

**Section 9.1: Legal Documents**

**9.0 LEGAL SERVICES EXPENDITURES**

**9.1 Legal Documents**

**Policy**

The Ministry may make certain expenditures for the costs of legal documents associated with children in out of home care.

**Procedures**

1. The Ministry shall pay actual fees for the following legal documents:
  - birth, marriage and death certificates when required for court purposes or to complete the children's services file;
  - required certificates for adoption applicants who are receiving financial assistance;
  - passports for children in care (5 year passport for children 16 years of age or older);
  - court transcripts.
2. If the child is a temporary ward an application for a passport can only be made after consultation with the parent. The parent and **the Director, Service Delivery** should sign the passport application.

**Note: Payment is processed through a service authorization in Linkin.**

SERVICE	EXPENDITURE	APPROVAL
<b>Legal Documents</b>		
Vital Statistics	Actual cost	Worker
Court Transcripts	Actual cost	Supervisor
Passports	Actual cost	Worker
	Exception – costs exceeding \$1500	Manager

**Practice Guidelines**

Court transcripts are requested in exceptional circumstances only. It may be sufficient to order a transcript of the Judge's summation rather than the entire proceedings.

A request for a court transcript may be made to the Ministry of Justice in the following types of cases:

- where a decision is being appealed;
- where permanent committal is recommended by the Ministry and the petition has been denied by the court;
- exceptional cases.

**Section 9.2: Witness Fees**

**9.0 LEGAL SERVICES EXPENDITURES**

**9.2 Witness Fees**

**Policy**

The Ministry may pay witness fees and travel costs to any person who attends a hearing under *The Child and Family Services Act* as a witness.

**Procedures**

1. Payment may be made even though the person is not called as a witness.
2. Mobile Crisis Unit bills the Ministry based on the agency's rate.
3. Medical doctors are compensated according to the rates in the **Saskatchewan Justice, Court of Queen's Bench schedule**.

**Note: Payment is processed through a service authorization in Linkin with the service name "Legal Witness Fees".**

<b>SERVICE</b>	<b>EXPENDITURE</b>	<b>APPROVAL</b>
Legal Witness Fees:		Up to \$100 Supervisor
Non professional	\$15.00/day	
Professional	\$52.50 - 1/2 day \$105/day	Up to \$1,000 Manager Service Delivery
Expert Consultant	\$72.50 - 1/2 day \$130/day	Over \$1000 Director, Service Delivery
Public transportation	Actual cost	
Private transportation	PSC rate	
Meals	PSC rate	
Accommodation	PSC rate	
Exceptions:		
Travel - MD	PSC rate	
Meals	PSC rate	
Accommodation	PSC rate	
Professional witness	\$26.50 - 1/4 hour	
Expert witness	\$30.00 - 1/4 hour	
Medical report	\$26.50 - 1/4 hour to a maximum of \$150	

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**Section 9.3: Interpreter Fees**

**9.0 LEGAL SERVICES EXPENDITURES**

**9.3 Interpreter Fees**

**Policy**

The Ministry may pay court related interpreter fees.

**Procedures**

1. The Ministry may pay interpreter fees and related costs to any person who:
  - Attends a hearing under *The Child and Family Services Act* as an interpreter.
  - Payment may be made even though the person is not called to provide interpretative services.
    - provides interpretative services during interviews.
    - translates Ministry correspondence, legal documents and other written materials.

**Note: Payment is processed through a service authorization in Linkin.**

SERVICE	EXPENDITURE	APPROVAL
<b>Interpreter Fees:</b>		Up to \$1500 Supervisor
Court Hearing	\$20.00/DAY	
Other than Court	Actual cost	
Document translation	Actual cost	
Public transportation	Actual cost	
Private transportation (Rates are the same as per the PSC/SGEU agreement.)	PSC rate	
Meals	PSC rate	Over 1500 Manager
Accommodation	PSC rate	
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**Section 9.4: Legal Fees for Ministry in Hearings under CFSA**

**9.0 LEGAL SERVICES EXPENDITURES**

**9.4 Legal Fees for Ministry in Hearings under CFSA**

**Policy**

Where legal services are not available through the Ministry of Justice, the Ministry may engage legal counsel to represent the Ministry in a hearing under *The Child and Family Services Act*.

