COURT OF KING'S BENCH OF ALBERTA

FAMILY LAW PRACTICE NOTE 9

INTAKE, RESOLUTION AND CASEFLOW MANAGEMENT

CALGARY AND RED DEER

EFFECTIVE JANUARY 3, 2017

Definitions

1 In this Practice Note:

(a) "application" means an application to the Court

(i) for an order under the *Family Law Act* respecting parenting, guardianship, contact with a child, enforcement of time with a child, child support, declaration of parentage or exclusive possession, or

(ii) under the *Extra-provincial Enforcement of Custody Orders Act* respecting the enforcement or variation of a custody order or the making of a custody order;

(b) "caseflow conference" means a conference that has been scheduled between a caseflow coordinator and the applicant and the respondent, and their legal counsel, if any, to explore settlement options, facilitate settlement and facilitate the applicant's and respondent's access to the Court;

(c) "caseflow coordinator" means a coordinator of the Court's intake and caseflow management program;

(d) "Court" means the Court of King's Bench of Alberta;

(e) "director" means a person designated as a director under the Child, Youth and Family Enhancement Act;

(f) "intake counsellor" means an employee of the Government of Alberta who is a family court counsellor.

Starting an application

2(1) Before filing an application with the clerk of the Court, an applicant who is not represented by legal counsel must consult with an intake counsellor about options and possible referrals.

(2) Before filing an application with the clerk of the Court, legal counsel for the applicant must inform the applicant of the option to schedule a caseflow conference.

(3) A respondent who wishes to respond to an application may consult with an intake counsellor about options and possible referrals.

Scheduling a caseflow conference

3(1) On filing an application, the clerk of the Court must schedule a caseflow conference to occur prior to a Court hearing

(a) in each case where the applicant is not represented by legal counsel, and

(b) where the applicant is represented by legal counsel, if the applicant requests it.

(2) A caseflow coordinator may waive the requirement to schedule a caseflow conference if, in the opinion of the caseflow coordinator, it is appropriate for the application to proceed directly to a Court hearing.

(3) Where the clerk has scheduled a caseflow conference, the applicant must serve a notice of the date, time and location of the caseflow conference on the same persons who are to be served with the application to which the caseflow conference relates in the same manner as that application is to be served.

Caseflow conference may precede respondent's response

4 The caseflow conference may proceed before the respondent has filed and served a response to the application.

Attendance at caseflow conference

5(1) The applicant and the respondent must attend the caseflow conference and may attend with or without legal counsel.

(2) Any other person served under section 3(3) may attend the caseflow conference or portions that are relevant to that person.

(3) In addition to the persons served under section 3(3), the following may attend the caseflow conference:

(a) legal counsel;

(b) intake counsellor;

(c) any other person at the discretion of the caseflow coordinator.

Non-attendance by applicant or respondent

6(1) Where a caseflow conference has been scheduled and the applicant does not attend, the caseflow coordinator must notify the clerk of the Court that the applicant did not attend and the application may be recorded as having been abandoned.

(2) Where a caseflow conference has been scheduled and a respondent who has been served under section 3(3) does not attend,

(a) the caseflow coordinator

(i) must notify the clerk of the Court that the respondent did not attend,

(ii) must inform the clerk of the Court whether the respondent indicated in writing agreement or disagreement with the order or orders applied for, and

(iii) may arrange for the preparation of a form of order for the Court's consideration or arrange for the applicant to proceed directly to a Court hearing without further notice to the respondent,

and

(b) the Court may make an order without further notice to the respondent.

Caseflow conference

7(1) When a caseflow conference proceeds with the applicant and respondent in attendance, the caseflow coordinator must offer to assist them to explore options and review documentation required for the application to proceed and inform them of the process to be followed.

(2) Where the issues are resolved, the caseflow coordinator may arrange for the preparation of a form of consent order and forward it to the Court for its decision.

(3) Where the issues are not resolved, the caseflow coordinator

(a) may, with the consent of the applicant and respondent, refer them to mediation, to an intake counsellor or to other agencies, as appropriate, or

(b) may assist the applicant and respondent to consider their options, including judicial dispute resolution and a Court hearing.

(4) Where the issues are not resolved and the applicant and respondent do not agree on subsequent proceedings, the caseflow coordinator shall refer them to a Court hearing.

Adjournments

8(1) Where a caseflow conference has been scheduled, the caseflow coordinator may adjourn it to another time and place or indefinitely.

(2) The caseflow coordinator may request that the clerk of the Court adjourn a hearing to another time and place or indefinitely

(a) if the applicant consents to the adjournment and the respondent has not been served with notice of the Court hearing, or

(b) if the respondent has been served with notice of the Court hearing, and the applicant and the respondent consent to the adjournment.

Attendance at Dispute Resolution Officer Session

9(1) If the application concerns child support, the caseflow coordinator shall schedule the application to be spoken to at a Dispute Resolution Officer (DRO) Session (where available). The DRO Session shall proceed as outlined in Practice Note 4.

10(2) A caseflow coordinator may waive the requirement to schedule a DRO Session if, in the opinion of the caseflow coordinator, it is appropriate for the application to proceed directly to a Court hearing.

Tracking applications

11 The caseflow coordinator must monitor the progress of an application through the proceedings referred to in this Practice Note.

Collection and disclosure of information

12(1) The caseflow coordinator may collect the following information for the purpose of evaluation respecting this Regulation:

(a) demographic information contained in the application or in a court document relating to the application;

(b) contact information for the applicant and the respondent and their legal counsel, if any.

(2) Information collected under this section may be disclosed in a summary or statistical form.

Exemption

13(1) Notwithstanding anything in this Regulation, the applicant or the respondent may apply to the Court, on giving at least 2 days' notice to the other party, for an order exempting the applicant or respondent from the requirement to comply with all or part of this Regulation, and the Court may exempt the applicant or respondent if the Court considers that there is good and sufficient reason to do so.

(2) The Court may waive the requirement to give at least 2 days' notice.

Impartiality

14(1) A caseflow coordinator must act impartially.

(2) Neither the applicant nor the respondent may call the caseflow coordinator as a witness to testify on that person's behalf in any proceedings before the Court respecting the caseflow conference.

Non-confidentiality

15 A caseflow conference is not confidential.