

CALGARY FAMILY LAW TOWN HALL – OCTOBER 3, 2023

1. Opening Remarks

Welcome to the Family Town Hall meetings simultaneously occurring in Edmonton and in Calgary. Given that many of our processes do not apply in the Regional Centers, several regional Centers are having their own Town Hall meetings. The Co-Chairs of the Family Steering Committee are Kachur J and Yungwirth J.

2. Process for Questions

Questions sent through the email address provided with the Town Hall Announcement will be addressed at the end of the Town Hall. Any unanswered questions can be sent to KBexternalfeedback@albertacourts.ca.

3. Co-Chair Comments

a. Family Justice Strategy

- Assistant Deputy Minister of Justice, Tracy Wyrstiuk recently sent a letter to the CBA and the Law Society of Alberta regarding the Family Justice Strategy, explaining that over the past several months, Court and Justice Services have been working with the Court of Justice, Court of King's Bench and other interested parties to develop a family justice strategy that is intended to make the family justice system easier to navigate and more accessible for Albertans.
- The focus is on pre-court services for families and the purpose is to create a single integrated system of supports for litigants accessing the courts with family matters regardless of which court or legislation is being relied upon.
- The 2023 Budget contains \$5 million funding to enhance family resolution services such as pre-court assessment, mediation, family court counsellors and parenting intervention programs.
- Several working groups, including intake and assessment, brief legal advice, dispute resolution, community resources, policy and regulatory changes, and evaluation and communication.
- Not a substitute for a unified family court but intended to assist families in a way that may not require them to access the courts, consistent with the previous pre-court model for unified family court.
- The Family Justice Strategy is initially focusing on expanding family justice services to encompass both courts with a focus on self-represented litigants. The goal is to roll out certain mandatory requirements before entering the Courts except in cases of urgency (including protection orders) or where such requirements are waived, with any mandatory requirements in Edmonton and Calgary by the end of this year.
- Currently considering the following mandatory components:
 - All parents with applications for parenting, child support, guardianship or contact must take the Parenting after Separation course.
 - Financial disclosure is mandatory for relevant applications.
 - Some form of alternative dispute resolution must be undertaken before accessing the Court.

- Self-represented parties must meet with a family court counsellor early in the process to explain the court process and alternatives to the court.
- Although the Family Court Counsellor requirement is contemplated only for SRLs, the other requirements would be mandatory for everyone including those represented by counsel.
- No intention to prevent an applicant from proceeding where the respondent refuses to engage or refuses to provide disclosure.
- We would like to receive feedback from the Family Bar on the topic of mandatory requirements. Please send any feedback to KBexternalfeedback@albertacourts.ca

b. Family Docket Court (FDC/Docket)

- Reminder to please speak with opposing Counsel before coming into FDC. Communication between Counsel is critical to proper use of Court resources. Address disclosure, an ADR process and the matters in issue that you wish to bring to FDC.
- FDC should not be the first time that you speak to opposing counsel.
- We encourage you to use the Notice to Disclose desk application process if disclosure is the only relief being sought (rather than attending FDC only for a disclosure Order).
- FDC policy in place since 2020. If a respondent receives a Notice to Attend Family Docket Court and has issues that they wish to raise, they are not required to file a second Notice to Attend. This is intentional to prevent duplicate Notices to Attend for the same matter. It is up to the Respondent to raise additional issues that they would like to address with the Court while in FDC so the appropriate process can be considered.
- Remember to define issues in an in-depth matter in the space below the relief boxes on the first page of the Notice to Attend. The Court needs clarity to be able to properly decide the issues for the next Justice dealing with Chambers, a Special, a Summary Trial or an EICC, or when matters are sent to Resolution Counsel.

c. Family Chambers Resolution Counsel

- Calgary's Family Chambers Resolution Counsel is on leave due to serious illness and unknown when she will return. Until a temporary replacement can be hired, the process is as follows:

In Calgary:

- Maryse Ouellete Family Chambers Resolution Counsel in Edmonton will be attending virtually in Calgary on Mondays, Tuesdays, Thursdays and Fridays.
- There will be no Family Chambers Resolution Counsel in Chambers on Wednesdays as before. Attempts to limit all self-represented parties on that day shall continue.