**Procedures**

1. Fees shall be approved in accordance with the fee schedule for counsel representing the Ministry in Provincial Court, Queen's Bench Court, and Unified Family Court.
2. Except in exceptional circumstances and subject to the approval of the Deputy Minister, a straight hourly fee is paid for case preparation and court presentation.

**Note: Payment is processed through a service authorization in Linkin.**

<b>SERVICE</b>	<b>EXPENDITURE</b>	<b>APPROVAL</b>
<b>Legal fees for CFSA Hearings</b>	Up to \$1,000.00	Supervisor
	Over \$1,000.00	Manager, Service Delivery

**Section 9.5: Legal Fees for Families in Hearings under CFSA**

**9.0 LEGAL SERVICES EXPENDITURES**

**9.5 Legal Fees for Families in Hearings under CFSA**

**Policy**

Families who are eligible for legal aid shall obtain legal counsel from that source.

Families who are not eligible for legal aid shall pay their own legal costs.

Exceptional cases may be considered by the **Executive Director**.

**Procedures**

- Exceptional fees shall be approved in accordance with the fee schedule for counsel representing the Ministry.

**Note: Payment is processed through a service authorization in Linkin.**

<b>SERVICE</b>	<b>EXPENDITURE</b>	<b>APPROVAL</b>
<b>Family Legal Fees</b>	Exceptional	Director, Service Delivery, in consultation with Executive Director

**Section 9.6: Legal Assistance For Children in Care**

**9.0 LEGAL SERVICES EXPENDITURES**

**9.6 Legal Assistance for Children in Care**

**Policy**

The Ministry shall assume responsibility for costs of legal counsel for children in care. **Legal services for children in care are available through the Counsel for Children (CFC) Program which is administered through the Public Guardian and Trustee Office.**

**The CFC Program does not appoint legal representation for children involved in civil, criminal or private custody and access matters.**

**Introduction**

The CFC Program may appoint a lawyer to act on behalf of a child receiving services under *The Child and Family Services Act*. The objective of the CFC Program is to:

- ensure the child's voice is heard in child protection proceedings where needed;
- appoint legal representation in a timely manner;
- establish best practices, supports and standards for quality legal representation; and
- create a body of lawyers with expertise and experience in this area of law.

Appointment of counsel may be considered by the CFC Program in the following circumstances:

- where there is a difference in the interests or views of the child and the interests or views of the parties to the hearing;
- where the nature of the protection hearing, including the seriousness and complexity of the issues may have a long term impact on the child;
- where the child has expressed a wish to have their views considered;
- where there are competing plans presented by various parties, including sibling groups, where there are diverse plans and ideas with respect to their individual best interests or any difference in the interests or views of the child and the interests or views of any other child involved in the proceeding.

**Section 9.6: Legal Assistance For Children in Care**

**Procedures**

1. A referral is made to the CFC Program in writing by:
  - using the form 'Request for a Lawyer' (see 'Forms and Links'), or by contacting the CFC Program by phone or email; or
  - requesting the court to appoint counsel (the court may order the appointment, make a referral to the CFC Program or deny the request).
2. Where the CFC Program approves a request, it will appoint a lawyer from its roster, or approve a lawyer specified by the child (third-party requests for specific lawyers are not accepted). Approval of a specific lawyer is subject to CFC review and approval.
3. If the appointed lawyer does not have contact or case information (e.g. name of caseworker), he/she will contact the Director, Service Delivery Support to obtain it.
4. The appointed lawyer may contact the child's caseworker to set up a time to meet the child, or may contact the child directly (this may occur via the foster parent or caregiver). During this contact, the lawyer will seek the child's consent to representation. If the child consents, the CFC will:
  - a. send a letter to the caseworker confirming the appointment (the letter shall be placed on the child's file); and
  - b. file notice with the court.

If a child does not consent to representation, the engagement terminates.

5. Where file information (disclosure) on the child's circumstances is sought, the appointed lawyer will work with Counsel for the Ministry.
6. The appointed lawyer will send invoices for service to the CFC Program, who will forward the invoices to the child's caseworker for processing.

