

Family Advice Lawyer Manual

Family Case Management Model

Department of Justice and Public Safety
Program Design and Operational Support
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1.0 Introduction

The Family Case Management Model (FCM model) is a family justice model providing streamlined processes to quicker resolutions of family law disputes. Court staff, led by a Case Management Master, triages cases and manages them to early resolution. The Case Management Master is a quasi-judicial officer with the power to grant interim and procedural orders and often facilitates consent orders between the parties. Other components of the model include a Triage Coordinator who ensures the required documentation has been provided before the court date, on-site advice lawyer services, duty counsel, a comprehensive on-site Family Law Information Centre and a special Rule of Court, Rule 81. The FCM model should be thought of as an extension of Client Services. The role of the FCMM is to provide enhanced services to clients and to help them better navigate the family court process. The primary client group is individuals who are not represented by lawyers. (Lawyers continue to be served at the Client Services office). To the greatest extent possible, clients who wish to know more about the processes associated with resolving family law issues should be referred to the Family Law Information Center (FLIC).

The purpose of this guide is to describe the role of the Family Advice Lawyer at jurisdictions with an FCM model and in other jurisdictions, as well as to provide a list of resources that the Family Advice Lawyer can reference when considering other options for clients.

1.1 Editing History - Issuing Updates

As policies, procedures, guidelines or forms are updated, you will receive an information package. Your update package will include;

- a covering letter;
- revised Table of Contents (if necessary) -numbered and dated; and
- an Action Memo with a detailed description of the changes and the rationale.

Please keep the covering letters at the front of this Manual as a record of having received the update package.

Title and change	Rationale for change	Policy Number

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2.0 Family Advice Lawyers in Jurisdictions with a Family Case Management Model (General)

Family Advice Lawyers in jurisdictions with an FCM model have offices in the Family Law Information Centre (FLIC) at the Law Courts. The FCM model is predicated on encouraging parties to come to an earlier resolution of family law issues through triaging and case management, and reserving court time for instances where there is high conflict and/or no success in arriving at a consensual resolution. The model includes:

- the establishment of a Family Law Information Centre (FLIC) which is staffed by a Triage Coordinator. Information on court processes and alternatives to the court process are available at the FLIC, as well as information on court forms and community resources. Staff at the FLIC schedule appointments with the Family Advice Lawyers on site.
- a Case Management Master. This is a quasi-judicial officer who conducts case conferences to encourage parties to resolve their issues without a formal court hearing. The Master has authority under the *Judicature Act* to make consent orders, interim orders and procedural orders with respect to custody, access and support under both the *Family Services Act* and the *Divorce Act*.
- Judicial settlement conferences provide another opportunity to reach an agreement, or, if that is not possible, attempt to narrow the issues to be heard at a formal court hearing.

Most family law issues are within the scope of the FCM model. Issues not within the scope of the model continue to be processed in the usual manner.

Family Advice Lawyer services in judicial districts with a FCM model are typically scheduled two days per week, Tuesdays and Thursdays starting at 11:00am during the First Court Appearance days (FCA). The purpose of the First Court Appearance day is to provide parties with information on:

- Considerations related to the separation and divorce process (through the presentation of a brief video introduced by the Triage Coordinator); and the
- Case conferencing process.

In general, parties attend First Court Appearance Days only if they have filed an application with the Court of Queen's Bench, Family Division. The Triage Coordinator meets individually with the parties and ensures that the relief that they are seeking is reflected in the documents they have filed, and assess whether or not the parties are

close enough to a consensus that case conferencing might be considered. If appropriate, parties may be referred to the Case Management Master for a case conference.

On First Court Appearance day both parties may need to access advice (especially if they have not already done so). Each client is entitled to up to two (2) hours of free service (sessions can be split into two sixty (60) minute sessions).

Note: at First Court Appearance days, clients who are not represented by legal counsel may be eligible to meet with a Triage Family Advice Lawyer (TFAL) which is a special duty counsel at the Saint John model. (See section 6.1 of this Handbook). Due to time constraints, clients only speak briefly with the Triage Family Advice Lawyers on the morning of their first appearance.

Regardless of whether a client has received service prior to the First Court Appearance day for which (s) he is scheduled, the client is regarded as having “free” access on that First Court Appearance day. In other words, access to a Family Advice Lawyer on a First Court Appearance day should not be denied on the basis that a client has already been provided with 2 hours of service previous to the First Court Appearance day.

The booking procedure for Family Advice Lawyers in judicial districts with an FCM model is found in Appendix “A”. The referral form is in Appendix “B”.

