

Quality Standards for LAA Certificates Issued for Child Welfare Matters

Effective Date: April 1, 2026

Re: Criteria for Child Welfare Certificates

Preface

Providing access to effective counsel is a core priority in Legal Aid Alberta's [Strategic Plan 2023-2026: The Path Forward](#). As outlined in the Roster Strategy Overview, Legal Aid Alberta ("LAA") is entrusted to act in the best interest of its clients. An important part of the work is brokering quality legal expertise from its roster of independent Alberta lawyers. It is imperative that the LAA roster is comprised of quality counsel that understands the law and adheres to LAA policies, procedures, processes, and tariff and guidelines.

Child welfare proceedings include not only complex legal and evidentiary rules but also require significant experience due to the sensitive nature of these child protection matters. These considerations require roster lawyers to have considerable knowledge and understanding of child welfare law and practice.

LAA has had a Child Welfare Panel in place since April 1, 2023, with core competencies. An ever-changing legal landscape requires refinements by LAA to ensure roster lawyers possess the requisite knowledge and experience to competently conduct these matters.

Therefore, LAA has decided to enhance the minimum experience requirements and criteria for roster lawyers representing LAA clients for child welfare cases. This will ensure roster lawyers possess the requisite knowledge and experience to competently represent our clients. These are hereinafter referred to as the "designated Child Welfare Standards for Child Welfare Panel members", or the "Child Welfare Standards".

Designated Child Welfare Standards

Effective April 1, 2026, the following criteria will apply to all LAA certificates that include coverage for the following:

- Oppose Supervision Order
- Oppose Temporary Guardianship Order
- Oppose Permanent Guardianship Order
- Initiate, Review or Oppose Termination of Access (PGO)
- Application to Terminate Permanent Guardianship Agreement or Order

- Private Guardianship Applications under *Child, Youth and Family Enhancement Act*
- Breach of Restraining Order under *Child, Youth and Family Enhancement Act*
- *Child, Youth and Family Enhancement Act RE;*
- Initiate or Oppose Adoption

Minimum Requirements

LAA has sole discretion in determining whether roster lawyers meet the following minimum requirements. There is no ability to appeal this decision.

Roster lawyers must meet the following requirements to be considered for the LAA's Child Welfare Panel and to receive child welfare certificates:

a) Experience

1. Active lawyer authorized by the Law Society of Alberta to practice in Alberta.
2. Under no circumstances will a student-at-law be offered a certificate for matters that fall under these standards.
3. If a complaint has been filed against a roster lawyer with the Law Society of Alberta or other professional regulator in Canada, the roster lawyer will seek the written consent of the Law Society of Alberta or other professional regulator to notify LAA of the existence and status of the complaint. If the Law Society of Alberta or other professional regulator consents, the roster lawyer will immediately notify LAA of the existence and status of the complaint as permitted by the Law Society of Alberta or other professional regulator.
4. The roster lawyer will immediately notify LAA if the Law Society of Alberta or another professional regulator issues a citation.
5. The roster lawyer agrees to forthwith provide to LAA a copy of the citation.
6. In addition to the paragraphs immediately above, a roster lawyer must have the following minimum experience and competencies before being considered for membership on the Child Welfare Panel and offered a certificate to provide certificate services for a child welfare matter. This paragraph includes roster lawyers who have joined the private practice within two years of working for the Director of Child and Family Services or counsel for a Delegated First Nation Agency ("DFNA"):
 - a. Minimum of three years of practice in child welfare law in Canada with approximately 33% of the practice being in the area of child welfare law. Lawyers practicing in rural locations where child welfare files are not as prevalent may be considered even if they do not meet the 33% requirement.

- b. Significant knowledge of the *Child, Youth and Family Enhancement Act* (hereinafter referred to as "CYFEA"), the CYFEA Regulations and Children Services Enhancement Act Policy Manual.
 - c. Specific education and experience in representation of Indigenous individuals in child protection matters and a deep understanding of *An Act Respecting First Nations, Inuit and Métis Children, Youth and Families*.
 - d. An understanding of the interplay between CYFEA and the *Family Law Act* as it relates to private guardianship, guardianship, and other parenting arrangements.
 - e. Strong communication, problem solving, conflict management, resolution focused and negotiation skills in working with families involved in the child welfare system.
7. As counsel of record for a parent on a child welfare matter in Alberta, you must have conducted at least ten LAA certificates or the equivalent number of private retainer child welfare files in the last three years to completion, involving contested trials and/or contested hearings and:
- a) Of the ten above certificates, conducted at least three contested initial custody or access hearings.
 - b) Of the ten above certificates, participated in at least three judicial dispute resolutions, if utilized in your jurisdiction.
 - c) Of the ten above certificates, prepared for and/or run at least two temporary guardianship trials.
 - d) Of the ten above certificates, prepared for and/or run at least three permanent guardianship trials.

Lawyers who do not have three years of experience with approximately 33% of their practice in child welfare must find a child welfare mentor lawyer who is on the Child Welfare Panel. The junior lawyer must work with that mentor for at least one year prior to applying for the panel to gain hands-on experience in child welfare matters. An application for the panel will not be considered until this one-year mentoring period is complete. The junior lawyer and the child welfare mentor must formalize the mentorship arrangement in writing. Mentorship must at a minimum include:

- a) shadowing on at least five client interviews,
- b) shadowing or speaking to at least 10 matters in Child welfare docket,
- c) shadow at least two initial custody or access hearings,
- d) shadow attend at least one JDR's (if utilized in your jurisdiction),
- e) shadow and attend at least one TGO trial,
- f) shadow and attend at least one PGO trial.

