

## Step 1: Application for Review

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<b>Adoption Order</b> Either: <ul style="list-style-type: none"> <li>with consent; or</li> <li>that consent is dispensed with</li> </ul>	up to <b>5</b> hours	For <ul style="list-style-type: none"> <li>Taking instructions, attending the client</li> <li>Identifying legal and factual issues</li> <li>Preparing application for legal aid</li> <li>Preparing proceedings, including the following documents:                             <ul style="list-style-type: none"> <li>Affidavit(s) in support</li> <li>Consent of the birth parents or an application for consent to be dispensed with</li> <li>Section 10 report from social worker</li> </ul> </li> <li>Attend formal hearing and obtain interim adoption order</li> <li>If undefended and application is resolved apply for final order</li> <li>Reporting to client</li> <li>Reporting to and invoicing LSA</li> </ul>
<b>Application to dispense with consent</b>	up to <b>2</b> hours	For preparing an application to dispense with consent – see Granting Notes

### Documentation Requirements

- Application for Family Legal Aid (*LSA Form 6*) [s12 Legal Services Act 2000].
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings.

### Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on pages 3-4 for:

- Application to dispense with consent
- Additional factors
- Interpreter

# Adoption

June 2005

Steps for all proceedings involving adoption under the Adoption Act 1955

## Step 2: Defended Application

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for Hearing	up to <b>1.5 times</b> anticipated hearing time (hrs)	For <ul style="list-style-type: none"><li>• Reviewing file</li><li>• Preparing for hearing – cross examination, briefing witnesses, submissions</li><li>• Undertaking research, if necessary</li><li>• Reporting to client</li><li>• Preparing amendment to legal aid grant (if expecting to exceed guideline hours at this step)</li><li>• Reporting to client</li><li>• Reporting to and invoicing LSA</li></ul> (If the anticipated hearing time exceeds 2 days, attach a copy of the court fixture notice to the tax invoice)
Hearing	<b>Actual</b> hours	For attending hearing

### Documentation Requirements

- Family Legal Aid Amendment to Grant (*LSA Form 9*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings

### Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on pages 3-4 for:

- Interpreter

## Granting Notes

### **Application to Dispense with Consent (when combined with Application for Adoption Order) - Proceedings Step 1**

The following issues should be considered before undertaking and claiming this activity:

- The application to dispense with consent is a separate application from the application for an adoption order, and will be the subject of a separate hearing.
- The s10 report from the social worker is supportive of the application for adoption - the interim, or in some cases final, order may be made by consent in a chambers list, formal proof hearing or equivalent.
- An interim order has been made and requires an application for a final order at a later stage - with a separate hearing possibly being required.

### **Consideration of Additional Factors - Proceedings Step 1**

Guideline hours have been allocated to each activity within the steps for a proceedings on the basis that they are a reasonable estimate of the time required to perform that activity, in at least 80% of matters.

However, the circumstances surrounding a matter may make it necessary to consider guideline hours for 'additional factors'. The 'additional factors' may arise from a variety of circumstances, for example:

- The other party(s) may be self-represented causing additional delays to the progression of the proceedings
- Adoption is sought for more than one child. There may need to be different applications and reports and there may be different circumstances relating to each.
- A party suffers from an intellectual disability or mental illness, language or reading difficulties – but not necessitating a separate interpreter – requiring more time in taking instructions or prolonging proceedings. An additional allowance for the use of interpreters is available if required.
- Apart from the birth mother and birth father, there are additional guardians of the child. The additional guardians may be involved in the proceedings, requiring additional attendances and communications.
- When a final order is applied for separately, an additional grant may be necessary, e.g. more Court documentation may need to be prepared and/or there may be a short hearing.

There is no complete 'checklist' of circumstances - each matter should be considered on a case by case basis.

**Granting Notes****Consideration of Additional Factors - Proceedings Step 1 continued**

The guideline hours for 'additional factors' in the proceedings step(s) are:

<b>Activity</b>	<b>Guideline Hours</b>	<b>Tasks normally covered by Guideline Hours</b>
<b>Additional factors</b>	up to <b>3</b> hours	For additional factors which are likely to impact the preparation and filing of the orders

The guideline hours for 'additional factors' may be applied to the grant, providing:

- the guideline hours for the activity(s) forming part of the maximum grant in this step have been exceeded; and
- the 'additional factors' can be clearly identified and justified.

**Use of Interpreters - Proceedings Steps 1, 2**

It may be necessary for a provider to engage an interpreter to assist in communicating with the legally aided person.

Guideline hours are available, through a 'loading on hours granted', to recognise the time incurred in informing, briefing and seeking instructions from the legally aided person through an interpreter.

The guideline hours for the 'use of interpreters' in the proceedings step(s) are:

<b>Activity</b>	<b>Guideline Hours</b>	<b>Tasks normally covered by Guideline Hours</b>
<b>Interpreter</b>	<b>30%</b> loading on hours granted	For the additional time necessary to inform, brief and seek instructions from the client when an interpreter is engaged.

The 'loading on hours granted' may be applied to the grant at the proceedings step(s), providing:

- the 'loading on hours granted' has been applied to the activity(s) relating to the 'preparation' of a matter – as opposed to hearings;
- the guideline hours for the activity(s) relating to the 'preparation' of a matter, have been exceeded; and
- the fees for the interpreter will be claimed as a special disbursement.

