

FAMILY CROWN SERVICES OPERATIONAL MANUAL

ORGANIZATION AND MANDATE	New	Office of the Attorney General / Family Crown Services	Policy 3
Policy Title	New or Amended	Division / Branch / Section	Policy #

SLT		June 1, 2022	June 1, 2025
Approved by	This policy was approved on:	This version takes effect on:	This policy will be reviewed by:

ORGANIZATION AND MANDATE

1. Introduction

The mandate of the Office of the Attorney General is to promote the impartial administration of justice and ensure the protection of the public interest in New Brunswick on behalf of the Crown. The Department includes the Family Crown Services Branch.

Family Crown Services is composed of government lawyers who represent government interests in a limited civil domain of family law on behalf of the Attorney General.

The Attorney General is the Chief Law Officer of the Crown responsible for implementing the mandate of the Department by coordinating and overseeing its operation. The Deputy Attorney General and Assistant Deputy Attorney General of Family Crown Services, and the Family Crown Counsel are all agents of the Attorney General who assist in carrying out the Department’s mandate.

2. Role of the Attorney General and the Deputy Attorney General

2.1 The Attorney General

The authority of the Attorney General is stated in *An Act Respecting the Role of the Attorney General*.

The Attorney General, as the Chief Law Officer of the Department, is responsible for the supervision, control, and direction of all matters relating to a limited civil domain of family law through Family Crown Services. The Attorney General discharges this responsibility through his/her agents at Family Crown Services. As a general rule, the Attorney General is not actively involved in day-to-day matters. Direct involvement of the Attorney General is usually reserved for cases involving exceptional public interest or significant issues of public policy, yet the Attorney General may become involved in any case, given the mandate of the office.

The articulation of criteria governing the limited civil domain of family law and proceedings within the ambit of the Family Crown Services Branch is an important function of the Attorney General. Family

Crown Counsel exercise a broad discretion in the public interest. In doing so, they must act in accordance with the principles and policies set out by the Attorney General.

The principle of the independence of the Attorney General is strongly entrenched as a constitutional convention. The Attorney General will not allow partisan political considerations to affect his or her decisions. While convention allows the Attorney General, in respect of non-partisan considerations, to obtain information and seek advice from any appropriate source, including colleagues in Cabinet, the course of action adopted in particular cases is in the sole discretion of the Attorney General. The Attorney General does not act on direction from cabinet colleagues or other members of the Legislature in the discharge of his or her responsibility.

The Attorney General is answerable in the Legislative Assembly for decisions of the Family Crown Services Branch.

2.2 The Deputy Attorney General

The Deputy Attorney General, as the Chief Executive Officer of the Department, is responsible for the supervision of the civil domain of family law and proceedings within the ambit of the Family Crown Services Branch, including involvement in matters of significance not warranting the direct involvement of the Attorney General.

3. Family Crown Services

3.1 The Assistant Deputy Attorney General of Family Crown Services

The Assistant Deputy Attorney General coordinates and oversees all matters within the ambit of the Family Crown Services Branch, which includes the routine administration and conduct of all the Family Crown Services Branch within the limited civil domain of family law and proceedings.

The Assistant Deputy Attorney General acts through the Family Crown Counsel in discharging both administrative and operational responsibility for all proceedings, and related matters of the Family Crown Services Branch.

As counsel for the Attorney General, the Assistant Deputy Attorney General also provides legal advice to the Attorney General on all matters concerning the Family Crown Services Branch.

In carrying out such responsibilities the Assistant Deputy Attorney General performs the following tasks:

- (a) supervising the overall administration of the Family Crown Services Branch;
- (b) ensuring the implementation of, and compliance with the Office of Attorney General policies and Family Crown Services policies;
- (c) advising the Deputy Attorney General regarding significant matters, including potential issues involving various departments and agencies, the administration of courts, and the impact of changes in legislation;
- (d) Providing legal advice within the mandate of Family Crown Services to social workers, supervisors, provincial consultants and senior civil servants of the Department of Social Development;
- (e) Attending meetings with senior Department officials when called upon to do so;
- (f) Acting as liaison between Family Crown Services and Human Resources on all issues with respect to existing collective agreements;

- (g) carrying out such other tasks as may be assigned from time to time by the Attorney General or the Deputy Attorney General.

