



VIA EMAIL

Ref. 628538

May 17, 2022

Kerry L. Simmons, Q.C.
The Canadian Bar Association
British Columbia Branch
10th Floor, 845 Cambie Street
Vancouver BC V6B 5T3
Email: ksimmons@cbabc.org

Attention: Kerry L. Simmons

Family Law Act, section 203

Thank you for your letter of April 14, 2022, regarding s. 203 of the *Family Law Act* (FLA). The briefing note accompanying your letter describes concerns with s. 203 and proposes amendments that would remove the legislative threshold for appointing a lawyer to represent a child in an FLA proceeding and add a provision specifying that a child for whom a lawyer has been appointed has the rights of a party.

I appreciate the time and careful thought that CBABC members put into the briefing note. Government recognizes the benefits that a children's lawyer can bring to some cases under the FLA. Accordingly, the new *Provincial Court Family Rules* clarify the role and obligations of a children's lawyer and the information they are entitled to receive while representing a child. Also, the Province now provides approximately a million dollars annually to the Society for Children and Youth to expand the Society's capacity to meet the growing demand for legal services for children and youth and provide access to more lawyers across the province. With respect to the legislative concerns the CBABC has raised, the Family Policy Legislation and Transformation Division is undertaking a multi-phase project to review and modernize the FLA. The review will consider the legislative provisions addressing the appointment of a lawyer for a child in a proceeding under the FLA, including both the underlying policy and the specific language used in s. 203.

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Your offer to connect the ministry with lawyers who have further particulars and details about the CBABC's recommendation with respect to s. 203 is appreciated as their direct experience with this provision in the FLA will be valuable to the review. The names of the lawyers who are willing to provide this feedback may be provided directly to Nancy Carter, Executive Director of the Family Policy Legislation and Transformation Division, the division leading the review and modernization of the FLA. Nancy's email address is Nancy.Carter@gov.bc.com, or she may be contacted by telephone at 778-974-3687.

Thank you again for sharing the CBABC's views on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Salter". The signature is fluid and cursive, with a large, stylized initial "S".

Shannon Salter
Deputy Attorney General
and Deputy Minister Responsible for Housing

pc: Nancy Carter, Q.C.