

# CFCSA Tariff



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# CFCSA Tariff

## General Tariff Information

This chapter of *LSS Tariffs* provides information about how LSS will compensate you for services provided to clients under a CFCSA representation contract. For general information about the terms of your contract with LSS, see *General Terms and Conditions*. For information about billing CFCSA appeals, see *Appeals and Judicial Reviews*. For information about billing disbursement items, see *Disbursements*.

### Scope of the CFCSA representation contract

Each CFCSA representation contract identifies the legal issues for which the contract was issued (under “Contract Details”). These issues generally involve the removal of a child or children, or a risk of removal of a child or children (current coverage and eligibility guidelines are outlined on the LSS website under [Legal Aid — Legal Representation](#)).

The hours provided under the tariff are intended to provide enough preparation time to complete most CFCSA cases. You are expected to manage the hours available accordingly. General preparation time includes the time needed to prepare for a presentation hearing and at least two additional hearings initiated by the ministry to determine protection. Below are general guidelines on billing hours:

- Hours under the tariff should be sufficient even if multiple presentation hearings are required as a result of re-removals of the child or children.
- If a re-removal occurs before a Supervision Order is expired, or if another child in the same family is removed at another time, or if another child is born and removed, you can continue to use the hours available under the tariff within the initial representation contract.
- If the available hours become insufficient to deal with the multiple issues within a case, you may request Extended CFCSA Services for additional preparation hours (see below).

## Extended CFCSA Services

Extended CFCSA Services are available for complex cases that include multiple hearings, removals, children, and/or experts. These additional hours are available when you need more time than was provided on the initial representation contract to resolve either the original legal issues, or issues that have developed since that contract was issued. Your client must have a current CFCSA representation contract and continue to qualify for legal aid.

To apply for Extended CFCSA Services, please submit a tariff item authorization request via LSS Online and attach an Extended CFCSA Services Opinion Checklist. This checklist is available in LSS Online under **Resources — Forms**. You must also ensure that your invoices are up to date.

If you are approved for Extended CFCSA Services, you can still use any hours remaining from the initial representation contract.

## Closing a CFCSA representation contract

A CFCSA representation contract is complete when:

- the child or children are returned without conditions,
- there is a Continuing Custody Order,
- a Temporary Custody Order or Supervision Order has expired and there is no further ministry involvement,
- your retainer has ended because of a change of counsel or other actions taken by the client, or
- it has been two years since the service start date.

Upon a Temporary Custody Order or a Return Under Supervision Order, your file remains open while waiting for the ministry to act. When you know how the case will proceed, either:

- continue using further hours available under the tariff,
- close the representation contract if the ministry is taking no further action, or
- if necessary, apply for Extended CFCSA Services.

CFCSA representation contracts have a service stop date of two years. If ongoing issues related to the case arise after the contract is closed, LSS will verify that the client still meets coverage and eligibility guidelines and issue a new representation contract as appropriate.



## Timekeeping

You must keep timekeeping records for each representation contract and retain them for at least five years from the date of payment of the final invoice. When invoicing for services billable on an hourly basis, you must attach a timekeeping record that specifies the date(s) and time spent on each task. LSS may ask you to provide additional information about the case or services rendered to date when considering requests for extra fees or Extended CFCSA Services, or as part of our audit process. If you prefer, you may use the timesheet provided in LSS Online under **Resources — Forms**. You can also view an example of a completed timesheet.



## Billing Items

Use the information in this section when billing via LSS Online.

For CFCSA representation contracts, bill your actual time spent (in total hours) as specified in your timekeeping records, up to the maximum available. Bill all items in hourly increments accurate to 10ths of an hour unless noted otherwise.

**Note:** You will need to request authorization via LSS Online to bill the following:

- more than the LSS Online billing maximum (check each of your contracts in LSS Online to see the list of tariff items you can bill and the maximum units for each item); and
- a tariff item that does not appear on your contract in LSS Online (LSS will apply the authorization guidelines as stated in the *LSS Tariffs* for that particular tariff item).

