

COURT OF KING'S BENCH OF ALBERTA

**FAMILY LAW PRACTICE NOTE "1"
PARENTING AFTER SEPARATION**

EFFECTIVE: July 20, 2015

1. This Practice Note applies to proceedings under the *Divorce Act* and the *Family Law Act* where the parties live in Alberta.
2. Every Plaintiff in an action for divorce and every Applicant in an application for relief under the *Family Law Act* where child support, custody, access, parenting or contact is an issue must attend either: (1) the Parenting After Separation seminar ("Seminar") or (2) complete the online Parenting After Separation seminar ("Online Seminar") within three months of filing the Statement of Claim or application. A certificate of attendance of the Seminar or a certificate of completion of the Online Seminar must be filed with the Clerk of the Court.
3. No application for interim support for children, custody of, access to, parenting of or contact with children under the age of 16 shall be brought before the party bringing an application first attends the Seminar or completes the Online Seminar. A certificate of attendance or a certificate of completion must be presented to the Clerk of the Court prior to filing an application.

However, in situations where there is an application being brought:

- a. for interim custody or parenting incidental to an *ex parte* restraining order where there is domestic violence,
- b. where kidnapping or abduction of a child is alleged, or
- c. where a unilateral change in *de facto* custody of a child has taken place,

the Applicant may bring an application without first attending the Seminar or completing the Online Seminar. In such cases, the Applicant is required to either:

- (1) register in the Seminar and provide the proposed date of attendance to the Clerk of the Court and attend the Seminar within two weeks of filing the application, or;
 - (2) register in and commence the Online Seminar within two weeks of filing the application and provide the proposed date of completion to the Clerk of the Court.
4. The Plaintiff or Applicant must serve upon the Defendant or Respondent to any action or application a "Notice of Mandatory Seminar" in the prescribed form at the same time as the Statement of Claim or originating document is served.
 5. The Defendant or Respondent to any such action must attend the Seminar or complete

the Online Seminar within three months of being served with the Statement of Claim or originating document and file a certificate of attendance or a certificate of completion with the Clerk of the Court.

6. Before an action can be set down for trial, proof of attendance or proof of completion by the party setting the action down for trial must have been filed.
7. Both parties seeking a desk divorce must file proof of attendance at the Seminar or proof of completion of the Online Seminar. For clarity, this provision also applies where the parties proceed by joint application for divorce.
8. Any party who does not attend the Seminar or does not complete the Online Seminar and has not been exempted may be subject to having his or her pleadings struck or may be refused the right to make submissions on an application or at trial.
9. There is no requirement to take the Seminar or the Online Seminar where the children are all 16 years of age or over or where the children are ordinarily resident outside of Canada.
10. There may be other extraordinary cases where an exemption from attending the Seminar or completing the Online Seminar will be granted and these cases will be dealt with on an individual basis upon application to the court. The application to be used is attached to this Practice Note.

COURT FILE NUMBER

Court of King's Bench

JUDICIAL CENTRE (King's Bench)

APPLICANT(S)

RESPONDENT(S)

DOCUMENT **Parenting After Separation Seminar
Application for Exemption**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Date of Application:

Name of person seeking exemption:

Name of counsel:

Name of other party:

Name of counsel:

Date registered for Seminar _____ Proposed attendance date; _____
or

Date registered for Online Seminar: _____ Proposed completion date: _____

Reason for asking for exemption:

Exemption not granted

Exempt from taking the Seminar or Online Seminar

Exempt from taking the Seminar or Online Seminar before bringing Notice of Motion or application but must take the Seminar or complete the Online Seminar within one month of today's date. [In order to obtain a one month exemption the party must already be registered for the Seminar or Online Seminar on the dates indicated on this request.]

Justice of the Court of King's Bench

Date