



**Family Legal  
Services Provider**

**Call for  
Comment**

Tab 5

# **Family Legal Services Provider Licence**

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## **Consultation Paper**

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## Introduction

The Access to Justice Committee (“Committee”) is seeking input from lawyers, paralegals, legal organizations, and the public on a model licensing framework for a Family Legal Services Provider (“FLSP”) licence. The model outlines a proposed scope of permissible activities, competencies, and training requirements, all of which are described below.

In developing this model, the Law Society has engaged in research and consultation for several years. Preliminary work done at the outset of this project contemplated environmental issues such as feasibility, the effectiveness of paralegals as assumed FLSP candidates as well as regulatory issues such as availability, and cost of professional liability insurance. However, in order to properly address these questions, a proposed scope for the licence needed to be established. The Committee also determined that stakeholder perspectives would be needed to provide contextual, qualitative data.

The Committee is inviting stakeholders to:

- 1) Comment on the components of the licensing framework; and
- 2) Provide contextual information that will help determine the effectiveness of the licence in addressing access to justice needs.

A number of guiding questions have been included at the end of this document. The input received will assist the Law Society in assessing the proposed framework and determining whether this model is the most effective approach to improving access to family law services.

## Background

### Unmet Legal Needs and the Family Legal Services Review Report

In February 2016, the then-Attorney General of Ontario and the then-Treasurer of the Law Society appointed Justice Annemarie E. Bonkalo to lead the Family Legal Services Review which culminated in the Family Legal Services Review Report (the “Bonkalo Report”).<sup>1</sup> The review explored whether the family justice system could be improved by expanding the delivery of legal services to providers other than lawyers.

The Bonkalo Report revealed information about access to family legal services. First, it found that 57% of Ontarians did not have legal representation in family court in 2016. Second, the report included statistics indicating that self-represented litigants do not fare as well as those represented by counsel.<sup>2</sup>

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<sup>1</sup> Justice Annemarie E. Bonkalo, “Family Legal Services Review. Report Submitted to Attorney General Yasir Naqvi and Treasurer Paul Schabas” (December 31, 2016), online: [https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/family\\_legal\\_services\\_review/](https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/family_legal_services_review/) [Bonkalo Report].

<sup>2</sup> For motions, unrepresented litigants had 124 wins and 720 losses. For applications, they had 9 wins and 56 losses. For trials, they had 30 wins and 84 losses.



Third, the report emphasized that the overburdened court system is further negatively impacted by the high volume of self-represented litigants.

In addition to the data provided in the Bonkalo Report, other studies indicate that the number of self-represented litigants fluctuates and has been even higher in the past. In 2012, 64% of individuals involved in applications under either the *Family Law Act*, the *Children's Law Reform Act* or the *Divorce Act* were self-represented at the time of filing. In two of Toronto's busy downtown courthouses, the figures were 73% and 74%.<sup>3</sup>

Data from 2018 from the Ministry of the Attorney General indicates that 47.3% of motions to change and applications in family law were filed by self-represented litigants.<sup>4</sup> However, these numbers are likely to be an under-estimate since a significant number of individuals who begin the legal process with a lawyer become self-represented after exhausting their resources and/or becoming dissatisfied with their legal counsel.<sup>5</sup>

There are several factors that may lead to the high number of self-represented litigants in the justice system, including in family court. Dissatisfaction with legal representation as well as a preference for handling one's own matters have been cited as two factors.<sup>6</sup> However, the most consistently cited reason for self-representation is the inability to afford to retain, or to continue to retain, legal counsel.<sup>7</sup> Many clients do not meet the financial eligibility threshold for legal aid funding but cannot afford a lawyer.<sup>8</sup> To qualify for legal aid in Ontario, a family of four must earn a combined income of less than \$45,440. Eligible families may receive legal aid for a number of matters but support is not available for motions to change (unless there is domestic violence), independent legal advice, separation agreements or uncontested divorces.<sup>9</sup>

### Recommendations from the Bonkalo Report

In her December 2016 report, Justice Bonkalo made a number of recommendations directed at the Law Society relating to the creation of "a specialized licence for paralegals to provide specified legal services in family law."<sup>10</sup> The report noted that paralegals play a well-developed role in providing access to justice in that they represent clients in tribunals and small claims court, and on minor criminal charges. The report also referenced the fact that paralegals can reduce the cost to the client.

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<sup>3</sup> Julie McFarlane, "The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants Final Report" (May 2013) at 33 [McFarlane].

<sup>4</sup> Ministry of the Attorney General of Ontario, Data Development Unit, Analytics and Evidence Branch, Modernization division. September 24, 2019.

<sup>5</sup> McFarlane, *supra* note 3 at 33.

<sup>6</sup> *Ibid* at 38-45.

<sup>7</sup> *Ibid*.

<sup>8</sup> Bonkalo Report, *supra* note 1

<sup>9</sup> Legal Aid Ontario, "Family Legal Issues," online: <https://www.legalaid.on.ca/services/family-legal-issues/>

<sup>10</sup> Bonkalo Report, *supra* note 1.



Subsequently, the Law Society and the Ministry of the Attorney General jointly committed to an action plan to improve access to family legal services. In December of 2017, the Law Society's Convocation approved the Family Law Action Plan, which was the Law Society's contribution to the joint action plan with the Province. In particular, Convocation approved the development of a licence as follows:

1. A licence for licensed paralegals and others with appropriate training to offer some family law legal services. Recognizing the urgency of the need, this licence will support training in process navigation, form completion, investigating forms such as financial, motions to change, and uncontested divorces, and possibly other areas outside the courtroom context.
2. At the same time, assess what additional family legal services by providers other than lawyers, and including advocacy, are in the public interest, and consider how to develop a further expanded licence, following resource-related discussions with government.<sup>11</sup>

## Developing the Licence

### Components of the Licence

Since the approval of the Family Law Action Plan, the Law Society's Family Law Working Group ("FLWG")<sup>12</sup> has carried out a significant amount of work to develop the FLSP licence. The work has focused on three components:

1. Scope of permissible activities.
2. Competencies (the knowledge, skills, and abilities required to carry out the permissible activities).
3. Education, training, and assessment based on the identified competencies.

### Guiding Principles

The development of the licence was informed by the following three guiding principles:

1. Access to justice: The licence should address areas of unmet legal needs in family law and have an impact on the challenges of access to justice.

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<sup>11</sup> Report to Convocation from the Access to Justice Committee (December 1, 2017) at paras 21-22, online: <https://lawsocietyontario.azureedge.net/media/iso/media/legacy/pdf/2/2017-dec-convocation-access-to-justice-committee-report-final.pdf>

<sup>12</sup> The Family Law Working Group is a subgroup of the Law Society's Access to Justice Committee. It reports to Convocation (the Law Society's governing body) through the Access to Justice Committee. The FLWG is composed of lawyers who practise in the area of family law and paralegals with litigation experience. The membership of the FLWG can be found at <https://iso.ca/about-iso/governance/committees>.



2. **Public protection:** The activities that fall within the scope can be performed competently with appropriate education, training, licensing, and regulation.
3. **Viability:** The licence should form the basis of a viable practice that can attract a critical mass of candidates. It is important that the training requirements are attainable and that the prospective client pool is large enough to sustain a legal services practice.

Consideration was also given to the business models of paralegals. While there is no relevant data to support a comparison between what paralegals would charge for family law services and the amount lawyers currently charge, a preliminary environmental scan of paralegal billing practices suggests that paralegals may be able to offer family law services in varied and alternative formats. First, it appears that paralegals bill clients smaller amounts, more frequently. Second, it appears that paralegals charge lower hourly rates than lawyers. Third, while paralegals occasionally accept flat fees for matters, they are more likely to charge block fees for various steps within a matter. These differences provide clients with greater certainty than hourly billing. Paralegals do charge an hourly rate when matters exceed estimated blocks or become complex, but many do not bill for routine tasks such as emails, phone calls, or travel time. As part of this consultation, the Law Society will conduct surveys and focus groups to collect additional information regarding hourly rates and billing models employed by paralegals and lawyers.

### **Methodology Used in Developing the FLSP Licence**

The Law Society's FLWG engaged in a rigorous development process in creating the FLSP licensing framework. The key activities included:

1. Meeting with approximately 100 family law practitioners, family law clerks, paralegals, mediators, court staff workers, intermediaries, and others to gain insight into the opportunities and limitations of an FLSP licence.
2. Retaining subject matter experts to develop a preliminary mapping of activities for the FLSP.
3. Convening multiple working groups led by psychometricians and consisting of family law lawyers, paralegals, and law clerks, as well as representatives from Legal Aid Ontario and the Ministry of the Attorney General, to develop, revise, and critically analyse the proposed permissible activities and supporting competencies.<sup>13</sup>
4. Several rounds of internal Law Society consultation and policy discussion that involved the Access to Justice Committee, other benchers, and senior Law Society staff to finalize the framework for external consultation.

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<sup>13</sup> Psychometricians are experts in the science of education, learning, and skills assessment, who measure reliability, validity, and fairness in developing standards. Their input was key in developing a licensing framework that could objectively develop and measure the skills, knowledge, and training necessary to acquire the licence.



## Evolution of the FLSP Licence

The FLWG commenced the development of the FLSP licence close to two years ago. It began by considering what might be done to improve access to justice in family law as soon as possible, without compromising the extensive education and training necessary to support defensible licensure in the public interest. The FLWG initially proceeded with the development of two licences: a licence with a narrow scope that could be developed rapidly and a broader licence to be developed in due course.

