

CFCSA Tariff



Legal
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Society

British Columbia
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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 referral. 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 referral

Each CFCSA referral identifies the reasons for which the referral was granted. These 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(ren).
- 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 referral.
- 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 referral to resolve either the original issues, or issues that have developed since the referral was granted. Your client must have a current CFCSA referral and continue to qualify for legal aid.

To apply for Extended CFCSA Services, please submit an Extended CFCSA Services Opinion Checklist to the Vancouver Regional Centre (Case Management Section) by fax at 604-681-7963. The checklist is available at www.lss.bc.ca under Lawyers — Forms and questionnaires.

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

Closing a CFCSA referral

A CFCSA referral is complete and you may bill the closing fee 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 referral if the ministry is taking no further action, or
- if necessary, apply for Extended CFCSA Services.

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



Timekeeping

You are not required to produce timekeeping records when submitting accounts. However, you must keep timekeeping records for each referral and retain them for at least five years from the date of payment. LSS may ask you to produce these records as part of our audit process, or when considering requests for extra fees or Extended CFCSA Services hours. If you prefer, you may use the [timesheet](#) provided on the LSS website under Lawyers — Forms and questionnaires. You can also view an [example](#) of a completed timesheet.



Billing Items

When billing items for CFCSA referrals, always record the actual time spent (in total hours) as specified in your time records. All items are billed in hourly increments accurate to 10ths of an hour unless noted otherwise.

Use the information in this section when billing online (“e-billing”) through the Lawyers e-services section of the LSS website. (You may also bill using paper forms; see the *Guide to Paper Billing* on the LSS website under Lawyers — LSS Tariffs.)

General preparation

- Includes all basic preparation for a CFCSA referral 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 referral, 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

- Please note that 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).
- Provide the date the application was filed or delivered as the service date for billing purposes.

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



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



Additional preparation if an FRA application is required

- Includes general preparation or other work when an FRA application is required to resolve the underlying CFCSA case or if you are responding to an FRA application filed in a CFCSA case and LSS has not issued a separate FRA referral.
- Provide the date the application was filed or delivered as the service date for billing purposes.

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, WCB, 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 “Authorized” appears beside “Travel” under the “Conditions of Referral” on your referral form. If not, you must apply to the Case Management Section for prior authorization.
- 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

Closing fee

- Please note that this item is billable only on e-billing accounts.
- Billable once per referral on the final account that you submit to close the referral. This fee compensates you for the steps associated with the conclusion of the file, including:
 - providing materials to the client,
 - preparing accounts to submit to LSS, and
 - preparing the file for closure.
- To bill the closing fee, you must have met in-person with your client at least once.

\$100



List of Tariff Codes

Billing items	Tariff code
General preparation	3010
Extended CFCSA Services — General preparation	3700
Preparation for a CCO hearing	3160
Attendance for court processes	3100
Additional preparation for lengthy hearings	3166
Preparation for mediation and/or consensual dispute resolution	3024
Attendance for mediation and/or consensual dispute resolution	3028
Additional preparation if an FRA application is required	3191
Collateral issues	3209
Travel	3590

