility interview should be scheduled **within one business day** of the person first contacting the ministry.

- the ministry must give the person some help (like food vouchers if they have an immediate need for food, or referral to a shelter if they have an immediate need for shelter) while the person is waiting for their eligibility interview date; AND

- after their eligibility interview, if the ministry finds the person has immediate needs, the person will be able to receive money from the ministry called "hardship assistance" while they complete their work search. This type of hardship assistance is *not* repayable. The person must complete their work search while they receive hardship assistance.

ii) Fleeing Abuse

If a person who applies for welfare is fleeing an abusive spouse or relative, and tells the ministry that, the person is exempted from having to do a work search. The abuse does not need to be confirmed by a third party; disclosure is enough.

In addition, the ministry considers these applicants a "critical priority" and the person must be given an eligibility interview **within one business day.** The ministry must also meet needs they have for shelter, food or urgent medical care while they wait for their eligibility interview.

3. Ministry request for confirmation of overseas assets or other information where the person is a Convention Refugee

People applying for or receiving welfare must satisfy the ministry that they their income and assets are below the allowable levels for a family unit of their size.

As a result, the ministry often asks people with **assets in other countries** to obtain and provide more information about their worth, their ability to sell the asset, etc. Where the

person concerned has been found to be a Convention Refugee, this is very problematic. Under the *1951 United Nations Convention relating to the Status of Refugees* and international legal principles, a Convention Refugee **cannot be required to contact government or diplomatic representatives of their country of origin,** as requiring them to do so may put them at risk.

If you become aware of a situation where a Convention Refugee is asked to provide more information about assets in a country which they fled as a refugee, and they cannot do that without contacting their country of origin, they should be referred for legal advice.

Receiving Welfare

1. Employment Plan:

Most people who apply for and receive welfare must take part in an employment plan that assists them in their search for employment while on welfare. However, if a person does not have to do a work search (see above) the person does not have to have an employment plan.

People who live with a disabled spouse or child they must take care of may also be exempted from needing to have an employment plan.

People who receive disability assistance do not have to have an employment plan.

2. Welfare and Travel

If a person is receiving welfare, they can't be outside B.C. for more than 30 consecutive days per year. If they break this rule without getting permission **in advance**, they won't be able to collect welfare unless they requalify for it. If the person applies before they leave BC, the ministry may give permission to be outside BC for more than 30 days in a row for the following reasons:

- to study at a recognized school;
- for medical treatment prescribed by a doctor; or
- for special cases where it would be unfair to prevent the person from leaving B.C.

Welfare and Other Considerations

1. Thinking of Sponsoring a Family Member?

A person is not eligible to sponsor family members to come to Canada while that individual is receiving welfare.

There are three exceptions to this rule.

The following people who receive welfare can still sponsor a family member to come to Canada:

a) a person receiving disability assistance (also known as PWD benefits);

b) a convention refugee or protected person, if they are still in the process of being reunited with their dependents or spouse if;

   i. IRCC is aware of their dependents; and

   ii. the convention refugee or protected person has named their dependents on their application for permanent residence.

c) a permanent resident who arrived in Canada as a resettled refugee (e.g. overseas refugee resettled in Canada) if:

   i. they want to bring to Canada their spouse and/or dependent who were part of their application for permanent residence overseas, but who could not travel to Canada with the person; and

   ii. the resettled refugee applies within one year of their arrival in Canada under the IRCC's One Year Window of Opportunity rules to be reunited with their spouse or dependant child(ren).

2. WHEN NOT TO APPLY FOR WELFARE:

If a person applied for (or plans to apply for) permanent residency in Canada through any program other than as a convention refugee or a protected person, their immigration application can be negatively affected if they apply for and receive welfare.

If a person applies for welfare while living in Canada without legal status or has an expired visa or permit, the ministry can check that individual's immigration status, which could lead to an order for their removal from the country.

