



EDMONTON FAMILY AND YOUTH COURT RESUMPTION PROTOCOL – PART 3

Effective: August 26, 2020

Purpose:

For the time period August 26, 2020, onward, the following protocols will apply to Edmonton Family and Youth court procedures.

Procedures/Guidelines:

Youth Court:

1. Docket matters will proceed as scheduled. Crown and defence counsel can appear by telephone, by videoconference or in person. Short sentencings and release applications 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; or
 - d. They have a trial, a preliminary inquiry or other hearing
3. All trials of one day or longer will be subject to a Pre-Trial Conference. Half day trials may require a Pre-Trial Conference if directed by the ACJ.
4. All trials and sentencings will occur as scheduled. Counsel can appear by telephone or by videoconference for sentencings only, but are to appear in person for trials unless other arrangements are made with the trial judge.
5. Young persons who are in custody are to appear by CCTV (or telephone if in quarantine) 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. Summary Disposition days in 443 will be scheduled with matters set at hourly intervals. Young persons are not to appear in the courtroom before their scheduled time. Crown and Defence are to have a joint resolution or have narrowed their sentencing proposals. Crown is responsible for working out the schedule with the Trial Coordinator.

Child Protection:

1. Apprehension applications are to occur by telephone, WebEx or, if necessary, in person.
2. Initial Custody Hearings will occur as scheduled with in-person attendance by counsel, witnesses and parties unless otherwise directed by the presiding judge.
3. Docket matters are to occur by videoconference, telephone or in person.
4. Case Management matters are to occur by videoconference or telephone unless otherwise directed or agreed.
5. PTCs will occur by teleconference or in person and will be on the record if a party is not represented.
6. Trials are to occur as scheduled. If witness accommodation is needed, that must be addressed prior to trial as much as possible.
7. Judicial Dispute Resolutions will occur as scheduled, and every effort will be made to hold them in a courtroom instead of the JDR room. With prior permission of the judge, counsel or a party may be able to appear by telephone.
8. All *PSECA*, *PChAD* and Secure Services Applications and Reviews are to occur in person, with the exception of youth in a secure facility, who will appear either by videoconference or by telephone.

Family Law:

1. Applications for Emergency Protection Orders (EPOs) are to occur with the applicant in person. Under exception circumstances, the applicant may appear by telephone subject to the discretion of the presiding judge. EPO Duty Counsel may appear by videoconference or in person, or by telephone as necessary.
2. Applications for Mental Health Warrants are to be in person.
3. 441 Family Docket will proceed as scheduled:
 - a. Use of WebEx and Telephone by Counsel in 441 PM Family Docket - WebEx shall be made available to counsel only, for the purpose of dealing with consent orders, adjournments and docket appearances.
4. **Requesting Appearance by WebEx and/or Telephone:**

- a. Requests by Counsel to attend by WebEx or Telephone shall be sent by e-mail to edmpcfywebex@csadm.just.gov.ab.ca 48 hours in advance and no later than 3:30 p.m. the day prior to Court.

WebEx is only available in Courtrooms 441/442/443/444.

Links previously provided by the court to counsel are for counsel use only and are not to be shared with clients.

- b. Requests by self represented parties to appear by telephone requires prior court approval.
5. Please be patient if appearing by WebEx or telephone. If appearing by telephone, please provide a direct line if possible. If we get voicemail or are placed on hold for any length of time, we will hang up and try again at the end of the list.
 6. Judicial Dispute Resolutions will proceed as scheduled, with every effort made to hold them in a courtroom instead of the JDR room. With prior permission from the judge, telephone attendance may be possible.
 7. Pre-Trial Conferences will be conducted in 351 as previously scheduled. Telephone attendance can be arranged with the Clerk's office, but counsel must be ready when called.
 8. **Filing, Consent Orders and Scheduling Matters Without an Appearance in Court:**
 - a. Accepting Documents by E-mail:

The Counter can accept documents (Affidavits, Update Statements, Responses with Reply Statements, Affidavit of Service, File Brought Forwards from **Counsel only**, by e-mail) through the Counter Proxy with a limit of 10 pages at Edmpcfy.Counter@csadm.just.gov.ab.ca
 - b. Filing Claims by e-mail:

Claims are not accepted by e-mail.
 - c. Setting Dates from courtrooms

The Court Clerk shall call down to the Trial Coordinator for any requests to set trial dates and/or adjournment dates from the court room. This approach will alleviate parties, counsel and/or FCC attending the counter at the Clerk's Office.
 - d. Counsel Setting Dates by e-mail (attending or not attending Court): Trial dates can be obtained from the Trial Coordinator at: edmpcfy.tc@csadm.just.gov.ab.ca

The Trial Coordinator shall prepare a Trial Scheduling Notice which shall be sent with the file to court to be confirmed on the record in Court. The confirmation shall be sent to counsel via e-mail. (This process includes agreed self represented parties)

Counsel are to contact the Trial Coordinator 2-3 days prior to court date with their availability, if they would like to pre-book dates. PLEASE NOTE: PTC's are mandatory for trials being booked for 1 day or more and will be booked unless an early trial date is obtained. JDR's should also be booked but are not mandatory.

e. Consent Desk Orders on filed claims:

Any type of Consent Desk Orders can be forwarded to the Family Orders Clerks by e-mail to Edmpc.Familyorders@csadm.just.gov.ab.ca. Date status regarding each Claim shall be addressed in the order (i.e. adjourned sine die, adjourned to an up-coming date, or cancellation of trial dates).

f. Please put in the subject line the party's last names and file number
(ie: SMITH v. SMITH FF903 004567)

As per: K. Holmstrom, ACPCJ
Edmonton Family & Youth Court

Date: August 25, 2020