

November 1, 2017



## **COURT OF QUEEN'S BENCH OF ALBERTA**

### **ANNOUNCEMENT**

#### **FOR CONSULTATION – DRAFT FAMILY PRACTICE NOTE 2**

On June 27, 2017, a draft Family Law Practice Note 2 (PN 2 Draft #1) was posted to the Court's website with an invitation for suggestions or comments by September 15, 2017.

After considering all of the feedback that was received, there have been some revisions made to what is now PN Draft #2. The most significant changes are as follows:

1. Deadlines now run from the time the application is booked ("triggering date") instead of setting them in relation to when the application is heard. These new provisions are found in paragraphs 47-51. This change will allow the parties to know early on, what matters are in issue and whether a cross-application is to be filed. It will also allow for earlier resolution discussions. If a matter is adjourned or settled, it will leave more time to give the date to someone else. The parties will still be permitted to file an Update Affidavit (3 page limit) two weeks before the application date if there have been changes since the materials were filed.
2. In 6-7, there is a reasonable efforts provision regarding getting the agreement of the opposing party to schedule a special chambers date. The provisions require the respondent to apply in chambers on notice if he/she disagrees with the date chosen in cases where the respondent did not consent to the date.
3. On the issue of the number of issues that can be included in a special chambers application, paragraph 9 puts the obligation on the parties to choose the time they need for the number of issues that need to be addressed. The Justice can adjourn and award costs for the adjournment if this is not followed. The clerks will no longer have to count issues or reject applications for this reason.
4. Filing requirements for third parties such as a lawyer for the child, a lawyer for the Director of Maintenance Enforcement, or a lawyer for the Director of Child and Family Services are now addressed in paragraphs 28, 45, and 48. Third Party has some parameters around it so that it will not be interpreted as all third parties.

5. In paragraph 20, there is a procedure set out to address the issue of cross-applications that extend the time required for the application. Within 2 weeks of the parties determining that the cross application will extend the time required, the parties must either agree to a new hearing date, agree to hear the 2 applications separately, or apply in regular chambers for Court directions.

Due to the nature of the revisions, an opportunity is being provided for further suggestions and comments on PN 2 Draft #2, which can be found at the following link.

<https://www.albertacourts.ca/docs/default-source/Court-of-Queen's-Bench/revised-practice-note-2-oct12.pdf>

Your suggestions and comments may be sent to: [family.qb@albertacourts.ca](mailto:family.qb@albertacourts.ca). The deadline for suggestions and comments is Thursday, November 30, 2017.