If the person doesn't have proper status in Canada or if they are applying for permanent residence through any program other than as a convention refugee or protected person, a qualified legal professional (e.g.an immigration lawyer or knowledgeable immigration consultant or advocate) should be consulted before person decides whether to apply for welfare

B.C. Welfare Law and Issues for Newcomers to Canada
Settlement Workers Conference
April 11, 2019

Welfare law resources:

a) Welfare legislation consists of the following Acts and Regulations:

Employment and Assistance Act
Employment and Assistance Regulation
Employment and Assistance for Persons with Disabilities Act
Employment and Assistance for Persons with Disabilities Regulation

Employment and Assistance Forms Regulation
Child in the Home of a Relative Program Transition Regulation

The first four documents are all available at https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual

The *Employment and Assistance Forms Regulation* and the *Child in the Home of a Relative Program Transition Regulation* are available at http://www.bclaws.ca/civix/content/complete/statreg/414786120/02040/reg02040/?xsl=/templates/browse.xsl

b) Welfare Policy:

The Ministry of Social Development and Poverty Reduction ("MSDPR") has a public policy manual called the BC Employment and Assistance Policy and Procedure Manual at https://www2.gov.bc.ca/gov/content/governments/policies-for-government/bcea-policy-and-procedure-manual (you can find it by using google to search for "MSDPR policy manual").

The best way to search the MSDPR policy manual is by using the "Search the BCEA Manual" link at the top left-hand side of its home page.

Remember that policy is NOT law. This policy manual is only MSDPR's *interpretation* of the law.

c) PovNet listserve on welfare issues:

This is a closed list-serve for welfare advocates maintained by PovNet. To subscribe, email nicky@povnet.org with a request to be subscribed to the welfare list, the name of the agency you work for, and a brief description of the work that you do.

d) LSS's Your Welfare Rights series

The Legal Services Society currently has 3 booklets dealing with welfare law issues:

1. How to apply for welfare:
2. Welfare Benefits; and
3. When you're on Welfare

They are all available for free online at https://lss.bc.ca/publications/subject.php?sub=17

You can also order printed copies of these publications for free through Crown Publications. For instructions about how to order, see https://lss.bc.ca/publications/ordering.php

Ministry of Social Development and Poverty Reduction

Service Standards

There are fluctuations with wait times, response, and decision times that can happen throughout the year (for example, cheque issue week). The target is to meet service standards at least 80 per cent of the time.

Applying for Assistance

After you have applied for assistance, the ministry will contact you about the application within:

» **5** business days, except as follows:
- if you are fleeing abuse **1** business day, or
- if you have an immediate need for food, shelter or urgent medical attention **1** business day

Access to Phone Service



Calls answered in **10** minutes or less

Service Delivery Timelines

Once you submit all the required documentation to the ministry, decisions on the following services will be provided within:

» Persons with Disabilities (PWD) Designation Determination
- **45** business days

» Persons with Persistent Multiple Barriers (PPMB)
- **10** business days

» Request for Reconsideration (after a signed request has been submitted)
- **10** business days
- **20** business days when an extension has been granted

We will work to meet these service standards and are committed to listening and addressing your service concerns. For more information, please call toll free **1 866 866-0800.**

BRITISH COLUMBIA
Ministry of Social Development and Poverty Reduction

7550003105

Section 211 Reports

By Taruna Agrawal, FASL Lawyer

Rise
WOMEN'S LEGAL CENTRE

DISCLAIMER

Nothing we say in this presentation should be construed as legal advice. This is simply for information purposes only. Please consult with a lawyer if you need legal advice.



Sources

- “Overview of Expert Reports in Family Law” by Jeffrey A. Rose, Q.C., and Kimberley J. Santerre
- J.P. Boyd’s Articles on Clicklaw Wikibooks

What is a s. 211 report?