In Edmonton:

- Maryse Ouellete will be attending Chambers in Edmonton on Wednesdays and Michelle Pidhirney will be attending in person in Edmonton on Tuesdays, Thursdays and Fridays.
- There will be no Family Chambers Resolution Counsel on Mondays as before. Attempts to limit self-represented parties that day shall continue.

- Currently no one in Lethbridge or Red Deer until temporary replacement hired.
- Family Chambers Resolution Counsel are to assist the Court with self-represented parties. They are a friend of the court, not duty counsel. They attempt to seek resolution of one or more issues and to clarify the issues for the Court.

d. Special Chambers (Special)

- Approximately half of special chambers applications are being adjourned. Only 10% of adjournments are due to a matter settling. In Calgary, one hour specials are currently booking into April 2024, and half day specials into August/September 2024.
- Please do not ask for a special if you are not ready.

Consideration of a Certificate of Readiness:

- Under consideration is the implementation of a type of Certificate of Readiness for a special, with the process considered being: When you receive a special chambers date, a FDC date would also be set 3 months before the special date. The Certificate of Readiness for the special would have to be filed before that new FDC date. If the matter is not ready to proceed to a special by the new FDC date, then the assigned special date will be cancelled, and hopefully given to someone else.
- For this type of Certificate of Readiness to work, we must return to front-end filing dates as contemplated by Family Practice Note 2, with strict adherence to filing requirements.
- We would like to receive feedback from the Family Bar on the topic of the Certificate of Readiness. Please send any feedback to KBexternalfeedback@albertacourts.ca

Filing Deadlines for Specials set in FDC

- When filing deadlines are set in FDC, the Court expects that any considerations that may affect those deadlines will be raised by counsel (i.e. if a Voice of the Child Report or Questioning is contemplated). We are seeing many applications for Fiats and Consent Orders to change deadlines set in FDC, many without explanation of why deadlines need to be changed.
- Remember to speak with opposing counsel before FDC and if a special date is required and scheduled that you have contemplated all things that may affect deadlines set in FDC. Directions given in FDC are orders of the Court and should be treated as such.

e. Judicial Case Conferencing

- Early Intervention Case Conference, Rule 4.10 Case Conference and PTCs.
- In FDC, please discuss with the Justice what case conference you need.
- EICCs for families with children.
- Please provide the Justice with sufficient information to facilitate settlement. Please provide your client's position. Please do not provide copies of full disclosure. For example, the summary can outline information such as tax returns and appraisals. It is not necessary to also attach the tax return and appraisal.
- Please communicate with opposing counsel before providing a summary. Where possible, please collaborate to ensure the Court is given the basic information required for a meaningful EICC.

- If resolution of property is an issue, please provide a property statement even if not directed to do so in FDC.
- If retroactive child support is an issue, please attach your calculations that set out your client's position.
- An EICC should not be scheduled until disclosure has been provided or is certain to be provided.

f. Emergency Viva Voce (EVV) Hearings for Protection Order Reviews

- Remote triage process starting at 9:30 am on the day of your hearing.
- Court expects Counsel will have communicated with opposing party to explore resolution prior to triage process. This allows for Counsel to advise Court of where a matter stands and whether an oral hearing necessary or not.
- Hearings scheduled for 1 hour (2 hours if an interpreter required). In most cases, only the two parties will testify.
- Once it is determined how many matters are proceeding to a hearing, the times for the hearings are set for the day.
- Please be prepared to attend a hearing as early as 11:00 am if directed by the Justice.