## General preparation

- Includes all basic preparation for a CFCSA representation contract that you cannot bill elsewhere. As well, if you have used the maximum hours available to you under another specific tariff item, you may bill any outstanding hours as general preparation. General preparation includes the following:
  - preparation prior to removal
  - preparing for hearings
  - interviewing the client and taking instructions
  - preparing correspondence
  - preparing and filing pre- and post-hearing applications
  - negotiating settlements or plan of care agreements
  - providing advice
  - preparing written arguments
  - drafting consent orders
  - working with expert witnesses
  - preparing for pre-trial conferences or case conferences
  - preparing and submitting an opinion checklist for Extended CFCSA Services
- If authorized on your representation contract, you may bill for preparing applications for leave to cancel or to cancel a Continuing Custody Order.

**Up to 20 hours**



## Extended CFCSA Services — General preparation

- Prior authorization is required to bill this item.
- See “General preparation” above for guidelines on when to bill this item.

**Up to 20 hours**

## Preparation for a CCO hearing

- Includes preparing for each application for a Continuing Custody Order (such as meeting and preparing for a hearing with the client, reviewing court documents, meeting and negotiating with the social worker, researching case law, interviewing witnesses, negotiating a settlement).

**Up to 6 hours**

## Attendance for court processes

- Includes appearing in court for all attendance such as presentation hearings, commencement date hearings, case conferences, or other hearings.
- Provide the hearing date and the time spent in court. Bill from the time the hearing was scheduled to begin to its conclusion, excluding meal breaks.
- Note: If hearings are scheduled on the same day for more than one client, distribute waiting time in court equally between the clients. Do not bill waiting time more than once.

**Actual time (up to the maximum stated on your contract)**

## Additional preparation for lengthy hearings

- Available when a contested Temporary Custody Order or Continuing Custody Order hearing lasts more than five hours. Bill up to half an hour of actual preparation time for each additional full hour of hearing time over five hours.
- Time spent at presentation hearings or procedural appearances is not included.

**Up to ½ hour per hour of hearing time**

## Preparation for mediation and/or consensual dispute resolution

- Includes preparing your client for mediation sessions and/or consensual dispute resolution meetings (such as Family Group Conferencing and other CDR processes).

**Up to 10 hours**

## Attendance for mediation and/or consensual dispute resolution

- Includes attending mediation sessions and/or consensual dispute resolution meetings (such as Family Group Conferencing and other CDR processes).
- Note: The Ministry of Children and Family Development pays the cost of the mediator. LSS will only cover mediator costs in exceptional circumstances with prior approval.
- Provide attendance dates(s) and actual time spent.

**Actual time (up to the maximum stated on your contract)**

## Additional preparation if an FLA application is required

- Includes general preparation or other work when a *Family Law Act (FLA)* application is required to resolve the underlying CFCSA case or if you are responding to an *FLA* application filed in a CFCSA case and LSS has not issued a separate *FLA* representation contract.

**Up to 7 hours**

## Collateral issues

- Includes assisting clients with collateral issues where the assistance will likely help resolve or maintain resolution for the CFCSA matter. This item includes issues such as:
  - income (e.g., income assistance, disability benefits, CPP disability, EI, WorkSafeBC, Employment Standards)
  - housing (landlord/tenant disputes, accessing BC Housing, co-op housing)
  - immigration status in Canada
  - drug and alcohol issues
  - mental health issues
  - residential schools compensation, band membership, housing and income support on reserve



- access to health care and other benefit programs and services
- Examples of services that could be provided are interviewing a client to identify issues, researching and advising on remedy, helping to fill out forms, advocating for a client directly with an administering agent or agency (e.g., income assistance worker, landlord, creditor, or Aboriginal band), representing a client in having an adverse decision reviewed/appealed, or linking a client with a non-lawyer advocate and working with the advocate to resolve the client's collateral issues.

### Up to 4 hours

## Travel

- Billable per half day of travel to or from a hearing or to interview a client in custody if the trip exceeds 160 km per round trip.
- Also billable for each half day you remain at the location (provide your destination and your travel date).
- You can bill travel fees if your representation contract states that travel is authorized under "Contract Details." If not, you must request prior authorization via LSS Online.
- The maximum travel and out-of-office fee *on one date* is \$360, unless you bill other services for the same day, in which case the maximum is \$180.
- Travel fees are paid per trip, not per client.
- Note that if you fly between Victoria and Vancouver, you are not entitled to travel fees.

### \$180