3.2 Family Crown Counsel

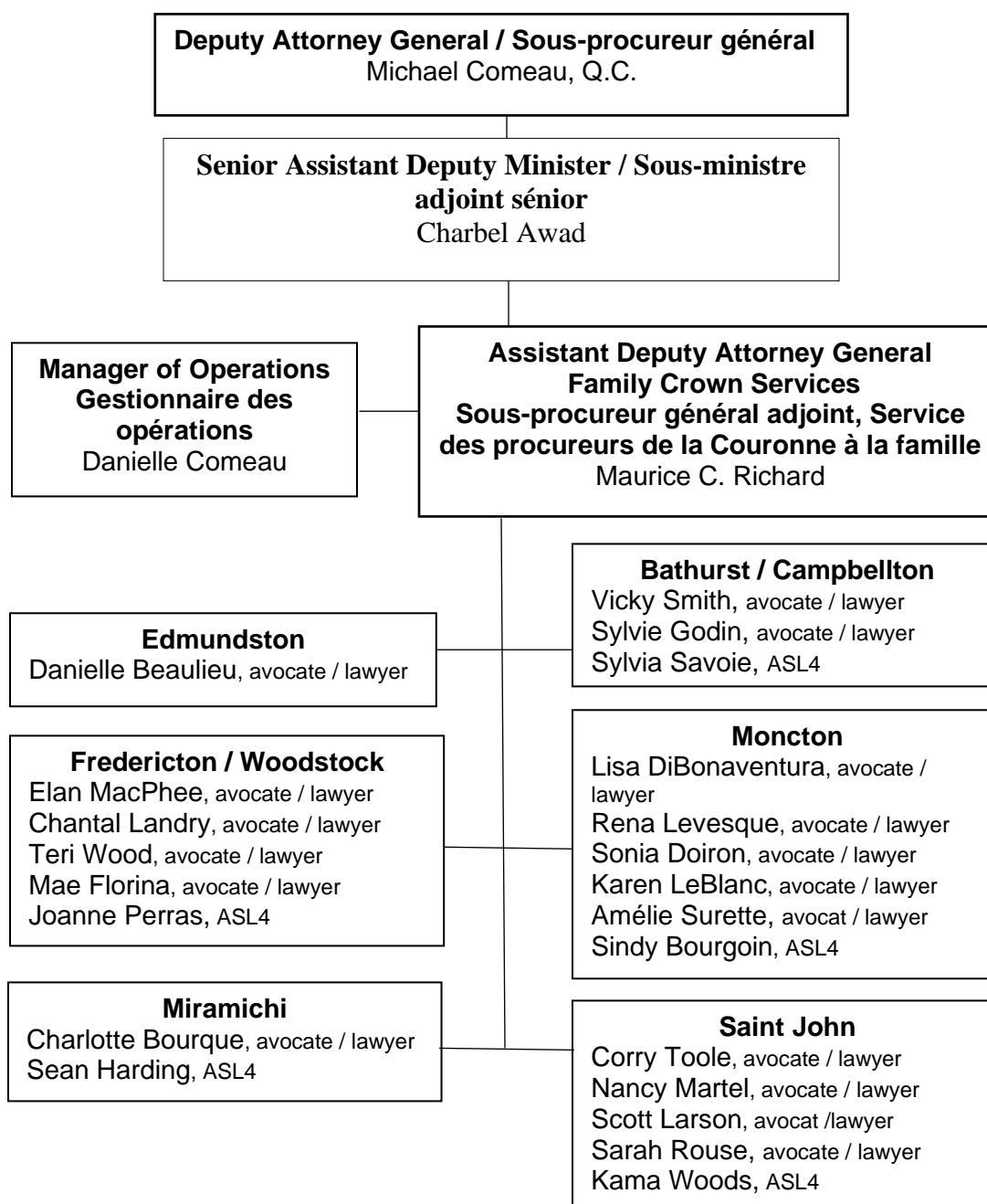
Family Crown Counsel acts as an agent of the Attorney General in proceedings before the courts in matters within the ambit of Family Crown Services. As such, Family Crown Counsel exercises the Attorney General's discretion on a day-to-day basis in the discharge of his/her duties. Family Crown Counsel does so under the direction of the Attorney General as provided in the Attorney General and Family Crown Services policies, and as may be specified from time to time by the Attorney General, the Deputy Attorney General, or the Assistant Deputy Attorney General.

In carrying out such responsibilities Family Crown Counsel performs the following tasks:

- (a) following all Attorney General and Family Crown Services policies;
- (b) providing legal advice to and representing the Minister of Social Development under the following parts of the *Family Services Act*:
 - (i) Part I: Provision of Social Services;
 - (ii) Part III: Protection Services;
 - (iii) Part IV: Children in Care;
 - (iv) Part VI: Parentage of Children; and
- (c) Representing the Minister of Social Development pursuant to section 2 of the *Family Law Act* in private matters;
- (d) providing legal advice to and representing the Director of Support Enforcement in judicial support enforcement proceedings;
- (e) providing services as required under section 19 of the *Divorce Act*;
- (f) providing legal advice and representation to the designated Central Authority under the *Hague Convention on the Civil Aspects of International Child Abduction*, enacted in New Brunswick as the *International Child Abduction Act*;
- (g) providing legal advice and representation to the designated authority under the *Interjurisdictional Support Orders Act*;
- (h) taking carriage of and assuming responsibility for the conduct of proceedings, including *inter alia* appeals and contempt proceedings, within the ambit of Family Crown Services, including attending in and providing service to the courts;
- (i) bringing to the attention of the Assistant Deputy Attorney General all matters that are necessary to enable him/her to fulfill the responsibilities of that office; and
- (j) carrying out such other tasks in such other areas of government practice as may be assigned from time to time by the Assistant Deputy Attorney General.

Family Crown Counsel has no authority to operate in civil matters outside the limited scope described in this Policy.

4. Family Crown Services Organizational Structure



January / janvier 2022

5. Related Documents

None