

Presentation for the Canadian Bar Association

Child and Youth Legal Centre

Suzette Narbonne,
Managing Lawyer

Ashley Trac,
Administrative
Assistant

Society for Children and Youth of B.C.
303-1720 Grant Street, Vancouver, B.C. V5L 2Y7
Phone/Fax: 778-657-5544
Email: cylc@scyofbc.org

The Society for Children and Youth of BC (SCY) is a unique provincial organization dedicated to improving the well-being of children and youth in BC, using the *United Nations Convention on the Rights of the Child* as a foundation.

Since 1974, the Society has focused on providing a strong voice representing children and youth. We provide support to adult duty bearers to improve the well-being of children and youth in British Columbia.

Our vision is a British Columbia where children and youth are seen, heard and valued.

Our mission is to improve the well-being and resilience of children and youth in BC through the advancement of their civic, political, economic, social, cultural and legal rights.

The Child and Youth Legal Centre is an initiative established through SCY to provide direct legal services to children and youth in British Columbia relating to family matters, child protection, and other child and youth legal matters.

Since it was established in 2017, the Centre has advocated on behalf of vulnerable children and youth. Legal counsel will put forward the young person's views and interests. The child or youth must be able to instruct counsel and must be under the age of 19. The Centre does not prepare "Views of the Child Reports". Counsel may provide a summary of the child's views to the court and the parties.

Services are provided at no cost to the child or youth, provided that legal services are not otherwise available.

The Court can make an order under section 202 or 203 *Family Law Act* that a young person may be represented by counsel appointed by the Child and Youth Legal Centre.

The Centre is funded through the Law Foundation of British Columbia, the Ministry of the Attorney General, BC, and through the contributions of our generous donors.

To connect with us:

By phone: 778-657-5544
By email: cylc@scyofbc.org
In person: 303-1720 Grant St, Vancouver, BC

Appointment of Counsel for Children (s. 202 and 203, Rule 162)

D16	Appointment of SCYBC Counsel by Consent	The parties shall use their best efforts to retain legal counsel for <i>(child(ren)'s name)</i> , <i>(date of birth)</i> for which a referral will be made to the Society for Children and Youth of B.C.
D17	Appointment of Counsel	Pursuant to section 202 and/or 203(1) of the Family Law Act, the child(ren), <i>(name, date of birth)</i> may be represented by counsel appointed by the Child and Youth Legal Center <i>(lawyer's name)</i> .
D18	Powers of Counsel	Counsel for the child(ren) shall have full power to act for the child(ren) as though they are a party to these proceedings and, without limiting the generality of the foregoing, counsel for the child(ren) is/are authorized to: <ul style="list-style-type: none"> a) Receive copies of correspondence between counsel (or the parties, if unrepresented) in relation to the proceedings, except for <i>(limit scope of disclosure to issues related to the children)</i>; b) Receive copies of all professional reports and all records relating to the child(ren); c) Appear and participate in this proceeding, including the right to examine and cross-examine witnesses; and to call evidence and make submissions to the court, such submissions to include positions advanced on behalf of the child(ren); d) Talk to and meet with the child(ren) alone and confidentially or with others at any location without prior notice to the parents, including but not limited to the child(ren)'s school; e) Talk to and meet with the child(ren) alone and confidentially, with reasonable prior notice to the parents, at the residence of either parent; f) Communicate directly with the parents of the child(ren) for the purpose of scheduling any matters relating to the child(ren); g) Apply to be removed as the legal representative of the child(ren), if counsel for the child(ren) believes that such involvement is no longer in the child(ren)'s best interest or as instructed to do so by the child(ren); and h) Take other steps as authorized by the court.
D19	Release Information to Counsel	All third parties involved with the child(ren) and their guardians, including but not limited to the child(ren)'s teachers and school authorities, family and child counsellors and assessors, mediators, church representatives, visit supervisors, health care providers, psychologists, social workers and child welfare authorities are hereby authorized to release any and all information about the child(ren) to counsel for the child(ren) without the consent of the parents and/or guardians.
D20	Communications between parties and Counsel	The parties may communicate with counsel for the child(ren) via email or written correspondence. All communications between the parties and counsel for the child(ren) are not confidential and may be disclosed to the other party.
D21	Report to the Court by Counsel	Counsel for the child(ren) shall be permitted to provide a summary to this Court of the information acquired in the course of performing his or her duties and by doing so counsel for the child(ren) shall not be deemed to be a witness in these proceedings.

