

PRACTICE DIRECTION

COURT OF QUEEN'S BENCH OF MANITOBA (FAMILY DIVISION)

RE: ROTA AND SCHEDULING CHANGES

Effective March 6, 2017, rota and scheduling changes will be implemented in the Family Division, to prioritize child protection proceedings.

These changes that accompany the new child protection model are as follows:

- The uncontested hearing list for F.D. matters inclusive of divorce petitions, petitions and guardianship applications will no longer be heard on Mondays, to make the maximum number of judges available to hear child protection trials.
- The uncontested guardianship list will be heard on three Thursdays each month, at 2:00 p.m.
- There will be a combined uncontested oral hearing F.D. list that includes ***Divorce Act*** and ***Family Maintenance Act*** matters and F.D. fast track trial proceedings on Thursday at 10:00 a.m. once per month.
- There will no longer be a list for affidavit divorces. Affidavit divorces will be assigned each week to judges whose trials fold.
- The Duty Judge will hear all consent orders every Monday at 10:00 a.m. for child protection and F.D. trials that settle and require an appearance by counsel.
- Child protection pre-trial conferences will be heard every Tuesday and Thursday from 9:00 a.m. to noon and from 2:00 p.m. to 4:00 p.m.
- Original and seized case conferences will be heard on Tuesday, Wednesday and Thursday, from 10:00 a.m. to noon, and from 2:00 p.m. to 4:00 p.m., with two judges sitting each week.
- The uncontested Tuesday motions list will remain at 9:00 a.m. to noon.
- Seized motions will be scheduled on Friday from 10:00 a.m. to noon, and, where the judge seized is hearing case conferences that week, on Monday from 2:00 p.m. to 4:00 p.m.

- New contested motions will be heard on Monday from 2:00 p.m. to 4:00 p.m., Wednesday from 10:00 a.m. to noon and 2:00 p.m. to 4:00 p.m., and Friday from 2:00 p.m. to 4:00 p.m.
- Appointments to settle orders will be scheduled during the judge's seized time on Friday from 10:00 a.m. to noon, or where the judge is assigned case management, on Monday at 2:00 p.m.
- The Set Aside Protection Order list will remain on Wednesdays at 2:00 p.m., twice per month.
- The ISO list will be heard once every two months.

Urgent Matters

It is understood that urgent matters may arise, such as the need to obtain an interim custody or guardianship order, an urgent case conference, or an order for a suspension of enforcement. These matters may continue to be brought before the stand-by judge at the uncontested Tuesday motions list.

Counsel often bring emergency motions near the end of June and December each year for holiday access. Counsel will be required to commence these motions sooner, as the prioritization of child protection proceedings may result in there not being sufficient time available for these motions to be heard prior to the commencement of the summer recess.

Transition

For child protection matters currently before the court, counsel who request a seized child protection pre-trial conference at 9:15 a.m. will be advised that only one further seized child protection pre-trial conference will be scheduled. At the conclusion of that final seized child protection pre-trial, if the matter is not resolved, a trial date must be set if not already scheduled.

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: February 10, 2017