



<b>POSITION TITLE:</b>	IN-HOUSE LEGAL COUNSEL
<b>DEPARTMENT:</b>	LEGAL SERVICES
<b>REPORTS TO:</b>	LEGAL SERVICES MANAGER
<b>CLASSIFICATION:</b>	FULL TIME CONTRACT (18 MONTHS)
<b>LOCATION:</b>	WHITBY, ON
<b>POSTING DATE:</b>	JUNE 16 <sup>TH</sup> , 2023
<b>CLOSING DATE:</b>	JULY 7 <sup>TH</sup> , 2023

Dnaagdawenmag Binnoojiiyag Child & Family Services is a multi-service Indigenous wellbeing agency. We provide a stable foundation for children, youth, and families, through wraparound services that are culturally based, and family focused.

The Legal Services department is an important aspect of our service delivery model, providing consultation and supporting alternative options to minimize court involvement and resolve child welfare matters in a non-adversarial and meaningful way for the children, youth, and family.

### **PURPOSE OF THE POSITION**

Reporting to the Legal Services Manager, the In-House Legal Counsel is responsible for ensuring the provision of expert legal services to the Agency, representing the Agency in court applications under the Child, Youth and Family Services Act, and Young Offenders Act, and acting in a consultative role for service-related decisions.

### **RESPONSIBILITIES**

- Following a consultative process, advises the Legal Services Manager and Senior Management, on whether to proceed with a court application on any child(ren) / youth taken to a place of safety (apprehended), while understanding the final decision rests directly with the Executive Director.
- Prepares for and represents the Agency in child welfare court cases in Ontario Superior Court of Justice whether applications are commenced by the Agency or by other parties.
- Represents the Agency in matters brought before the Child and Family Services Review Board.
- Prepares for and represents the Agency at appropriate hearings under the Children's Law Reform Act.
- Prepares for and represents the Agency on appeals and judicial review applications in higher courts.
- Acts as legal resource person for consultation, with Child & Youth Service Workers, Family Service Workers, Supervisors, Legal Disclosure and Administration with



respect to The Child, Youth and Family Services Act and other legislation affecting children. On occasion, may represent the Agency in court on Young Offenders Act cases.

- Conducts periodic training sessions for Agency staff in child welfare matters, including such areas as legislative amendments, presentation of evidence and the effective utilization of court related forms.
- Keeps up to date of changes in legislation, procedure or case law related to children and family law.
- Prepares and revises child welfare related forms, ensuring adherence with legislative requirements.
- Provides legal advice to the Executive Director as requested on general day-to-day issues / challenges that may affect the Agency.
- Prepares and drafts legal documents such as contracts, releases, affidavits, and other related documents pursuant to the Family Law Rules.
- Liaises on an ongoing basis with the Ministry of Children, Community and Social Services, the Official Guardian, the Ministry of the Attorney General, the Judiciary, the Ontario Association of Children's Aid Societies, Association of Native Child and Family Services Agencies of Ontario, and the court service personnel of other societies for the purpose of clarifying existing child welfare legislation and / or policy.
- Represent Dnaagdawenmag Binnoojiiyag Child & Family Services on local committees, e.g., family court services committee, and community liaison committees.
- Assists adoption workers, where necessary, in the finalization of adoption applications and presents said applications to the Ontario Courts where required.
- Notarizes and commissions documents.
- Appears as guest speaker and panelist as requested by various groups.
- Acts in the capacity of a resource person for lawyers and professionals in the community with respect to child welfare matters.
- Other related duties as may be assigned by the Legal Services Manager or Senior Management.

## **POSITION REQUIREMENTS**

### **Education and Experience Requirements:**

- Bachelor's Degree, LL.B., or Juris Doctor plus one year of articling and six months bar admission courses, combined with a minimum of two to three years of experience in litigation and in Family Law with some exposure to Child Welfare Law.
- A member in good standing with the Law Society of Ontario.

### **Knowledge Requirements:**

- A strong understanding of the systemic issues that have resulted in the over-representation of Indigenous People involved in the Child Welfare system and how



the legal system has contributed to historical injustices.

- Demonstrated knowledge and use of alternative practices for resolution outside of the court system.
- A solid understanding of, and sensitivity to the experiences of Indigenous Peoples in Canada, and the impact of the legacy of Residential Schools and the Sixties Scoop upon them is essential.
- A good working knowledge of community services within the Dnaagdawenmag Binnoojiiyag Child & Family Services catchment area and surrounding areas to assist in service provision.
- Sound knowledge of child welfare legislation and all other legislation relating to children, e.g., Young Offenders Act, the Federal Act (An Act Respecting First Nations, Inuit and Métis Children, Youth and Families), the Children's Law Reform Act, and all regulations for the said legislation.
- Sound knowledge of the case law, i.e., judicial decisions regarding the above legislation.
- Good knowledge of court procedures and evidence including both the Canada and Ontario Evidence Act.
- Good working knowledge of the child welfare system and some knowledge of basic social work practice and theory.
- Good working knowledge of services and facilities available to, and used by the Agency and the children, youth, families, caregivers and communities serviced (e.g., mental health services, treatment facilities, correctional system for young offenders).

**Ability Requirements:**

- Written communication skills to prepare correspondence, draft court documentation, and write legal opinions, draft contracts, etc.
- Excellent verbal and communication skills to communicate and explain information to the staff, clients, and other lawyers, and in particular to present arguments to the judge in a court setting clearly and effectively.
- Negotiation and decision-making skills to negotiate settlements in court cases, to determine course of action during court hearings and to mediate between social work and legal professions.
- Research skills to research points of law, both in court proceedings and in providing day-to-day legal advice to the Agency.
- Organizational skills to effectively prepare and implement the presentation of a case in court.
- Ability to create learning materials and facilitate training to help develop the knowledge and skills of staff with respect to the legal system and preparation of documents.
- Interpersonal skills to interact with different disciplines, frequently in a setting where there are conflicting interests (e.g., unwilling witnesses, irate parents, etc.)
- Management skills to manage assigned case files, including assignment of court



cases and delegation of work to support staff, ensuring consistency in the provisions of legal services, and ensuring necessary policies and procedures are in place and up to date.

- Leadership skills to provide development, coaching, feedback, and regular supervision to staff.

**Mandatory Requirements:**

- Must be willing to work flexible hours including weekends, evenings and holidays as required.
- Provide an acceptable Canadian Police Information Centre Check (CPIC) and Vulnerable Sector Screening (VSS).
- Able to provide a safe vehicle for use on the job, an acceptable Driver's Abstract, evidence of a valid Ontario Driver's License and of Personal Liability & Property Damage insurance coverage for at least \$2,000,000.00.

**WORKING CONDITIONS**

- You will be provided a working location with a hybrid work from home option available.
- Travel within the catchment area will be required from time to time. The in-house counsel will provide coverage and carry court files for other regions of the Agency.

**STARTING SALARY RANGE**

- \$109,358.94 - \$119,152.18, depending on qualifications and experience.

**TO APPLY**

- Please email the following to [careers@binnoojiiyag.ca](mailto:careers@binnoojiiyag.ca).
  - Application for Employment (available at [www.binnoojiiyag.ca](http://www.binnoojiiyag.ca))
  - Please indicate preferred location in your application
  - Resume (include 3 supervisor references)
- Incomplete Applications will not be considered.
- Only those selected will be contacted for an interview.
- As an Indigenous Child Wellbeing Agency, we give priority to applicants who identify as First Nations, Inuit, Métis, and those with close affiliations.