A lawyer with less than three years of active practice in child welfare must keep track of their mentoring hours with specific time records detailing what they have done or observed with the mentor. The lawyer must submit that information, co-signed by the mentor, to verify the mentorship hours and the mentoring experiences have been completed and attach it to their Child Welfare Panel application. The timesheets should follow the requirements for time records that are set out in the LAA Administrative Policies and Guidelines.

b) Continuing Professional Development

8. The roster lawyer must agree to commit to completing a minimum of six hours of continuing professional development each year, relevant to the conduct of a child welfare proceeding.

c) Mandatory Reading List

9. The roster lawyer must complete the reading list ("[Appendix A](#)") provided by LAA and attest to completion prior to being offered a certificate for child welfare matters.
10. The mandatory reading list will be updated periodically and posted by October 31 of each year. Counsel should be familiar with these cases at a minimum.

Appendix A

Required Reading and Comprehension

- [*Child, Youth and Family Enhancement Act* and *CYFEA* regulations](#)
- [*An Act Respecting First Nations, Inuit and Métis Children, Youth and Families Act*](#)
- [*Children Services Enhancement Act Policy Manual*](#)
- [*United Nation Declaration on the Rights of Indigenous People*](#)
- [*Truth and Reconciliation Commission's Recommendations*](#)
- [*Missing and Murdered Indigenous Women and Girls Inquiry's Call to Justice*](#)
- [*Office of the Child and Youth Advocate Special Report on the overrepresentation of Indigenous children in the child welfare system*](#)

Caselaw

Child, Youth, and Family Enhancement Act (CYFEA)

1. [*SDK v. Alberta*, 2002 ABQB 61](#)
2. [*BN v. Alberta*, 2004 ABCA 40](#)
3. [*BN v. Alberta*, 2019 ABPC 322](#)
4. [*Alberta v. DN*, 2019 ABPC 147](#)
5. [*DR \(Re\)*, 2011 ABPC 196](#)
6. [*AA \(Re\)*, 2020 ABPC 225](#)
7. [*KVW v. Alberta*, \[2006\] A.J. No. 1671, ABCA 404](#)
8. [*JW v. Director of Child and Family services*, 2021 ABQB 325](#)
9. [*Alberta v. VM*, 2009 ABPC 372](#)
10. [*BJT v. JD and Director of Child Protection for PEI.*, 2022 SCC 24](#)

Initial Custody

1. [*Alberta v. KS and KK*, 2008 ABQB 565](#)
2. [*H\(P\) v. Alberta \(Child, Youth and Family Enhancement Act\)*, 2018 ABCA 408](#)
3. [*XS \(Re\)*, 2020 ABPC 223](#)
4. [*SB*, 2022 ABPC 207](#)
5. [*SB*, 2022 ABQB 446](#)
6. [*RN*, 2022 ABPC 157](#)
7. [*SE v. Director of Child & Family Services* \(unreported J. Marriot Decision May 4, 2023\)](#)
8. [*AM 2023 ABPC 93*](#)

9. [*Alberta \(CYFEA\) v. LL*, 2024 ABCJ 177](#)
10. *GB & KS v. Alberta* (unreported June 4, 2025 decision)
11. [*CH v. Alberta*, 2025 ABCJ 169](#)

Terms of Orders

1. [*Alberta v. CT*, 2021 ABPC 13](#)
2. [*JK v. Alberta*, 2019 ABQB 539](#)

35.1 Applications

1. [*HMA \(Re\)*, 2015 ABPC 29](#)
2. [*MN v. Alberta*, 2019 ABPC 218](#)

Costs Against the Director

1. [*Alberta v. NL*, 2020 ABPC 118](#) (Andrew)
2. [*Alberta v. NL*, 2022 ABQB 120](#)

An Act Respecting First Nations, Inuit and Métis Children, Youth and Families Act

1. [*Reference Re: An Act Respecting*, 2024 SCC 5](#)
2. [*Alberta v. KC and JP*, 2020 ABPC 62](#)
3. [*Asikiw Mostos O’Pikinawasiwin Society v BL*, 2022 ABPC 76](#)
4. [*AMF v. Alberta \(CYFEA\)* 2023 ABCJ 287](#)
5. [*Alberta v. JS*, 2022 ABPC 39](#)
6. [*DB \(Re\)*, 2021 ABPC 140](#)
7. [*\(Re\) TJ\(F\)*, 2023 ABCJ 252](#)
8. [*\(Re\) AL & JL*, 2025 ABCJ 75](#)
9. [*PPM \(Re\)*, 2020 ABPC 243](#)
10. [*RS v Alberta*, 2022 ABPC 176](#)
11. [*Alberta v SN*, 2024 ABCJ 147](#)
12. [*SK v Alberta*, 2022 ABPC 144](#)
13. [*MB \(Re\)*, 2022 ABPC 270](#)
14. [*EL v Alberta \(Children and Family Services\)*, 2025 ABCJ 89](#)
15. [*MM v. Alberta \(CYFEA, Director\)* 2021 ABPC 317](#)
16. [*JW v. Director of Child and Family Services*, 2021 ABQB 325](#)