



Legal Aid Test Case Settlement Backgrounder – February 15th, 2024

On February 15th, 2024, the provincial government announced it will fully fund a multidisciplinary intensive family law clinic operated by Legal Aid BC (LABC) as a part of a historic agreement reached between the Ministry of the Attorney General, Legal Aid BC, and the Centre for Family Equity, represented by West Coast LEAF.

This agreement was reached through a collaborative process and represents a significant shift in how family law legal assistance is provided and lowers the barriers to access for people experiencing family violence who are mostly women. The government is investing \$29.1M over the next three years to support Legal Aid BC in implementing these changes. Until the clinics and the new model are in operation, as of April 1st, 2024, new clients who would be eligible for clinic services can access an additional 25 hours of legal aid services.

The Centre for Family Equity (formerly known as the Single Mothers Alliance) launched a charter challenge in 2017. Represented by West Coast LEAF with support from the Ethos Law Group and many pro bono contributors, the Centre for Family Equity led this challenge on behalf of single mothers who were not able to access adequate legal aid services to protect themselves and their children.

The Centre for Family Equity believes these changes will significantly assist parents who are experiencing violence and who, in the past, would have faced financial and other barriers to obtaining legal services.

New Approach

Legal Aid BC will be able to consider new criteria for eligibility related to family law and family violence including whether a client requires an urgent interim order and/or has experienced court-related harassment.

The clinic will aim to provide clients with the legal services necessary to meaningfully stabilize the family law legal situation of the client. We are hopeful this new approach will greatly assist parents caught in complex legal conflicts.

At a minimum, legal services will be provided until all interim orders have been reasonably dealt with. Additionally, staff lawyers will have reasonable discretion to provide additional legal services they deem necessary.

The provincial government will provide funding for the legal clinic to maintain at least eight lawyers, eight navigators/advocates and four paralegals. Additional Legal Aid BC intake staff will also be hired in anticipation of a significant increase in caseload and intake. Province-wide virtual service will be

provided. A minimum of two physical clinics will be created with their location to be determined. The clinic planning process will start now, and the new services are expected to be in operation by 2025.

Legal Aid BC will consult with the Centre for Family Equity and other organizations to design the clinic's services through a process specified in the agreement between the Province and the organization.

Financial Eligibility – New Criteria

Starting on April 1, 2024, Legal Aid BC will use the most recent Market Basket Measure (published by Statistics Canada) as the income threshold for family law legal aid services. In subsequent years, the threshold will use the Market Basket Measure plus 2%.

In determining eligibility for applicants experiencing family violence, the Legal Aid BC will exclude an individual's assets within six months of leaving an abusive partner.

In addition, Legal Aid BC will exempt a combined total of \$30,000 in registered savings accounts from determining eligibility in this program. This includes Registered Retirement Savings Plans; Registered Education Savings Plans; Registered Disability Savings Plans; and Tax-Free Savings Accounts.

To be eligible for services from the new multidisciplinary intensive family law clinic, applicants must be financially eligible for Legal Aid BC family law standard representation services and be experiencing family violence as well as one or more family law issues covered by Legal Aid BC's standard representation services.