

In the Provincial Court of Alberta

Docket: _____

File #: _____

Application under Section XXXXX [21.1(5), 21.1(2), 26(2), 32(3), 33(5)]

Of the *Child, Youth and Family Enhancement Act*

BETWEEN:

(print your full name)

Applicant / Respondent to the Director's Application

-and-

Alberta (Child, Youth and Family Enhancement Act, Director)

Respondent

ORDER APPOINTING AMICUS CURIAE

Heard before the Honourable Judge _____

at _____, Alberta.

on _____, 2014

WHEREAS the Applicant is a parent or guardian whose child is the subject of proceedings under the *Child, Youth and Family Enhancement Act* R.S.A. 2000, c. C-12 that may result in the Applicant's rights of guardianship being permanently or temporarily terminated.

AND WHEREAS the Applicant is not represented by Counsel in this matter, and wishes to be represented by Counsel, but has been denied coverage by Legal Aid, and appears to require assistance in bringing an application for his charges to be stayed pending the appointment of state-funded Counsel (commonly referred to as a "**Rowbotham**" application);

AND WHEREAS this Court believes it is desirable, and necessary and in the interest of justice, to appoint Counsel, as a friend of the Court, to assist the Court in discharging its responsibility to assist the Applicant in advancing a *Rowbotham* application;

IT IS HEREBY ORDERED THAT:

1. *Amicus curiae* shall be appointed in this matter, to assist the Court with respect to the following tasks:
 - a. To advise the Applicant with respect to the process for bringing a *Rowbotham* application, and explain the nature of such an application;
 - b. To assist the Applicant in identifying the information and records necessary to advance a *Rowbotham* application, and any procedural steps that must be taken prior to advancing a *Rowbotham* application;
 - c. To assist the Applicant in the drafting of any notice of motion, "*Charter Notice*", or affidavit that may be necessary in order to advance a *Rowbotham* application;

- d. To obtain the Director's disclosure on behalf of the Applicant, and review this disclosure to determine the general nature of the allegations against the Applicant;
 - e. To appear in Court at the hearing of the *Rowbotham* application and, on behalf of the Court, examine the Applicant on any issues that would be of assistance to the Court in deciding the *Rowbotham* application;
 - f. To make submissions to the Court about the law concerning the *Rowbotham* application process;
 - g. To assist in the drafting and service of any orders that may issue from the *Rowbotham* proceedings; and
 - h. To perform any other tasks incidental to the *Rowbotham* application process that are not inconsistent with the role of *amicus curiae* and that may be of assistance to the Court.
2. The Attorney General of Alberta shall pay the fees of *amicus curiae*, as per any agreement regarding remuneration that may be established between the Attorney General of Alberta and *amicus curiae*.
 3. *Amicus curiae* shall be a member in good standing of the Law Society of Alberta, shall be independent of Alberta Justice, and shall not be in conflict of interest in relation to this matter.
 4. While the Attorney General of Alberta is responsible for identifying a lawyer who is prepared to act as *amicus curiae*, the Court shall be consulted with respect to the lawyer who it is proposed will act as *amicus curiae*, and the Court shall approve or reject any lawyer who the Attorney General of Alberta proposes shall act as *amicus*.
 5. In the event that the Attorney General of Alberta does not make arrangements for the appointment of *amicus curiae* within 14 days of the date of this Order, the matter may be brought back to this Court for a further Order on _____.
 6. Without prejudice to the Applicant's ability to take the position that any communications between the Applicant and *amicus curiae* are covered by solicitor-client privilege or another form of privilege, *amicus curiae* shall not release or disclose the contents of any discussions between the Applicant and *amicus curiae* without the prior consent of the Applicant.
 7. If a *Rowbotham* order is granted, *amicus curiae* shall not act as counsel without the consent of the Applicant.

J.P.C.A.

Appearances:

For the Director: _____

For the Applicant: _____

