

NOTICE #5 TO THE BAR

Additional Processes

Since March 23rd, 2020, the Family Division has operated under an essential services model, dealing with urgent and emergency matters using electronic and fax filings (as outlined in Notices #1 and #2).

The Family Division continues to be guided by the recommendations of the Department of Health and Wellness and the protocols imposed by the state of emergency: we are operating with minimal staff and limiting traffic to the courthouses.

Phase I Court's response to COVID 19 crisis

The Family Division of the Supreme Court has successfully transitioned to dealing with most child protection, adult protection and urgent/emergency matters by teleconferencing. These matters are a significant part of the Court's caseload and will continue to be addressed in this way.

Phase 2 Court's response to COVID 19 crisis

As a Court, we are now entering a second phase of case management and will expand our focus to vetting files removed from the docket since March 23 as a result of the COVID-19 crisis. The vetting process is designed to identify files, removed from the docket but which can now be addressed in a meaningful way by teleconferencing beginning May 1st, 2020. Video conferencing is not yet available. Priority will be given to rescheduling matters where all parties are represented by lawyers given the efficiencies the involvement of lawyers is expected to achieve. Clearly, any reduction in the Court's back log of files will facilitate the Court's return to full operation and will result in more timely access for persons not represented by a lawyer.

The files first removed from the docket will be the first vetted by a Judge with the objective being to reschedule matters before the same Judge. As implied by the term vetting not all matters will be rescheduled at this time. For example, a trial is unlikely to be rescheduled at this time given staff are not available to support a trial proceeding. Conferences and some settlement conferences are obvious matters that will be considered for telephone conferencing.

Although a matter may not be rescheduled in its present form it may benefit from one of the processes described in Notices # 6, 7 or 8 referenced below.

Phase 3 Court's response to COVID 19 Crisis

The Court is planning a third phase of case management. The focus will be on processing an additional range of 'new' matters, also by teleconferencing, beginning in late May on a date to be determined. This phase is subject to the availability of Court staff to support this expansion of service.

Accompanying are descriptions of new processes and adaptations to existing ones:

Notice #6 – Document Only Hearing – Rule 1 & 59A

Notice #7 – Request for a Judicial Recommendation

Notice #8 – Request for a Non-Binding/Binding Settlement Conference

Notice #3 dated March 23, 2020 outlined how urgent and emergency matters are placed before the court. Notices #6, 7 and 8 describe processes that will expand the range of matters to be considered by the court as described in the respective notices.

Counsel are reminded Consent Variation Orders and Initiating Consent Orders continue to be processed by the court.

Associate Chief Justice Lawrence I. O’Neil
Supreme Court of NS (Family Division)
Dated April 20th, 2020