

# Family Tariff



Legal  
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# Family Tariff

## General Tariff Information

This chapter of *LSS Tariffs* provides information about how LSS will compensate you for family law services that you provide to clients. For general information about the terms of your contract with LSS, see *General Terms and Conditions*. For information about billing family appeals, see *Appeals and Judicial Reviews*. For information about billing disbursement items, see *Disbursements*.

## Scope of the family representation contract

Each family law representation contract identifies the primary legal issues for which the contract was issued (under “Contract Details”). These issues generally involve emergency or high conflict situations (current coverage and eligibility guidelines are outlined on the LSS website under [Legal Aid — Representation](#)). The services you provide to your client should focus on the primary legal issues identified on the representation contract. If after addressing the primary legal issues listed on the contract you find you have time remaining, you may address your client’s significant family secondary legal issues. If you need more time to resolve the primary legal issues listed on the representation contract, you may apply for Extended Family Services (see next page).

You may discover after the first meeting with your client that they do not have a coverable issue. In this situation, provide LSS Intake with your opinion that there is no coverable issue and your client must return to LSS for reassessment before you proceed with the contract. LSS will determine if there is any issue that can be covered.

If your client has significant property issues in addition to their primary issues, please refer to the LSS [Settlements and Judgments policy](#).

## Scope of a protection order representation contract

You may receive a limited representation contract (“protection order only”) if your client requires a protection order under the *Family Law Act (FLA)* and does not otherwise qualify for a family law representation contract. Such contracts may be issued for family members, as defined by the *FLA*. The protection order only contract provides a limited amount of general preparation and actual court attendance, and authorizes you to obtain a protection order for the family member. It is not intended to resolve ancillary issues. Extended Family Services hours are not available for these contracts.

## Limited representation contract (trial period only)

Effective October 30, 2018, limited representation contracts are available for a trial period for eligible clients who have financial security issues and do not meet the coverage guidelines for a full family representation contract. To be eligible, clients must require legal assistance to effectively negotiate a settlement or represent themselves.

## Extended Family Services

Extended Family Services are available for eligible clients whose primary legal issues require more time than was specified in the initial legal aid representation contract. To be eligible for the hours available under Extended Family Services, your client must have a current family law representation contract and continue to qualify for legal aid. LSS then considers merit, available budget, and whether:

- there are significant contested issues involving sexual, mental, or physical abuse of the client or the client's children,
- the opposing party is using the justice system to continue a pattern of abuse or is preventing the resolution of a significant coverable issue,
- there is significant risk of the client being alienated from their children,
- the client or children may be left at risk if coverage of the case is discontinued, and/or
- resolution of guardianship/contact or custody/access issues will have a significant positive impact on the relationship between the client and their children or on the environment in which the children are raised.

Merit considerations for extended family services include whether:

- the underlying issues that entitled the client to the initial family representation contract have not been stabilized;
- resolution will have a significant impact on the client's ability to maintain their or their children's safety or the client's basic ability to feed, clothe, and house themselves or their children;
- there is a reasonable likelihood of success;
- a reasonable person of modest means would themselves pay to pursue the case;
- the client has made good faith efforts to negotiate a settlement where appropriate;
- existing interim orders (that are not ex parte) do not provide sufficient stability for the client's situation so that it is necessary, rather than merely desirable, to obtain a final order;



- hours available under the family tariff have been reasonably used to address the primary legal issues that entitled the client to the representation contract; and
- there is remaining LSS budget available to fund the case.

**Note:** Extended Family Services are not available where matrimonial real property on reserve is the only outstanding issue.

To apply for Extended Services, please submit a tariff item authorization request via LSS Online and attach an Extended Family Services Opinion Letter. This letter is available in LSS Online under **Resources — Forms**. You must also ensure that your invoices are up to date.

If you require additional hours to resolve the primary legal issues listed on the representation contract and the contract is near the service stop date, request Extended Family Services rather than have your client re-apply for legal aid. If your Extended Family Services request is approved, LSS may adjust your service stop date.