In assessing how an FLSP licence could address unmet needs in family law, the FLWG considered the circumstances of an average family of modest means involved in divorce proceedings in Ontario. This family's household income is approximately \$74,287, according to recent census results.<sup>14</sup> A family in this situation may own a matrimonial home, registered retirement savings plans, and possibly pensions and tax-free savings accounts. In these cases, many families prefer to pursue resolution instead of litigation, but still require a broad array of legal services to move their matters forward, including access to legal advice, assistance during negotiation of rights and interests, and representation in court.

The FLWG has considered the appropriateness of a breadth of legal services in revising and evolving the licence to more meaningfully address unmet legal needs, while ensuring competence in the public interest. During the development process, the FLWG determined that a narrow licence focussed on form completion and process navigation would be limited in responding to the needs of the average family experiencing marital breakdown. The FLWG found that assisting these families with parenting, support, and division of property could safely fall within the scope of practice for a legal professional who has fulfilled the education and training requirements of the FLSP licence which are described below, and could provide a much needed, potentially more affordable resource in this area.

Consequently, in the interest of efficiency and clarity, the two licences originally contemplated by the Family Law Action Plan were collapsed into a single broader licence.

## Evolving Landscape

The development of the FLSP licensing framework has taken into consideration innovations in access to family law since the 2016 Bonkalo Report,<sup>15</sup> including the anticipated continued expansion of the Unified Family Court in Ontario and court modernization processes that introduce enhancements like online filing of claims. Other access to justice initiatives like *Steps to Justice* provide individuals with guidance that lawyers would traditionally provide.<sup>16</sup> The Family Law Limited Scope Services project aims to improve access to family justice for middle and lower income Ontarians by increasing the use of limited scope retainers, legal coaching, and summary legal counsel.<sup>17</sup> It also is worth noting that Bill C-

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<sup>14</sup> Ontario Ministry of Finance, Office of Economic Policy Labour Economics Branch, 2016 Census Highlights.

<sup>15</sup> A list of notable initiatives can be found at Appendix A.

<sup>16</sup> *Steps to Justice* is a collaborative project led by Community Legal Education Ontario that provides free legal information and guidance to the public on a range of legal matters. Available at: <https://stepstojustice.ca/>.

<sup>17</sup> Ontario's Family Law Limited Scope Services Project is a private-bar driven collaborative effort that has involved leadership from the Ontario Bar Association Family Law Section, the Federation of Ontario Law



78 will come into force on March 1, 2021.<sup>18</sup> The Bill is the first substantial update to federal family law in 20 years. The Bill acknowledges that individuals other than lawyers may be able to assist in certain family law matters, and allows for the streamlining of processes like child support recalculation. The FLSP licence is intended to complement these and other family law reforms currently underway.

## Outside of Ontario

Outside of Ontario, there have been initiatives undertaken that provided the FLWG with guidance on the potential for success, as well as the need for caution, in expanding the accessibility of family law services. In March 2019, the Law Society of British Columbia established the Licensed Paralegal Task Force, which will consult with the profession to identify opportunities for the delivery of legal services that would benefit the public in areas of unmet legal needs. It will also consider the scope of services, education and qualifications, credentials and experience, and insurance that would be required for licensed paralegals and make recommendations for a regulatory framework.

In the United States, Utah and Washington State offer programs that allow professionals other than lawyers to provide broad suites of family law services to clients.<sup>19</sup> The programs have had challenges with limited enrollment and questionable market uptake. The Utah and Washington programs demonstrate important considerations in developing a family law licence. First, entry and training requirements must be rigorous but not overly onerous. Second, licensing fees cannot be so high that they prevent providers from serving low-income households, but should be designed to achieve cost recovery over time.

## Recommendations

With the three guiding principles in mind, the FLWG developed a range activities that an FLSP could undertake. The FLWG focussed on discrete activities within family law for routine, lower-conflict matters where an FLSP could assist a family of modest means. Specifically, the following factors were considered in developing activities within scope:

- Area of need
- Frequency

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Associations, the Association of Family and Conciliation Courts, The Advocates' Society, the Family Lawyers Association, the Superior Court of Justice, and Ontario Court of Justice. This project also includes the Advice and Settlement Counsel Pilot Project which connects self-represented litigants with family law lawyers on a limited scope retainer for up to one hour of services on the day of court.

<sup>18</sup> On June 5, 2020, the federal government announced that Bill C-78 will come into force on March 1, 2021 (instead of July 1, 2020, as initially anticipated), as a result of implementation challenges caused by the COVID-19 pandemic.

<sup>19</sup> On June 4, 2020, the Washington Supreme Court voted to conclude the Limited License Legal Technicians ("LLLT") program. The Court determined that due to limited enrolment and the overall costs of sustaining the program, the LLLT program was not an effective way to address unmet legal needs. Current LLLTs in good standing and prospective LLLTs currently enrolled in the training program who complete all training requirements by July 31, 2021 may continue to provide legal services. No new LLLTs will be admitted after July 31, 2021.





- Level of risk
- Level of conflict/complexity
- Teachable in the proposed training program

Given this background, the FLWG recommended the proposed licensing framework for the FLSP licence. This section outlines a simplified version of the scope of permissible activities. A more detailed version can be found in the chart in Appendix B.

### **Scope of Permissible Activities**

The FLSP will be authorized to offer the following services:

- Legal advice
- Drafting legal documents
- Representation in court or before an adjudicative body
- Negotiating legal interests or rights

The FLSP will be authorized to offer the above services in the following general areas of family law, with exclusions and limitations to be specified in the applicable by-law:

- Divorces
- Parenting orders and decision-making (custody and access)
- Child and spousal support
- Contempt/enforcement of orders
- Separation agreements, paternity agreements, and family arbitration agreements provided that the client agrees to obtain independent legal advice from a lawyer
- Change of name applications
- Division of property

Out of scope activities include:

- Matters involving income determination
- Third-party experts or valuers
- Relocation/mobility
- Cohabitation agreements and marriage contracts

Regarding property, the FLSP may not act where there is more than one home, or where there are equitable or trust claims, or claims for unequal division of property.

More generally, the FLSP will not, at any time, be allowed to act in the following circumstances:

- Where the client is under the age of 18 or is mentally incapable
- Child protection matters
- Adoptions
- Declarations of parentage





- Appeals or motions for leave to appeal
- Matters involving reproductive/fertility law issues
- Matters overlapping with an area that is out of scope for the FLSP licence
- Matters overlapping with an area that is out of scope for paralegals generally under the current By-Law 4
- Where legal issues or assets are outside of Ontario

## Competencies

Competencies are the enabling knowledge, skills, and abilities that will allow an FLSP to safely and effectively perform the activities that fall within scope. The FLSP competencies build on existing competencies required for paralegal licensure<sup>20</sup> with an emphasis on specific skills required to provide family legal services. A total of 209 competencies across the eight areas listed below was developed by psychometricians, subject matter expert family law practitioners, and educators. A detailed list of competencies for the FLSP licence can be found at Appendix C.

1. Ethics and professional responsibility
2. Knowledge of the law
3. Substantive family law
4. Problem, issue identification, analysis, and assessment
5. Alternative dispute resolution
6. Litigation process
7. Practice management issues
8. Prohibitions

## Training Program

The competencies form the foundation for the FLSP training program and the accompanying assessment regime. The proposed training program is informed by the Law Society's paralegal education framework and has been supported by an environmental scan of family law education programs for law students, law clerks, family lawyers, and others.

It is estimated that the training program will be a minimum of six to eight months on a full-time basis (20 instructional hours per week) or one year on a part-time basis (10 instructional hours per week). The training program should be delivered primarily in-person to support synchronous interactions between instructors and students, and facilitate analysis, discussion, and skills development opportunities. The duration and structure of the training program will be fully determined in conjunction with the selected education providers.

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<sup>20</sup> Law Society of Ontario, "Entry-Level Paralegal Competencies," online:  
<https://lso.ca/becoming-licensed/paralegal-licensing-process/licensing-examinations/entry-level-paralegal-competencies>



## Other Components of Licensure

The FLWG has considered other components of the qualifying process for the FLSP licence, which include:

1. Prerequisite experience and/or field placement – The ability to serve clients, manage a legal services practice, and address ethical and professional responsibility obligations are competency areas that may be best facilitated through some form of experiential training or practical work experience. The FLWG proposes that the FLSP framework should involve a prerequisite of one to three years of full-time practice experience as a licensed paralegal, and/or include a field placement of two to three months in family law to complement the instructional component of the training program.
2. Licensing examination – The Law Society's lawyer and paralegal licensing processes require successful completion of summative licensing examinations that test the most critical and frequently performed tasks and activities to assure the public of entry-level competence of new licensees. The Law Society will develop a licensing examination to assure entry-level competence of the FLSP, in accordance with the enabling competencies.
3. Mandatory professional liability insurance – The FLSP will be required to carry professional liability insurance to cover all activities that are within scope to ensure protection of the public.
4. Continuing competence – Since 2011, lawyers and paralegals in Ontario have been required to complete a minimum of 12 hours of continuing professional development to maintain and/or enhance competence. As the FLSP is a limited licence premised on specialized legal services provision, the framework will include a focussed continuing professional development requirement to support continuing competence in family law, in the public interest. It is proposed that the CPD requirement for FLSP should remain at 12 hours per year licensee, with two to three hours per year required in the family law area.

## Other Legal Services Providers

The proposed licensing framework has primarily contemplated paralegals as FLSP candidates. At present, no recommendation has been put forward regarding whether law clerks or other legal services providers who currently work under the supervision of licensees would be eligible for the FLSP licence. Law clerks could represent an important resource in meeting legal needs, extending into more diverse or remote communities together with paralegals; however, law clerks may require advocacy training in order to pursue the licence. The current FLSP training proposal assumes that the candidates will have developed the advocacy competencies required by the paralegal licensing process.

