



## Assigning Competencies to Courses

### Proposed Course #1: Family Legal Services Introduction and Overview

Total Number of Competencies: 29

#### Subtopic: Introduction/Overview/Knowledge of Law

Number of Competencies: 11

	Competency Code	Competency Statement
1	2.1.14	understands the organization of the federal and provincial court systems and the Unified Family Court.
2	2.1.15	understands jurisdiction and the appropriate forum.
3	2.1.16	understands the <i>Divorce Act</i> , regulations, and related case law.
4	2.1.17	understands the <i>Family Law Act</i> , regulations, and related case law.
5	2.1.18	understands the <i>Child Support Guidelines</i> (federal and provincial) and related case law.
6	2.1.19	understands the <i>Spousal Support Advisory Guidelines</i> and related case law.
7	2.1.20	understands the <i>Children's Law Reform Act</i> , regulations, and related case law.
8	2.1.21	understands the <i>Family Law Rules</i> and related case law.
9	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> ).
10	2.1.31	applies the principles of statutory interpretation in conjunction with the case law.
11	6.5.187	understands the <i>Family Law Rules</i> governing trials (e.g., trial record, evidence, focussed trials, mini trials).

**Subtopic: Divorce**

**Number of Competencies: 9**

	Competency Code	Competency Statement
1	3.11.116	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 valuers).
2	3.11.117	identifies the grounds for divorce (i.e., breakdown of the marriage: living separate and apart for one year, cruelty, and adultery).
3	3.11.118	identifies the appropriate jurisdiction in which to bring a divorce proceeding.
4	3.11.119	fulfills the statutory duty to advise regarding reconciliation, facilities, and negotiating support or custody through mediation.
5	3.11.120	understands the bars to divorce (e.g., collusion, connivance, condonation, reasonable arrangements not made for the children).
6	3.11.121	understands the consequences of a divorce (e.g., limitation periods, succession rights, health benefits, spousal entitlement, pension, beneficiary designations).
7	3.11.122	advises about the option and consequences of severing a divorce from corollary relief and brings a motion to sever, where appropriate.
8	3.11.123	drafts, serves, and files an application for divorce and takes appropriate steps to obtain a final order.
9	3.11.124	advises the client about the availability of waiver of the appeal period for a divorce and takes appropriate steps.

**Subtopic: Prohibitions**

**Number of Competencies: 9**

	Competency Code	Competency Statement
1	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)).
2	8.1.202	does not act when there are legal issues, or assets, outside of Ontario (e.g., extraterritorial jurisdictional issues, Interjurisdictional Support Orders Act, if a party files income tax in another jurisdiction).
3	8.1.203	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.
4	8.1.204	does not act on applications for adoptions.
5	8.1.205	does not act on applications for declaration of parentage.
6	8.1.206	does not act when there are reproductive or fertility law issues (e.g., surrogacy agreements, known donor, IVF, frozen embryos, etc.).
7	8.1.207	does not act on appeals, including motions for leave to appeal, but may waive the appeal period for divorce.
8	8.1.208	does not act where there are issues outside of the current scope for paralegals as articulated in By-law 4.
9	8.1.209	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.

**Proposed Course #2: Intimate Partner Violence**

Total Number of Competencies: 7

	Competency Code	Competency Statement
1	3.12.125	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.
2	3.12.126	identifies power imbalances, domestic abuse, or intimate partner violence.
3	3.12.127	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)).
4	3.12.128	takes appropriate legal steps where domestic abuse or intimate partner violence has been identified (e.g., emergency motions, ex parte motions, exclusive possession, restraining orders).
5	3.12.129	refers the client to appropriate community resources where domestic abuse or intimate partner violence has been identified.
6	3.12.130	understands how to draft orders related to domestic abuse and intimate partner violence with sufficient specificity, including police enforcement.
7	3.12.131	serves orders related to domestic abuse and intimate partner violence on all relevant police forces.

**Proposed Course #3: Parenting Orders and Decision Making**

Total Number of Competencies: 13

**Subtopic: Parenting Orders and Decision Making**

**Number of Competencies: 8**

	Competency Code	Competency Statement
1	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 Children's Law Reform Act); (b) relocation/mobility issues; or (c) child abduction or other international cases/Hague Convention matters).
2	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	3.1.35	determines the appropriate jurisdiction (e.g., habitual residence, substantial connection).
4	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).
5	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).
6	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).
7	3.1.39	applies principles related to determining parenting time/access (e.g., maximum contact principle, de facto custody and status quo).
8	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).

