



CALGARY FAMILY AND YOUTH COURT RESUMPTION PROTOCOL – PART 3

Effective: September 22, 2020

Purpose:

For the time period September 8, 2020 until further notice, the following protocols will apply to proceedings in the Family & Youth Division of the Provincial Court of Alberta in Calgary.

Procedures/Guidelines:

Youth Court:

1. Docket matters will proceed as scheduled. Crown and defence counsel can appear by telephone or by videoconference, if it becomes available. Short sentencings (scheduled for not more than 20 minutes) can occur in the morning docket, subject to the discretion of the presiding judge.
2. Young persons who are not in custody are to appear in person if:
 - a. They are charged with an indictable offence and their lawyer has not filed a designation of counsel;
 - b. They wish to enter a guilty plea;
 - c. They are to be sentenced;
 - d. They have a trial, a preliminary inquiry or other hearing; or
 - e. They do not have counsel.
3. All trials of one day or longer will be subject to a Pre-Trial Conference.
4. All trials and sentencings will occur as scheduled. Counsel can appear by telephone or by videoconference, if it becomes available, for sentencings only, but are to appear in person for trials unless other arrangements are made by the trial judge.
5. Young persons who are in custody are to appear by CCTV for all docket and sentencing matters. For trials, the young person is to appear in person.

6. All Bring Forwards will utilize the pre-existing Bring Forward process.
7. Trials are to be scheduled according to the [Calgary Family & Youth Multi-Day Trial Booking Protocol](#).

Child Protection:

1. All *CYFEA* apprehension applications are to occur by telephone.
2. Initial Custody Hearings are to occur as scheduled with in-person attendance by counsel, witnesses and parties unless otherwise directed by the presiding judge.
3. Docket matters in Courtroom 1205 are to occur by videoconference. Under exceptional circumstances, the presiding judge can require or permit personal attendance of parties or counsel. Members of the Children's Services Court Team can appear in person, as can Duty Counsel.
4. Case Conferences, pursuant to Calgary Family & Youth [Practice Directive #6](#), are to occur by videoconference.
5. Pre-Trial Conferences will occur by teleconference, usually either at 1:00 p.m. or 1:30 p.m., and are conducted by the trial judge in Chambers, but will be on the record.
6. Trials are to occur as scheduled and, unless otherwise directed, are to be conducted in person.
7. Any Judicial Dispute Resolutions that were scheduled prior to Practice Directive #6 are to occur virtually pursuant to the [Calgary Family & Youth Virtual Judicial Dispute Resolution \(VJDR\) Protocol](#).
8. All *PSECA*, *PChAD* and Secure Services Applications and Renewals are to occur in person, with the exception of youth in a secure facility, who will appear either by videoconference or by telephone. Under exceptional circumstances, the judge may permit the application to be made by telephone or by videoconference.
9. Trials are to be scheduled according to the [Calgary Family & Youth Multi-Day Trial Booking Protocol](#).

Family Law:

1. Applications for Emergency Protection Orders (EPOs) are to occur with the applicant being in person. Under exceptional circumstances, the applicant may appear by telephone subject to the discretion of the presiding judge. EPO Duty Counsel may appear by telephone or in person.
2. Applications for Mental Health Warrants are to be in person.
3. For all docket matters scheduled in Courtroom 1208, parties are to appear either by videoconference or by telephone. If counsel wish to appear by Webex, they are to follow the Notice to the Law Society regarding Counsel Appearing by Cisco's Webex, dated May 21, 2020. If there is a self-represented litigant on the file, counsel is to provide the Court with that party's telephone number on the day of the court appearance. The Court will then phone that party from the courtroom.

