

PROVINCIAL COURT OF ALBERTA
FAMILY & YOUTH COURT
CALGARY, ALBERTA

PRACTICE DIRECTIVE #6
PROCEEDINGS IN CHILD PROTECTION MATTERS

This practice directive deals with the procedure to be followed in Child Welfare matters after apprehension or any reviews of Temporary Guardianship Orders or reviews of Supervision Orders to Temporary or Permanent Guardianship Orders, effective February 10, 2020. It does not apply to Supervision Order applications. It applies to all of these applications, whether or not the parties are represented by counsel.

Within 30 days of the initial custody hearing or the application for a review hearing has been filed, counsel for the Director, the respondents and counsel for the children, if counsel has been appointed to act for the child, shall attend a Case Conference (CC) before a Provincial Court Judge. This proceeding will be in Courtroom 1205 on Thursdays. Whether or not the proceedings are recorded will be at the Judge's discretion.

1. The issues to be discussed at this CC are as follows:
 - a. Potential resolution;
 - b. What steps the guardians have taken in order to facilitate the return of the children into the guardians' care;
 - c. What steps the Director needs to take to assist in the children being returned to the guardians' care;
 - d. What the issues are and what else can be used to address them;
 - e. Identify potential witnesses at a hearing of this matter;
 - f. Whether or not an additional CC is required; and
 - g. The return date in Courtroom 1205 (no longer than 21 days, but more than 7 days after the CC).
2. Within 7 days of this proceeding, the CC Judge shall produce a CC Report setting out the following:
 - a. Whether or not the guardians were in attendance;
 - b. The number of potential witnesses;
 - c. What steps counsel have agreed to take to shorten any hearings, if any;
 - d. An estimate of the trial time;

- e. The return time and date in Courtroom 1205;
- f. Whether or not an additional CC is to occur;
- g. Any other information the CC Judge feels is necessary to promote a fair and expedient resolution of the case; and
- h. If the guardians have not engaged in the proceeding to date, whether the matter should be a summary hearing.

The CC Judge shall be disqualified from the trial. The CC Report will become part of the court file and is to be reviewed by the Trial Coordinator, Trial Judge and other court staff. It will not be accessible to the general public. A copy of the CC Report will be provided to all counsel involved in the proceeding and any party not represented by counsel.

- 3. Once counsel or the parties receive the CC Report, they are to fill out their Trial Readiness Forms (TRFs). Counsel or the unrepresented parties will submit their TRFs for approval within 7 days of receipt of the CC Report. If it is to be a summary trial, then counsel or the parties need not fill out TRFs and a one-day trial can be set on the next appearance.
- 4. A docket appearance in Courtroom 1205 shall be set within 21 days of the CC. The purpose of this appearance is to confirm the preparation of the TRFs and to set the trial date. Should there be difficulty with the TRFs, the presiding Judge can adjourn the matter in order to ensure that all appropriate steps have been taken to have the matter ready for trial. As part of the setting of the trial dates, a Pre-Trial Conference (PTC) shall be scheduled in front of the trial Judge, where possible. The PTC is to occur within 90 days of the first docket appearance after the CC, unless leave is given by the CC Judge or by the trial Judge to have a later date.
- 5. At the PTC, the PTC Judge shall:
 - a. Review the witnesses and make sure they have relevant evidence to give;
 - b. Ensure the estimate of trial time is accurate;
 - c. If the guardians have not engaged in the proceeding to date, consider diverting the matter to a summary hearing, to be conducted by the PTC Judge;
 - d. Confirm the matter is ready to proceed to trial; and
 - e. Other matters that the PTC Judge feels are appropriate.