- Also known as Needs of the Child Assessments.
- Tool to assist the court in making determinations when there is a family dispute.
- Pursuant to s. 211 of the *Family Law Act* (*FLA*), appoint a person to assess:
  - 1. the needs of a child;
  - 2. The views of a child; and
  - 3. The ability and willingness of a party (or both parties) to a family law dispute to satisfy the needs of a child
- Best Interest of the Child.
- Assessors have to be mindful to comment on the issue
  - *Harrison v. Harrison* 2016 BCSC 708



Different Kinds of Reports

- 1. Hear the child
- 2. Section 211 – Needs of the Child



NOT LEGAL ADVICE

1. Hear the Child Report

- Not the focus of our presentation
- Hear the Child Reports are supported by sections 37, 202 and 224(1)(b) of the BC *Family Law Act*.
- These are shorter and cheaper.
- Expert meets with the child and notes what the child says
- The court is requesting reliable hearsay evidence and not expert opinion
- Content is not binding



Section 37 FLA – Best Interest of the Child

- Section 37 is relevant to both s. 211 or s. 202 reports.
- All of the child's needs and circumstances including:
  - (a) the child's health and emotional well-being;
  - (b) the child's views, unless it would be inappropriate to consider them;
  - (c) the nature and strength of the relationships between the child and significant persons in the child's life;
  - (d) the history of the child's care;
  - (e) the child's needs for stability, given the child's age and stage of development;
  - (f) the ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with the child, to exercise his or her responsibilities;



Section 37 continued

- (g) the impact of any family violence on the child's safety, security or wellbeing, whether the family violence is directed toward the child or another family member;
- (h) whether the actions of a person responsible for family violence indicate that the person may be impaired in his or her ability to care for the child and meet the child's needs;
- (i) the appropriateness of an arrangement that would require the child's guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to the safety, security or well-being of the child or other family members;
- (j) any civil or criminal proceeding relevant to the child's safety, security or well-being.



Content of s. 211 Report

- Used by Courts to glean useful information about guardianship and parenting issues
- These are prepared by a qualified and neutral person
- Very helpful when parties' evidence is contrary
- The S. 211 (2) states that the following people can be appointed to author section 211 reports:
  - family justice counsellor,
  - a social worker or
  - another person approved by the court



NOT LEGAL ADVICE

What happens after someone is appointed to write a s. 211 report?

- The assessor meets with the parents separately
- Meets with parent and the child
- Other people involved in the child's life
- If the child is old enough, the assessor may speak with them
- Assessor then
  - prepares a report with their conclusions and recommendations
  - outline the tests or strategies that they used to reach those conclusions

**content for this slide is based on JP Boyd's article title "Children in Family Law Matters" on clicklaw*



FAQ: “Can we each get our own expert?”

- Generally, no
- Courts have clarified that a s. 211 report must be written by a single author rather than by multiple professionals or agencies.
- There was a case in 2015, *L.C.T. v. R. K.* 2015 BCSC 2378, where two separate reports were prepared and admitted into evidence at trial.
  - The court said that the fact that another doctor would have conducted the assessments differently is not helpful. “The standard of preparing these reports is not perfection. There is no protocol or checklist that must be exactly followed in every case. … The authors of the s. 211 reports must be free to use their education, experience and expertise to conduct the assessments with an eye to the objective of assisting the courts in determining what is in the children’s best interests” [419]
  - The court gave the critique report “little weight” because the critique author was found to be biased and acting as an advocate of the person who hired her.



What sort of legal issues give rise to such a report?

- Cases of high conflict
- Involving children
- Parents do not agree on parenting time
- There are concerns about parental alienation
- Cases where there are allegations of abuse



NOT LEGAL ADVICE

How do you get these reports?

- Parties either consent or you obtain a court order
- What if parties do not agree on the author?



What do the courts look at before ordering this report?