3.0 Family Advice Lawyers – All Judicial District Centres Except those with a Family Case Management Model (General)

Family Advice Lawyers provide the same services as those in districts with an FCM model with the exception that jurisdictions without an FCM model do not have a specialized case management model for the Family Division of the Court of Queen’s Bench. Family Advice Lawyers in the other judicial districts operate from their private offices..

In order to accommodate conflicts (the most common being the need to avoid the same Family Advice Lawyer providing service to both parties to a case), there is a rotation among a roster of lawyers.

The booking procedure for Family Advice Lawyers in all Judicial Districts without an FCM model is found in Appendix “C”; the referral form is in Appendix “D”.

4.0 Desired Background

Family Advice Lawyers must have a good working knowledge of the following legislation and their respective regulations *Divorce Act*, the *Family Services Act*, the *Support*

Enforcement Act, the Interjurisdictional Support Orders Act and the Child Support Guidelines, Marital Property Act, the Family Homes on Reserves and Matrimonial Interests or Rights Act and the Intimate Partner Violence Intervention Act.

Familiarity with the Rules of Court is also required.

5.0 Clients – Eligibility for Family Advice Lawyer Services

Appointments for Family Advice Lawyer services are scheduled by the Triage Coordinator (or alternate) in judicial districts with an Family Case Management model and via a 1-800 number for the rest of the province (1-855-266-0266). The 1-800 number is provided to potential clients by Court of Queen’s Bench, Family Division, Court Services Division staff. An administrative support person employed by the NB Legal Aid Services Commission responds to 1-800 calls and contacts the lawyers on an NBLASC roster.

There are no financial eligibility criteria for accessing Family Advice Lawyer services.

Eligible issues for discussion with a Family Advice Lawyer include separation and divorce-related issues such as:

- child and spousal support;
- custody and access; and
- marital property.

Clients who are parties to a child or adult protection case will be referred directly to the local office of the New Brunswick Legal Aid Services Commission.

Clients are informed that they can access a Family Advice Lawyer on a given issue(s) for two hours, and that this can be divided into two 60-minute sessions.

Intimate Partner Violence Intervention Act (IPVI Act) and the Family Homes on Reserves and Matrimonial Interests or Rights Act (FHR Act)

All appointments for a Family Advice Lawyer’s services under the IPVI Act and the FHR Act will be scheduled by an administrative support person employed by the NB Legal Aid Services Commission at the 1-800 number.

Eligible issues for discussion with a Family Advice Lawyer include;

- Explanation of an Emergency Intervention Order (EIO) under the IPVI Act or an Emergency Protection Order (EPO) under the FHR Act: to either party named in the order. The maximum allotted time for this service is one hour.
- Where a Respondent cannot be served with an EIO, a motion to Queen’s Bench will need to be filed for an order for substituted service. Legal Aid will provide a maximum of 2 hours to assist an Applicant to prepare a motion for substituted service. If the Court requires a hearing for the motion, duty counsel services will be provided to the Applicant at the hearing.

6.0 Role of the Family Advice Lawyer

Family Advice Lawyers will encounter clients in a variety of circumstances. For example:

- Some may want general information about forms and processes related to getting matters before the Court of Queen's Bench, Family Division (pre-filing);
- Some may need assistance in completing forms to initiate or respond to a motion or application;
- Some clients may ask for advice regarding a proposed settlement; and
- Some clients may ask for advice about other resources to assist them, such as how to choose a lawyer.

Family Advice Lawyers meet with clients in an office setting, and should not provide advice by telephone, other than to refer clients to other resources such as Legal Aid, community-based mediation services, or the family law website, www.familylawnb.ca, etc.

One exception is the FAL service to explain an EPO under the FHR Act or to explain an EIO under the IPVI Act. In-person appointments will be scheduled as a priority; however, if a local lawyer is not available on short notice a telephone appointment may be scheduled with a lawyer from another region. Where telephone appointments are scheduled, the Applicant/Respondent will be instructed to take their documentation to the local Legal Aid office to be scanned and sent to the FAL coordinators. The coordinators will ensure that the documents are sent to the assigned lawyer prior to the telephone appointment. FAL lawyers will invoice the telephone appointment the same as an in-person meeting

- Provide information about the role of legal counsel, how to select a lawyer and how to prepare for meetings with a lawyer (what type of documentation to bring);
- Provide information on the other resources available to clients, such as Legal Aid, community-based mediation services, web-based resources, do-it-yourself kits and brochures from Public Legal Education and Information Service;
- Provide up to two hours (or at least 60 minutes) to answer questions and give information on the court process, general advice on family law matters (how support is determined, how custody and access matters are determined), disclosure requirements, documents to be filed and cost consequences.
- Review pleadings prepared by the client, including those for emergency applications;
- Assist the client in the preparation of documents for applications and/or motions in non-complex cases; and
- Provide general information on the division of non-complex marital property.