## Conclusion and Next Steps

The development of the FLSP licence is a direct response to the need for additional, alternative, and potentially more affordable services in family law. High legal fees coupled with inaccessible legal aid



put lawyers out of reach for many families who have resorted to navigating a complex area of law and complicated court system on their own. The proposed FLSP licence could be a useful resource in this area provided the licensing framework ensures services are delivered in an accessible and competent manner and could complement other initiatives aimed at making family law more accessible to the public.

The Law Society will convene focus groups and gather additional information to address the issues outlined in this paper. All input received will be carefully considered and final recommendations will be brought forward in 2021. While all input received will be of assistance in refining the framework, the Committee notes that the following specific areas require external input and further information:

- Affordability of services to be provided by FLSPs
- Capacity of FLSPs to address unmet legal needs
- Level of interest from paralegals in qualifying for the licence
- Availability and cost of insurance for FLSPs
- Interest from potential education providers and cost of the FLSP educational program
- Views of end-users (i.e. family law litigants)
- Rights of appearance in Superior Court

The consultation questions listed below are structured to address these issues. The Committee seeks input by **November 30, 2020**.

## Questions

### Scope

1. *Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?*
2. *Will the proposed scope of permissible activities enable the FLSP to develop a business model that is viable? If so, why? If not, why not?*

### Competence

3. *Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?*
4. *In your view, what scope of activities would best support increased access to affordable, competent family law services?*



### **Training Program**

5. *Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D.*

### **Other Components of Licensure**

6. *What type of prerequisite experience in legal services provision, if any, should be required for the FLSP?*
7. *What length and form of experiential training should be incorporated into the licensing process for the FLSP to support the competencies? If a field placement is required, who will provide the placements?*
8. *Is a CPD requirement focussed on family law appropriate for the FLSP?*
9. *Should law clerks be eligible for the FLSP licence? Are there other groups of professionals who should be considered?*

### **General**

10. *What characteristics of an FLSP would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)*
11. *Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the FLSP design appropriate?*
12. *Are any aspects of the proposed licensing framework unfeasible?*
13. *Is there additional information or are there other factors that should be considered?*



## Resource List – Information and Tools to Support Self-Represented Litigants

### Information and Tools

- Steps to Justice Family Law Portal: <https://stepstojustice.ca/legal-topic/family-law>
- Community Legal Education Ontario's (CLEO) flowcharts of the family court process: <https://familycourt.cleo.on.ca/en/about-flowcharts>
- Legal Aid Ontario's Family Law Information Program: <https://www.legalaid.on.ca/en/getting/flip.asp>
- Ministry of the Attorney General's Mandatory Information Program: <https://mediate393.ca/free-community-information-programs/>
- Guides and resource listings for family litigants:
  - Guide to process: <http://www.ontariocourts.ca/scj/news/publications/guide-family/>
  - Resource page: <http://www.ontariocourts.ca/scj/family/resources/>
- Department of Justice family law information website: <https://www.justice.gc.ca/eng/fl-df/>
- Department of Justice child and spousal support calculator: <https://www.justice.gc.ca/eng/fl-df/child-enfant/2017/look-rech.asp>
- My support calculator (legal advice and support calculations): <https://www.mysupportcalculator.ca/learn>
- Ministry of Attorney General of Ontario family law information website: <https://www.attorneygeneral.jus.gov.on.ca/english/family/>
- National Self-Represented Litigant Project: <https://representingyourselfcanada.com/our-srl-resources/>
- Legal Innovation Zone Family Law Portal: <http://www.legalinnovationzone.ca/initiative/family-initiative/>

### Workshops

- Self-Represented Litigants Navigators workshops: <http://www.limitedscoperetainers.ca/>
- Family Lawyers Association's volunteer-run workshops: <https://flao.org/>
- Community based family law workshops: <https://womenincrisis.ca/wp-content/uploads/2018/09/Family-Law-Information-Workshops-Brochure-PDF-00011298.PDF1.pdf>
- Private family law workshops: <https://thefamilylawworkshop.ca/>

### **Forms Assistance**

- CLEO's Guided Pathways and mart forms: <https://www.cleo.on.ca/en/projects/guided-pathways-family-court-forms>
- Pro Bono Students Family Law Program: <https://pbsc.law.utoronto.ca/family-law-project-flp>
- Pro Bono law help centre (areas other than family law): <https://www.probonoontario.org/>

### **Legal Advice**

- Duty Counsel and Advice Lawyers (Legal Aid Ontario): <https://www.legalaid.on.ca/duty-counsel/>
- Ontario's Family Law Limited Scope Services Project: [www.familylawlss.ca](http://www.familylawlss.ca)
- Pro Bono Ontario Free Legal Advice Hotline: <https://www.probonoontario.org/hotline>
- Summary legal counsel pilot project in Barrie
- Day of Court Private Counsel Services
- Summary advice line (LAO): <https://www.legalaid.on.ca/services/family-legal-issues/>
- Family Law Service Centres (LAO): <https://www.legalaid.on.ca/documents/family-law-service-centres-flsc/>
- Law school community legal aid clinics (in certain centres)
- Community funded community legal clinics, e.g. Barbra Schlifer Commemorative Clinic and Luke's Place
- Private legal coaching or unbundled services
- Advice and Settlement Counsel Toronto: <https://www.mediate393.ca/asctoronto-advice-and-settlement-counsel/>

### **Directories of Unbundled or Limited Scope Service Lawyers**

- Law Society of Ontario Directory: <https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/lawyer-and-paralegal-directory>
- Ontario Family Law Limited Scope Project: <https://www.familylawlss.ca/>
- National Self-Represented Litigants Project: <https://representingyourselfcanada.com/directory/>
- Self-Rep Navigators: [www.limitedscoperetainers.ca](http://www.limitedscoperetainers.ca)
- Justice Net: <https://www.justicenet.ca/about-justicenet/>

**Note:** Some of the above services are only available to litigants who meet financial eligibility thresholds which usually depend on household income and number of dependents.



## Scope of Permissible Activities for Family Legal Services Provider Licence

The Family Legal Service Provider (FLSP) can provide legal services,<sup>1</sup> which includes the provision of legal advice, drafting legal documents, representation in court or before an adjudicative body, or negotiating legal interests or rights, in the following areas:

Area	Scope of Permissible Activities for Family Legal Services Provider Licence	
	Inside Scope	Out of Scope
<b>1. Simple or Joint Divorces</b>	<ul style="list-style-type: none"> <li>- Divorce applications and motions to sever where the corollary relief sought is within the scope as articulated below</li> </ul>	<ul style="list-style-type: none"> <li>- Contested corollary relief out of scope as articulated in the areas below; or</li> <li>- Annulments</li> </ul>
<b>2. Parenting Orders (Access) and Decision Making (Custody), including Motions to Change</b>	Claims Involving: <ul style="list-style-type: none"> <li>a) Decision-making/custody; or</li> <li>b) Parenting time/access.</li> </ul>	Claims involving: <ul style="list-style-type: none"> <li>a) Third party experts ordered by the court or retained by a party, other than a mediator, parenting coordinator, or access supervisor (e.g., custody and access assessments under section 30 of the <i>Children's Law Reform Act</i>);</li> <li>b) Relocation/mobility issues; or</li> <li>c) Child abduction or other international cases/Hague Convention matters.</li> </ul>

<sup>1</sup> *Law Society Act*, R.S.O. 1990, c. L.8, ss. 1(5) and (6)



<p><b>3. Child Support, including Motions to Change</b></p>	<p>Claims involving:</p> <ul style="list-style-type: none"> <li>a) Self-employed payors, unless there is an income determination issue;</li> <li>b) Special or extraordinary expenses;</li> <li>c) Imputation of income where a parent is claiming the payor is intentionally under-employed or unemployed;</li> <li>d) Life insurance to secure support obligations;</li> <li>e) The Family Responsibility Office; or</li> <li>f) Undue hardship.</li> </ul>	<p>Claims involving:</p> <ul style="list-style-type: none"> <li>a) Questions of income determination including matters that fall within section 17 (pattern of income; non-recurring losses), section 18 (shareholder, director, or officer; adjustment to corporation's pre-tax income) and section 19(1) (b) to (i) of the <i>Ontario Child Support Guidelines</i> (i.e., exempt from taxes; lives in country where income tax rate is significantly lower than Canada; income has been diverted; property is not reasonably utilized to generate income; failure to provide legal information; unreasonable expense deductions; income derived from dividends, capital gains or other sources taxed at lower rate than employment or business income; parent or spouse is beneficiary under a trust or recipient of income or benefits from a trust);</li> <li>b) Third party experts ordered by the court or retained by a party, other than a mediator, parenting coordinator, or access supervisor (e.g., custody and access assessments under section 30 of the <i>Children's Law Reform Act</i>);</li> <li>c) Dependant's Relief claims;</li> <li>d) Relocation/mobility cases; or</li> <li>e) Child abduction/other international cases (Hague Convention)</li> </ul>
<p><b>4. Spousal Support, including Variations and Reviews</b></p>	<p>Claims involving:</p> <ul style="list-style-type: none"> <li>a) Self-employed, unless there is an income determination issue;</li> <li>b) Imputation of income where a spouse is claiming the payor is intentionally under-employed or unemployed;</li> </ul>	<p>Claims involving:</p> <ul style="list-style-type: none"> <li>a) Questions of income determination including matters that fall within section 17 (pattern of income; non-recurring losses), section 18 (shareholder, director, or officer; adjustment to corporation's pre-tax income) and section 19(1) (b) to (i) of the <i>Ontario Child Support Guidelines</i> (i.e., exempt from taxes; lives in country where income tax rate is significantly lower than</li> </ul>

