

PRACTICE DIRECTION

COURT OF QUEEN'S BENCH OF MANITOBA FLIN FLON, SWAN RIVER, AND THE PAS CENTRES

RE: CHILD PROTECTION PROCEEDINGS

In order to prioritize child protection proceedings and address the unacceptable delay that currently exists in Court of Queen's Bench regions in Manitoba, the new child protection model shall apply to all child protection matters in Flin Flon Centre, Swan River Centre, and The Pas Centre effective February 1, 2019.

For purposes of implementation of the new child protection model in Flin Flon Centre and Swan River Centre, which centres do not have the attendance of a Master, the sitting Judge shall assume the responsibilities of the Master and Intake Judge.

Proceedings before the Master

- 60 days will be the maximum amount of time that a matter will stay on the master's docket before it is referred to an Intake Judge.
- The 60-day period will commence on the return date of the Agency's petition that is filed within four juridical days after the child's apprehension. The 60-day period will conclude on the referral date to the Queen's Bench Intake Judge.
- An order to convey will be filed with every petition where the petition is to be served on a person in custody.
- Disclosure of particulars by Agency counsel, and release of information by parents' counsel are to be exchanged in a timely manner.
- At the time that the master refers a matter to the Intake Judge, counsel and the parents shall be advised that failure to attend the intake court appearance may result in an order being granted in their absence on the basis of deemed consent.

Transition Period

- Cases that are currently on the court dockets will be readied for the intake list as expeditiously as possible.

Proceedings before the Queen's Bench Intake Judge

- An Intake Judge will hear matters each month.
- Agency and parents' counsel shall each file and serve Intake Briefs no later than four days before the intake court appearance.
- The Intake Judge will determine if there is a genuine issue requiring a trial, and if it appears that there is no genuine issue requiring a trial, the Intake Judge will refer the matter for a summary judgment motion.
- If there is a genuine issue requiring a trial, the Intake Judge will endeavour to schedule a trial within three to six months, and one pre-trial conference approximately 30 days before commencement of the trial.
- At the time that the Intake Judge sets the one pre-trial conference, the Intake Judge shall advise counsel and the parents that failure to attend the pre-trial conference may result in an order being granted in their absence on the basis of deemed consent.

Proceedings before the Queen's Bench Pre-trial Conference Judge

- Child protection pre-trial conferences will be heard approximately 30 days before commencement of the trial.
- Agency and parents' counsel shall file and serve pre-trial conference briefs no later than four days before the pre-trial conference.
- The pre-trial conference judge will endeavour to assist the parties with a resolution of the matter, failing which the matter will proceed to the scheduled trial.
- Failure by the parents to attend the pre-trial conference, may result in an order being granted by the pre-trial conference judge in their absence on the basis of deemed consent.

Child Protection Trials

- Trial dates will be adjourned only in exceptional circumstances.
- Any request to adjourn a trial date shall be made in writing to the Chief Justice.
- Intake lists will be held during the summer recess.

Coming into effect

This Practice Direction comes into effect immediately.

ISSUED BY:

"original signed by Joyal, C.J."

**The Honourable Chief Justice Glenn D. Joyal
Court of Queen's Bench (Manitoba)**

DATE: December 21, 2018