

Frequently Asked Questions About Family Docket Court

Q. What is Family Docket Court?

A. Family Docket Court is a place you go before you can proceed with the scheduling of any formal applications in a family matter. It is a place where the Court considers your matter and directs you to a process that best serves the needs of your family and your children. The Court may direct you to a process that will assist you to reach an agreement with the other parent so that a more formal court process is not necessary. Where it is necessary, the Court may direct you to a more formal court process. This would apply where a matter is urgent or where a matter has already been adjourned due to the pandemic and has now become more urgent. It would also apply where you have already participated in a dispute resolution process and have unable to reach agreement on all matters in issue. Family Docket Court helps the Court to manage the family matters coming before it so that the Court can use its processes in a way that best assists a family and also uses Court resources in the most efficient way.

Q. How do I get in to Family Docket Court?

A. You need only complete a Notice to Attend Family Docket Court, select 2 date options, and submit it to the Clerk with a copy by email to the other party. The calendar that shows you which dates are full and which dates are available, can be found at <https://albertacourts.ca/qb/areas-of-law/family/family-docket-court>. Where possible, it is best if you let the other party know what you are planning to do and confirm that the other party is available on the 2 dates that you have chosen. This reduces the possibility that the other party will ask for the matter to be put over to another date when they are available. Please note that due to the volumes of documents currently being filed by email and the resulting delays in filing, you may need to consider dates that allow for those delays so that your Notice to Attend Family Docket is not rejected. The Notice to Attend Family Docket Court can be found here: <https://www.albertacourts.ca/qb/areas-of-law/family/family-law-forms>

Q. Is it necessary for me to start an action or file a Claim or Application with supporting Affidavits/Statements before going to Family Docket Court?

A. No. The Court has made the process of entering Family Docket Court a very simple one in order to reduce the conflict children are exposed to when their parents use applications and affidavits to say bad things about the other parent. You need only complete the Notice to Attend Family Docket Court form, as explained above.

Q. Do all family related applications have to go to Family Docket Court before a date can be scheduled for the Court to hear the application?

A. It is possible for you to bring some simple applications before the Court without having to first proceed to Family Docket Court. This is a desk application process called Simple Desk Applications. Details about the process and any required forms can be found here: https://www.albertacourts.ca/docs/default-source/qb/npp/npp-family-law-simple-desk-2020-04.pdf?sfvrsn=cb8d9f80_10

In addition, Consent Orders can always be submitted to the Court by a desk application process. Therefore, if you and the other party have reached an agreement and you wish to put that agreement into a Consent Order, you can ask your lawyer to prepare the Consent Order and submit it to the Court for consideration. If neither you nor the other party have a lawyer, you can get assistance with the preparation of a Consent Order by contacting Resolution Services at: **RCAS Contact Centre** at: **1-855-738-4747** or go to: <https://www.alberta.ca/rcas-contact-centre.aspx>

If you have a matter that is urgent and cannot wait for the time it takes to go to Family Docket Court, contact the Clerk's office and you will be directed to a designated Justice who will decide how to best deal with your matter.

Q. Is it necessary for the other party and I to have engaged in a dispute resolution process before going to Family Docket Court?

A. No, it is not. However, alternate forms of dispute resolution are encouraged before you bring a matter before the Court, except in those cases where it is not appropriate. Examples where a dispute resolution process might not be appropriate are cases involving domestic violence, cases where one party has mental health difficulties or is struggling with substance abuse, or cases where the other party refuses to participate. Generally, it is in the best interests of children, for their parents to participate in a form of

dispute resolution, especially on parenting matters, before contested court proceedings are scheduled. This is because damage is caused to children who are exposed to ongoing conflict between their parents. Therefore, if you have not already participated in a dispute resolution process before you attend Family Docket Court, and where it is appropriate do to so, the Court may order you to participate in a dispute resolution process before scheduling the matter for a more formal court process. For more information on family dispute resolution processes, go to <https://albertacourts.ca/qb/resources/announcements/family-law-dispute-resolution-processes-rule-4.16-amendments-and-family-docket-court>

Q. Do applications for family restraining orders and other forms of protection order have to be scheduled in Family Docket Court?

A. If your application is urgent and is being brought in circumstances where it is not safe to tell other party, then you should proceed under the Protection Against Family Violence Act and apply for an Emergency Protection Order. These applications are made to a Provincial Court Judge or to a Justice of the Peace and are then reviewed in in the Court of Queen’s Bench. They do not go through Family Docket Court.

If your application for a protection order is being brought on notice to the other party, then you may proceed directly to Family Chambers by Webex (preferred) or in person. It is not necessary to go through Family Docket Court.

If you have questions or require information about safety supports for domestic violence, please call the **RCAS Contact Centre** at: **1-855-738-4747** or go to: <https://www.alberta.ca/rcas-contact-centre.aspx>

Q. Apart from family violence related applications, what if I have an application that I need to make without notice to the other party? Where do I go to this? Do I have to go to Family Docket Court?

A. Certain applications, such as an application to preserve property, an application for permission to depart from a court process, or an application for a parenting order where a child is in danger, can be made without notice to the other party. Those applications can be made in one of two ways. If the application is **not urgent**, it can be made by a

desk application process. For further information about this type of application, go to:
<https://albertacourts.ca/qb/areas-of-law/family>

If the Application is urgent, you should proceed directly to Family Chambers, and it is not necessary to go through Family Docket Court. The Applicant can attend by Webex (preferred) or in person. The Webex address can be found here:
<https://albertacourts.ca/qb/areas-of-law/family/family-docket-court>.

If appearing by Webex, documents can be provided to the Court by:
<https://www.albertacourts.ca/qb/resources/announcements/new-email-filing-procedure>.

- Q. If I have received a Notice to Attend Family Docket Court form from the other party, but I also have some issues or an application that I would like to have addressed, is it necessary for me to file a second Notice to Attend Family Docket form in order to have my concerns before the Court?**
- A.** No, you need not file a second Notice to Attend Family Docket Court form. The first one filed brings the matter before the Court. If you have some concerns that you would also like to have the court address, bring them to the Court's attention at that time.
- Q. What if I have a date for Family Docket Court and want to adjourn (postpone) the appearance?**
- A.** The Family Docket Court list is capped at 20 matters per day. These spots are in high demand, and a party should be careful to choose a date that will work for both parties. If you find that need to ask for an adjournment, you must attend at Family Docket Court and request that adjournment, as it can not be done through the Clerk's office.
- Q. If I had one Judge who was dealing with my family's file before the pandemic, can I get access to that Judge either through Family Docket Court or instead of going to Family Docket Court?**
- A.** If your matter was being handled by one Judge through case management or otherwise, it will be necessary for you to contact that Judge's Judicial Assistant to determine if you must continue to deal with that Judge or go to Family Docket Court.

Q. What if I am having trouble with my connection to the Webex address or phone number provided for Family Docket Court?

A. There are some things that you can do to improve your connection to the Webex courtroom. For Remote Hearings Protocols and Troubleshooting, go to <https://www.albertacourts.ca/qb/court-operations-schedules/remote-hearings-protocol-troubleshooting>

Q. After I appear in Family Docket Court, do I receive anything from the Court to confirm what happened?

A. Yes. At your Family Docket Court appearance, the Judge will complete an Endorsement and that Endorsement is an Order of the Court. It will be filed and emailed to you at the email address you provided. It will show you any orders that were made, including any dates scheduled for your matter. You should receive the Endorsement within 1 to 2 business days of your appearance in Family Docket Court.