Family Advice Lawyers should....

- Inform clients about the scope of Legal Aid's coverage with respect to family law matters and inform them that financial information is part of the eligibility criteria (legal merits will also be assessed).
- Ensure clients understand the limited role of Family Advice Lawyers (i.e. Family Advice Lawyers cannot be considered the client's counsel).

Family Advice Lawyers should not...

- Recommend a particular lawyer should a client request assistance in hiring private counsel.
- Represent a person they have assisted as a Family Advice Lawyer because of the perceived impropriety of having used the position of Family Advice Lawyer as a means of attracting business;¹
- Provide anything more than general information regarding the division of marital property, spousal support, or extraordinary expenses for the purposes of the child support guidelines;
- Help draft uncontested divorce pleadings where the Family Advice Lawyer is not satisfied that all corollary issues have been resolved by court order or formal agreement.

6.1 Role of the Triage Family Advice Lawyer —Judicial Districts with a Family Case Management Model

Triage Family Advice Lawyers (T-FAL) are available at jurisdictions with an FCM model to assist individuals representing themselves at their First Court Appearance before the Case Management Master on certain family law matters.

Triage Family Advice Lawyers are typically scheduled between 9:00am and 11:00am and are present at the First Court Appearance. They should not provide advice by telephone, other than to refer clients to other resources such as Legal Aid or the PLEIS-NB Family Law Website, www.familylawnb.ca, etc.

Due to time constraints, clients only speak briefly with the TFALs on the morning of their first appearance.

The role of the Triage Family Advice Lawyer is to:

- Advise unrepresented parties about their legal rights and obligations;
- Review court documents and assist in preparing financial statements in limited circumstances; and

¹ This may be problematic in certain areas of the province where the size of the family law bar is restricted. If a client wants to engage the Family Advice Lawyer as private counsel, the Family Advice Lawyer should direct the client to consult the yellow pages following the appointment, and if the client still wants to retain him/her, then permission should be secured (by the lawyer) from the the Director of Family Law Services from Legal Aid.

- Attend court with unrepresented parties to request adjournments, obtain consent orders, assist in uncontested hearings regarding custody, access and support where issues are not complex.

Triage Family Advice Lawyers should....

- Inform clients about the scope of Legal Aid's family duty counsel coverage in respect of family law matters.
- Ensure clients understand the limited role of Triage Family Advice Lawyers when meeting with clients (T-FAL cannot be considered the client's counsel).
- Witness the signature of the party whom the T-FAL is representing on a consent order when the Case Management Master is satisfied that the party himself/herself has consented on the record.
- Assist in negotiating the terms of a non-complex interim order with opposing counsel as long as the terms are not highly contested, to arrive at a settlement quickly. If the issues are highly contested and simple negotiations would not result in any resolution, then T-FAL can only present the party's position to the Master.

Triage Family Advice Lawyers should not...

- Recommend a particular lawyer should client request assistance in hiring private counsel.
- Represent clients regarding the division of marital property, spousal support, or extraordinary expenses for the purposes of the child support guidelines;
- Represent clients with uncontested divorce pleadings where the Triage Family Advice Lawyer is not satisfied that all corollary issues have been resolved by court order or formal agreement.
- Provide legal assistance to persons filing a motion (except in the FLIC)
- Attend at subsequent Case Conferences which may take place throughout the duration of the Family Division matter.
- Represent or draft and swear deponents to documents in appointing a litigation guardian
- Assist in default and "show cause" hearings

7.0 Conflict of Interest

In judicial districts with an FCM model, the Triage Coordinator will screen to determine if there might be a conflict of interest between the Family Advice Lawyer / Triage-Family Advice Lawyer and the client who is requesting an appointment.

When clients in a jurisdiction **without** an FCM model contact (or are contacted) by the 1-800 number for bookings, the NB Legal Aid Services Commission administrative staff will have access to the various rosters and will ask the client if he or she is aware of any conflicts with the Family Advice Lawyer who has the next available appointment.

All efforts should be made to avoid instances where the Family Advice Lawyer has provided services to both parties to a family law issue.