	<ul style="list-style-type: none"> <li>c) Life insurance to secure support obligations; or</li> <li>d) The Family Responsibility Office.</li> </ul>	<ul style="list-style-type: none"> <li>Canada; income has been diverted; property is not reasonably utilized to generate income; failure to provide legal information; unreasonable expense deductions; income derived from dividends, capital gains or other sources taxed at lower rate than employment or business income; parent or spouse is beneficiary under a trust or recipient of income or benefits from a trust);</li> <li>b) Third party experts ordered by the court or retained by the party, such as vocational or occupation experts;</li> <li>c) Dependant's Relief claims; or</li> <li>d) Parental support</li> </ul>
<b>5. Property</b>	<p>Claims involving:</p> <ul style="list-style-type: none"> <li>a) Household contents and personal property, vehicles, pets, CPP, whole life insurance, RRSP, RIF, LIRA and cash-only assets held by a financial institution (i.e., bank accounts, TFSA, and GIC).</li> </ul>	<p>Claims involving:</p> <ul style="list-style-type: none"> <li>a) Third party valutors;</li> <li>b) Joint family ventures (e.g., common law spouses)</li> <li>c) Equitable and trust claims;</li> <li>d) Family or other Trusts;</li> <li>e) Interests in a sole proprietorship, partnership or corporation;</li> <li>f) Pensions (excluding CPP and RRSP/LIRA/RIF held by a financial institution);</li> <li>g) Bankruptcy;</li> <li>h) Unequal division (Section 5(6) <i>Family Law Act</i> claims);</li> <li>i) Spousal election;</li> <li>j) An Estate; or</li> <li>k) Contingent assets and liabilities (excluding limited costs of disposition of the assets).</li> </ul>
<b>6. Home/ Matrimonial Home</b>	<p>Claims involving:</p>	<p>Claims involving:</p> <ul style="list-style-type: none"> <li>a) Third party valutors (other than appraisals for the value of the matrimonial home and for market rent);</li> </ul>



	<ul style="list-style-type: none"> <li>a) One matrimonial home, including sole ownership, joint tenancy, tenants in common;</li> <li>b) Exclusive possession or possession;</li> <li>c) Partition and sale; or</li> <li>d) Occupation rent.</li> </ul>	<ul style="list-style-type: none"> <li>b) Severance of the joint tenancy;</li> <li>c) Equitable and trust claims;</li> <li>d) Unequal division (Section 5(6) <i>Family Law Act</i> claims); or</li> <li>e) An Estate.</li> </ul>
<b>7. Contempt/ Enforcement of Orders</b>	<ul style="list-style-type: none"> <li>- For matters within scope of permitted activities</li> </ul>	<ul style="list-style-type: none"> <li>- All matters listed in the excluded areas.</li> </ul>
<b>8. Setting Aside Minutes of Settlement, an Order, or a Domestic Contract</b>	<ul style="list-style-type: none"> <li>- Orders obtained without effective service (Family Law Rules 25(19)(b-e) and 25(20).</li> </ul>	<ul style="list-style-type: none"> <li>- All matters listed in the excluded areas.</li> </ul>
<b>9. Domestic Contracts</b>	<ul style="list-style-type: none"> <li>- Drafting and negotiation of separation agreements which may include standard releases that address issues outside of scope where a precedent is used (e.g., Divorce Mate precedent), provided clients obtain ILA from a lawyer;</li> <li>- Paternity agreements, provided clients obtain ILA from a lawyer; or</li> <li>- Family arbitration agreements, including agreements for parenting coordination, provided clients obtain ILA from a lawyer.</li> <li>-</li> </ul>	<ul style="list-style-type: none"> <li>- All matters listed in the excluded areas;</li> <li>- Cohabitation agreements; or</li> <li>- Marriage contracts.</li> </ul>
<b>10. Change of Name under the Change of Name Act</b>	<ul style="list-style-type: none"> <li>- Allowed.</li> </ul>	

### **Overarching Restrictions**

An FLSP may not act where, for, or in:

1. A client is under the age of 18 years;
2. Special parties where the court or the PGT has determined a party cannot represent her or himself (*Family Law Rules*, Rule 2 and Rule 4(2));
3. Child protection proceedings or where there are allegations of sexual abuse at the outset or that arise during the retainer;  
or
4. Applications for adoptions;
5. Declarations of parentage;
6. Issues concerning reproductive or fertility law matters, including surrogacy contracts, known donor, IVF, frozen embryos, etc.;
7. Appeals or motions for leave to appeal;
8. There are issues that are outside of the current scope for paralegals as articulated in By-Law 4;
9. There is/are issue(s) outside of scope, whether it/they exist at the outset of the retainer or arises during the course of the retainer; or
10. There are legal issues or assets, outside of Ontario.



## Family Legal Services Provider Licence Competencies

CODE	Family Legal Services Provider (FLSP) COMPETENCY STATEMENT
<b>1.0</b>	<b>ETHICS AND PROFESSIONAL RESPONSIBILITY</b>
<b>1.1</b>	<b>Ethics and Professionalism</b>
<b>1.1.1</b>	identifies the instructing client and the client's role in the matter (e.g., parent, spouse, family member, multiple parties, authority to bind, authority to communicate).
<b>1.1.2</b>	recognizes, and is sensitive to, the client's circumstances, special needs, and intellectual capacity (e.g., diversity, language, levels of literacy, socioeconomic status, disability, health).
<b>1.1.3</b>	develops appropriate communication strategies for the client, recognizing the unique nature of family law (e.g., manages vulnerable or high-need client, does not become personally invested in a client or client matter, communicates in a timely and effective manner, copies the client on correspondence, and obtains approval of drafts).
<b>1.1.4</b>	manages and updates the client's expectations with respect to processes, timeframes, results, and costs.
<b>1.1.5</b>	understands the impact of involving third-party authorities, such as police or a Children's Aid Society, and the duty to report.
<b>1.1.6</b>	demonstrates civility and professionalism in dealings with others, especially in high conflict situations (e.g., establishing and respecting boundaries, deescalating conflict, respecting courtroom etiquette, consenting to reasonable requests for adjournments and time extensions).
<b>1.1.7</b>	fulfills obligations related to dealing with unrepresented persons.
<b>1.1.8</b>	recognizes situations that constitute a conflict of interest or potential conflict of interest (e.g., receiving cold calls/emails, representing opposing parties in a dispute, having a close personal or sexual relationship with a client or a personal financial interest in a client's affairs, representing or responding to third parties, acting against former clients; transferring firms, doing business with a client).
<b>1.1.9</b>	takes appropriate action in situations where an actual or potential conflict of interest is identified (e.g., declines to act, establishes reasonable measures to ensure non-disclosure of confidential information, advises the client of the consequences if a potential conflict materializes, documents the steps taken when a potential conflict of interest has been identified, withdraws when appropriate).
<b>1.1.10</b>	recognizes issues arising from joint retainers and fulfils duties accordingly (e.g., required disclosure prior to accepting the retainer, communication issues, obligations if a conflict develops that cannot be resolved, joint applications for divorce).

1.1.11	understands the meaning and enforceability of undertakings and trust conditions, fulfils all undertakings and trust conditions, and does not give an undertaking or agree to a trust condition that cannot be fulfilled.
1.1.12	manages monies held in trust and client property in accordance with Law Society requirements.
1.1.13	understands diversity (e.g., culture, religion, nationality) and its potential impact in family law matters (e.g., religious barriers, advice on barriers to remarriage, parenting).
<b>2.0</b>	<b>KNOWLEDGE OF THE LAW</b>
<b>2.1</b>	<b>Legislation, Regulations, Guidelines, Practice Directions, &amp; Case Law</b>
2.1.14	understands the organization of the federal and provincial court systems and the Unified Family Court.
2.1.15	understands jurisdiction and the appropriate forum.
2.1.16	understands the <i>Divorce Act</i> , regulations, and related case law.
2.1.17	understands the <i>Family Law Act</i> , regulations, and related case law.
2.1.18	understands the <i>Child Support Guidelines</i> (federal and provincial) and related case law.
2.1.19	understands the <i>Spousal Support Advisory Guidelines</i> and related case law.
2.1.20	understands the <i>Children's Law Reform Act</i> , regulations, and related case law.
2.1.21	understands the <i>Family Law Rules</i> and related case law.
2.1.22	understands the <i>Ontario Disability Support Program Act</i> and the <i>Ontario Works Act</i> , regulations, and related case law.
2.1.23	understands the federal and provincial <i>Income Tax Act</i> , regulations, interpretation bulletins, and related case law applicable to family law matters (e.g., deductibility of spousal support, child care expense deduction, child tax benefits, tuition tax credits).
2.1.24	understands the <i>Partition Act</i> , regulations, and related case law applicable to family law matters.
2.1.25	understands the <i>Insurance Act</i> , regulations, and related case law applicable to family law matters (e.g., designation of beneficiaries).
2.1.26	understands the <i>Change of Name Act</i> , regulations, and related case law.
2.1.27	understands the <i>Succession Law Reform Act</i> , regulations, and related case law (e.g., effect of separation or divorce on inheritance rights).
2.1.28	understands relevant statutes, regulations, and related case law applicable to family law matters (e.g., <i>Evidence Act</i> (Ontario), <i>Canada Evidence Act</i> , <i>Limitations Act, 2002</i> , <i>Rules of Civil Procedure</i> , <i>Courts of Justice Act</i> (e.g., interests, costs, jurisdictional limitations ( <i>parens patriae</i> ), family court, Children's Lawyer), <i>Civil Marriage Act</i> , <i>Arbitration Act, 1991</i> , <i>Canada Pension Plan</i> (credit splitting provisions)).
2.1.29	understands enforcement statutes, regulations, and related case law (e.g., <i>Family Orders and Agreements Enforcement Assistance Act</i> ; <i>Family Responsibility and Support Arrears Enforcement Act, 1996</i> , <i>Personal Property Security Act</i> ).
2.1.30	understands statutes, regulations, and case law relevant to Indigenous family law matters (e.g., <i>Indian Act</i> , <i>Family Homes on Reserves and Matrimonial Interests or Rights Act</i> ).