4. If self-represented parties have not been contacted by the Clerks' Office to obtain up-to-date contact information, self-represented parties are to provide the Court with their up-to-date telephone number, file number and first and last name email to pcfilingfamily@csadm.just.gov.ab.ca at least 2 business days in advance of the appearance. The Court will phone parties from the courtroom. Parties must be available by phone the half day their matter is scheduled. Please be patient, the Court cannot hear every matter at 9:30 (or 2:00 p.m. if your matter is scheduled to be heard in the afternoon), but the Court will contact you as soon as possible.
5. Should a party not appear by telephone or Webex when the Court calls, the presiding Judge may make an order in that party's absence. If neither party appears, the presiding Judge may dismiss the application. While the presiding Judge may adjourn the matter, non-attendance will generally result in either an order being made or the matter being dismissed.
6. Should a party wish to adjourn their matter and it is not consented to by all parties, they are to contact the Clerk's Office at least 5 working days in advance with notice to all other parties in the application with a written request. This adjournment application must be sent by email to: pcfilingfamily@csadm.just.gov.ab.ca. The adjournment request will be reviewed by a Judge who may or may not grant the adjournment request. For adjournments where all parties consent to the adjournment, the pre-pandemic procedure shall apply.
7. When parties appear in Docket Court, the matter will be assigned by the presiding Judge:
 - a. to a short hearing (no more than 15 minutes in total), which is to be held later on that day or as soon thereafter as practical. As a result, parties must be prepared to proceed with determination of their matter on the scheduled day. The time limit is 15 minutes (5 minutes per party and decision);
 - b. to a JDR;
 - c. to a Binding JDR by agreement;
 - d. to a long hearing (one hour) on affidavit evidence; or
 - e. to a trial, expedited (affidavit evidence only) or traditional (viva voce evidence). Any trial requiring more than 3 days requires leave of the ACJ or designate to be booked.

The goal is to move parties through docket court and into a resolution process as quickly as possible. **The timelines set out in this Notice will be strictly enforced by the Court. Counsel are to meet in advance so they can advise which one of the five options they have chosen.**

Virtual Judicial Dispute Resolutions:

8. Pursuant to the Provincial Court's Pandemic Plan and until further notice, Calgary Family & Youth Division will be conducting Judicial Dispute Resolutions (JDRs) virtually. They will be booked through the Trial Coordinator in accordance with the [Calgary Family & Youth Virtual Judicial Dispute Resolution \(VIDR\) Protocol](#).
9. The process involved in the JDRs will depend on whether or not the judge conducting the JDR is working remotely or from the Calgary Courts Centre. If the judge is working remotely, further documentation will be required to be provided to that judge. Parties will be advised if that

documentation is required. If the judge is not working remotely, shortly before the JDR, parties will receive an email invitation to attend the JDR by videoconference.

Pre-Trial Conferences

10. Pre-Trial Conferences will occur by teleconference, usually either at 1:00 p.m. or 1:30 p.m., and are conducted by the trial judge in Chambers, but will be on the record.

Consent Orders Without an Appearance in Court:

11. Subject to the exclusions in point 12, In addition to [Practice Directive #5](#) which deals with consent orders when there isn't an active court file, the Court will accept Consent Orders for active files, which will be reviewed by a Judge in Chambers. These can be submitted by counsel and Family Court Counsellors and can be submitted either in person at the counter, by fax (403-297-3461) or by email (pcfilingfamily@csadm.just.gov.ab.ca).
12. Consent Orders **will not** be accepted for guardianship applications or for child support applications where the proposed form of Order deviates from the Child Support Guidelines. In the event the Chambers Judge determines that the matter should be transferred to a docket appearance, the parties will be contacted; therefore, it is imperative that the parties provide current contact information with any request for a Consent Order without an appearance.

Desk Applications:

13. The Court will accept desk applications for Substitutional Service Orders from counsel and Family Court Counsellors.

Bring Forwards:

14. Upon proper application being filed to be reviewed by Judge in Chambers.

Trials and Hearings:

8. Unless otherwise directed, trials and hearings are to be conducted in person.
9. Trials are to be scheduled according to the [Calgary Family & Youth Multi-Day Trial Booking Protocol](#).

As per: A.C.J. Cornfield
Calgary Family & Youth Court

Date: September 22, 2020