



# Alberta Court of Justice

## Edmonton Family & Youth Division Practice Note #1: Remote Appearances

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Effective: June 6, 2022

### Application

This Practice Note is effective June 6, 2022, and is applicable to all Youth, Family, and Child Protection matters proceeding in Edmonton, and in the regional locations of Fort Saskatchewan, Leduc, Sherwood Park, St. Albert, Stony Plain, and Wetaskiwin.

### Introduction

1. This practice note summarizes how Edmonton Family and Youth will conduct remote and in-person Youth, Family, and Child Protection proceedings in Edmonton and the six regional locations of Fort Saskatchewan, Leduc, Sherwood Park, St. Albert, Stony Plain, and Wetaskiwin after COVID-19 restrictions are relaxed.
2. These practices and procedures are subject to variation at the discretion of the presiding Justice.

### Remote Conduct Guide

3. Remote appearances are to be conducted in accordance with the [Alberta Court of Justice Conduct Guide for Remote Appearances](#), including the use of equipment that will provide good audio quality and attire appropriate for court appearances.

### Remote Testimony

4. Requests for remote witness testimony are to be made in accordance with the Alberta Court of Justice [Protocol for Booking Courtroom Technology for Remote Witness Testimony](#).

## **Use of Webex**

5. For the purpose of this practice note, remote appearances are to be conducted by Webex video except where specifically indicated below. Attendance by telephone is not acceptable unless prior permission is granted by the presiding Justice.

## **Youth Criminal Matters**

### **Trials and Hearings**

6. All trials and hearings with oral evidence are to be conducted in person, subject to the discretion of the presiding Justice.

### **Youth Docket**

7. Lead Crown and lead duty counsel are to appear in Youth Docket in person. All other counsel may appear remotely by Webex, except counsel are to appear in person for guilty pleas or sentencing. In the six regional locations, remote appearances by all participants, including the Justice, are permitted in case of inclement weather, or if scheduling only and nothing substantial is being addressed.

### **Summary Disposition Matters**

8. Summary disposition matters are to be conducted with the Crown, defence, and the young person present in person.

### **Young Person Attendance**

9. Young persons who are not in custody are to appear in person if:
  - They are charged with an indictable offence and their lawyer has not filed a designation of counsel;
  - Their release conditions are being changed;
  - They wish to enter a guilty plea;
  - They are to be sentenced; or
  - They have a trial or other hearing with oral evidence.

### **Case Management Conferences**

10. Case management conferences are to be conducted in person or remotely by Webex. Telephone attendance is not permitted unless advance permission is granted by the presiding Justice.

### **Pre-Trial Conferences**

11. Pre-trial conferences may be conducted in person or remotely by Webex or telephone.

## **Family Law Applications**

### **Trials and Hearings**

12. All trials and hearings with oral evidence are to be conducted in person, subject to the discretion of the presiding Justice.

### **Family Docket**

13. Duty Counsel are to appear in person in Family Docket. All other counsel and litigants may appear in Family Docket in person or remotely by Webex. Telephone attendance is not permitted unless prior permission is granted by the presiding Justice. In the six regional locations, remote appearance by all participants, including the Justice, is permitted in case of inclement weather.

### **IDRs**

14. Judicial dispute resolution is to be conducted in person, subject to the discretion of the presiding Justice to permit remote appearance by Webex or, in exceptional circumstances, by phone. All binding JDRs are to be conducted in person.

### **Case Management Conferences**

15. Case management conferences are to be conducted in person or remotely by Webex. Telephone attendance is not permitted unless advance permission is granted by the presiding Justice.

### **Pre-Trial Conferences**

16. Pre-trial conferences may be conducted in person or remotely by Webex or telephone.

## **Child Protection Cases**

### **Trials and Hearings**

17. All trials and hearings with oral evidence are to be conducted in person, subject to the discretion of the presiding Justice.

### **Child Protection Docket**

18. The Children's Services court coordinator, lead FASCL counsel, and all guardians are to appear in Child Protection docket in person. All other counsel may appear remotely by Webex. Guardians wishing to participate in Child Protection docket remotely may do so only from their lawyer's office. Telephone attendance by guardians is not permitted unless prior permission is granted by the presiding Justice.
19. In the six regional locations, remote appearance by all participants, including the Justice, is permitted in case of inclement weather.

### **Apprehension and Protection Order Applications**

20. Apprehension applications, secure services applications, and *Protection of Sexually Exploited Children Act* applications may be made in person or remotely.

### **IDRs**

21. Judicial dispute resolution is to be conducted in person, subject to the discretion of the presiding Justice to permit remote appearance by Webex or, in exceptional circumstances, by phone.

### **Case Management Conferences**

22. Case management conferences are to be conducted in person or remotely by Webex. Telephone attendance is not permitted unless advance permission is granted by the presiding Justice.

### **Pre-Trial Conferences**

23. Pre-trial conferences may be conducted in person or remotely by Webex or telephone.

### **Miscellaneous Protection Orders**

24. Applications under the *Protecting Survivors of Human Trafficking Act* are to be conducted in person, or remotely at the discretion of the presiding Justice to protect the safety and security of the applicant.
25. Applications for warrants under the *Mental Health Act* are to be conducted in person.

26. **Emergency Protection Order** applications are to be conducted in person or, in exceptional circumstances, remotely at the discretion of the presiding Justice to protect the safety and security of the applicant.
27. *Protection of Children Abusing Drugs Act* applications are to be conducted in person. PCHAD reviews are to be conducted with the child appearing remotely from a Secure Treatment Facility, counsel appearing in person, and the guardians appearing in person or remotely by Webex, at the discretion of the presiding Justice.