

NOTICE TO THE PROFESSION AND PUBLIC

FAMILY PRE-COURT MANDATORY REQUIREMENTS EFFECTIVE DECEMBER 18, 2023

Commencing December 18, 2023, the Court of King's Bench will implement four (4) mandatory pre-court requirements as part of the [Alberta Justice Family Justice Strategy](#).

These mandatory requirements, which are summarized below, will only apply in Edmonton and Calgary. As more resources become available, it is anticipated that they will be expanded to Judicial Centres throughout the Province. **The mandatory pre-court requirements do not apply to:**

- Applications for Protection Orders;
- Applications that have been approved to proceed on an [urgent basis](#);
- The filing of Statements of Claim/Joint Statements of Claim for Divorce;
- Requests for Divorce (without oral evidence);
- Joint Requests for Divorce (without oral evidence);
- The filing of Statements of Claim for Matrimonial Property/Family Property Division;
- The filing of Statements of Claim for Unjust Enrichment;
- Notices to Disclose – Desk Applications;
- Applications for Service Orders;
- Consent Orders;
- Appeals from the Alberta Court of Justice;
- Any interjurisdictional Application where the Applicant or Respondent resides outside the Province of Alberta.

The four mandatory pre-court requirements are:

- Completion of the online [Parenting After Separation Course](#) (PAS) (if applicable);
- Meeting with a Family Court Counsellor (FCC) (for self-represented parties with dependent children);
- Providing Financial Disclosure; and
- Participation in an Alternative Dispute Resolution (ADR) process.

Subject to the exceptions listed above, and unless a waiver or deferral is granted by the Court, the above mandatory requirements must be completed before a party can file any document intended to bring the matter before the Court for relief, including a Notice to Attend Family Docket Court.

Waivers of Mandatory Pre-Court Requirements

An Application for permission to waive or defer any of the mandatory requirements may be made to a Justice in Family Docket Court by attaching a [Request to Waive/Defer Mandatory Requirements](#) to a [Notice to Attend Family Docket Court](#), scheduling the matter in Family Docket Court, and, where possible, serving those documents on the Respondent.

A deferral or waiver may be issued by a Justice in Family Docket Court in circumstances including:

- There is a risk of severe economic harm to a party or child(ren);
- The Respondent refuses to comply with/participate in the mandatory processes or they cannot be located, or there is an existing Order prohibiting contact between the Applicant and the Respondent;
- Any circumstance determined by the Justice to be sufficient to justify a waiver or deferral for one or more of the mandatory requirements.

If a waiver or deferral is obtained in Family Docket Court, the Family Docket Justice will make the Orders needed to move the matter forward.

Once the Mandatory Requirements are Complete

Where the mandatory requirements have been completed, then:

- If the parties have resolved the matters for which an Action/Application was to be started, those agreements can be put into a Consent Court Order by Counsel or by the Applicant and Respondent with the assistance of [Resolution Services](#).
- If, upon completion of the mandatory requirements, parties have been unable to resolve all of the matters for which an Action/Application was to be started, either party may proceed to Family Docket Court by attaching the PAS Certificate, [Participation in ADR Form](#) and completed [Financial Disclosure Statement](#) to a [Notice to Attend Family Docket Court](#), and filing and serving these documents on the other party.

Summary of the Mandatory Requirements

Parenting After Separation Course

The [Parenting After Separation](#) (PAS) course must be completed and the certificate filed with the Court prior to bringing any Application to which this Notice applies, where there are children under the age of 18 years affected by the proceeding. If it has been more than two years since a party took the PAS course, they must complete the course again and file a new PAS Certificate.

The Respondent must also complete the PAS course within 14 days of being served with notice that the other party is proceeding to Family Docket Court. Additionally, if the Respondent intends to file a Cross-Application, the Respondent must complete the PAS course and include the PAS Certificate when filing their Cross-Application.

Meeting with a Family Court Counselor

This requirement does not apply to parties who are represented by a lawyer, or to parties who do not have children under the age of 18 or other dependent children.

Any person to whom this requirement applies, who wishes to bring a matter before the Court for relief (the Applicant) must first meet with a [Family Court Counsellor](#) (FCC), who can provide assistance in defining the issues or getting any required clarity regarding the disclosure of financial information or other obligations before proceeding further.

For self-represented Applicants, an FCC may provide guidance on matters including:

- Options to resolve the matter;
- Referrals to resources that may assist them in resolving their matter or otherwise assist their family;
- Information about Court processes;
- The financial information they are required to provide to the other parent and the Court to resolve their matter;
- How to best provide the Respondent with disclosure and information about the mandatory requirements and to engage the Respondent for dispute resolution processes where appropriate;
- The suitability and preparation of a waiver/deferral request.

After meeting with the FCC, if the Applicant intends to bring an Application in Court, they must, as soon as reasonably possible, provide the other person involved in the matter (the Respondent), with:

- A list of issues the Applicant wishes to resolve through the Court process;
- The Applicant's financial disclosure (where required); and
- A [package outlining the mandatory requirements](#).

If the Respondent intends to proceed with a Cross-Application, they must meet with an FCC before proceeding.

Financial Disclosure

This requirement applies to all parties filing an Application for child support, spousal support, adult interdependent partner support, and to an Action for division of property.

Applicants meeting with an FCC must review the [Financial Disclosure Statement](#), gather the necessary disclosure and bring it to the meeting with the FCC.

Respondents may be prohibited from proceeding with any Cross-Applications or new Applications until their financial disclosure is complete.

Failure to provide disclosure can have serious consequences. When a party fails to provide disclosure without a good reason, the Court may:

- Order that party to provide the documents by a specific date;
- Order payment of support in an amount the Court considers appropriate, drawing an adverse inference against the party who has failed to provide disclosure;
- Order a party to pay costs;
- On Application, order that an employer, partner or principal, or any other person, provide the necessary financial information that is within the knowledge of, in the custody of, or under the control of that person;
- Grant any other appropriate remedy.

Alternative Dispute Resolution

Before bringing any Application to which this Notice applies; the Applicant must attend an Alternative Dispute Resolution (ADR) process, unless waived or deferred by the Court:

- With an ADR provider acceptable to the Court; and
- Within a maximum of 6 months prior to bringing an Application to which this Notice applies.

A party, whether represented by a lawyer or self-represented, must ensure that their disclosure is complete before proceeding with ADR.

A [Participation in ADR Form](#) must be filed with the Court when filing a Notice to Attend Family Docket Court or any Application to which this Notice applies. The Application may not seek relief in respect of any matter or issue that was not discussed in the ADR, without leave of the Court. The ADR requirement may not be met if the Applicant or the Respondent did not provide mandatory financial disclosure prior to attending the ADR.