2.1.31	applies the principles of statutory interpretation in conjunction with the case law.
2.1.32	understands the importance of remaining current regarding changes to legislation, regulations, guidelines, practice directions, and case law.
3.0	<b>SUBSTANTIVE FAMILY LAW</b>
3.1	<b>Parenting Orders and Decision Making, including Motions to Change</b>
3.1.33	identifies, initially and on an ongoing basis, when custody and access issues are out of FLSP scope and declines to act or continue to act (i.e., claims involving (a) third party experts ordered by the court or retained by a party, other than a mediator, parenting coordinator, or access supervisor (e.g., custody and access assessments under section 30 of the <i>Children's Law Reform Act</i> ); (b) relocation/mobility issues; or (c) child abduction or other international cases/Hague Convention matters.
3.1.34	understands who is a "child" or "child of the marriage," as defined by the applicable statute(s), regulations, and/or case law.
3.1.35	determines the appropriate jurisdiction (e.g., habitual residence, substantial connection).
3.1.36	establishes parentage for the purposes of bringing an application for custody/parenting orders and access/time sharing (e.g., rules of parentage, statutory presumptions).
3.1.37	applies the principle of "best interests of the child" based on legislation and case law (e.g., contact issues, child's wellbeing, parental conduct, bonding, stages of child development, special needs, religious and ethical upbringing, financial needs, sibling separation, special considerations for First Nations, Inuit, and Métis children).
3.1.38	applies principles related to custody/decision-making, including different parenting arrangements (e.g., parallel parenting, shared parenting, joint parenting, sole parenting, split parenting, and primary residence).
3.1.39	applies principles related to determining parenting time/access (e.g., maximum contact principle, <i>de facto</i> custody and <i>status quo</i> ).
3.1.40	applies principles related to ancillary matters of parenting and decision making (e.g., consent to treatment, access to health and school records, passport issues, travel authorizations).
3.2	<b>Child Support, including Motions to Change</b>
3.2.41	identifies, initially and on an ongoing basis, when child support issues are out of FLSP scope and declines to act or continue to act (i.e., claims involving (a) questions of income determination including matters that fall within section 17 (pattern of income; non-recurring losses), section 18 (shareholder, director, or officer; adjustment to corporation's pre-tax income) and section 19(1) (b) to (i) of the <i>Ontario Child Support Guidelines</i> (i.e., exempt from taxes; lives in country where income tax rate is significantly lower than Canada; income has been diverted; property is not reasonably utilized to generate income; failure to provide legal information; unreasonable expense deductions; income derived from dividends, capital gains or other sources taxed at lower rate than employment or business income; parent or spouse is beneficiary under a trust or recipient of income or benefits from a trust); (b) third party experts ordered by the court or retained by a party, other than a mediator, parenting coordinator, or access supervisor (e.g., custody and access assessments under section 30 of the



	Children's Law Reform Act); (c) Dependant's Relief claims; (d) relocation/mobility cases; or (e) child abduction/other international cases (Hague Convention).
3.2.42	determines who is eligible to apply for child support (e.g., parent, eligible dependent, government agency).
3.2.43	determines who is obligated to pay child support by applying the appropriate legislation and case law (e.g., settled intention, potential for multiple payors).
3.2.44	determines entitlement to receive child support by applying the appropriate legislation and case law (e.g., "child of the marriage", dependent children, withdrawal from parental control, retroactivity, "undue hardship").
3.2.45	understands the effects of parenting arrangements on child support (e.g., 60-40 split, multiple households, shared, split households, prior families, age of children, tax credits, deductions).
3.2.46	determines payor(s)'s income (e.g., CRA Notice of Assessment, line 150 of income tax return, imputation of income only under s. 19.1(a) of the <i>Child Support Guidelines</i> , self-employed unless there is an income determination issue).
3.2.47	determines quantum of child support.
3.2.48	recognizes deviations from child support amounts defined in the <i>Child Support Guidelines</i> (e.g., incomes over \$150,000, undue hardship, children over the age of majority, special provisions).
3.2.49	determines and calculates payments for special or extraordinary expenses under the <i>Child Support Guidelines</i> (Ontario), including consideration the child's contribution to special or extraordinary expenses.
3.2.50	understands principles related to termination of child support.
3.2.51	determines security for child support obligations, including jurisdiction and quantum (e.g., life insurance).
3.3	<b>Spousal support, including Variations and Reviews</b>
3.3.52	identifies, initially and on an ongoing basis, when spousal support issues are out of FLSP scope and declines to act or continue to act (i.e., claims involving (a) questions of income determination including matters that fall within section 17 (pattern of income; non-recurring losses), section 18 (shareholder, director, or officer; adjustment to corporation's pre-tax income) and section 19(1) (b) to (i) of the <i>Ontario Child Support Guidelines</i> (i.e., exempt from taxes; lives in country where income tax rate is significantly lower than Canada; income has been diverted; property is not reasonably utilized to generate income; failure to provide legal information; unreasonable expense deductions; income derived from dividends, capital gains or other sources taxed at lower rate than employment or business income; parent or spouse is beneficiary under a trust or recipient of income or benefits from a trust); (b) third party experts ordered by the court or retained by the party, such as vocational or occupation experts; (c) Dependant's Relief claims; or (d) parental support.
3.3.53	determines eligibility for spousal support by applying the appropriate legislation (e.g., who is a "spouse").
3.3.54	determines entitlement to spousal support by applying the appropriate factors and objectives (e.g., compensatory; transitional; needs, means, and circumstances; contractual; gross repudiation; retroactivity).

3.3.55	determines who is obligated to pay spousal support by applying the applicable legislation (e.g., former spouses).
3.3.56	calculates quantum and duration of spousal support including periodic and lump sum support (e.g., appropriate use of the <i>Spousal Support Advisory Guidelines</i> and relevant legal software, incomes in excess of \$350,000, consumer price index).
3.3.57	understands the formulas used by the <i>Spousal Support Advisory Guidelines</i> (e.g., without child, with child, spousal support payable by custodial parent).
3.3.58	understands the role of judicial discretion in the application of the <i>Spousal Support Advisory Guidelines</i> .
3.3.59	determines payor(s)'s income (e.g., CRA Notice of Assessment, line 150 of the income tax return, imputation of income only under s. 19.1(a) of the <i>Child Support Guidelines</i> (Ontario) as it applies to the <i>Spousal Support Advisory Guidelines</i> , self-employed unless there is an income determination issue, double dipping).
3.3.60	determines security for spousal support obligations, including jurisdiction and quantum (e.g., life insurance).
3.3.61	determines tax consequences related to spousal support (e.g., tax inclusion, tax deduction, lump sum, periodic, retroactivity, delineation between child and spousal support, increased tax deductions at source).
3.3.62	recognizes that a spousal support order may be assigned to and enforced by a government agency.
3.4	<b>Variations, Review and Motions to Change</b>
3.4.63	identifies, initially and on an ongoing basis, when variations, reviews, and motions to change are out of FLSP scope and declines to act or continue to act.
3.4.64	identifies a material change in circumstances or other specified threshold in a court order or separation agreement relevant to parenting orders, child support, and spousal support.
3.4.65	understands the differences between a variation, a review, and a suspension of orders.
3.4.66	understands principles related to termination of orders.
3.5	<b>Property</b>
3.5.67	identifies, initially and on an ongoing basis, when property issues are out of FLSP scope and declines to act or continue to act (i.e., claims involving: (a) third party valuations; (b) joint family ventures (e.g., common law spouses); (c) equitable and trust claims; (d) family or other Trusts; (e) interests in a sole proprietorship, partnership or corporation; (f) pensions (excluding CPP and RRSP/LIRA/RIF held by a financial institution); (g) bankruptcy; (h) unequal division (Section 5(6) <i>Family Law Act</i> claims); (i) spousal election; (j) an Estate; or (k) contingent assets and liabilities (excluding limited costs of disposition of the assets).
3.5.68	ensures parties qualify under the <i>Family Law Act</i> for an equalization of net family property (e.g., common-law, co-habitation).
3.5.69	identifies what constitutes property under the <i>Family Law Act</i> (e.g., asset vs. income (severance, pension, annuity), debt (joint or sole), real, personal, intellectual, contingent assets and liabilities, pets, reward points, investments (e.g., whole life