D22	Registry to Provide Copy of Order and Information Form for Appointment of Lawyer for Child to SCYBC	The registry shall provide the Society for Children and Youth with a copy of this order as soon as it is entered; all information required by the Society to enable counsel to act for the child(ren); and a copy of the completed "INFORMATION FORM FOR APPOINTMENT OF LAWYER FOR CHILD."
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Attendance Using Electronic Communication Including Telephone or Video (Rule 164)

D23	Order to permit Attendance Using Electronic Communication	Pursuant to Rule 164, <i>(name)</i> may attend the court appearance set for <i>(date)</i> by means of: <i>(set out method)</i>
D24	Provide documents prior to Court if Attending Through Electronic Communication	<i>(Choose number of days)</i> days prior to the court appearance, <i>(name)</i> shall provide to the other party and to the court with (a) a legible copy of all documents that <i>(name)</i> intends to rely upon at the court appearance (b) <i>(list any other documents to be provided, such as Financial Statement)</i> .

Conduct Orders (ss. 222 to 227)

D25	Party Communication Restriction	Pursuant to s. 225 of the Family Law Act, <i>(name 1)</i> will have no communication with <i>(name 2)</i> except <i>(describe means and / or circumstances of permitted communication)</i> .
D26	Mutual Communication Restriction	Pursuant to s. 225 of the Family Law Act, the parties shall communicate with each other only <i>(describe means and / or circumstances of permitted communication)</i> .
D27	Children's Interests and Conduct	The parties shall: <ul style="list-style-type: none"> a) put the best interests of the child(ren) before their own interests; b) encourage the child(ren) to have a good relationship with the other parent and speak to the child(ren) about the other parent and that parent's partner in a positive and respectful manner; and c) make a real effort to maintain polite, respectful communications with each other, refraining from any negative or hostile criticism, communication or argument in front of the child(ren). <p>Or</p> <p>The parties shall make a real effort to be polite and respectful when communicating with each other, and shall not argue, or say or do anything negative or hostile, if the child(ren) can see or hear them.</p>
D28	Speech to Children Conduct	The parties shall not: <ul style="list-style-type: none"> a) question the child(ren) about the other parent or time spent with the other parent beyond simple conversational questions; b) discuss with the child(ren) any inappropriate adult, court or legal matters; or c) blame, criticize or disparage the other parent to the child(ren).
D29	Family Speech Conduct	The parties shall encourage their respective families to refrain from any negative comments about the other parent and his or her extended family, and from discussions in front of the child(ren) concerning family issues or litigation.
D30	Report To	Pursuant to s. 227(b) of the Family Law Act, <i>(name)</i> shall report in person to <i>(the Court, named supervisor or counsellor)</i> no later than <i>(time)</i> on <i>(date)</i> at <i>(location)</i> .
D31	Attend Counselling	Pursuant to s. 224(1)(b) of the Family Law Act, <i>(name)</i> shall enroll in <i>(type)</i> counselling, and provide confirmation of attendance to <i>(person or Court)</i> by <i>(date)</i> .

Order – General

- Interim Order Final Order
- By Consent Without Notice

Registry Location:
Court File Number:

Form 44
 Provincial Court Family Rules
 Rule 168

In the Provincial Court of British Columbia

In the case between:

and

Before the Honourable Judge _____

On _____.

On the application of _____;

And

- on the Court determining that a court appearance is not required [and notice is not required]
- after attendance in court at _____, British Columbia on _____ by:

Persons appearing:

Lawyer:

Lawyer:

Lawyer:

This court orders that:

1. Pursuant to section 202 and/or 203(1) of the *Family Law Act*, the child(ren), _____, born _____, may be represented by counsel appointed by the Child and Youth Legal Centre, whose address for service and location is Suite 303-1720 Grant Street, Vancouver, B.C., V5L 2Y7, phone/facsimile 778-657-5544, or by a lawyer appointed by them.

2. Counsel for the child shall have full power to act for the child(ren) as though he/she/they is/are a party to these proceedings and, without limiting the generality of the foregoing, counsel for the child(ren) is/are authorized to:
 - a. Receive copies of correspondence between counsel (or the parties, if unrepresented) in relation to the proceedings;
 - b. Receive copies of all professional reports and all records relating to the child(ren);
 - c. Appear and participate in this proceeding, including the right to examine and cross-examine witnesses, and to call evidence and make submissions to the Court, such submissions to include positions advanced on behalf of the child(ren);
 - d. Talk to and meet with the child(ren) alone and confidentially or with others at any location without prior notice to the parents, including but not limited to the child(ren)'s school;
 - e. Talk to and meet with the child(ren) alone and confidentially, with reasonable prior notice to the parents, at the residence of either parent;
 - f. Communicate directly with the parents of the child(ren) for the purpose of scheduling any matters relating to the child(ren);
 - g. Apply to be removed as the legal representative of the child(ren), if counsel for the child(ren) believes that such involvement is no longer in the child(ren)'s best interest or as instructed to do so by the child(ren); and
 - h. Take other steps as authorized by the Court.
3. All third parties involved with the child(ren) and their guardians, including but not limited to the child(ren)'s teachers and school authorities, family and child counsellors and assessors, mediators, church representatives, visit supervisors, health care providers, psychologists, social workers and child welfare authorities are hereby authorized to release any and all information about the child(ren) to counsel for the child(ren) without the consent of the parents and/or guardians.
4. The parties may communicate with counsel for the child(ren) via email or written correspondence. All communications between the parties and counsel for the child(ren) are not confidential and may be disclosed to the other party.
5. Counsel for the child(ren) shall be permitted to provide a summary to this Court of the information acquired in the course of performing his or her duties and by doing so counsel for the child(ren) shall not be deemed to be a witness in these proceedings.