- Welfare of the child is at issue
- Low threshold to establish that s. 211 report is needed.
- BUT
  - S. 211 report can be disruptive.
  - negative mental and emotional consequences are weighed against the potential probative value of the opinion.
  - Costs of the report may be prohibitive



Section 211 Reports are not binding

- Judges are not bound by the recommendations in the report
- Parties may present Critique Reports (discussed later)
- Ultimately, best interest of the child is an assessment for the court



Role of s. 211 Reports

- Case law states that the authors of the reports act as the courts "eyes and ears in what are … frequently highly emotional areas of conflict" *Goudie v. Goudie* [1993] B.C.J. No. 1049 (SC) at para 33
- Give Recommendations
  - "To aid the court and counsel in their respective tasks, in British Columbia, counsel and the court are permitted to seek the assistance of an independent and impartial investigator and to call on that investigator to make recommendations based on the results of that investigation." *B.V. B.* 2004 BCSC 72 at para 36
- The judge looks at the assessor's evidence. The judge ultimately decides the issues
  - "Regardless of the information that goes to the report writer, the court ultimately hast he discretion to review the background information presented in the report, carry out an independent assessment based on the evidence at trial, and come to a different conclusion as to the best interests of the child": *K.B. v. J.B.* 2015 BCSC 704 at para 10
- Reports can aid settlement



Critique Reports

- One party may hire another specialist to provide a critique of the section 211 report.
- Not to be used as a matter of course
- Courts do not always enter these into evidence or may restrict the scope of the critique report.

  - *B.T.R. v. U.A.* 2014 BCSC 1012.
    - The court did not allow the critique report.
    - Reason- the psychologist had a clear bias and was advancing the mother's interest



Critique reports continued

- *Dimitrijevic v. Pavlovich* 2016 BCSC 1529
- [16]"A critic is very limited in his or her analysis. Section 11.36 of the Code of Conduct of the B.C. College of Psychologists dictates what psychologists can do when they are reviewing the report of another psychologist:
  - (a) they must limit comments to methods and procedures;
  - (b) they must not state any conclusions unless they have done their own individual assessments; and
  - (c) they must restrict themselves to comments as to their sufficiency and accuracy."



Challenging s. 211 without a critique report

- *D.J.D. v. M.L.D.* 2016 BCSC 1515
  - Honourable Madam Justice Dardi was not pleased with he assessor's methodology.
  - Assessor met with each parent and the children.
  - "the two observation periods are not comparable" [para 59]
- *R.R. v. S.L.* 2016 BCSC 1230
  - The Honourable Mr. Justice Butler's said that the assessor "P "ventured to offer an opinion which goes far beyond his limited foundation of fact and information. He has opined that the Mother is not responsible for the estrangement without any assessment of the children and the Father. He has not observed the children with either parent. I also doubt that he reviewed the MCFD material in any detail.... He makes no reference to any of the information in [the MCFD] volume of material." [para 89]



Who receives a copy of the report?

- *BC Supreme Court Family Rule* 12-1(1)(b)- The author of a s. 211 report must file a copy of the report and serve it on all parties at least 42 days before the scheduled trial date
- Section 211(4)*FLA* also requires disclosure of the report to the parties and the court.



Advantages

- In cases of violence or parental alienation, these are a great way to present evidence to the court
- May aid settlement
- Gives court a detailed understanding of the circumstances
- Report is independent and neutral



NOT LEGAL ADVICE

Disadvantages

- Very expensive
- Time consuming
- If there is no agreement on an author, may need to bring an application
- Process can be emotionally difficult for children



How do you prepare clients for these reports

- Let them know that they will be meet with the assessor one on one
- Their parents (if involved in the child's life intimately) may also meet with the assessor
- The assessor may wish to meet with the children alone
- The assessor may observe them with their children
- If they can't make a demand work or if it seems unreasonable, then they can speak with a lawyer. There are free services available.
- Information is power.



THANK YOU!