g. Template Orders

- Please use the template orders.
- Protection orders and related orders:
 - 13 template orders will be posted to the Court's website. If you are asked to draft one of these orders, please use the templates.
 - You must have your protection order submitted to the Court by 3:30 pm on the same day. This will allow for the protection order to be entered into the police system.
- Appointment of Counsel for children: please use the template order posted on the Court's website.
- PN7 and PN8 Orders: Please use the proper templates included with the practice notes.
- For all template orders, if you have changed something, please advise the Court and explain why you are changing the template.

h. Experts for PN7 and PN8

- Rule 6.40 provides the authority for the Court to appoint an expert under PN7 and PN8. The Court must be satisfied that the expert you have chosen is qualified.
- Please submit a CV to the Court when the appointment of that expert is requested.

i. Holiday Schedule

- Last KB sitting day is December 20, 2023.
- Between Dec 21, 2023 and January 8, 2024, Emergency Protection Order (EPO) reviews and urgent matters only – holiday parenting time is not urgent at this stage.

4. Court Coordinator Comments

a. King's Bench Operations (KBO)

- KBO is a branch of the Court and Justice Services. It is separate from judiciary.
- Lead times specific to the clerk's office:
 - Urgent Submissions: Edmonton same day, Calgary same day
 - General Filing: Edmonton 72 hours, Calgary 24 hours
 - Family Docket: Edmonton 24 hours, Calgary same day
 - Family Chambers: Edmonton 24 hours, Calgary same day
 - Specials: Edmonton 24 hours, Calgary 24 hours
 - Divorce Packages: Edmonton 28 days, Calgary 4 days
 - Divorce Judgments: Edmonton 8 days, Calgary 4 days
 - Returned Signed Orders to Counsel: Edmonton 8 days, Calgary 15 days
- Desk Applications Team - Issues/Concerns:
 - Any orders for filing should be sent through the Filing Digital Service or through email filing, not directly to the Judicial Assistant.
 - If your matter is not urgent, please wait for 7 days to contact the clerk's office.
 - If your matter is urgent, please include a letter that advises of the urgency to avoid rejecting your submission.
 - If an order is being submitted 3 months after the order is granted, please include the FIAT on the order.
 - Please avoid submitting desk applications/orders through both the QB Filing and the digital service. This causes confusion amongst our office and the judiciary.
- Divorce Team – Issues/Concerns:
 - Include supporting documents for review.
 - Please do not remove or alter paragraphs in the prescribed forms. For example, if there are no children of the marriage, then this should be indicated in paragraph 6(1) and in paragraphs 6(2)-6(4) can be left blank or indicate "N/A".
 - Do not include questions to the clerk in the Filing Digital Service. The clerk cannot respond. Any questions should be emailed to QB Filing.
 - Any questions or issues using the Filing Digital Services should be directed to the Filing Digital Services Team at jsg.filingfamilysupport@gov.ab.ca. You can also consult the 'Help' tab at the top right-hand corner of the page which has user guides for lawyers and legal assistances, a list of accepted document types and a clerk user guide.
 - Please include opposing parties' email address when submitting documents. This is required to ensure both parties receive a copy of the Divorce Judgment.
- October 19, 2022 Announcement on Urgent Submissions:
 - All urgent matters that are eligible on the Filing Digital Service should be filed there.
 - If your limitation period or Court ordered or statutory deadline is within 3 days or within the current lead time, whichever is longer, please indicate Urgent

Limitation Period in the subject line before the designated naming convention and send the documents for filing. Please include the date of the deadline in the body of the email.