If a client meets with the Family Advice Lawyer or a Triage-Family Advice Lawyer, and a conflict is discovered at that time, the Advice Lawyer should discontinue the meeting and advise the client to contact either the Triage Coordinator (jurisdictions with a FCM model only) or call the toll-free number to arrange for an appointment with another Family Advice Lawyer or a Triage-Family Advice Lawyer.

8.0 Other Client Referrals for Referral Purposes

In the context of meeting with clients, the Family Advice Lawyer should be aware of other resources in the community (these, of course, will vary across the province). With the exception of the Family Law Information Centre (see 8.4), all of these resources noted in this section are available province-wide.

8.1 Familylawnb Website and Public Legal Education and Information Service Publications

The Public Legal Education and Information Service of New Brunswick (PLEIS-NB) has a web-site that includes information on the court process, “fillable” forms (with tips as to how to complete court forms), videos on various separation and divorce related topics and on-line kits and publications.

Family Advice Lawyers are encouraged to become familiar with this resource.

Public Legal Education and Information Service also publish a wide variety of brochures and do-it-yourself kits that will likely benefit many of the clients who meet with Family Advice Lawyers, among them:

Family Law Workshops

The Public Legal Education and Information Service of New Brunswick (PLEIS-NB) offers monthly bilingual workshops in every judicial district to educate the growing number of individuals handling their own family law matters. Entitled Navigating the Family Justice system, the workshops are designed to help individuals who are handling their own family law matter, and explain rules of court and proper legal procedures associated with the most common family law matters such as uncontested divorces, support variation and applications for custody/access

Self-Help Guides

You can review these self-help guides on the website or borrow them from a library. If you wish, you may purchase your own copy of the divorce guide or the custody, access

and support guide from Public Legal Education and Information Service of New Brunswick. They are also available at the courthouse in Moncton and Fredericton. The guide for filling in a Financial Statement is free, as is the **Child Support Variation Kit**. For more information about obtaining these guides, call the **Family Law Information Line – 1-888-236-2444**

- Doing Your Own Divorce in New Brunswick
(A cheque or money order for \$10 must accompany order)

Checklist and Timeline for Doing Your Own Divorce

- Applying for Custody, Access and Support in New Brunswick
(A cheque or money order for \$10 must accompany order)
- New Brunswick Child Support Variation Kit
- Financial Statement and Income

Other publications that are available include (underlined ones are available on-line at familylawnb.ca):

General

- Domestic Contracts
- Marital Property in New Brunswick
- Living Common-Law: Rights and Responsibilities: PDF
- Parenting: Rights and Responsibilities of Young Parents
- What Parents Should Know About Child Protection

Child and Spousal Support

- Child Support
- Spousal Support
- Applying for Custody, Access and Support in NB (See Self-Help Guides)
- NB Child Support Variation Kit (See Self-Help Guides)
- Financial Statements and Income Information: A Guide to Completing Form 72J (See Self-Help Guides)

Custody and Access

- [Custody and Access in Custody and Access in New Brunswick](#)
- [For the Sake of the Children : A Free Information Program for Parents Living Separately](#)
- [Court-ordered Evaluations Support Program](#)
- Applying for Custody, Access and Support in NB (See Self-Help Guides)

Divorce and Separation

- [When Couples Separate - Rights and Responsibilities](#)
- Doing Your Own Divorce in New Brunswick (See Self-Help Guides)
- [Checklist and Timeline for Doing Your Own Divorce](#)

Support Enforcement

- [Family Support Orders Service](#)
- [Family Support Orders Service : How Unpaid Support Obligations May Affect Corporate Liability](#)
- [Family Support Orders Service : How Unpaid Support Obligations May Affect Your Credit Rating](#)
- [Family Support Orders Service : How Unpaid Support Obligations May Affect Your Government Issued Licenses](#)

Family Violence

- [Emergency Intervention Orders](#)
- [Emergency Protection Orders for Couples Living on Reserve](#)
- [You can know how the law helps people living with abuse or violence in their lives](#)
- [Leaving Abuse: Tips for Your Safety](#)
- [Peace Bonds and Restraining Orders](#)

