**E. OFFICE OF THE CHILDREN’S LAWYER (OCL)**

1. Overview
   1. Section 33.1 of the *Judicature Act*, RSPEI 1988, Cap. J-2.1, provides that the Minister of Justice and Public Safety and Attorney General of Prince Edward Island may appoint one or more qualified persons as a Children’s Lawyer.
   2. Pursuant to s. 33.1(4) of the *Judicature Act,* at the request of a court, a Children’s Lawyer may act as the legal representative of a minor in or in respect of a proceeding. Pursuant to s. 33.1(7), a Children’s Lawyer may carry out certain functions in a proceeding under the *Divorce Act,* RSC 1985, Cap. 3. or the *Children’s Law Act,* RSPEI 1988 Cap. C-6.1*,* in which a question concerning parenting time, decision-making responsibility or contact in respect of a child, or the child’s support or education, is before the court. The legislation provides that in such proceedings, a Children’s Lawyer may, in respect of certain matters, conduct an inquiry, act as legal counsel or litigation guardian on behalf of the child and make recommendations to the court.
2. Notice and Filings
   1. Where a Children’s Lawyer, at the request of a court, acts as the legal representative of a minor pursuant to s. 33.1(4) of the *Judicature Act,* or acts as legal counsel or litigation guardian on behalf of the child pursuant to s. 33.1(7)(b), the Children’s Lawyer shall serve on the parties to the proceeding and file with the court, with proof of service, the following documents:
3. notice that the Children’s Lawyer will be acting; and
4. Designation of Address for Service (Form 16A.1).

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* 1. Upon the Children’s Lawyer filing the notice and Designation of Address for Service, the parties shall serve the Children’s Lawyer with every document in the proceeding that pertains to parenting time, decision-making responsibility, contact with a child or the child’s support or education.
  2. Upon the Children’s Lawyer filing the notice and Designation of Address for Service, the Children’s Lawyer shall be provided notice of hearing dates, including pre-motion conferences, pre-trial conferences and settlement conferences.
  3. The directions in this Practice Direction apply, with necessary modifications, where the Children’s Lawyer initiates a proceeding on the child’s behalf under the *Children’s Law Act,* pursuant to s. 33.1(15) of the *Judicature Act*.

1. Director of Child Protection
   1. Upon the Children’s Lawyer filing the notice and Designation of Address for Service, the Director of Child Protection (the “Director”) shall serve the Children’s Lawyer with every document that the Director serves on the parties.
   2. In a proceeding in which the Director has filed a notice of intention to investigate and report, and the Children’s Lawyer has filed a notice and Designation of Address for Service, where the Children’s Lawyer subsequently serves a notice of motion that relates to a parenting order or contact order, the Children’s Lawyer shall serve the notice of motion on the Director within the time prescribed for service on the parties. The Children’s Lawyer shall also serve the Director with such other documents as directed by the court.
2. Removal as Children’s Lawyer

In circumstances where the Children’s Lawyer wishes to be removed as lawyer for the child, the Children’s Lawyer shall make a motion to the court under *Rule* 15.05 of the *Rules of Civil Procedure*, requesting to be removed.