- If your limitation period or Court ordered deadline is not within 3 days or the current lead time, it can still be filed as urgent. Please include the word Urgent in the subject line before the designated naming convention.
- All email filing submissions being identified as Urgent will require a letter on law firm letterhead outlining the nature of the emergency to accompany the filing submission. If your request is marked urgent and a letter does not accompany it, your submission will be processed in the normal course. This letter is not required for documents identified as Urgent Limitation Period.
- Following this process helps us process your urgent submissions the same day.
- When submitting documents with a filing timeline, please provide the endorsement/order/other documentation that directs the timeline.
- Any concerns about a filing submission can be directed by email to QB Filing. The email should include the subject line “Attention Supervisor” and the original submission.
- These submissions are triaged and returned within 24-48 hours. If you have not received a response within the desired timeframe, please contact the Executive Leadership team at KBA.Leadershipteam@just.gov.ab.ca.
- Please do not include the Leadership Team on every submission to QB Filing.
- Counsel can file urgent orders at the counter, but all other submissions must be filed on the Filing Digital Service if accepted or through email filing.
- KBO is actively working on streamlining processes and training across all centers, such as developing a new team to facilitate clerk training, knowledge, skills and resources.
- KBO is gathering rejection reasons from our services to determine eligible reasons for rejection and those not eligible to enable the provision of better services.
- Received additional funding to increase staff complement. Additional staff will be blended into various duties such as court and filing documents through email, counter and digital services.
- Any suggestions on how we can improve our services can be directed to KBA.Leadershipteam@just.gov.ab.ca.

b. Family Trial Coordinator

- Last sitting is December 20, 2023.
- December 21, 22 are urgent and EPO only.
- First sitting day in 2024 is January 8, 2024.
- January 2-5, 2024 are urgent and EPO only.
- Court is open December 28 and 29, 2023 for urgent and EPO issues only. These will be done remotely throughout the province with a Justice in Edmonton.

- Lead times:
 - Earliest 5-day or less trial is March 2025
 - Earliest long trial 6+ days is September 2024
 - First full day is January 9, 2025
- Lead times for summary trials: one day summary trial January 9, 2025.
- Issues/Concerns:
 - Please advise court coordinator when a matter settles as soon as possible.
 - When requesting dates, we will provide you with a time frame only until you provide an order or endorsement from FDC that gives leave to schedule a matter.
 - Urgent requests and expedited orders in FDC go to ACJ.

c. Family Special Chambers Coordinator

- Lead times:
 - 1 hour specials in mid April 2024
 - ½ day specials in September 2024
- Issues/Concerns:
 - Orders varying filing deadlines need to be sent prior to the first filing deadline or matter will be struck.
 - If your special is struck, you will need a court order to reinstate it in addition to a FIAT allowing for late filing.
 - While a court order may reinstate a special, whether it is on the same date will depend on court availability. There is no guarantee you will get your originally scheduled date.
 - Counsel needs to update coordinators regarding any changes in representation. KBO does not provide Notice of Withdrawals.

d. Family Docket Court Coordinator and Case Conference Coordinator

- FDC and CC Coordinator prepares endorsements.
- Lead times:
 - EICCs booking one month out
 - Rule 4.10 CCs into February 2024
 - Family PTCs into mid-March 2024
- Issues/Concerns:
 - Notify the office if the matter settles or is cancelled so the dates can be vacated.
 - If a justice is seized with an EICC/Family PTC/Rule 4.10, counsel would fill out the form found at this link to request an appearance in front of that particular Justice. <https://www.albertacourts.ca/kb/court-operations-schedules/scheduling/justice-seized-booking-request-form>

- If you have leave to bypass FDC, when requesting dates for EICC or Rule 4.10 CC, a direction or order must be in the email to show that you have leave not to file another Notice to Attend.

5. Justice Digital Update

- Family and Divorce Filing Digital Services (FDS) makes it easier and more efficient to file. It streamlines and facilitates the process.
- Average turn around for general filing is 1-3 business days. This is down from 2-3 weeks with emailing filing.
- Divorce applications processed within 3-4 week using FDS.
- 57 different documents can be filed in FDS.
- There is a new functionality for the judiciary for the review of desk divorce applications.
- The team is working to expand the scope of documents accepted in family law, for a total of 76 divorce documents that can be filed.
- Currently there is no functionality for fees be charged to a fax filing account, nor is their functionality for online filing fees for legal aid clients.
- Please direct any questions to jsg.filingfamilysupport@gov.ab.ca

6. Resolution Services

- Mediation, Family Court counselors, Child Support resolution Program, Family mediation Program, Children Services Mediation Program.
- Programs do not need FDC first.
- No requirements for CSR program. Any income, with or without counsel. There is an online booking service.
- Mediation services require annual income level under \$60,000.