If you are approved for Extended Family Services, you can still use any hours remaining from the initial representation contract.

## Timekeeping

You must keep timekeeping records for each representation contract and retain them for at least five years from the date of payment of the final invoice. When invoicing for services billable on an hourly basis, you must attach a timekeeping record that specifies the date(s) and time spent on each task. LSS may ask you to provide additional information about the case or services rendered to date when considering requests for extra fees or Extended Family Services, or as part of our audit process. If you prefer, you may use the timesheet provided in LSS Online under **Resources — Forms**. You can also view an example of a completed timesheet.

## Billing Items

Use the information in this section when billing via LSS Online.

For family law representation contracts, bill your actual time spent (in total hours) as specified in your timekeeping records, up to the maximum available. Bill all items in hourly increments accurate to 10ths of an hour unless noted otherwise.

**Note:** You will need to request authorization via LSS Online to bill the following:

- more than the LSS Online billing maximum (check each of your contracts in LSS Online to see the list of tariff items you can bill and the maximum units for each item); and
- a tariff item that does not appear on your contract in LSS Online (LSS will apply the authorization guidelines as stated in the *LSS Tariffs* for that particular tariff item).

## General preparation

- Includes all basic preparation for a family law representation contract that you cannot bill elsewhere. As well, if you have used the maximum hours available to you under another specific tariff item, you may bill any outstanding hours as general preparation. General preparation includes the following, (as applicable):
  - interviewing your client or witnesses
  - taking instructions
  - preparing correspondence
  - preparing and filing court documents
  - negotiating settlements
  - working with expert witnesses
  - preparing written arguments
  - drafting separation agreements, minutes of settlement, or consent orders
  - preparing for applications and hearings
  - preparing for case or settlement conferences
  - preparing for Examinations for Discovery
  - preparing and submitting an opinion letter for Extended Family Services



**Up to 35 hours**

Family law contract

**Up to 7 hours**

Protection order contract

## Extended Family Services — General preparation

- Prior authorization is required to bill this item.
- See “General preparation” above for guidelines on when to bill this item.

**Up to 25 hours**

## Preparation for Supreme Court

- Includes preparing for cases that are in the Supreme Court (e.g., drafting pleadings and document disclosure, preparing or responding to a Supreme Court application to establish interim orders, preparing for Examinations for Discovery, or preparing for trial or summary trial).
- Provide the court file number when billing.

**Up to 10 hours**

## Extended Family Services — Preparation for Supreme Court

- Prior authorization is required to bill this item.
- See “Preparation for Supreme Court” above for guidelines on when to bill this item.

**Up to 15 hours**

## Preparation for out-of-court dispute resolution

- Includes preparing your client for mediation sessions, arbitration, or collaborative settlement meetings (such as formal collaborative meetings or other interest-based settlement meetings where negotiations are conducted in the presence of your client, opposing counsel, and the opposing party).

**Up to 10 hours**

## Preparation for issues related to matrimonial real property on reserve

- Billable for preparation related to:
  - the use, occupation, or possession of the family home, and/or
  - the division of value of matrimonial real property (MRP) on reserve where it is a significant secondary legal issue, or central to stabilizing or resolving the primary legal issue(s).
- Preparation includes the following:
  - researching applicable laws and customs,
  - preparing or responding to an application for exclusive occupation of the family home under the *Family Homes on Reserves and Matrimonial Interests or Rights Act*,
  - negotiating or drafting an agreement for the use, occupation, or possession of the family home or the division of value of MRP through mediation or Indigenous dispute resolution processes, and
  - preparing or responding to a Supreme Court application for division of value of MRP.
- Bill any attendance (such as for mediation, Indigenous dispute resolution processes, or Supreme Court) separately under the applicable Attendance tariff item.