6. The registry is directed to provide a copy of this order directly to the Child and Youth Legal Centre as soon as the order is entered.

Approved as to form:

Signature of

Party lawyer for

Signature of

Party lawyer for

Signature of

Party lawyer for

By the Court

Information Form for Appointment of Lawyer for Child

Provincial Court Family Rules

Registry Location:
Court File Number:

To be completed by the parties:

Date of order appointing counsel (*if known*): _____
(mmm/dd/yyyy)

Next court date (*if known*): _____
(mmm/dd/yyyy)

Child's full name	Child's Date of Birth (mmm/dd/yyyy)

Contact information for children:

_____ (mailing address) (city) (postal code)

_____ (phone number(s)) (email)

Parties' names and contact information:

Name of party(ies) making application

attachment with additional party name(s) and contact information

_____ Name of party(ies) making application

_____ mailing address (if party is represented, counsel's contact information) (city) (postal code)

_____ (phone number(s)) (email)

Name of party(ies) responding to the application

attachment with additional party name(s) and contact information

_____ Name of party(ies) responding to the application

_____ mailing address (if party is represented, counsel's contact information) (city) (postal code)

_____ (phone number(s)) (email)

Child's lawyer

162 (1) If a case involves a child and the child is represented by a lawyer in the case, the lawyer for the child must

- (a) file and serve on the parties Form 40 [*Notice of Lawyer for Child*] when the lawyer starts representing the child, and
- (b) file and serve on the parties Form 41 [*Notice of Removal of Lawyer for Child*] when the lawyer stops representing the child.

(2) The lawyer for a child

- (a) must be notified of all hearings, conferences and trial dates relating to the case,
- (b) must be served all documents that the parties are served, and
- (c) may attend all hearings, conferences and trial dates relating to the case.

(3) For the purposes of these rules, a lawyer may start representing a child at any time during a case.

Notice of Lawyer for Child

Form 40

Provincial Court Family Rules

Rule 162

Registry Location:
Court File Number:

1. I _____ of _____,
(full name of lawyer) (firm name, if applicable)
am the lawyer for the following child(ren):

Child's full name	Child's Date of Birth (mmm/dd/yyyy)

2. I will be representing the child(ren) identified in section 1 on the following issue(s):

Select all options that apply

- parenting arrangements
- child support
- contact with a child
- guardianship of a child
- protection order
- priority parenting matter
- relocation
- other (*specify*) _____

3. My contact information and address for service of court documents are:

Firm name (if applicable):		
Address:		
City:	Province:	Postal Code:
Email:	Telephone:	

4. The parties to this case are: _____
(full name of each other party)

(full name of each other party)

5. I understand I need to serve each party with a filed copy of this notice

NOTE TO THE PARTIES: You are required to serve the lawyer for the child(ren) with copies of any court documents, including any application and supporting documents, as you would the other party, unless otherwise ordered by the court.

NOTE TO THE REGISTRY: The lawyer for the child(ren) is to be given notice of all court appearances and access to the court file, including copies of any filed document(s), as if they were a party, unless otherwise ordered by the court.

_____, 2022

[Name of Parent]
c/o [Lawyer name]

Re: [child name]
Court File No.
[court location]

We have received the [order/clerk's notes] respecting the appointment of counsel for the child in this matter.

Before we can schedule an appointment for [child/children- name] with a lawyer or an advocate we will gather some information and documents from you. This is part of our intake process. There are two steps to the intake process—the interview and gathering documents.

Step 1: Intake Interview

We will need to speak with you or with your child to begin the intake process. That meeting is just to get some basic contact information for the parties and the child/children and can be done by phone. It should take approximately 10 to 15 minutes. This is meant to be a brief meeting for us to get some basic information. We will not discuss the details of the case with you at that time.

Step 2: Gathering documents

As part of our intake, it is important for the lawyers to have copies of the documents that are in the court file.

Those documents will include:

- Any Court Orders or Written Agreements regarding the child/children
- Any Applications, Replies, or Counterclaims
- All Notice of Motions
- All Affidavits
- Any reports that have been filed regarding the child's views. Those might be a Section 211 Report or a Views of the Child Report.

