



Request for discretion

Family Law: Support, Access, Custody

Account date:

[YYYY-MM-DD]

Date of request:

[YYYY-MM-DD]

1. Requestor information

Name:

Solicitor #

Phone #:

Fax #:

Email:

2. Client information

Client name:

Certificate #

Name of co-accused/
other parties:

3. Request details

Request type:

- New discretion request
- Retroactive discretion request

If this is a *retroactive discretion request* for an account already settled, enter the account number below. Submit the request using the *Legal Aid Online* electronic document submission or LAOiFax process.

LAO account #:

Authorizations:

Have you sought all necessary district office authorizations? Yes No

(if no, please do so before submitting any accounts by contacting your district office)

Circumstances:

The Legal Aid Tariff reflects the fees customarily paid by a reasonable privately paying client of modest means. These fees apply for all legal aid services, except in **exceptional cases**. Should your account exceed the tariff maximum and you wish Legal Aid Ontario to consider paying the account as billed with discretion, please describe the exceptional circumstances of your case.

Please explain the exceptional, factual and legal circumstances of your case based on the following factors (click all that apply):

Results obtained:

- Motion for interim spousal support
 - Award at high end of Spousal Support Guidelines
- Motion for interim child support
 - Retroactive to day of application
 - Support ordered where other party stands “in loco parentis”
- Access, custody
 - Custodian successful in mobility application
 - Change in “de facto” custody due to parental alienation
- Change in interim custody
- Contested no access order

Complexities:

- Client’s special needs (e.g.: mental health)
- Self-employed payor, imputing income for child/spousal support issues
- Sexual or serious physical allegations (criminal charges)
- Hague Convention matters

Other regulatory factors:

- Contributions of the applicant or other contributors
- Amount of time realistically set aside in anticipation of a lengthy trial of hearing which time was not otherwise filled by the lawyer

Relevant factors:

- Disclosure
- Forensic/expert evidence
- Multiple children/parents/parties
- Well funded litigant
- Timeliness/reduction in appearances through mediated/negotiated settlement

4. Case details

Please provide case details and the factual circumstances that support the specific factors for discretion selected in the section above. Attach any attach relevant documents to support your discretion request.

Note: if the certificate authorized an opinion letter, please attach.

5. District Area Director exception request

Are there other discretion factors not articulated in the above criteria? Yes No

If **yes**, provide details below:

Note: This request is to be used rarely and only in circumstances when counsel can clearly demonstrate that the exceptional circumstances test has been met.

For more information on Discretion Request, see Chapter Two of the *Tariff & Billing Handbook*.

For assistance in completing this form, please contact the Lawyer Service Centre at 1-966-979-9934 (toll-free)

Please attach the completed form to your online account.

Personal information in this form is collected under the authority of section 84 of the *Legal Aid Services Act* and is used in the general administration of the payment of lawyers accounts including: case management, application of block fees and tariff, discretion, reviews, disbursement authorization, expedite requests, late billing, hard cap, and recoveries; and, is used in the panel management of lawyers including investigations, panel suspension, and panel removal. Questions about this collection should be directed to the FIPPA coordinator, 40 Dundas Street West, Suite 200, Toronto, ON, M5G 2H1, 416-979-1446 or 1-800-668-8258.

Reset form

Save form

Print form