

Representation of children in high conflict parenting matters is a mandated service pursuant to Legal Aid Alberta's Governance Agreement and is a priority area for LAA staff offices, where we have a specialized team of lawyers who have training and expertise in representation of children.

Core Competencies:

Any LAA roster lawyer who has been practicing family law in Alberta for a minimum of 5 years is eligible to apply to join this panel. Competitive applicants will demonstrate the following competencies:

- 1. Significant knowledge of and experience in family law proceedings under *Family Law Act* and the *Divorce Act* and its recent amendments. including conducting all aspects of a family file from negotiating resolutions to conducting trials.** Some ways lawyers may demonstrate this competence include: (a) by describing how much of the lawyer's practice is devoted to family law, (b) by describing how much of the lawyer's practice is devoted to parents in high conflict parenting matters, (c) by summarizing how many high conflict files the lawyer has conducted over the previous five years, and (d) by listing any training seminars or other continuing legal education the lawyer has undertaken in relation to family law and parenting issues.
- 2. Specific training and experience in representation of children in high conflict parenting matters and knowledge of the United Nation Convention on the Rights of the Child and extensive knowledge of Alberta Rules of Court and Practice Notes and a demonstrated understanding of the unique nature of representation of children in high conflict disputes.** This includes understanding the nature of representing children including principles that apply to: (a) the jurisdiction for appointment of counsel, (b) roles for child's counsel, (c) evidentiary issues and (d) limitation of child's counsel. Some ways lawyers may demonstrate this competency include: (a) by listing training seminars or other continuing legal education the lawyer has undertaken in relation to representation of children, (b) by estimating of how many child representation files they have handled over the past five years, (c) by describing some serious, interesting, or reported child representation cases the lawyer has been involved or (d) by detailing any child representation panels they are or have been a member of.
- 3. Experience in working with and interviewing children.** A deep understanding of the child development, the brain science literature, dynamics of high conflict parenting litigation and the effects on children being exposed to the toxic stress resulting from a high conflict family breakdown and litigation. Knowledge of the literature on impact of high conflict disputes on children and resources available to children within the lawyer's geographic service areas would be an asset. Lawyers should demonstrate their competency by explaining how their previous

- **Disclaimer: This document is current as of November 20, 2024. LAA Tariff, Administrative Policies and process are subject to change.**

professional, personal, educational, or volunteer experience reflects their experience in working with children.

- 4. Strong communication, problem solving, conflict management, resolution focused and negotiation skills in working with families involved in high conflict parenting litigation.** This includes, for example, interest or experience working with children from Indigenous and marginalized communities, families who are experiencing domestic violence, poverty, addiction, in addition to family breakdown. Experience in working with and navigating parents with mental health and addictions is required. Some ways lawyers may demonstrate this competency include: (a) by listing training seminars or other continuing legal education the lawyer has undertaken in relation to interest based negotiations, mediation, collaborative law or parenting coordination.

Training and Continuing Legal Education:

Panel lawyers are expected to seek out continuing legal education opportunities relevant to the competencies listed above and complete at least 8 hours per year of professional continuing education in the area of representation of children.

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 representation.
- Attending training on child representation offered by a recognized organization or associations including but not limited to Legal Education Society of Alberta ("LESA") Association of Family and Conciliation Courts ("AFCC"), Legal Representation of Children and Youth (LRCY), International Centre for Children and Family Law (ICCF) or other private training that may be offered from time to time.
- Reading treatises, academic papers and caselaw relevant to child representation in high conflict matters.
- Undertaking cultural competency training or other training that helps the lawyer gain a greater understanding of the challenges facing Indigenous children and families.

Lawyers do require direct or extensive experience in all four 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. In addition, the lawyer must be committed to attend any training on representation of children offered by LAA and be prepared to participate in mentorship opportunities and/ or file reviews.

- **Disclaimer: This document is current as of November 20, 2024. LAA Tariff, Administrative Policies and process are subject to change.**