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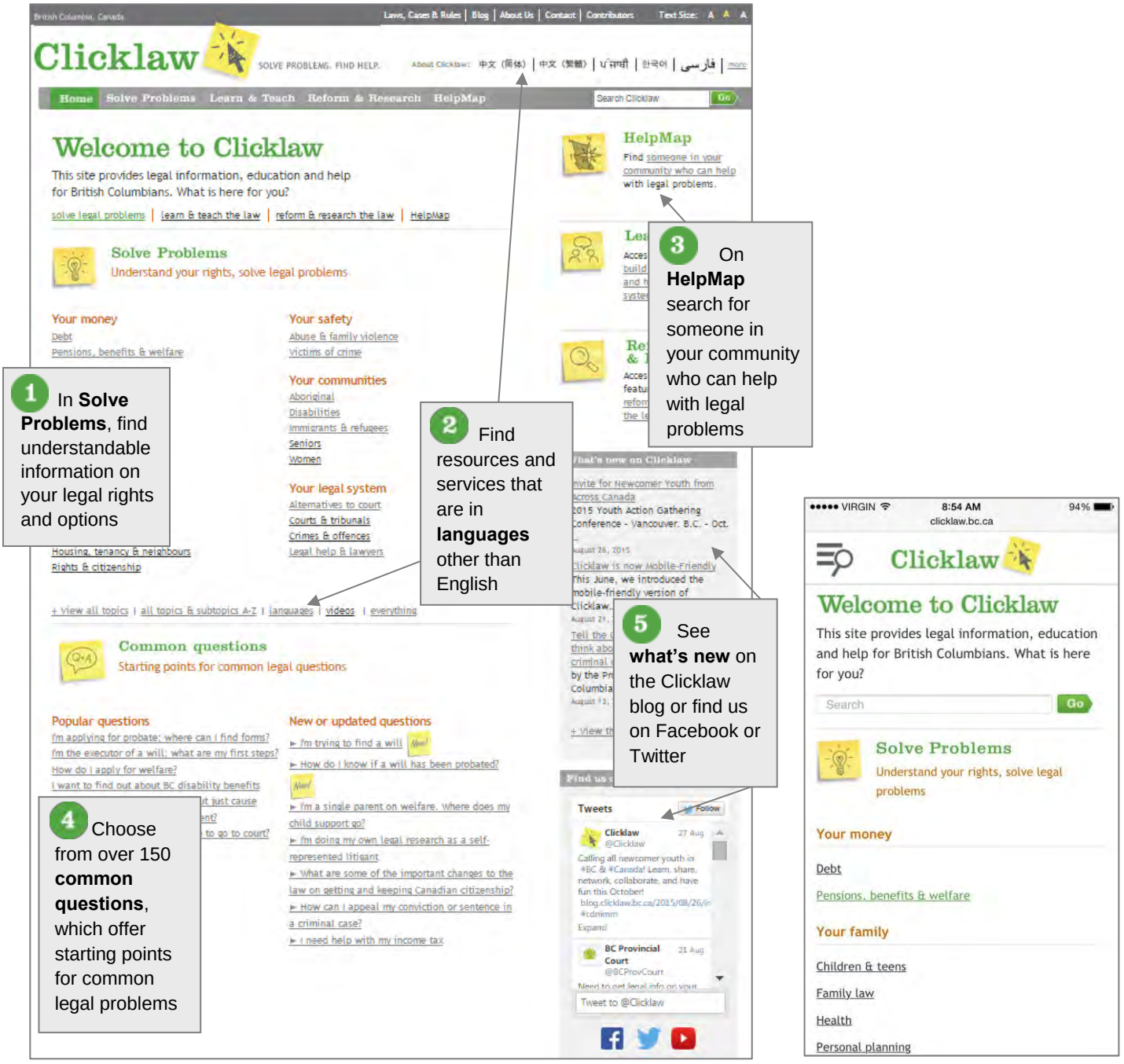
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