

Purpose and Scope of Panel

This panel is comprised of roster lawyers with experience, training, and interest in the area of representation of parents and family members in child welfare proceedings.

Panel members will receive priority when Legal Aid Alberta (hereinafter referred to as “LAA”) offers certificates to roster lawyers in this service area when the staff offices are unable to accept a child welfare file. While LAA reserves the right in extraordinary cases to appoint lawyers who are not on this panel, LAA plans to give panel members first preference when it appoints a lawyer from the roster.

This is a **province-wide** panel, but LAA will consider geographic service locations when assessing panel applications. Lawyers will initially be appointed to this panel for **three years**, subject to any changes to LAA’s business needs. Panel members may reapply before their term expires.

Panel Competencies

Any LAA roster lawyer who has been practicing child welfare law in Alberta for a minimum of two years is eligible to apply to join this child protection panel. Lawyers who do not have two years of experience in practicing child welfare law may apply but will be required to have a designated mentor who has extensive experience practicing in the area of child welfare in Alberta and is prepared to support and mentor the lawyer on child welfare files. In addition, those lawyers with less than two years of experience will be encouraged to make best efforts to shadow an experienced child welfare lawyer in a Permanent Guardianship Order (“PGO”) trial prior to running a PGO trial.

Competitive applicants will demonstrate the following competencies:

- Significant knowledge of and experience in child welfare proceedings under *Child, Youth Family Enhancement Act* (hereinafter referred to as “CYFEA”), the CYFEA Regulations and Children Services Enhancement Act Policy Manual. In addition, counsel must have a good understanding of the interplay between CYFEA and the *Family Law Act* as it relates to private guardianship, guardianship and other parenting arrangements. A strong knowledge of the rules of evidence is necessary as they relate to running a child welfare trial. Counsel should have experience in conducting all aspects of a child welfare file from running initial custody hearings, negotiating resolutions to conducting a child welfare trial.
- Specific training and experience in representation of Indigenous individuals in the child protection matters and a deep appreciation of the challenges faced by Indigenous individuals in the child protection and criminal justice system. Lawyers must have a deep understanding of the issues faced by Indigenous peoples and the continuing impacts that Colonialism plays in their families’ lives.
- In depth knowledge of *An Act Respecting First Nations, Inuit and Metis Children, Youth and Families Act*, the United Nation Declaration on the Rights of Indigenous People, the Truth and

Reconciliation Commission's Recommendations, the Missing and Murdered Indigenous Women and Girls Inquiry's Call to Justice and the Office of the Child and Youth Advocate Special Report on the Overrepresentation of Indigenous children in the Child welfare system in Alberta are required reading-

- Experience working with and meeting with children including children from Indigenous and marginalized communities and children who are exposed to the toxic stress of high conflict family breakdown.
- Strong communication, problem solving, conflict management, resolution focused and negotiation skills in working with families involved in the child welfare system. This includes interest or experience working with families from Indigenous and marginalized communities, newcomers to Canada, families who are experiencing domestic violence, poverty, addiction, in addition to family breakdown. Experience in working with and managing the expectations of parents with mental health and addictions is required.
- Familiarity with the agencies and programs that serve families involved in the child welfare system within the lawyer's geographic service area.

Lawyers do require direct or extensive experience in the areas listed above, but if a lawyer lacks directly relevant experience in an area, the lawyer should have a plan for maintaining those competencies while a member of the panel.

Expectations of Panel Members

Number of Files

The number of child welfare files may vary substantially between geographic service areas. LAA cannot estimate how many certificates it may offer to panel members, because this will depend on how many lawyers LAA selects for the panel and where these lawyers practice law.

Representation of parents and family members in child welfare matters is a mandated service pursuant to LAA Governance Agreement and is a priority area for LAA staff offices where LAA has a child welfare team of staff lawyers who have training and expertise in representation of families involved in the child welfare system.

All child welfare files are sent in priority to the staff offices for acceptance. Child welfare files will be sent to roster panel members when the staff offices have a legal conflict of interest, do not service a geographic location, are at capacity for child welfare files or where a roster counsel has a pre-existing relationship with the client. Each Panel member is expected to maintain experience and currency in child welfare matters by taking a reasonable number of child representation files offered to them during their time on the panel. Lawyers on the panel must also be prepared to accept files throughout their geographic service areas.

Training and Continuing Legal Education

In addition to taking these files, panel lawyers are expected to seek out continuing legal education opportunities relevant to the competencies listed above and complete at least 6 hours per year of professional continuing education in the areas related to representation of clients in child welfare matters.

This may include a combination of:

- Attending training sessions, seminars, or webinars offered by LAA's staff lawyers or others in the area of child welfare.
- Attending training on child protection offered by a recognized organization or associations including but not limited to Legal Education Society of Alberta ("LESA"), Legal Representation of Children and Youth ("LRCY"), Association of Family and Conciliation Courts ("AFCC"), Canadian Bar Association ("CBA"), National Family Law Conference, Wahkohtowin Lodge, University of Alberta Faculty of Law or other private training that may be offered from time to time.
- Reading treatises, academic papers and caselaw relevant to child protection.
- Undertaking cultural competency training or other training that helps the lawyer gain a greater understanding of the challenges facing Indigenous children and families.

LAA may also direct panel members to undertake specific professional development activities. Lawyers who intend to reapply to the panel should be prepared to explain what continuing legal education they have undertaken in relation to the panel competencies.

Panel Selection Process

Lawyers who are interested in joining this panel must submit the application form and CV to LAA before the deadline noted on the LAA website. Lawyers will be selected for the panel in accordance with the process set out in LAA's Administrative Policy 6.

The panel selection committee will review applications, may determine an interview is required and a LAA staff member may contact references listed on the application form to discuss the applicant's interest, aptitude, or experience. By applying to the panel, roster lawyers authorize LAA to make confidential inquiries into the lawyer's qualifications and competencies.

- **Disclaimer: This document is current as of November 29, 2022. LAA Tariff, Administrative Policies and process are subject to change.**