**Up to 10 hours**

## Attendance for out-of-court dispute resolution

- Includes attending mediation sessions, arbitration, or collaborative settlement meetings (such as formal collaborative meetings or other interest-based settlement meetings where negotiations are conducted in the presence of your client, opposing counsel, and the opposing party).
- Note: The conditions for retaining a mediator or arbitrator are in the *Disbursements Tariff*. The cost of a mediator or arbitrator is to be shared between the parties unless prior authorization has been granted by the Case Management Section.
- Provide attendance date(s) and actual time spent.

**Up to 15 hours**



## Attendance for court processes

- Includes appearing in court for hearings of interim applications or at trials, attending a case or settlement conference convened by the Provincial or Supreme Court, and attending Examinations for Discovery.
- Provide the hearing date and the actual time spent in court. Bill from the time the appearance was scheduled to begin to its conclusion, excluding meal breaks.
- Note: If hearings are set on the same day for more than one client, distribute waiting time in court equally between clients. Do not bill the same waiting time more than once.

**Actual time (up to the maximum stated on your contract)**

## Indigenous client support

- Billable if your client and/or their children are Indigenous.
- Billable for preparation or other work related to addressing the needs of Indigenous clients and/or their child(ren) where it will likely help resolve or maintain resolution for the family matter. Includes work that you cannot bill elsewhere. As well, this item is billable in addition to the hours available under General preparation. This item includes work such as:
  - planning related to the best interests of the child, including preserving Indigenous children's cultural heritage, identity, and connections to their extended family and community(ies)
  - custom adoptions
  - Sixties Scoop compensation
  - band or Métis membership and Indian status applications
  - Indian Act matters
  - housing and income support on reserve, or access to other benefit programs and services
  - drug, alcohol, or mental health issues
- Examples of services that could be provided are: interviewing a client, their family, or community members to identify the laws, customs, and traditions applicable to the client or their child(ren); developing a cultural safety agreement or healing plan; interviewing a client to identify issues, and researching and advising on remedy; helping to fill out forms; advocating for a client directly with an administering agent or agency (e.g., Aboriginal band); or researching and linking a client to an Elder or other Indigenous advocate or resource for assistance or support.

- Note: For work related to matrimonial real property on reserve issues, you can bill this item in addition to Preparation for issues related to matrimonial real property on reserve.

**Up to 2 hours**

## Travel

- Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 kilometres per round trip.
- Also billable for each half day you remain at the location (provide your destination and your travel date).
- You can bill travel fees if your representation contract states that travel is authorized under “Contract Details.” If not, you must request prior authorization via LSS Online.
- The maximum travel and out-of-office fee *on one date* is \$360, unless you bill other services for the same day, in which case the maximum is \$180.
- Travel fees are paid per trip, not per client.
- Note that if you fly between Victoria and Vancouver, you are not entitled to travel fees.

**\$180**



## Limited representation (trial period)

Under a limited representation contract, you may provide unbundled services to clients with financial security issues. The contract is intended to provide the client with the assistance necessary to effectively negotiate a settlement or represent themselves.

Limited representation contracts:

- include preparation time and limited court-based case conference attendance;
- have a one-year stop date and will not be eligible for extended family services or travel; and
- allow up to a maximum of 15 hours, which may be used in combination of preparation time and court-based case conference attendance time, if any.

## General preparation

- Includes all work related to a limited representation contract, including the following, (as applicable):
  - providing legal advice and coaching on case strategy, resolution options, and court procedures in Provincial or Supreme Court
  - contacting other parties for information and clarification
  - providing mediation support
  - preparing and filing court documents
  - negotiating settlements
  - drafting separation agreements, minutes of settlement, or consent orders
  - reviewing or providing independent legal advice regarding negotiated or mediated settlements
  - preparing for case or settlement conferences
- Note: You may be assisting the client to do some of the work listed above.

**Up to 15 hours**

## Attendance for case conferences

- Includes attending court-based case conferences in Provincial or Supreme Court
- Provide the hearing date and the actual time spent in court. Bill from the time the appearance was scheduled to begin to its conclusion, excluding meal breaks.

**Up to 3 hours**