**Subtopic: Change of Name**

**Number of Competencies: 5**

	Competency Code	Competency Statement
1	2.1.26	understands the Change of Name Act, regulations, and related case law.
2	3.10.112	determines eligibility for change of name, including solvency, consent, and notice.
3	3.10.113	understands how to complete the appropriate change of name forms and follows the appropriate process.
4	3.10.114	understands when to use the abbreviated change of name procedure (e.g., for marriage, cohabitation, dissolution of marriage).
5	3.10.115	understands how to respond where the other parent(s) wishes to oppose or revoke a change of name.

**Proposed Course #4: Child Support and Spousal Support**

Total Number of Competencies: 23

**Subtopic: Child Support**

**Number of Competencies: 11**

	Competency Code	Competency Statement
1	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 Ontario <i>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).
2	3.2.42	determines who is eligible to apply for child support (e.g., parent, eligible dependent, government agency).
3	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).
4	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").
5	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).
6	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).
7	3.2.47	determines quantum of child support.
8	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).
9	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.
10	3.2.50	understands principles related to termination of child support.
11	3.2.51	determines security for child support obligations, including jurisdiction and quantum (e.g., life insurance).

**Subtopic: Spousal Support**

**Number of Competencies: 12**

	Competency Code	Competency Statement
1.	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	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	3.3.53	determines eligibility for spousal support by applying the appropriate legislation (e.g., who is a "spouse").
4	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).
5	3.3.55	determines who is obligated to pay spousal support by applying the applicable legislation (e.g., former spouses).
6	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).
7	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).
8	3.3.58	understands the role of judicial discretion in the application of the <i>Spousal Support Advisory Guidelines</i> .
9	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).
10	3.3.60	determines security for spousal support obligations, including jurisdiction and quantum (e.g., life insurance).
11	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).
12	3.3.62	recognizes that a spousal support order may be assigned to and enforced by a government agency.

**Proposed Course #5: Division of Property, Financial Disclosure, and Matrimonial Home**  
 Total Number of Competencies: 30

**Subtopic: Property**

**Number of Competencies: 14**

	Competency Code	Competency Statement
1	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 valutors; (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).
2	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).
4	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)).
5	3.5.70	understands the principles of ownership, including presumptions (e.g., titled ownership, equitable claims, resulting trust, constructive trust, joint family venture).
6	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).
7	3.5.72	understands the principles of valuation of specific assets (e.g., appraisal of the matrimonial home as property, costs of disposition).
8	3.5.73	understands exclusions and deductions (e.g., gifts, inheritances, and personal injury settlements).
8	3.5.74	applies the principles of tracing (e.g., gifts, inheritances, personal injury settlements).

9	3.5.75	calculates net family property (NFP) and equalization payment, if any, and understands the effect of a negative NFP.
10	3.5.76	determines when preservation of property or non-depletion orders are appropriate.
11	3.5.77	determines when sale or transfer of property is appropriate.
12	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).
13	3.5.79	understands tax consequences or exemptions upon the transfer of assets (e.g., vehicles, RRSP rollover, matrimonial home).
14	3.5.80	determines the type of security required to secure an equalization or other property payment, if appropriate.

### Subtopic: Financial Disclosure

Number of Competencies: 7

	Competency Code	Competency Statement
1	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)).
2	3.6.82	advises the client of the initial and ongoing obligation to disclose financial information (e.g., statutory, proportionality, relevance).
3	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> .
4	3.6.84	determines disclosure and supporting documentation for exclusions, tracing, and/or deductions.
5	3.6.85	determines disclosure and supporting documentation necessary to establish the value of real and other property.
6	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).
7	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).

**Subtopic: Matrimonial Home**

**Number of Competencies: 9**

	Competency Code	Competency Statement
1	2.1.24	understands the <i>Partition Act</i> , regulations, and related case law applicable to family law matters.
2	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 valutors (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.)
3	3.7.89	identifies ownership interests in the matrimonial home (i.e., joint tenants, tenants in common, sole ownership).
4	3.7.90	applies the appropriate principles related to the matrimonial home when calculating net family property.
5	3.7.91	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).
6	3.7.92	identifies entitlement to and calculates quantum of occupation rent.
7	3.7.93	brings a motion for partition and sale of the home/matrimonial home when appropriate.
8	3.7.94	advises on the rights and limitation on transfers and encumbrances on a matrimonial home and the appropriateness of a motion to dispense with consent.
9	3.7.95	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

**Proposed Course #6: Domestic Contracts**

Total Number of Competencies: 8

	Competency Code	Competency Statement
1	3.9.104	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).
2	3.9.105	determines when a matter is incapable of performance under the law and advises accordingly (e.g., unreasonable contract inclusions).
3	3.9.106	understands the types of domestic contracts (i.e., cohabitation, marriage, separation, paternity, and family arbitration agreements).
4	3.9.107	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).
5	3.9.108	ensures domestic contracts are properly executed under the <i>Family Law Act</i> .
6	3.9.109	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.
7	3.9.110	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).
8.	3.9.111	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).