- [Victims of Family Violence: Testifying in Criminal Court](#)
- [Before Getting Married... Be Sure Your Home is Loving and Safe](#)
- [Directory of Services for Victims of Abuse](#)
- [Spousal Assault: What Victims Want and Need from the Police](#)
- [Moving Forward: A Program for Children \(4 to 16 years\) and their Mothers to Promote Healing from the Effects of Woman Abuse](#)
- [Creating Healthy Personal Relationships: An Information Booklet for Aboriginal Women](#)
- [Information for abused women: Survival Strategies](#)
- [Information for abused women: Dealing with the Police](#)
- [Family Violence and the Law: Train-the-Trainer](#)
- [A Service Provider's Roadmap to Empowering Women](#)
- [Ending Abuse In Your Relationship : A woman's roadmap to Empowerment](#)
- [You can recognize the warning signs that someone is being abused](#)
- [You can help prevent and respond to abuse in your community](#)
- [You can help prevent firearms deaths and injuries](#)
- [You can help protect the safety of people and animals](#)
- [Am I a Victim of Family Violence?](#)

Other Materials

- [Create a Parenting Plan- Justice Canada](#)
- [Safely on Your Way: Child Custody and Access Information for Women Leaving Abusive Relationships" \(Nova Scotia\)](#)
- [The Federal Child Support Guidelines : Step by Step](#)
- [Child Support Table Look-up- Justice Canada](#)
- [What's Wrong with Spanking?](#)

- [Divorced or separated: Splitting Canada Pension Plan credits – Justice Canada](#)
- [What happens next? Information for kids about separation and divorce – Justice Canada](#)
- [Changing Your Name in New Brunswick](#)
- [Child Care Leave](#)
- [Getting Married in New Brunswick](#)
- [International Child Abductions: A Manual for Parents](#)

8.2 For the Sake of the Children (Parent Education)

For the Sake of the Children is a post-separation parent education program, which presents information and teaches skills to help reduce parental conflict and the negative effects it has upon children. The information session also includes: legal information about the *Child Support Guidelines*; tips to create parenting plans; information about Support Enforcement Services; and alternatives to court. It focuses on helping parents help their children. Parents, grandparents, new partners can register for this free six-hour information session (divided into two sessions). **Clients must pre-register by calling 1-888-236-4444** (Fredericton area residents can call 444-3855).

8.3 Court Ordered Evaluations Support Program (C-OESP)

The Court Ordered Evaluation Support Program provides financial assistance to individual parties in private, contested custody cases who are ordered by the court to undergo an evaluation to determine the best interests of the child(ren). Copies of the application form can be retrieved from the Department of Justice Client Service offices in the local Judicial District court houses, or by downloading the form from www.familylawnb.ca. If financial assistance from COESP is approved, the costs of the evaluation are not necessarily covered in full (the extent to which depends upon the income of the parties).

Family law clients of the NB Legal Aid Services Commission are not eligible for financial assistance from the C-OESP program.

8.4 Family Law Information Centre in Judicial Districts with an FCM model only

The Family Law Information Centre (FLIC) is open Monday to Friday from 8:30 am to 4:30 pm. It is staffed by a Triage Coordinator who provides information on the court

process, court forms, and Family Advice Lawyer Services. The FLIC has family law publications..

8.5 Family Legal Aid - NBLASC

The New Brunswick Legal Aid Services Commission (NBLASC) provides legal representation for eligible applicants needing help with family law matters. In most cases, a staff lawyer will be assigned; however private bar lawyers may be assigned in cases where the Lawyer already has too many cases, or has a conflict,

Persons wishing to apply for legal aid may do so at a local area legal aid office. Eligibility for legal aid is based on the type of legal service requested and financial circumstances. Financial eligibility and client contribution amounts are determined on an NBLASC Income grid. Please refer to their website for more information. .

Legal Aid does not always provide a lawyer and legal aid is not always free. If a client is unable to pay the contribution required and they own property, a lien may be placed on their property for the legal services to be received from NB.LASC.

Eligibility:

- Applicants must satisfy the financial eligibility criteria;
- The applicant's legal issues must fall within the scope of Legal Aid's services (see below for Coverage);
- There must be legal merit to the family law issue in dispute (this is determined by the legal aid lawyer after the client has been determined eligible for legal aid);
- Once a client has been determined to be eligible, the Family Solicitor may encourage the client to complete the parent education program offered by the Department of Justice and Public Safety called "For the Sake of the Children".

Coverage:

- Custody and/or access disputes under the *Family Services Act* for either parent;
- Determination/variation of child support under the *Family Services Act*;
- Determination of spousal support under the *Family Services Act*;
- Child protection proceedings under the *Family Services Act*. (Limited to custodial parents named as respondents in applications made by the Minister of Social Development);
- Vary an EIO/EPO or respond to a variation filed by the opposing party
- Obtaining an EPO pursuant to section 16 of the FHR Act.

