

1316 15 Ave SW, Calgary AB T3C 0X7

**RETAINER AGREEMENT  
FAMILY LAW PRACTICE NOTE 7  
Lorri A. Yasenik Ph.D, RSW, RFM, RPC-A**

**INTRODUCTION**

**What is Practice Note 7?**

Practice Note 7 relates to the use of independent parenting experts conducted for cases in the Court of Queen's Bench. The service is provided through a Court Order. Usually, the Order outlines funding, time-lines for funding and parent responsibility for funding. The Order also outlines the intended use of the letter or report provided by the parenting expert (for interim applications, trials or both).

It is used when: a) Families are experiencing and impasse; b) Intervention of the Court is required; and c) The court requires assistance from parenting experts. The practice note process is used to target specific issues in the family and facilitate resolution and, if a resolution is not possible, to provide for an objective assessment of the family by a parenting expert as a litigation aid to assist the court in addressing the best interests of the children. You will either be referred for intervention or assessment.

The parenting expert can consult the court at any time during the intervention or assessment provided legal counsel has also been consulted. First legal counsel has an opportunity to respond and then, the expert can consult the court. Usually, the parenting expert will consult if a party withdraws from an intervention or assessment, where a party fails to cooperate with the parenting expert or if the parenting expert fees for the intervention or assessment are not paid as directed by the court.

**What Processes Does Practice Note 7 Provide?**

Two kinds of procedures may be utilized: **Interventions (both long and short-term)** and **Assessments**. An intervention may include: counseling/therapy, educational sessions, parenting plan development, parallel parenting plan development, evaluation (evaluating a particular issue related to the family), canvassing (gaining the specific needs, or where appropriate, the wishes of the children), remedial facilitated access: between parent and child and recommendations of what the family needs – i.e., counseling, mediation/arbitration etc.

Assessments may be ordered to assist the court in determining the best interests of the children and are generally used when parties are going to trial and the court has to determine parenting arrangements. Assessments are objective neutral evaluations carried out by a parenting expert. The assessment may include only one child and one parent/home or all parties. After the court reviews an assessment report, it may be possible for the court to order the expert to conduct further reviews or updated assessments.

### **Confidentiality and Sharing**

Any written letters or reports go to the court and legal counsel. Provisions will be made for parties to review any written material either with the author or with legal counsel. Parents do not receive a copy of the report or letter(s). Assessments are not confidential and the only exception to this rule is if children are deemed to be placed at risk if particular information shared by them is disclosed. The court has the discretion to keep information shared by children confidential (if necessary).

### **Termination**

If the parenting expert feels that termination of services is necessary, the expert will write a report or letter to the court and legal counsel to describe why and to provide any further suggestions as to what the family needs.

### **Limitations to Practice Note 7**

The Practice Note takes into account the limitations imposed on Parenting Experts by their professional bodies that govern them and has been prepared in consultation with the College of Alberta Psychologists and the Alberta College of Social Workers. Practice Note 7 does not apply to matters under the *Child, Youth and Family Enhancement Act*, R.S. A. 2000, C. C-12.

FAMILY SPECIFICS

**1) NAMES**

**2) REASON FOR REFERRAL**

**3) PROPOSED PROCESS**

**4) LIMITATIONS RE: PROCESS**

**5) PROFESSIONALS INVOLVED**

**6) PROFESSIONAL FEES / LATE CANCELLATION POLICY**

**FEE: \$300.00 PER HOUR** for any activity related to your family. Each email is billed at .1 of the hour. A minimum of .1 is billed on all email correspondence regardless of the length except for confirmation of attendance through the front office.

**There is a 2 working days cancellation fee for all sessions otherwise you will be billed.**

**Activities may include: reading and responding to email, reading file information provided, any contact/meetings with legal counsel, any written reports, session notes, letters, meetings with individual family members (including children), collateral contacts, photocopies, court attendance, any additional meetings, travel to and from meeting locations.**

**A \$1000.00 retainer fee will be taken from each party at the time of commencing the service. A visa will also be kept on file and used for fees. If there are any issues with using the visa, then the retainer will be used. The retainer will then be returned to the parties at the end of the service. The only variation to this is fee agreement is if one party is paying for the service or there is an arrangement of proportionate payment. This will likely be outlined in the Court Order. This will be discussed at your first meeting.**

**7) COURT APPEARANCE AND CANCELLATION POLICY**

**The minimum fee for court will be a half-day charge (4 hours). You must provide a minimum of 3 weeks notice for attendance. You must provide a minimum of 5 working days notice for cancellation re: court appearances or you will be billed a minimum of a half-day court fee (4 hours).**

**I have read the above Retainer Agreement and I understand and agree to its contents.**

\_\_\_\_\_  
Parent/Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parent/Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Parenting Expert

\_\_\_\_\_  
Date