



Family Lawyers Association

c/o Victoria Starr, Chair
112 Adelaide Street East
Toronto, Ontario
M5C 1K9

Tel.: (416)-203-7474
ext. 222
E-mail: victoriastarr@
starrfamilylaw.com
Web: www.flao.org

Submission of Issues and Representatives - to AG re Child Protection (September 26, 2011)

Issues to be addressed:

1. Enhancement of the Legal Aid Tariff for counsel representing parents in the Child Protection Court.
 - Number of hours allocated to these Certificates are inadequate.
 - Explore the use of a Big Case Management System through Legal Aid Ontario for Crown Wardship or Society Wardship trials so that the hard cases get funded.
 - Ability of parents counsel to retain experts in child protection cases challenges of parents counsel to mount a proper defence vs. child protection agencies.
 - Re-introduction of the Family Court Clinic system in Ontario to ensure professionals to conduct assessments are readily available in a timely fashion to conduct necessary assessments of parents and children.
2. Enhancement of services available in the area of children's mental health.
3. Enhancement of services to support parents in the areas of housing, life skills and mental health.
4. Easy identification of the services available to assist parents and children at the Court houses in Ontario.
5. Affordable and easily available legal education for lawyers and clinician practicing in the area of Child Protection. The AFCC and the Open Bar Series from 311 Jarvis are examples of such courses but these type of courses need to

be expanded and supported by the Ministry.

6. All efforts should be made to encourage younger lawyers to practice this area of the law.
 - Enhancement of Legal Aid Tariff.
 - Affordable and easily accessible education in this area.
 - Support to lawyers prepared to take on articling students who are prepared to practice child protection law. Typically, it is the sole practitioner or lawyers in smaller firms who practice in this area and the commitment to take on an articling student have its challenges.
 - Forgiveness of Student Loans for lawyers who commit a substantial portion of their practice to child protection work for a specified time period.
 - Liaise with law schools in Ontario to ensure there is a dedicated child protection course offered at each law school.
7. Administrative judges in all local regions in Ontario to convene multi-disciplinary commissions with child protection authorities and senior counsel to identify and resolve local concerns and identify what services are available and what services can and should be provided. Best practices for service delivery should be identified.
8. The A.G. and other relevant government ministries to undertake a comprehensive assessment of existing services available in the community and encourage the development of appropriate services to meet a particular community's needs.
9. Improvement of PCA - Nick Bala and Alan Leschied's report to the Ministry of Children and Youth Services.
10. Legal services of the child protection agencies should be run by the Ministry of the Attorney General and these counsel should be seconded to the local agency on a regional basis.
11. Development of a standardized set of procedures provide wide that compliments the Family Law Rules.
12. A standardized disclosure process province wide that would be required to be produced by the Societies to parents or their counsel and child's counsel that would be sent out within a required number of days after the Application is

commenced. Development of a set list of what is asked for and produced as a package.

13. Mediation shall be available province wide in child protection cases at the beginning of the Court Application. Use of mediation could sort out “terms of supervision” and thus avoid formal hearings.
14. Development of Standardized Consents or Order re: terms of supervision as have been developed in domestic cases.
15. Thorough examination of how cases are scheduled at the Court to provide for staggered start times and to have the Court purge all cases at the beginning of the day to ensure that those cases which are being resolved on consent or adjourned are dealt with before the contested cases.
16. Consistent use of the 14B Motion province wide where counsel agree is appropriate in order to deal with adjournments and matters proceeding on consent.
17. Examination of how the Courts, C.A.S., parents counsel and the unrepresented make use of conferences and other attendance. Stress the need for all to do negotiations well in advance of Court attendances. Positive requirement on the C.A.S. to meet the time lines required under the Family Law Rules for service of non-emergency Applications, Status Review Applications, Notice of Motions and supporting Affidavit and Statements of Agreed Facts.

Groups to be Involved in the Sessions:

1. Family Lawyers Association
2. Ontario Chapter of the Association of Family and Conciliation Courts including – Representatives from the Child Protection New Lawyers Group
3. Ontario Bar Association – Family Law Section
4. Justices at the O.C.J. Family Courts and Unified Family Courts
5. Children’s Lawyer of Ontario
6. Chair, Legal Aid Ontario
7. Senior Counsel representing parents and children
8. Senior Counsel of C.A.S.

9. Clinicians who work in the area of Child Protection
10. Senior administrative staff at the Court
11. Police Services - Records.

It is important to ensure that representatives are at the table from all areas of the Province.