7. Remarks from Tara Tiefenbach with the CBA South

- Tara Tiefenbach, Chair; Stacey Haskins, Vice-Chair.
- Can send emails to Tara or any CBA executive and they will coordinate feedback for the judiciary.

8. Remarks from Doug Moe regarding the Alberta Family Lawyers Association (AFLA)

- AFLA currently has 400 members and is growing. Membership is free.
- The goal is to support and advocate for families.
- There are 5 subcommittees that meet, including: practice committee dedicated to creating templates (working towards a cohab and prenup template); government process committee headed by Wayne Barkauskas and focused on non-partisan work while also advocating for UFC; court processes committee focuses on court forms and procedures; legal aid committee focuses on access to justice, tariffs, family violence; events and engagement committee, an AFLA moot through U of C and family law at the U of C fair.
- Any interest in joining a subcommittee can be emailed to aflalawyers@gmail.com

9. Questions & Answers Received in Advance of the Town Hall

- Is there a uniform response to litigants contacting the Justice by email or phone directly? The Court is aware that litigants sometimes contact the Justice directly and try to bypass normal court processes. There is no unified court policy regarding a response. However, the standard response is to send any such requests to the other side. Unfortunately, this does not prevent the court from receiving such emails.
- Why are the clerks rejecting chambers briefs when the Family Bar was told they could provide these? At the Family Town Hall meeting, Counsel were advised that if they intended to file a Brief for a regular Family Chambers application, they should raise this before the Family Docket Justice. It was stressed that a Brief should consist of only 1 or 2 pages. Since the Family Town Hall, the Court has determined that Briefs will no longer be permitted for regular Family Chambers. An Announcement on this change will follow. The family process and information guide has been prepared and is moving through the court's internal process. We hope to have it out soon.
- The Court is working on removing outdated announcements from the Court website.
- Counsel is not permitted to file orders at the courthouse following Chambers. This is only for urgent matters.
- Current response time to processing urgent requests and timeline to get into court: In Calgary, urgent requests are triaged through 5 roster Justices. On average, the Court receives over 10 per week. Typically, these are reviewed and dealt with within 24-48 hours, sometimes requesting responses. If approved, typically sending for urgent within a week. It is also possible that these matters will be send directly to morning Chambers, bypassing docket court, but on the next available date. To assist the Court, if you are requesting a date, please advise in your correspondence of your availability. Approved urgent requests go to a 2pm time slot. Otherwise, it is Chambers at 10 am.
- How many JDRs are scheduled in early 2024? Unknown at this time. There is ongoing debate as to the logic behind not having as many JDRs which served to reduce the number of trials.
- Status update for summary trial rules: It is currently moving through the system. The idea is to have streamlined trials, with certain conditions including a PTC 3 months before the hearing.
- Costs in FDC: Sometimes there is insufficient information to make a ruling on costs in FDC. When you ask for costs at your hearing, you can seek costs and specify for attendance at FDC as well as other costs.
- If lead times are over one year away, how does that help a party who wants access to their children? The Court is aware of this issue. These matters get sent to Chambers however it is important that the issues are narrowed.
- Materials: Justices cannot access their own materials. Until Justice Digital is fully up and running, email filing gets printed. If you are referring to past filings or affidavits, in the concise letter, attached the paragraphs you are referring to from the affidavit (not the entire affidavit). Counsel must provide the materials when providing concise letters.
- Conduct in the courtroom: Everyone is encouraged to maintain proper civility in the Courtroom.