	insurance, RRSP, RIF, LIRA, cash-only assets held by a financial institution (e.g., bank accounts, TFSA, and GIC)).
3.5.70	understands the principles of ownership, including presumptions (e.g., titled ownership, equitable claims, resulting trust, constructive trust, joint family venture).
3.5.71	identifies the date of marriage and valuation date (e.g., understands the difference between the valuation date and the date of separation for divorce purposes).
3.5.72	understands the principles of valuation of specific assets (e.g., appraisal of the matrimonial home as property, costs of disposition).
3.5.73	understands exclusions and deductions (e.g., gifts, inheritances, and personal injury settlements).
3.5.74	applies the principles of tracing (e.g., gifts, inheritances, personal injury settlements).
3.5.75	calculates net family property (NFP) and equalization payment, if any, and understands the effect of a negative NFP.
3.5.76	determines when preservation of property or non-depletion orders are appropriate.
3.5.77	determines when sale or transfer of property is appropriate.
3.5.78	understands when equalization or division of household contents is appropriate and implements it appropriately (e.g., jewellery, vehicles, furnishings, tools, art, antiques).
3.5.79	understands tax consequences or exemptions upon the transfer of assets (e.g., vehicles, RRSP rollover, matrimonial home).
3.5.80	determines the type of security required to secure an equalization or other property payment, if appropriate.
3.6	<b>Financial Disclosure</b>
3.6.81	identifies, initially and on an ongoing basis, when financial disclosure issues are out of FLSP scope and declines to act or continue to act (e.g., if financial disclosure reveals income determination issues other than under s. 19(1)(a) of the <i>Child Support Guidelines</i> (Ontario)).
3.6.82	advises the client of the initial and ongoing obligation to disclose financial information (e.g., statutory, proportionality, relevance).
3.6.83	determines disclosure and supporting documentation necessary to establish income for calculating spousal and child support, including special or extraordinary expenses under the <i>Child Support Guidelines</i> .
3.6.84	determines disclosure and supporting documentation for exclusions, tracing, and/or deductions.
3.6.85	determines disclosure and supporting documentation necessary to establish the value of real and other property.
3.6.86	completes the appropriate financial forms (e.g., with or without property claim including supporting disclosure, with support claim, certificate of financial disclosure).
3.6.87	understands and takes appropriate action with respect to non-disclosure of financial information (e.g., knows what to request, how to compel disclosure, motions to require disclosure).
3.7	<b>Home/Matrimonial Home</b>
3.7.88	identifies, initially and on an ongoing basis, when home/matrimonial home issues are out of FLSP scope and declines to act or continue to act (i.e., claims involving (a) third

	party valuations (other than appraisals for the value of the matrimonial home and for market rent); (b) severance of the joint tenancy; (c) equitable and trust claims; (d) unequal division (Section 5(6) <i>Family Law Act</i> claims); or (e) an Estate.)
<b>3.7.89</b>	identifies ownership interests in the matrimonial home (i.e., joint tenants, tenants in common, sole ownership).
<b>3.7.90</b>	applies the appropriate principles related to the matrimonial home when calculating net family property.
<b>3.7.91</b>	understands the principles related to exclusive possession of the matrimonial home and contents and possession of the home and contents (e.g., common-law couples).
<b>3.7.92</b>	identifies entitlement to and calculates quantum of occupation rent.
<b>3.7.93</b>	brings a motion for partition and sale of the home/matrimonial home when appropriate.
<b>3.7.94</b>	advises on the rights and limitation on transfers and encumbrances on a matrimonial home and the appropriateness of a motion to dispense with consent.
<b>3.7.95</b>	advises on whether to sever joint tenancy or register a matrimonial home designation or a certificate of pending litigation and refers the client to a lawyer to register the appropriate document on title
<b>3.8</b>	<b>Contempt/Enforcement of Orders</b>
<b>3.8.96</b>	identifies, initially and on an ongoing basis, when contempt/enforcement of order issues are out of FLSP scope and declines to act or continue to act.
<b>3.8.97</b>	advises and acts on the enforcement of domestic contracts.
<b>3.8.98</b>	files domestic contracts with the court under the appropriate legislation.
<b>3.8.99</b>	understands the jurisdiction of the Family Responsibility Office (FRO) to enforce court-ordered support payments (e.g., whether FRO is responsible for enforcement or if payment can be enforced privately).
<b>3.8.100</b>	understands the implications of withdrawal from the Family Responsibility Office (FRO) and advises the client accordingly.
<b>3.8.101</b>	advises and acts on Family Responsibility Office (FRO) matters for enforcement of support orders (e.g., forms, procedures, enforcement, motions to stay or suspend enforcement and the underlying order, refraining orders, alternate payment orders, suspension of driver's licence, suspension of passport).
<b>3.8.102</b>	determines enforcement options other than through the Family Responsibility Office (FRO) (e.g., private enforcement, questioning, judgment debtor examination, writ of seizure and sale, garnishment, <i>Personal Property Security Act</i> registration, charge against land).
<b>3.8.103</b>	brings a motion for contempt when appropriate.
<b>3.9</b>	<b>Domestic Contracts</b>
<b>3.9.104</b>	identifies, initially and on an ongoing basis, when domestic contract issues are out of FLSP scope and declines to act or continue to act (i.e., cohabitation agreements, marriage contracts).
<b>3.9.105</b>	determines when a matter is incapable of performance under the law and advises accordingly (e.g., unreasonable contract inclusions).
<b>3.9.106</b>	understands the types of domestic contracts (i.e., cohabitation, marriage, separation, paternity, and family arbitration agreements).

<b>3.9.107</b>	understands how to draft full, partial, or temporary domestic contracts using appropriate language and clauses (e.g., using appropriate software, inclusion of standard release terms (e.g., support, claims against the estate, contribution to property), security, material change in circumstances).
<b>3.9.108</b>	ensures domestic contracts are properly executed under the <i>Family Law Act</i> .
<b>3.9.109</b>	recommends that independent legal advice (ILA) be provided by a lawyer prior to execution of a domestic contract and declines to continue to act when ILA is refused.
<b>3.9.110</b>	identifies and avoids circumstances that could invalidate a domestic contract under the <i>Family Law Act</i> and at common law (e.g., lack of financial disclosure, fraud, hidden information).
<b>3.9.111</b>	understands the principles of unjust enrichment to identify when a matter is out of scope and to ensure appropriate releases are contained in a domestic contract (e.g., common law relationships).
<b>3.10</b>	<b>Change of name under the <i>Change of Name Act</i></b>
<b>3.10.112</b>	determines eligibility for change of name, including solvency, consent, and notice.
<b>3.10.113</b>	understands how to complete the appropriate change of name forms and follows the appropriate process.
<b>3.10.114</b>	understands when to use the abbreviated change of name procedure (e.g., for marriage, cohabitation, dissolution of marriage).
<b>3.10.115</b>	understands how to respond where the other parent(s) wishes to oppose or revoke a change of name.
<b>3.11</b>	<b>Divorces</b>
<b>3.11.116</b>	identifies where a marriage is void or voidable (e.g. annulment, capacity) and identifies initially and on an ongoing basis, where corollary relief, if any, is out of FLSP scope and declines to act or continue to act (e.g., income determination issues, pensions, unequal division, trust claims, third party valuations).
<b>3.11.117</b>	identifies the grounds for divorce (i.e., breakdown of the marriage: living separate and apart for one year, cruelty, and adultery).
<b>3.11.118</b>	identifies the appropriate jurisdiction in which to bring a divorce proceeding.
<b>3.11.119</b>	fulfills the statutory duty to advise regarding reconciliation, facilities, and negotiating support or custody through mediation.
<b>3.11.120</b>	understands the bars to divorce (e.g., collusion, connivance, condonation, reasonable arrangements not made for the children).
<b>3.11.121</b>	understands the consequences of a divorce (e.g., limitation periods, succession rights, health benefits, spousal entitlement, pension, beneficiary designations).
<b>3.11.122</b>	advises about the option and consequences of severing a divorce from corollary relief and brings a motion to sever, where appropriate.
<b>3.11.123</b>	drafts, serves, and files an application for divorce and takes appropriate steps to obtain a final order.
<b>3.11.124</b>	advises the client about the availability of waiver of the appeal period for a divorce and takes appropriate steps.

<b>3.12</b>	<b>Victims of Domestic Abuse and Intimate Partner Violence</b>
<b>3.12.125</b>	understands and identifies, initially and on an ongoing basis, when domestic abuse and intimate partner violence issues are out of FLSP scope and declines to act or continue to act.
<b>3.12.126</b>	identifies power imbalances, domestic abuse, or intimate partner violence.
<b>3.12.127</b>	takes appropriate action when there is an imminent risk of harm (e.g., safety plan, duty to report (Children's Aid Society, police, primary care provider)).
<b>3.12.128</b>	takes appropriate legal steps where domestic abuse or intimate partner violence has been identified (e.g., emergency motions, <i>ex parte</i> motions, exclusive possession, restraining orders).
<b>3.12.129</b>	refers the client to appropriate community resources where domestic abuse or intimate partner violence has been identified.
<b>3.12.130</b>	understands how to draft orders related to domestic abuse and intimate partner violence with sufficient specificity, including police enforcement.
<b>3.12.131</b>	serves orders related to domestic abuse and intimate partner violence on all relevant police forces.
<b>3.13</b>	<b>Intersecting Legal Issues</b>
<b>3.13.132</b>	identifies, initially and on an ongoing basis, where intersecting legal issues render a matter out of the FLSP scope and declines to act or continue to act (e.g., child protection, estate matters (e.g., actions arising from the death of spouse, testamentary trusts, Henson trusts)).
<b>3.13.133</b>	understands the interrelationship between family law and other areas of the law (e.g., privacy, business, real estate, estates, immigration (sponsorship agreements), torts, trusts, contracts (other than domestic contracts)).
<b>3.13.134</b>	understands criminal law principles in family law matters and when to consult a criminal law licensee (e.g., impact of bail conditions, admissions, communications).
<b>3.13.135</b>	understands tax principles in family law matters and when to consult tax experts.
<b>3.13.136</b>	understands property law (e.g., real property, interests in land, systems of land registration, mortgages, negotiable instruments, the <i>Personal Property Security Act</i> ) and when to consult a real estate lawyer.
<b>3.14</b>	<b>Indigenous Issues in Family Law</b>
<b>3.14.137</b>	identifies, initially and on an ongoing basis, where Indigenous issues in family law render a matter out of the FLSP scope and declines to act or continue to act (e.g., child protection).
<b>3.14.138</b>	demonstrates awareness of the impact of self-governance and customary laws on Indigenous communities, including inherent jurisdiction, self-government agreements, and law/by-law making authority (e.g., customary marriages).
<b>3.14.139</b>	demonstrates an awareness of the application of s. 19(1)(b) of the <i>Child Support Guidelines</i> (Ontario) to child support orders (e.g., gross-up of non-taxable income).
<b>3.14.140</b>	demonstrates an awareness of the application of s. 89 of the <i>Indian Act</i> to the enforcement of support orders (e.g., exemptions).



