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Advanced Family Law Issues for Paralegals

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Court of Queen's Bench Family Law - Practice Notes 6-10

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Court of Queen's Bench Family Law - Practice Notes 6 - 10

Introduction	2
Practice Notes: General	3
Practice Note 6: International Child Abduction – Hague Convention.....	4
Introduction.....	4
Static & Evolving History.....	5
Procedural Protocol	6
Practice Note 7: Interventions.....	7
Introduction.....	7
With Lawyers by Consent	8
Self-Represented or Without Consent.....	8
Practice Note 8: Child Custody/Parenting Evaluation	9
With Lawyers by Consent	10
Self-Represented or Without Consent.....	10
During the Practice Note 8.....	11
Practice Note 9: Intake, Resolution, and Caseload Management	12
Introduction.....	12
SRLs Commencing an Application.....	13
Practice Note 10: Access to Court Files in Family Law Proceedings	15
Introduction.....	15
Who Can Access a Court File?	15
Requesting & Providing Authority to Access	16
Conclusion.....	17
Appendix A – Family Law Practice Note 6	18
Appendix B – Family Law Practice Note 7	21
Appendix C – Family Law Practice Note 7: Appendix A Order Template	33
Appendix D – Family Law Practice Note 7: Appendix B Order Template.....	38
Appendix E – Family Law Practice Note 7 & 8: Announcement re Referrals	42
Appendix F – Family Law Practice Note 8	44
Appendix G – Family Law Practice Note 8: Appendix A Order Template	51
Appendix H – Request for Appointment of a Case Management Justice.....	57
Appendix I – Family Law Practice Note 9	69
Appendix J – Family Law Practice Note 10	75

INTRODUCTION

The paper will focus on the Court of Queen's Bench Family Law Practice Notes ("Practice Notes"), with an emphasis on the application of the Practice Notes in Calgary. The purpose of this paper is to provide paralegals with a practical guide to understand and implement the Practice Notes in assisting the lawyers and law firms they work with. Although this paper introduces the legal background ancillary to some of the practice and procedures related to the Practice Notes, it is not intended to provide legal advice or guidance for *when* to use the Practice Notes, but rather *how* to apply them correctly.

The Court of Queen's Bench of Alberta ("ABQB") has general jurisdiction to exercise its powers pursuant to the *Judicature Act*, RSA 2000, c J-2:

The Court in the exercise of its jurisdiction in every proceeding pending before it has power to grant and shall grant, either absolutely or on any reasonable terms and conditions that seem just to the Court, all remedies whatsoever to which any of the parties to the proceeding may appear to be entitled in respect of any and every legal or equitable claim properly brought forward by them in the proceeding, so that as far as possible all matters in controversy between the parties can be completely determined and all multiplicity of legal proceedings concerning those matters avoided.¹

The *Judicature Act* is the enabling legislation that allows for the ABQB to develop rules to govern practice and procedure. The ABQB does this primarily through the enactment of the *Alberta Rules of Court*, Alta Reg 124/2010,² but also exercises its powers by the use and implementation of Practice Notes. Much like the *Rules*, the apparent purpose and intention of the ABQB's use of Practice Notes is to "provide a means by which claims can be fairly and justly resolved in or by a court process in a timely and cost-effective way."³

For lawyers, the Practice Notes are foundational not only to proper practice and procedure, but also because the Practice Notes influence the advice they give to their clients. As such, lawyers rely on the assistance of their paralegals to comply with the Practice Notes. It is not only important for lawyers to conduct a file in accordance with the Practice Notes, but also to avoid the pitfalls and penalties associated with non-compliance with the Practice Notes.

¹ *Judicature Act*, RSA 2000, c J-2 ("*Judicature Act*"), at para 8.

² *Alberta Rules of Court*, Alta Reg 124/2010 ("*Rules*").

³ *Ibid.*, s 1.2(1).