Note: matters under the *Divorce Act* are not covered by NBLASC. This means no petitions for divorce, nor motions to vary orders made under the *Divorce Act*, nor defenses against others using the *Divorce Act*. If the matter is under the *Divorce Act*,

clients should be advised that legal aid may not be available to them. However, clients should never be told not to go to LASC; the only way for a client to know for sure is to find out from LASC.

8.6 Family Duty Counsel in Judicial Districts Without an FCM model

Family duty counsel deals with persons who are on the list (docket) and are present at court that day, and don't have a lawyer. They advise unrepresented parties about their legal rights and obligations, review court documents, and often speak on a client's behalf at a first court appearance:

Unrepresented clients who make their first court appearance in relation to the following types of cases are eligible for Family Duty Counsel services:

- Those who are respondents in a child or adult protection case;
- Those who are respondents in a child support application filed by the Minister of Social Development; and
- Support payers who have been summoned to a judicial enforcement hearing (non-payment of support).
- Respondents where the other party is represented by Legal Aid.
- **Family Duty Counsel in Judicial Districts with or without an FCM Model are also able to assist unrepresented clients for the following types of cases:**
 - A judge in the Court of Queen's Bench directs that a review hearing is set pursuant to section 8(3) of the IPVI Act or section 17(8) of the FHR Act.
 - Variation hearings pursuant to section 9(1) and 9(4) of the IPVI Act and section 18(1) of the FHR Act.
 - If the Court requires a hearing for the motion for substituted service, duty counsel services will be provided to the Applicant at the hearing

APPENDICES

Appendix A – Booking Procedure – Jurisdictions with a Family Case Management Model

1. All family law appointments are booked at the FLIC. If a family law client telephones Client Services or presents him/herself at Court of Queen's Bench, Family Division Client Services, the client should be referred to the FLIC.
2. All appointments for a Family Advice Lawyer's services under the IPVI Act and the FHR Act will be scheduled by an administrative support person employed by the NB Legal Aid Services Commission at the 1-800 number
3. If clients wish to make an appointment with a Family Advice Lawyer, the Triage Coordinator will ask the client to complete a referral form (see Appendix "B"). Once completed, the Triage Coordinator will check the schedule for the next available appointment and provide the name of the Family Advice Lawyer who is scheduled for that time slot.

Any conflicts of interest should be flagged at this point, for example:

- The client's former partner has spoken to or has been represented by the Family Advice Lawyer or any member of his/her firm;
- The Family Advice Lawyer is known to the individual and for various reasons; the client would prefer to see another lawyer.

Once the date of the appointment is confirmed with a Family Advice lawyer, the Triage Coordinator will make two copies of the referral form (with appointment details) and provide one of the copies to the client. The second copy will be placed with the folder for advice lawyer appointments (a folder will be established for every day appointments are scheduled). Appointments will also be entered electronically.

The Triage Coordinator can provide the names of the Family Advice Lawyers on the roster for the coming weeks, and ask the client if there is a conflict. (Once the client has received a copy of the referral form, the Triage Coordinator may check the court file, if one exists, to ensure that the client does not have a conflict with the scheduled advice lawyer.)

4. On the date of the scheduled appointment, the Family Advice Lawyer will retrieve the folder for that day's appointments from the Triage Coordinator. If the client appears and service is provided, the Family Advice Lawyer will complete the remainder of his/her copy of the referral form, sign it, and have the Triage Coordinator sign (or initial) the bottom of the form. The Triage Coordinator will make a copy of the signed form, and place it in a file. The original (the form that

contains the signatures of the Family Advice Lawyer and the Triage Coordinator) will be returned to the Family Advice Lawyer.

5. The Family Advice Lawyer will bill the Legal Aid Services Commission, and attach all referral forms corresponding to the billing period.
6. The Triage Coordinator is responsible to track the number of Family Advice Lawyer appointments, and the Family Advice Lawyer prepares more detailed statistics about their services for NBLASC.
7. The Triage Coordinator is responsible to maintain a record of the Family Advice Lawyers appointments so as to ensure that the client has not exceeded the two hour maximum. (This two hour maximum does not include any time spent with the Family Advice Lawyer on Triage Tuesday or Triage Thursday, where the same client accesses services on the date (s)he is required to attend.)

If time permits, the Triage Coordinator may contact clients one to two days ahead of the scheduled date to remind them of their appointment with the Family Advice Lawyer.