**Proposed Course #7: Family Law Procedure**

Total Number of Competencies: 35

**Subtopic: Variations, Reviews, Motions to Change**

Number of Competencies: 7

	Competency Code	Competency Statement
1	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.
2	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	3.4.65	understands the differences between a variation, a review, and a suspension of orders.
4	3.4.66	understands principles related to termination of orders.
5	6.6.191	brings a motion to change under Rule 15 of the <i>Family Law Rules</i> .
6	6.6.192	prepares and serves a confirmation of assignment when necessary.
7	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).

**Subtopic: Litigation Process**

Number of Competencies: 20

	Competency Code	Competency Statement
1	6.1.159	understands that attempts to resolve the matter without litigation are integral from inception to completion of the matter.
2	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).
3	6.1.162	recognizes when case management is available.
4	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.

5	6.1.164	understands exceptions to admissibility (e.g., hearsay, opinion, privilege, improperly obtained evidence, settlement discussions).
6	6.1.165	understands the notice and delivery requirements for specific documentary evidence (e.g., business records, medical and other expert reports).
7	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> .
8	6.1.167	ensures the appropriate endorsement is made and takes out the order after court appearances (motions, conferences, trials).
9	6.1.168	advises on applicable appeal periods and refers the client to a lawyer for appeals.
10	6.1.169	demonstrates an understanding of the purposes and potential outcomes of case, settlement, and trial management conferences.
11	6.2.170	understands the jurisdiction of the judge to make orders at conferences.
12	6.2.172	prepares clients for conferences and explains the purposes of the conference.
13	6.3.173	understands the availability and merits of temporary relief (procedural motions, Form 14B, motions with and without notice).
14	6.3.175	understands when and how to obtain an order to question the other side.
15	6.4.178	understands required timelines for trial or hearing.
16	6.4.184	understands how and when to compel witnesses, including issuing a summons to witness.
17	6.5.188	updates documents for trial (e.g., financial statements, net family property statements, comparisons of net family property).
18	6.5.189	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).
19	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).
20	6.7.194	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).

**Subtopic: Contempt/Enforcement**

**Number of Competencies: 8**

	Competency Code	Subtopic: Variations, Reviews, Motions to Change Number of Competencies: 7
1	3.8.96	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.
2	3.8.97	advises and acts on the enforcement of domestic contracts.
3	3.8.98	files domestic contracts with the court under the appropriate legislation.
4	3.8.99	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).
5	3.8.100	understands the implications of withdrawal from the Family Responsibility Office (FRO) and advises the client accordingly.
6	3.8.101	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).
7	3.8.102	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).
8	3.8.103	brings a motion for contempt when appropriate.

**Proposed Course #8: Indigenous Family Legal Services**

Total Number of Competencies: 6

	Competency Code	Competency Statement
1	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	3.14.137	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).
3	3.14.138	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).
4	3.14.139	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).
5	3.14.140	demonstrates an awareness of the application of s. 89 of the <i>Indian Act</i> to the enforcement of support orders (e.g., exemptions).
6	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).

### Proposed Course #9: Family Legal Services and Intersecting Legal Issues

Total Number of Competencies: 9

	Competency Code	Competency Statement
1	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	2.1.25	understands the <i>Insurance Act</i> , regulations, and related case law applicable to family law matters (e.g., designation of beneficiaries).
3	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).
4	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 (parents patriae), family court, Children's Lawyer), <i>Civil Marriage Act</i> , <i>Arbitration Act, 1991</i> , <i>Canada Pension Plan</i> (credit splitting provisions)).
5	3.13.132	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)).
6	3.13.133	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)).
7	3.13.134	understands criminal law principles in family law matters and when to consult a criminal law licensee (e.g., impact of bail conditions, admissions, communications).
8	3.13.135	understands tax principles in family law matters and when to consult tax experts.
9	3.13.136	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.

