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NOTICE TO THE PROFESSION

Legal Aid Manitoba Application Changes

The Manitoba Court of Queen's Bench (MBQB) has recently announced upcoming changes to family law procedure. These changes will require (among other things) that litigants satisfy a number of prerequisite conditions prior to matters proceeding before the Court, including:

- confirmation that parties have engaged in 4-way resolution meetings or other alternative dispute resolution and that there still remain issues to be determined by the court;
- a certificate of attendance from "For the Sake of the Children" program; and
- financial disclosure, if support and/or property is at issue.

The MBQB's presentations to the Profession regarding the "New Model for Scheduling and Case Flow Management" can be accessed here.

Legal Aid Manitoba (LAM) consulted with stakeholders, including the Advisory Committee of LAM, and received input regarding changes that could be implemented to ensure applicants, clients and lawyers are aware of their responsibilities under these upcoming legislative and procedural changes.

As a result of these consultations, LAM has changed its electronic and paper applications for legal aid effective September 24, 2018, requiring that applicants seeking family law assistance certify their agreement to the following conditions on their application for legal aid, thereby ensuring these new requirements do not become a barrier to the effective conclusion of their case:

- *to the extent that it is appropriate to do so, I shall try to resolve my family law matters through a family dispute resolution process which may include (but is not limited to) 4-way settlement meetings, mediation and/or collaborative law before instructing my lawyer to proceed to contested litigation*;

- *to the extent that it is appropriate to do so, and/or required by law, I shall attend and complete the "For the Sake of the Children" parent information program operated by the government of Manitoba. Upon completion of the parent information program, I shall provide my lawyer with a copy of the certificate of attendance.*

- *I shall deal with my assigned lawyer in good faith and shall provide my assigned lawyer all necessary and reasonable information requested including (but not limited to) the following financial information:*
    - *income tax returns for each of the three most recent tax years;*
    - *notices of assessment and reassessment from the Canada Revenue Agency for each of the three most recent tax years;*
    - *the most recent statement of earnings or pay slip showing year to date earnings, or a letter from my employer stating my salary or wages;*
    - *financial statements if I am self-employed or control a corporation;*
    - *information on income received from employment insurance, workers' compensation, disability payments, and social or public assistance.*

- *I acknowledge and agree that I will take all steps in my power:*
    - *to reduce any conflict between myself and the opposing party;*
    - *avoid actions that would expose any child of the relationship to conflict that arises;*
    - *promote co-operative solutions, wherever appropriate;*
    - *maintain and continue all insurance coverage without change in coverage or beneficiary; and*
    - *ensure all steps and actions I take protect the best interests of the child(ren).*

- *I acknowledge and agree that while my legal aid certificate is active, I will not:*
    - *dispose of any assets of the relationship except by an agreement in writing;*
    - *harass, belittle or denegrate the other party;*
    - *instruct my lawyer to take a position that is unreasonable or contrary to the best interests of the child(ren) of the relationship.*

A copy of the updated paper application can be accessed here.

Applicants and stakeholder organizations can continue to access the updated electronic application through LAM's external website here.

Private bar and staff lawyers can continue to access the updated electronic application through PBOnline and LAMAS respectively.

Failure to certify acceptance of any of the above conditions on an application may result in the application being rejected and coverage refused.