**Appendix B – Registration Form (Jurisdictions with a Family Case Management Model)
 Family Law Information Centre
 REGISTRATION FORM
 (Please Print)**

Today's date:			Advice Lawyer <input type="checkbox"/>		
APPLICANT INFORMATION					
Applicant's Last Name:		First	Middle	Marital status	
				Never Lived Together <input type="checkbox"/> Mar <input type="checkbox"/> Div <input type="checkbox"/> Sep <input type="checkbox"/> Common Law <input type="checkbox"/>	
Existing Court File	If Yes, please provide the number		Existing Court Orders		Date of Order?
<input type="checkbox"/> Yes <input type="checkbox"/> No	FDSJ-		Yes <input type="checkbox"/> Provide copies	No <input type="checkbox"/>	
Street address:			City:	Province:	
				NB	
Postal Code:	Primary Phone: H <input type="checkbox"/> W <input type="checkbox"/> C <input type="checkbox"/>		Alternate Phone: H <input type="checkbox"/> W <input type="checkbox"/> C <input type="checkbox"/>		
	Msg: Yes <input type="checkbox"/> No <input type="checkbox"/>		Msg: Yes <input type="checkbox"/> No <input type="checkbox"/>		
Respondent's Name	Respondent's Birth date: d/m/y	Is there a scheduled Court Date		If yes, the date d/m/y	
		Yes <input type="checkbox"/> No <input type="checkbox"/>			
Notes:					
Have you previously seen a lawyer? If so, who?					
No <input type="checkbox"/> Yes <input type="checkbox"/>					
Has the respondent previously seen a lawyer? If so, who?					
No <input type="checkbox"/> Yes <input type="checkbox"/>					
HISTORY					
How long have you been Mar/Div/Sep/Common Law?			Do you have children? Yes <input type="checkbox"/> No <input type="checkbox"/> How Many?		
Date:			Their ages?		
ISSUES					
<input type="checkbox"/> Sole custody of the child(ren)	<input type="checkbox"/> Child Support	<input type="checkbox"/> Division of Marital Property	<input type="checkbox"/> Restraining Order		
<input type="checkbox"/> Joint and/or shared custody of the child(ren)	<input type="checkbox"/> Special Expenses	<input type="checkbox"/> Exclusive Possession of Marital Home	<input type="checkbox"/> Contempt Order		
<input type="checkbox"/> Access to the child(ren)	<input type="checkbox"/> Spousal Support	<input type="checkbox"/> Costs	<input type="checkbox"/> Non-Removal Order		
<input type="checkbox"/> Variation of Custody/Access	<input type="checkbox"/> Variation of Support	<input type="checkbox"/> Adjustment of support arrears	<input type="checkbox"/> Divorce/Separation		
<input type="checkbox"/> Declaration of Parentage	<input type="checkbox"/> Other, please specify:				
NOTE: If you are the payer of support you must submit proof of income prior to a mediation appointment being scheduled					
Applicant informed of requirement to provide proof of income prior to mediation being scheduled if they are payer of support Yes <input type="checkbox"/> No <input type="checkbox"/>					
APPOINTMENT INFORMATION					
<i>For office use only</i>					
Appointment Date:	Appointment Time:	Did Client Attend? Yes <input type="checkbox"/> No <input type="checkbox"/>			
		Advice Lawyer/			
		TC Initials:	Advice Lawyer/:		

Appendix C - Booking Procedure – All Judicial Districts without a Family Case Management Model

Appointments with a Family Advice Lawyer are booked through the New Brunswick Legal Aid Services Commission, (Family) for all family law clients except for those who reside in a judicial district with an FCM model. Clients in the other judicial districts who wish to make an appointment must call a toll free number to request an appointment with a Family Advice Lawyer. If a family law client presents him/herself at an NBLASC office, the client should be directed to call the toll free number at: (855) 266-0266.

All appointments for a Family Advice Lawyer's services under the IPVI Act and the FHR Act will be scheduled by an administrative support person employed by the NB Legal Aid Services Commission at the 1-800 number..

1. An administrative support person employed with the NBLASC central office will be responsible to respond to all of the telephone queries for appointments with a family advice lawyer.
2. Prior to scheduling appointments, the administrative support person must complete a referral form (see Attachment "D") with the client, by phone. Once completed, the administrative support will:
 - confirm the region in which the client resides;
 - check the schedule in the appropriate region for the next available appointment; and
 - provide the name and contact information of the Family Advice Lawyer who is scheduled for that time slot.
3. Family Law clients who reside within a judicial district with an FCM model should be directed to the Family Law Information Center (FLIC)
4. Any conflicts of interest should be flagged at this point and dealt with, for example:
 - The client's former partner has spoken to or has been represented by the Family Advice Lawyer or any member of his/her firm;
 - The Family Advice Lawyer is known to the individual and for various reasons, the client would prefer to see a different lawyer.

