



## **NOTICE # 5 – ADDITIONAL PROCESSES FOR THE FAMILY DIVISION**

**Monday, April 20, 2020**

Since March 23, 2020, the Supreme Court (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).

Supreme Court (Family Division) operations continue to be guided by the protocols imposed by the provincial State of Emergency and public health advice, including the recommendation to operate with minimal staff and limit traffic to the courthouses.

### **Phase I – Supreme Court (Family Division) Response to COVID-19**

The Court has successfully transitioned to dealing with most child protection, adult protection and urgent and 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 – Supreme Court (Family Division) Response to COVID-19**

As a Court, we are now entering the second phase of case management and will expand our focus to vetting files adjourned as a result of the pandemic since March 23. The vetting process is designed to identify files, removed from the docket but which can now be addressed in a meaningful way by teleconferencing. This process will begin May 1, 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 backlog of files will facilitate the Court's return to full operation and will result in more timely access for individuals 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 right now, given that staff are not available to support a trial proceeding. Conferences and some settlement conferences are obvious matters that will be considered for teleconferencing.

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

### **Phase 3 – Supreme Court (Family Division) Response to COVID-19**

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 yet 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  
Nova Scotia Supreme Court (Family Division)  
April 20, 2020