3.14.141	understands the principles within the <i>Family Homes on Reserves and Matrimonial Interests or Rights Act</i> (e.g., use, occupation, and possession of family homes on reserves; division of property).
4.0	<b>PROBLEM, ISSUE IDENTIFICATION, ANALYSIS, &amp; ASSESSMENT</b>
4.1	<b>Information Gathering, Case Analysis, and Planning</b>
4.1.142	identifies, obtains, and reviews relevant facts and documents.
4.1.143	identifies the relevant legal issues.
4.1.144	complies with all privacy legislation when gathering information.
4.1.145	recognizes urgency and takes emergency steps where necessary (e.g., restraining orders, restraining orders, and preservation orders).
4.1.146	understands the importance of conducting legal research (e.g., distinguishing case law) and preparing memoranda of law or facta.
4.1.147	demonstrates the ability to investigate facts related to a client matter, including when to engage experts.
4.1.148	advises about available resources (e.g., Family Responsibility Office, Ministry websites, support calculators, parenting resources, counselling, coaching).
4.1.159	develops an informed theory of the case and reassesses the theory of the case as the matter evolves.
4.1.150	applies legal reasoning and engages in critical thinking to prepare pleadings, arguments, or submissions to court.
4.1.151	develops an appropriate plan and strategies based on the law and in consultation with the client to achieve desired results.
5.0	<b>ALTERNATIVE DISPUTE RESOLUTION</b>
5.1	<b>Alternative Dispute Resolution</b>
5.1.152	identifies, initially and on an ongoing basis, when ADR issues are out of FLSP scope and declines to act or continue to act.
5.1.153	understands various dispute resolution processes (e.g., negotiation, mediation (open versus closed), arbitration, collaborative, parenting coordination).
5.1.154	determines whether alternative dispute resolution (ADR) is necessary or appropriate (the nature of the disputed and undisputed issues), when it can be ordered, and the potential implications of choosing to use or not use alternative dispute resolution.
5.1.155	addresses potential power imbalances in alternate dispute resolution.
5.1.156	prepares the client for alternative dispute resolution (process, forms, and dynamics).
5.1.157	applies appropriate strategies and tactics during alternate dispute resolution.
5.1.158	understands the obligations when acting as a mediator (e.g., cannot represent parties, ensuring parties understand the role of the mediator and when communications with the mediator are not covered by confidentiality).
6.0	<b>LITIGATION PROCESS</b>
6.1	<b>Processes</b>
6.1.169	understands that attempts to resolve the matter without litigation are integral from inception to completion of the matter.



6.1.160	complies with practice directions and local practices (e.g., family information sessions, dispute resolution officers, first appearance court, standard track/fast track).
6.1.161	drafts, serves, files, and amends pleadings (application, answer, reply) and forms as required (e.g., confirmations (with respect to proceeding), requests for information, minutes of settlement, draft orders, bills of costs, costs submissions, confirmations of assignment).
6.1.162	recognizes when case management is available.
6.1.163	applies the basic principles of admissibility of evidence (e.g., relevance, materiality, weight, prejudicial effect, probative value), especially electronic and/or social media communications.
6.1.164	understands exceptions to admissibility (e.g., hearsay, opinion, privilege, improperly obtained evidence, settlement discussions).
6.1.165	understands the notice and delivery requirements for specific documentary evidence (e.g., business records, medical and other expert reports).
6.1.166	understands how and when to bring a motion to change an order under Rule 25(19)(b-e) or 25(20) of the <i>Family Law Rules</i> .
6.1.167	ensures the appropriate endorsement is made and takes out the order after court appearances (motions, conferences, trials).
6.1.168	advises on applicable appeal periods and refers the client to a lawyer for appeals.
6.2	<b>Case, Settlement, and Trial Management Conferences</b>
6.2.169	demonstrates an understanding of the purposes and potential outcomes of case, settlement, and trial management conferences.
6.2.170	understands the jurisdiction of the judge to make orders at conferences.
6.2.171	prepares for and attends conferences (e.g., identifies objectives and limitations; drafts, serves, and files the conference brief; updates and files financial statements and other documents as required).
6.2.172	prepares clients for conferences and explains the purposes of the conference.
6.3	<b>Motions and Temporary Relief Proceedings</b>
6.3.1734	understands the availability and merits of temporary relief (procedural motions, Form 14B, motions with and without notice).
6.3.1745	understands how to draft, serve, and file notice of motion and any amendments, supporting affidavits, <i>facta</i> , and offers to settle the motion as necessary.
6.3.1756	understands when and how to obtain an order to question the other side.
6.3.176	understands when to attend and how to conduct questioning and how to use the transcript of questioning.
6.3.177	prepares for and argues motions.
6.4	<b>Trial or Hearing Preparation</b>
6.4.178	understands required timelines for trial or hearing.
6.4.179	drafts and negotiates agreed statements of facts.
6.4.180	drafts and responds to requests to admit.
6.4.181	prepares own witnesses for examination and cross-examination.
6.4.182	prepares and conducts examination of own witnesses.

6.4.1834	prepares and conducts cross-examination of witnesses of other parties.
6.4.184	understands how and when to compel witnesses, including issuing a summons to witness.
6.4.185	prepares, raises, and responds to objections (e.g., hearsay, relevance).
6.4.186	prepares and presents opening and closing statements.
6.5	<b>Conduct of Trial</b>
6.5.187	understands the <i>Family Law Rules</i> governing trials (e.g., trial record, evidence, focussed trials, mini trials).
6.5.188	updates documents for trial (e.g., financial statements, net family property statements, comparisons of net family property).
6.5.1890	ensures the matter has been completed and documented appropriately in accordance with the disposition (e.g., judgment/order issued, support deduction order filed and/or withdrawn).
6.5.190	advises client on how to implement the final order (e.g., arranging for sale the matrimonial home, , transferring funds, taking any child-related actions).
6.6	<b>Motions to Change</b>
6.6.191	brings a motion to change under Rule 15 of the <i>Family Law Rules</i> .
6.6.192	prepares and serves a confirmation of assignment when necessary.
6.6.193	understands the role of family support workers under s. 59 of the <i>Ontario Works Act</i> and regulations thereunder (e.g., Ontario Regulation 134/98).
6.7	<b>Costs of Each Step in Litigation</b>
6.7.1945	advises on the principles related to costs, offers to settle, and security for costs (e.g., Rule 24 of the <i>Family Law Rules</i> , parties' ability to fund or pay for a cost order and whether the obligation would affect the care, maintenance, or interests of the children).
6.7.195	prepares submissions on costs.
7.0	<b>PRACTICE MANAGEMENT ISSUES</b>
7.1	<b>Practice Management</b>
7.1.196	demonstrates proficiency with industry-specific software and online services (e.g., MySupportCalculator, DivorceMate, SupportMate, federal child support look-up, Ontario child support recalculation service).
7.1.197	complies with Law Society client identification and verification requirements (By-Law 7.1).
7.1.198	complies with Law Society marketing and advertising rules regarding firm name, letterhead, and FLSP scope of practice.
7.1.199	maintains competence (e.g., skill and knowledge, care and diligence, client service) and quality of service and seeks appropriate assistance when the matter is beyond the family legal service provider's abilities.
7.1.200	complies with continuing professional development requirements.
8	<b>PROHIBITIONS</b>
8.1	<b>Practice Restrictions</b>
8.1.201	does not act in matters where a client is under the age of 18 years or there are "special parties" (i.e., where the court or the Public Guardian and Trustee has



	determined that party cannot represent her or himself (Family Law Rules, Rules 2 and 4(2)).
<b>8.1.202</b>	does not act when there are legal issues, or assets, outside of Ontario (e.g., extraterritorial jurisdictional issues, <i>Interjurisdictional Support Orders Act</i> , if a party files income tax in another jurisdiction).
<b>8.1.203</b>	does not act where there are child protection proceedings or where there are allegations of sexual abuse at the outset or that arise during the retainer.
<b>8.1.204</b>	does not act on applications for adoptions.
<b>8.1.205</b>	does not act on applications for declaration of parentage.
<b>8.1.206</b>	does not act when there are reproductive or fertility law issues (e.g., surrogacy agreements, known donor, IVF, frozen embryos, etc.).
<b>8.1.207</b>	does not act on appeals, including motions for leave to appeal, but may waive the appeal period for divorce.
<b>8.1.208</b>	does not act where there are issues outside of the current scope for paralegals as articulated in By-law 4.
<b>8.1.209</b>	declines to continue to act and refers the matter to a lawyer where issues arise during the course of the retainer that are outside of the scope of permissible practice.



## Request for Information Family Legal Services Provider Licence Training Program

RFI Reference Number: LSO – RFI – FLSP012020

### 1. Purpose of RFI

The Law Society (“Society”) is issuing this RFI for the purpose of gathering information from accredited teaching facilities about the delivery of an educational training program for the Family Legal Service Provider (“FLSP”) Licence, in the context of a broad consultation on the licensing framework. This RFI is expressly not intended to create a legal relationship with any education provider or initiate or be part of a formal legally binding bidding process and does not constitute a commitment by the Society to procure any good or service.

