



COVID-19: NOTICE #10 – SAFE SERVICES MODEL IN THE FAMILY COURTS

Monday, June 15, 2020

Effective June 15, 2020, the Nova Scotia Supreme Court will start to move away from the modified essential services model that has been in place during much of the COVID-19 pandemic, and transition to a safe services model. As such, the following operational changes will take effect in the Supreme Court (Family Division) and the Family Court.

Delivery of Documents – Change to Notice #2

The Supreme Court (Family Division) will continue to accept delivery of documents by both email and paper, unless the presiding judge in a case orders otherwise. Counsel are reminded of the requirement to deliver all documents requiring the payment of filing fees in paper form, with the necessary filing fee.

The feasibility of continuing to accept documents by email will be reassessed at the end of the summer.

The Supreme Court (Family Division) does not have an electronic filing system. In many cases, authentication of filings by a variety of means, as determined by the presiding judge will be required. This may include a requirement to file original documents at a later date.

Filing Deadlines

As per the [June 4, 2020, notice](#), the suspension of filing deadlines is now lifted. Counsel and parties are expected to comply with the filing and service timelines prescribed by the Civil Procedure Rules or as required by a judge. This is a return to the status quo that preceded the COVID-19 State of Emergency.

Scheduling Guidelines – Change to Notice #1 – Urgent Matters

Under the safe services model, matters may be filed with the Court without the need to establish whether the matter is urgent or essential. The requirement for a two-page letter is no longer applicable. Counsel and parties should file in the traditional way as outlined in Rule 59. This is a return to the terms governing the scheduling of matters prior to the COVID-19 State of Emergency.

CFSA and APA Matters

Docket matters pursuant to the *Adult Protection Act*, the *Children and Family Services Act* and the Civil Procedure Rules will continue to be by telephone at the Devonshire Courthouse and most sites, unless otherwise ordered. This is made necessary by the physical limitations of the Devonshire Courthouse and at many other Family Division and Family Court sites.

Telephone/Video/Virtual Appearances to Continue

The Supreme Court (Family Division) in all locations will continue to direct that parties be heard over the telephone, by the use of video or other electronic means. This direction will change if a judge directs that in-person participation is appropriate and can be safely accommodated.

Hearings

A requirement for cross-examination may cause a judge to direct that a matter requires attendance of some or all the parties or witnesses to be present in court. The details of arrangements will be decided on a case-by-case basis, which will involve a judge working with the parties and Court Administration to confirm logistical needs and the Court's capability at the relevant site.

Revisions to Notices

(A) Notice #5 – Additional Processes

The Court will no longer give priority to matters where lawyers represent both parties, as previously outlined in Notice #5. Files with no lawyers involved will receive the same priority as those involving one or more lawyers. The Court is continuing to systematically rebook matters removed from the docket since the onset of the COVID-19 pandemic. To date, matters removed from the March and April dockets have been rebooked. This represents the rebooking of hundreds of matters at the Devonshire Courthouse.

Similarly, at district court sites, judges have worked with court staff to rebook matters removed from the docket. At some district sites, all matters removed from the docket have already been rebooked for June, July or August.

New matters are being processed at all Unified Family Court and Family Court locations, as permitted by the availability of safe facilities and sufficient staff.

(B) Notice #6 – Request for a Document Only Proceeding

This option for dispute resolution will continue to be available until further notice, subject to the following changes:

- (a) Notice #6 is amended to delete the step in the process that has a judge rule whether a matter is suitable for a document only process; and
- (b) Filings may be in paper or delivered by email, unless the presiding Judge rules otherwise. Please see #1 above.

(C) Notice #7 – Request for a Non-Binding Judicial Recommendation

This option for dispute resolution will continue to be available until further notice, subject to the following change: It is no longer necessary for one or both parties to be represented by a lawyer.

(D) Notice #8 – Request for a Binding or Non-Binding Judicial Settlement Conference

This option for dispute resolution will continue to be available by telephone and by video. Parties should ensure the opposing side has a phone number where they can be reached during breaks in the settlement conference process.

**Associate Chief Justice Lawrence I. O’Neil
Nova Scotia Supreme Court (Family Division)
Notice #10 – Processes Post June 15, 2020**