If the client or the Family Advice Lawyer indicates that there is a conflict of interest, the NBLASC administrative support person can provide other names of Family Advice Lawyers on the roster for the coming weeks and arrange another appointment.

5. Once the date of the appointment is confirmed with a Family Advice lawyer, the NBLASC administrative support person will make three copies of the referral form (with appointment details). One of the copies will be mailed to the client (upon their verbal consent), the second copy will be faxed to the respective advice lawyer and the third will be retained at the NBLASC office. Appointments will also be entered electronically.
6. If the client does not wish to have mail sent to their home address for privacy or confidentiality reasons, their alternate mailing address should be recorded on the Family Advice Lawyer referral form.

Appendix D—Referral Form (Judicial Districts without a Family Case Management Model)

Client Information/ Information de la clientèle

Language of Service/ Langue de service: English/Anglais French/Français

Name/Nom: _____ Date of Birth/Date de naissance:

City/Ville: _____

Telephone Number/Numéro de téléphone: Home/domicile _____
Other/Autre _____

Confidential/Confidentiel? Yes/Oui No/Non

Court File No. (if any)/ N° de dossier du tribunal (le cas échéant) : _____

When is the next court appearance, if any? / Le cas échéant, à quelle date est la prochaine comparution devant le tribunal?

Other Party Information/ Information de l'autre partie

Name/Nom: _____ Date of Birth/Date de naissance:

Relationship Details/ Détails de la relation

Separated/ Séparés? Yes/Oui No/Non When/Quand? _____

Divorced/ Divorcés? Yes/Oui No/Non When/Quand? _____

Common Law/ Conjoints de fait? Yes/Oui No/Non When/Quand?

Never lived together/ Jamais fait vie commune

Other, please specify/Autre, veuillez préciser _____

Children/Enfants? Yes/Oui No/Non (If yes, how many/ Si oui, combien? ___ Ages/ Âges? ___,
___, ___)

Court orders/Ordonnance judiciaire? Yes/Oui No/Non (If yes, attach copies/Si oui, annexer des copies)

Lawyer/Avocat? Yes/Oui No/Non

Issues/Questions

<input type="checkbox"/> Sole custody of the child(ren)/ Garde exclusive d'enfants	<input type="checkbox"/> Modification de la garde ou des droits de visite
<input type="checkbox"/> Joint and/or shared custody of the child(ren)/ Garde partagée ou conjointe d'enfants	<input type="checkbox"/> Termination of support arrears/ Élimination d'arriérés accumulés relatifs à la pension
<input type="checkbox"/> Spousal support/ Pension alimentaire pour conjoint	<input type="checkbox"/> Restraining order/ Injonction restrictive
<input type="checkbox"/> Child support/ Pension alimentaire pour enfants	<input type="checkbox"/> Contempt order/ Ordonnance pour outrage
	<input type="checkbox"/> Division of property/ Partage de biens
	<input type="checkbox"/> Costs/ Coûts
	<input type="checkbox"/> Order under the IPVI Act / Ordonnance sous

<input type="checkbox"/> Variation of support/ Modification de la pension alimentaire <input type="checkbox"/> Exclusive possession of matrimonial home/ Possession exclusive du foyer familial <input type="checkbox"/> Access to the children/ Droits de visite <input type="checkbox"/> Variation of custody and/or access/	la LIVPI <input type="checkbox"/> Order under the FHR Act / Ordonnance sous la LFFR <input type="checkbox"/> Substituted service (under IPVI Act) / Signification indirecte (sous la LIVPI) <input type="checkbox"/> Other, please specify/ Autre (veuillez préciser) : _____
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Appointment Information/ Information de rendez-vous

Date/Date: _____ Time/Heure: _____ Attendance confirmation/Présence confirmée: <input type="checkbox"/> Y/O <input type="checkbox"/> N/N Family Advice Lawyer initials/ Initiales de l'avocat-conseil en droit de la famille: _____ Client initials/ Initiales du client : _____
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IPVI – Intimate Partner Violence Intervention Act / LIVPI - Loi sur l'intervention en matière de violence entre partenaires intimes

FHR – Family Homes on Reserves and Matrimonial Interests or Rights Act / LFFR – Loi sur les foyers familiaux situés dans les réserves et les droits ou intérêts matrimoniaux