It is your responsibility to provide these documents to us. You can send those to us by mail, fax or email.

Once we have done the intake meeting and have received those documents, we can schedule a meeting for your child with a lawyer or an advocate. **The appointment will only be scheduled after the intake process is completed.** You should try to complete this intake with us as soon as possible in order to ensure that your child is placed on our list to meet with a legal professional.

It is important that your child knows that they will be meeting with a lawyer and that they would like to meet with a lawyer. The lawyer can explain their rights to them, answer any questions, and help them to decide what the next steps should be. The lawyer can also go to court for them to make sure that their views are heard and are taken seriously.

I have attached a document that explains what you can expect when your child is represented by a lawyer at the Child and Youth Legal Centre. Please make sure that you read it carefully. If you have any questions about it, we can discuss that at the intake appointment.

Please contact me at your earliest possible opportunity so we can start this process. I can be reached by phone at 778-657-5544 or by email at cylc@scyofbc.org.

Yours truly,

Administrative Assistant

**CHILD AND YOUTH LEGAL CENTRE
(CYLC)**

WHAT YOU CAN EXPECT WHEN A CYLC LAWYER REPRESENTS YOUR CHILD

Important Information:

- Even though your child has a lawyer, if there is something in particular that you think your child wants or needs or that you would like to see happen, it remains your responsibility, as your child's parent, to try to make that happen whether it is a particular court order, counselling, travel, etc. As your child's lawyer, I may or may not support what you would like to have happen.
- When the court is involved, your child does not have decision-making authority. In addition, unless a judge says otherwise, there is no age at which your child has the right to decide where he or she is going to live or when he or she will see his or her other parent. Please do not tell your child they have these rights. They do not. They have the right to have their rights, interests and viewpoints considered and taken into account.
- Our goal is to seek a resolution of conflict between the two of you that benefits your child.
- At all times, our primary concern is your child's interests. We work very hard to maintain focus on your child and not to be distracted from attending to his or her interests.

Solicitor-Client Relationship:

- When I act as advocate for your child, I maintain a solicitor/client relationship with your child such that I do not share information that your child has asked me not to share.
- There is no confidentiality between me and you.
- Please do not ask your child what has happened in meetings with me. This is his or her information and you are not entitled to know it without consent.
- CYLC represents your child not you. Counsel for the child is neither parent's lawyer therefore please do your best not to ask me for legal advice for yourself. Do not ask your child to ask questions of me or anyone else at CYLC on your behalf.

Meetings with your child:

- I will attempt to meet with your child (my client) while he or she is in each parent's care so we appreciate the cooperation of each of you to achieve this.
- I will be in contact to arrange meetings between your child and I which, depending on the circumstances, including the age of the child and the availability and convenience of the meetings, will usually be confirmed only with the parent involved.

- Meetings will usually be approximately one hour but may be shorter or longer as circumstances dictate. Meetings with your child will be in private.
- Depending on circumstances, I will try to meet a minimum of three times with your child before making representations or providing information with respect to your child's rights, interests, viewpoints and their context.
- Generally, where I represent more than one of your children, I will meet with siblings separately.

Court proceedings:

- Before you set any court dates about parenting (residency, parenting time, access, travel, counselling, etc.) you must find out whether I am available and you must advise me of all court applications affecting your child.
- When there are court appearances I will speak to the court on your child's behalf and will do my best to ensure that both parents are aware of any information and any position counsel may be taking on behalf of my client prior to the court appearance. I apologize now if time restrictions ever prevent this from happening.
- I expect to be invited to attend any settlement meetings, mediations or arbitrations involving parenting issues about your child.
- As children should not be involved in discussions about financial matters, CYLC lawyers do not generally get involved in discussions or applications about child support but we do like to know when applications for child support are occurring.

Communication:

- Your child is entitled to contact me whenever he or she wishes. I may give your child my mobile phone number but it is **only** for your child unless I tell you otherwise.
- Unless there is a very good reason not to, I will generally copy both parents (or their counsel) on correspondence (e-mails and letters) of substantive content
- Please copy each other in your communications with me. When I respond to you, I may copy the other party with my response. Your communications with me are not privileged.
- CYLC's policy is to hear information first from our client, your child. We may therefore tell you that we do not want to hear the history or details of your concerns about the other parent at that particular time. Your opportunity to tell your story will happen later.
- I may meet with each of you (separately) but I will usually not do so until I have had several conversations with your child. Meetings with parents are held during business hours.
- If there seems to be some benefit, I may propose meetings at which you both attend.
- If you are represented by counsel, I will not communicate with you about the matter without your lawyer's permission. In the course of scheduling an appointment with your child, our office may have incidental communication with you in order to make these arrangements.