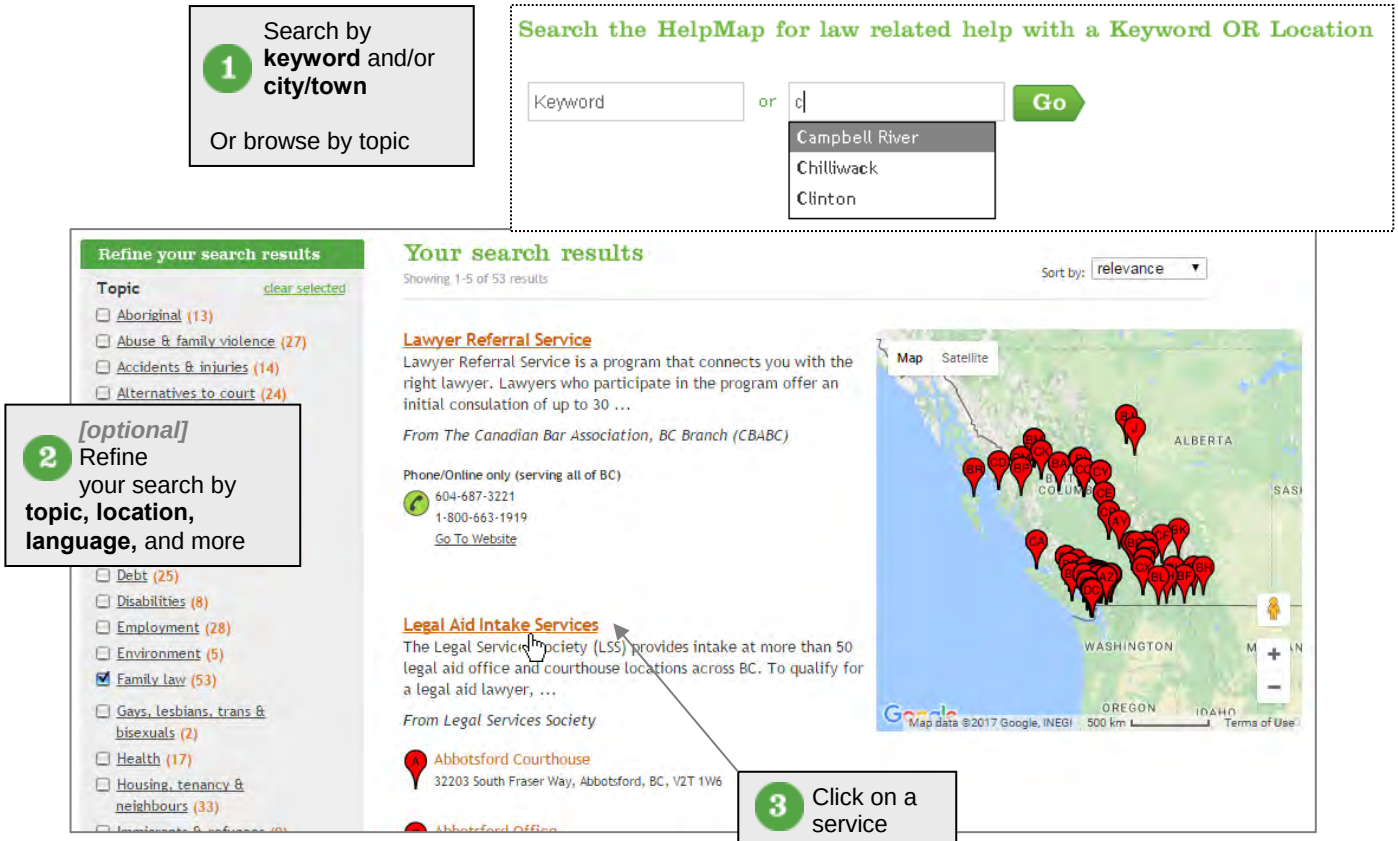


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