### 2. Description of the Project

The Society is seeking input from accredited colleges and universities on the feasibility of the proposed training outline.

This RFI is focused on seeking feedback from accredited teaching institutions who can deliver the educational curriculum components set out in the framework. In particular, the Society is seeking feedback from potential educational institutions regarding design and delivery options for the program, the duration of the program, criteria for faculty selection, and the assessment requirements to ensure fulfillment of the required competencies that would form the basis of the FLSP licence.

### 3. Program Requirements

The educational program must offer a minimum of 550 mandatory instructional hours in compulsory legal courses, as specified below, based on the 209 mandated competencies contained in Appendix C.

	Proposed Course(s) with subtopics and related competencies in brackets	Number of Competencies	Minimum Instructional Hours
1	Family Legal Services Introduction and Overview <ul style="list-style-type: none"> <li>- Introduction/Overview/Knowledge of Law (11)</li> <li>- Divorce (9)</li> <li>- Prohibitions (9)</li> </ul>	29	85
2	Intimate Partner Violence	7	20
3	Parenting Orders and Decision Making (8)	13	30

	- Change of name (5)		
<b>4</b>	Child Support and Spousal Support - Child Support (12) - Spousal Support (11)	23	60
<b>5</b>	Division of Property, Financial Disclosure, and Matrimonial Home - Property (14) - Financial Disclosure (7) - Matrimonial Home (9)	30	70
<b>6</b>	Domestic Contracts	8	25
<b>7</b>	Family Law Procedure - Variations, Reviews, and Motions to Change (7) - Litigation Process (20) - Contempt/Enforcement (8)	35	90
<b>8</b>	Indigenous Family Legal Services	6	15
<b>9</b>	Family Legal Services and Intersecting Legal Issues	9	25
<b>10</b>	Written and Oral Advocacy, including ADR, in the family legal services context - Information Gathering, Case Analysis, and Planning (10) - ADR (7) - Advocacy (13)	30	85
<b>11</b>	Ethics, Professional Responsibility, and Practice Management in Family Legal Services - Ethics and PR (14) - Practice Management (5)	19	45
	<b>TOTALS:</b>	<b>209</b>	<b>550</b>

While the Society's preference is to have these courses delivered in an in-person educational setting, the Society is open to alternate delivery models that have been successfully implemented. In addition to the instructional hours, there may be a mandatory field placement required as part of the training program prior to the issuance of the FLSP licence.

Minimum requirements for educational institutions to be considered for the delivery of the program:

- Accredited facility through the Ministry of Training, Colleges and Universities.
- Faculty delivering the program must have teaching experience and practice experience in family law.
- Ability to incorporate relevant field placements or other forms of experiential training for all students within this program.

As the Law Society is in the consultative stage, the responses to this RFI will inform the program and training requirements to ensure fulfillment of the competencies and appropriate program design, should the FSLP licensing framework be implemented by the Law Society.

#### 4. Questions Regarding RFI

If education providers have questions regarding any part of this RFI, they may submit such questions, in writing, and in accordance with section 7, to the contact person listed in section 7 by **November 2, 2020**. The Society will respond to all questions submitted by education providers by issuing an addendum to be posted on <https://lso.ca/about-lso/initiatives/family-law-action-plan>. The Society will not respond to questions submitted other than in accordance with section 7 or to a person other than the contact person listed in section 7.

#### 5. Addenda

Any changes to this RFI will be communicated by way of a written addendum to be posted on <https://lso.ca/about-lso/initiatives/family-law-action-plan>. All addenda, including any addendum issued to respond to questions will be deemed to be incorporated into this RFI. In preparing their response, education providers should not take into consideration any changes to this RFI or any response to questions unless such changes or responses are confirmed by addendum.

All education providers are responsible for ensuring that they have reviewed all addenda issued by the Society.

#### 6. Timetable

The timetable for the request for information (“RFI”) process is set out below:

#	Description	Dates
1	RFI release date	June 26, 2020
2	Deadline for submission of questions	November 2, 2020
3	LSO response to questions	November 16, 2020
4	Deadline for submission of response to RFI	November 30, 2020

The Society reserves the right to terminate this RFI process for any reason at any time.

#### 7. Submission of Response

Education providers should respond to this RFI by submitting by e-mail, hand delivery, mail, or courier, a completed and signed Response Form in **Appendix #1**, to indicate, among other things, the education provider’s acceptance of the terms of this RFI. A completed and signed Response Form should be submitted to the attention of the Society contact person listed below. Responses should be clearly marked with RFI Reference Number LSO – RFI – **FLSP012020**:

Senior Counsel, FLSP Call for Comment  
Professional Development and Competence  
Law Society of Ontario  
130 Queen Street West  
Toronto, Ontario M5H 2N6  
Phone: 416-947-3919  
Email: [submissions@lso.ca](mailto:submissions@lso.ca)

**APPENDIX # 1 RESPONSE FORM: LAW SOCIETY OF ONTARIO REQUEST FOR INFORMATION FOR THE  
FAMILY LEGAL SERVICES PROVIDER LICENCE TRAINING PROGRAM: LSO – RFI - FLSP012020**

**1. Executive Summary**

- 1.1 Provide an executive summary of the educational institution's response.

**2. Educational Institution Information**

- 2.1 Provide the educational institution's legal name, the full address, telephone number, and fax number.
- 2.2 Provide the name, address, telephone number, fax number, and email of the contact person(s) for the educational institution with respect to this RFI.
- 2.3 Provide a brief outline of the educational institution's background, including the length of time the educational institution has been in business, a brief history and overview of the educational institution, and the number of in-house staff employed by the educational institution in areas relevant to this RFI.

**3. Information Requested**

Please provide information regarding the following:

- 3.1 How will the educational institution design and deliver the program, with both part time and full time options, in accordance with the minimum hours outlined to support the required competencies?
- 3.2 What is the potential duration of the program and what would the delivery methods be to support the required competencies?
- 3.3 What will the criteria be for the selection of faculty? There is no requirement at this point to identify the faculty responsible for delivering the program, but to outline how the faculty will be selected for this program.
- 3.4 How will students be assessed to ensure fulfillment of the required competencies to support the FLSP licensure process?
- 3.5 How would the educational institution provide or coordinate field placements as part of this program?
- 3.6 How will the cost of delivering the program be determined?

**4. RFI Terms of Reference**

- 4.1 This RFI is expressly not intended to create a legal relationship with any education provider, or initiate or be part of a formal legally binding bidding process and does



not constitute a commitment by the Society to procure any good or service. This RFI may, but will not necessarily, result in subsequent negotiations with any education provider, a contract with any education provider, or a procurement process of any kind, including, without limitation, a request for proposals or a request for quotations.

- 4.2 The Society will not be held liable or accountable for any error or omission in any part of this RFI and does not make any representation, warranty or guarantee regarding the accuracy of the information in this RFI.
- 4.3 Expenses incurred by an education provider for the development and presentation of their response to this RFI or for any activities relating to this RFI are entirely the responsibility of the education provider and will not be charged to the Society for any reason.
- 4.4 The education provider will not use the Society's name for promotional purposes without prior written consent of the Society.
- 4.5 All information and documentation provided to an education provider by the Society in connection with this RFI is the property of the Society and will be treated as confidential. An education provider will not, without the written authorization of the Society, copy, share, disclose or release the information and the documentation provided to the education provider by the Society in connection with this RFI for any purpose other than to reply to this RFI. Upon request of the Society, the education provider will return this information and documentation to the Society or destroy it in a manner that prevents unauthorized access and thereafter notify the Society that it has been destroyed.
- 4.6 Except where expressly stated otherwise in the RFI, in any response to the RFI, or in any documents accompanying a response, responses and any accompanying documentation submitted by an education provider will become the property of the Society and will not be returned. The Society may reproduce, for internal use, any response and accompanying documents submitted to the Society.
- 4.7 Any price or costs included in a response, including but not limited to professional service, are provided for informational purposes only and will not be binding on the education provider.
- 4.8 This RFI does not limit any pre-existing rights of the Society. Without limiting the generality of the foregoing, the Society reserves the right to,
  - (a) request, at any time during the RFI process, further information from any education provider, including from any education provider who did not respond to this RFI;
  - (b) initiate discussions with any education provider, including an education provider who did not respond to this RFI;



- (c) negotiate with any education provider for the procurement of any good or service, including an education provider who did not respond to this RFI;
- (d) contact one or more education providers, including an education provider who did not respond to this RFI, for the purpose of having the education provider participate in a request for proposal or a request for quotation process for the procurement by the Society of any good or service;
- (e) enter into a contract for the procurement of any good or service with any education provider, including an education provider who did not respond to this RFI; or
- (f) elect not to proceed with the procurement of any good or service that is the subject of this RFI.

4.9 The education provider is deemed to have reviewed any and all addenda issued by the Society in respect of this RFI. The education provider confirms that the education provider has reviewed the following addenda in the preparation of this response. If no addenda were issued, please list "None".

Addenda #:

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4.10 If the education provider requests to supplement its response with an oral presentation, please indicate below. The education provider understands that the education provider may be required at the request of the Society to participate in an oral presentation to supplement the education provider's response.

4.11 The information in this response is, to the best of the education provider's knowledge, accurate and complete.

By signing below, the education provider acknowledges its acceptance of the terms of reference set out above and all the terms set out in the RFI.

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Education Provider  
Representative

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Name and Title of Education Provider  
Representative

Date of Signature: \_\_\_\_\_