

NOTICE # 1 TO THE BAR AND PUBLIC

Scheduling Guidelines for Family Division (Covid-19)

Notice #2 summarizes the process for e-mail, fax and paper filing

March 23, 2020 at 1:00 p.m. (revised April 30th)

Through the COVID-19 Crisis our goal is to minimize health risks to those who work at or visit the courts. We are guided by the recommendations of the Health Department and protocols imposed by the state of emergency. We will provide ongoing guidance to the Bar and the public about what matters we will address as emergencies and how we will address them.

All currently scheduled matters (unless deemed urgent) are being removed from the docket. They will not be rescheduled at this time. The scheduling office will contact all counsel and self-represented persons to confirm the removal of matters from the docket as it occurs. This process will occur over a number of weeks because of the need for staff to make hundreds of calls and the limited number of staff available to make those calls.

Only urgent matters will be scheduled. Urgent matters include:

- 5-day and 30-day hearings under the *Children and Family Services Act*
- Applications under section 29 of the *Children and Family Services Act* (“locate and detain” applications)
- New applications under the *Adult Protection Act*
- Applications under the *Children and Family Services Act* and *Adult Protection Act* that are nearing court-ordered or statutory deadlines
- Child abduction cases
- Secure treatment applications under the *Children and Family Services Act*
- Domestic violence related issues not suitable for Provincial Criminal Court or the JP Centre (under the *Domestic Violence Intervention Act*) or the involvement of child protection authorities
- Matters deemed to be emergencies by a Judge or court officer

If you believe a matter is an emergency, please write a letter (not more than 2 pages) outlining the circumstances. Details where you may fax or email the letter are at the end of this Notice. The letter must be provided to the other party who will have two days to respond to it. There will be no opportunity for oral argument, as to whether a matter is an emergency, during the COVID – 19 Crisis.

A Judge or a court officer will determine if a matter is an emergency and schedule it for a telephone conference, if appropriate.

To date the following have been deemed not to be an emergency:

- Unilateral interruptions of court-ordered parenting arrangements

Effective April 29 the Court will accept a role in addressing parenting disputes. That role will not include a 'traditional' adversarial hearing at this time. However, self-represented persons and lawyers may request a judicial recommendation concerning a parenting issue, a process explained in Notice #7. The consent of the **Respondent is not required** to trigger the involvement of the Court when there is an allegation of an arbitrary interruption of a Court ordered parenting schedule. A conference with a conciliator or a Judge will be scheduled in response to a request of this nature. (added April 29)

- Disagreements as to a child's activities while in the care of another parent
- Interruptions in the payment of child or spousal support
- Property issues flowing from a marriage or common law relationship
- Suspension and enforcement of child and spousal support

Counsel are asked to consider alternatives to attending court. In some cases, telephone appearances may permit resolution.

Consent orders, faxed or e mailed to the court, will be processed as in the past with the expectation that there may be some delay given the reduction in the number of staff available to assist. Conciliation services are being provided for new applications, such as those relating to child support.

Parties are also reminded that they may request (1) a document only proceeding as outlined in Notice#6 (2) a non binding judicial recommendation as outlined in Notice #7 or (3) a settlement conference by telephone as outlined in Notice #8.

Thank you for your ongoing assistance to your clients, the courts and the public, as we strive to find workable responses to this crisis.

Halifax please fax to 902-424-0562 or email to scfamilyhfx@courts.ns.ca
telephone inquiries 902-424-3990

Sydney please fax to 902-563-2224 or email to
sydneyfamilydivision@courts.ns.ca telephone inquiries 902-563-2200

Port Hawkesbury please fax to 902-625-4271/4084 or email to
porthawkesburyfamily@courts.ns.ca telephone inquiries 902-625-2665

Truro please fax to 902-896-4333 or email to truofamilycourt@courts.ns.ca
phone inquiries 902-893-5840

Yarmouth/Digby/Shelburne please fax to 902-742-0678 or email to yarmouthfamilycourt@courts.ns.ca telephone inquiries 902-742-0550

Amherst please fax to 902-667-1108 or email to AMHFC@courts.ns.ca, telephone inquiries 902-667-2256

Antigonish please fax to 902-863-7479 or email to AntigonishFamilyCourt@courts.ns.ca phone inquiries 902-863-3676

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Associate Chief Justice O'Neil
Supreme Court of Nova Scotia (Family Division)