**Note: Payment is processed through a service authorization in Linkin.**

**Forms and Links**

Information and forms related to the CFC Program can be found at:

<http://www.justice.gov.sk.ca/cfc>

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**Section 9.7: Queen's Bench Fees**

**9.0 LEGAL SERVICES EXPENDITURES**

**9.7 Queen's Bench Fees**

**Tariff of Fees for Physicians & Surgeons**

**Queen's Bench Fee - Saskatchewan Justice**  
**Effective June 27, 1995**

SUBJECT	GENERAL PRACTITIONER	SPECIALIST
<p><b>Testimony</b>  <b>First court appearance</b> – during “fiscal year for the <b>first hour</b> or part thereof (includes preparation, pretrial briefing and waiting time)                      if testimony is <b>more than one hour</b>, for each subsequent 15 minutes or major portion thereof add:  <b>**Subsequent court appearances</b> during the same fiscal year                      if testimony is <b>more than one hour</b>, for each subsequent 15 minutes or major portion thereof add:</p> <p><b>Cancellation Notice:</b>                      Failure to give notification of adjournment or cancellation to the practitioners' offices by noon of the work day prior to the date of the scheduled court appearance notice a "flat rate" will be paid.</p>	<p>\$150.00</p> <p>\$35.00</p> <p>\$175.00</p> <p>\$40.00</p> <p>\$125.00</p>	<p>\$175.00</p> <p>\$40.00</p> <p>\$200.00</p> <p>\$45.00</p> <p>\$150.00</p>
<p><b>Compensation for Physician's Travel</b></p> <p><b>Travel:</b>                      commercial carrier (receipt required)                      private vehicle                      Taxi (receipt required)</p> <p><b>Meals:</b></p> <p><b>Accommodation:</b>                      Payable for witness only (max./night)</p>	<p>cost PSC rate cost</p> <p>PSC rate</p> <p>PSC rate</p>	<p>cost PSC rate cost</p> <p>PSC rate</p> <p>PSC rate</p>
<b>3. Medical Documentation</b>		



**Section 9.7: Queen's Bench Fees**

<p>At the request of the Crown Prosecutor, submission of the following documentation may eliminate the need for the physician's attendance at court proceedings.</p>	\$100.00	\$100.00
<p>A complete response to the prosecutor's request must be provided prior to payment for the service rendered.</p>	\$250.00	\$250.00
<p><b>Letter:</b> This is a factual report on past health and/or current condition based on review of office and/or hospital records. This is a factual summary of the history, symptomatology, investigation, therapy, results and present condition.</p>		
<p><b>Report (Opinion):</b> This is an expert opinion concerning such matters as: cause and effect; long term consequences, possible complications; and, extent, or percentage of disability. It involves the exercise of expert knowledge and judgement with respect to the medical facts and findings including a detailed prognosis. Depending on the circumstances of the case, it may contain some comment as to the likelihood of permanent disability.</p>		

\* *fiscal year - April 1 - March 31.*

\*\* *If the testimony is given during a "subsequent court appearance during; the same fiscal year" it is the responsibility of the witness to advise the prosecutor of the "subsequent" appearance status.*

\*\*\* *At the discretion of the Executive Director of Public Prosecutions, other people appearing as professional witnesses in criminal matters may be eligible for payment under the above Tariff.*

**Section 9.7: Queen's Bench Fees**

**Payment Arrangements**

**Payment is processed through service authorizations in Linkin.**

Service "Legal –Witness Fees QB – CSM 9.7"

Approval Level: Up to \$100 – Supervisor

Up to \$1500 – Manager

Over \$1500 - Director

**Provincial Court - Adult and Young Offender**

In Regina and Saskatoon submit claims for expenses, reports and court appearances to the prosecution office requesting services. In all other areas of the province submit claims to the RCMP or city police officer who requested the testimony.

**Court of Queen's Bench - Adult and Young Offender**

In all areas across Saskatchewan, please submit claims for expenses, reports and court appearance to the prosecution office requesting the services.

**In both of the above Courts**

When submitting expenses, please include a statement as to whether this is a first or "subsequent" appearance during the current fiscal year (April 1 to March 31). An increased fee will be paid for any subsequent testimony during that fiscal year.