### Proposed Course #10: Written and Oral Advocacy, including ADR, in the Family Legal Services Context

Total Number of Competencies: 30

**Subtopic: Information Gathering, Case Analysis, and Planning**

**Number of Competencies: 10**

	<b>Competency Code</b>	<b>Competency Statement</b>
<b>1</b>	4.1.142	identifies, obtains, and reviews relevant facts and documents.
<b>2</b>	4.1.143	identifies the relevant legal issues.
<b>3</b>	4.1.144	complies with all privacy legislation when gathering information.
<b>4</b>	4.1.145	recognizes urgency and takes emergency steps where necessary (e.g., refraining orders, restraining orders, and preservation orders).
<b>5</b>	4.1.146	understands the importance of conducting legal research (e.g., distinguishing case law) and preparing memoranda of law or facta.
<b>6</b>	4.1.147	demonstrates the ability to investigate facts related to a client matter, including when to engage experts.
<b>7</b>	4.1.148	advises about available resources (e.g., Family Responsibility Office, Ministry websites, support calculators, parenting resources, counselling, coaching).
<b>8</b>	4.1.149	develops an informed theory of the case and reassesses the theory of the case as the matter evolves.
<b>9</b>	4.1.150	applies legal reasoning and engages in critical thinking to prepare pleadings, arguments, or submissions to court.
<b>10</b>	4.1.151	develops an appropriate plan and strategies based on the law and in consultation with the client to achieve desired results.

**Subtopic: Alternative Dispute Resolution**

**Number of Competencies: 7**

	<b>Competency Code</b>	<b>Competency Statement</b>
<b>1</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.
<b>2</b>	5.1.153	understands various dispute resolution processes (e.g., negotiation, mediation (open versus closed), arbitration, collaborative, parenting coordination).

3	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.
4	5.1.155	addresses potential power imbalances in alternate dispute resolution.
5	5.1.156	prepares the client for alternative dispute resolution (process, forms, and dynamics).
6	5.1.157	applies appropriate strategies and tactics during alternate dispute resolution.
7	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).

**Subtopic: Advocacy**

**Number of Competencies: 13**

	Competency Code	Competency Statement
1	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).
2	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).
3	6.3.174	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.
4	6.3.176	understands when to attend and how to conduct questioning and how to use the transcript of questioning.
5	6.3.177	prepares for and argues motions.
6	6.4.179	drafts and negotiates agreed statements of facts.
7	6.4.180	drafts and responds to requests to admit.
8	6.4.181	prepares own witnesses for examination and cross-examination.
9	6.4.182	prepares and conducts examination of own witnesses.



<b>10</b>	6.4.183	prepares and conducts cross-examination of witnesses of other parties.
<b>11</b>	6.4.185	prepares, raises, and responds to objections (e.g., hearsay, relevance).
<b>12</b>	6.4.186	prepares and presents opening and closing statements.
<b>13</b>	6.7.195	prepares submissions on costs.

**Proposed Course #11: Ethics, Professional Responsibility, and Practice Management in Family Legal Services**

Total Number of Competencies: 19

**Subtopic: Ethics and Professional Responsibility**

**Number of Competencies: 14**

	Competency Code	Competency Statement
1	1.1.1	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).
2	1.1.2	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).
3	1.1.3	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).
4	1.1.4	manages and updates the client's expectations with respect to processes, timeframes, results, and costs.
5	1.1.5	understands the impact of involving third-party authorities, such as police or a Children's Aid Society, and the duty to report.
6	1.1.6	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).
7	1.1.7	fulfills obligations related to dealing with unrepresented persons.
8	1.1.8	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).
9	1.1.9	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>10</b>	1.1.10	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).
<b>11</b>	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.
<b>12</b>	1.1.12	manages monies held in trust and client property in accordance with Law Society requirements.
<b>13</b>	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>14</b>	2.1.32	understands the importance of remaining current regarding changes to legislation, regulations, guidelines, practice directions, and case law.

**Subtopic: Practice Management**

**Number of Competencies: 5**

	<b>Competency Code</b>	<b>Competency Statement</b>
<b>1</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).
<b>2</b>	7.1.197	complies with Law Society client identification and verification requirements (By-Law 7.1).
<b>3</b>	7.1.198	complies with Law Society marketing and advertising rules regarding firm name, letterhead, and FLSP scope of practice.
<b>4</b>	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.
<b>5</b>	7.1.200	complies with continuing professional development requirements.