

In attendance:

Judge Takahashi
Ms. Nancy Carter
Judge Wingham
Judge Raven

Judge Shaw
Ms. Nancy Merrill
Ms. Cathy Henrichs
Ms. Rosanna Slipperjack-Farrell

Ms. Ram Sidhu
Mr. Darryl Hrenyk
Ms. Shannan Knutson
Ms. Wendy Harrison

Agenda/Discussion Item	Comments	Decision
Opening remarks by DAG Richard Fyfe and Chief Judge Crabtree		
Roundtable introductions / housekeeping items	The co-chairs (Judge Takahashi and Nancy Carter) were introduced and welcomed other members of the group. Each member briefly described their background in relation to the project.	Co-chairs will alternate chairing of the meetings. Members agreed to address each other informally within the meetings. Members agreed on ½ hour lunch breaks.
Review of the Project Charter	Nancy Carter provided an overview of the document, explaining the background behind the project and reviewing the objectives set out in the Charter. It is an iterative document, which the group may revise from time to time. The scope of the project was reviewed: s.13 s.13	
Relationship to Steering Committee	Reviewed the structure for reporting up to the Steering Committee on the progress of the WG.	The Co-chairs will act as the link between the WG and the Steering Committee. In addition to regular reporting, the WG may seek direction in the event that issues arise (e.g. project timelines require adjustment) or there is significant disagreement amongst WG members.
Working Group membership	Discussed that others may be invited to participate in WG meetings from time to time, to provide expertise and feedback on particular topics (e.g. technology, user experience research). Pro tem members (e.g. Family Maintenance Enforcement, Family Justice Services Division) will be identified as and when needed. A question was raised as to whether there is a need to add a WG member who has expertise in technology and the experience of self-represented litigants (e.g. Johanne Blenkin). There are concerns about adding to the group's	The Co-chairs will inquire of the Steering Committee whether they are open to expanding WG membership.

	size and there was a discussion about options such as exploring certain issues with a sub-group of the WG, or inviting persons with particular experience to specific meetings.	
Workplan	Reviewed the timelines associated with the project phases, and discussed that a more detailed workplan may need to be developed as the WG moves forward.	
WG meeting dates	Participation of WG members in meetings throughout the full term of the project is essential to the project's success. Meeting dates will be finalized as soon as members have confirmed availability, although the October 14 th date is firm as judges' calendars have been freed up. There will be an effort not to schedule meetings near holiday weekends or over spring break. While in-person attendance is preferred, it's recognized that phone/video attendance may be necessary in some cases.	Update: a new schedule has been revised and dates have been provided to the Office of the Chief Judge.
Confidentiality	Although fact of the project is not confidential, there is to be no attribution of comments outside of the working group, to allow for full and free participation.	Agreed
Record of Discussion	Justice Services Branch members will produce a record of discussion (minutes) following each meeting that will be distributed to the WG for approval before being forwarded to the Steering Committee. In addition to the record of discussion, the policy papers may be used to track policy discussions.	Group agreed on template for policy papers, subject to revision as the project progresses.
Decision-making	Discussed how group will move forward when consensus on particular policy questions or other matters is not achieved.	An effort will be made to reach consensus on issues addressed by the WG. If that is not possible, the majority decision will be put forward as the recommendation of the WG to the Steering Committee. If there is a significant disagreement about a particular matter, different options may be put forward to the Steering Committee for their direction.
Sharepoint site	Overview of the sharepoint site and structure for housing documents in the libraries.	
User Experience / Service Design Research	Overview of the research presently underway to better understand the experience of users of the family court system. Results will be presented at one of the WG meetings. A suggestion was made that the court user group meetings held in many court locations may be a good source of feedback as well.	

Possible Policy Paper Topics	<p>Review of the proposed policy paper topics. Additional topics suggested included:</p> <ul style="list-style-type: none">• flexibility to account for regional variation;• role of registry staff;• emergency orders;• standard terms for orders;• joinder of concurrent matters (CFCSA and FLA matters, proceedings in criminal and family courts especially "K" files and FLA and ISO applications); families with one party outside BC;• case management (including "one family one judge", specialized family bench).	<p>WG members will consider the policy topics and respond with suggestions. For the October meetings, policy papers will be prepared focusing on the up-front, pre-hearing issues. Between now and October, the WG will agree on a timeframe for suggested topics, revising the proposed policy paper timelines that was referred to in Meeting 1. Suggestions are to be emailed to Darryl Hrenyk.</p>
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Action items

1. Scheduling of WG meetings – all members are to advise Nancy Carter by September 19 of their availability for the proposed meeting schedule to facilitate finalizing dates.
2. Sharepoint accessibility – Darryl Hrenyk will ensure all members have access.
3. Additional reading – Darryl/Shannan will post the additional reports suggested by WG members to the Sharepoint site, and information about accessing them will be distributed.
4. Possible policy paper topics – all members are to send their suggestions for policy paper topics and a corresponding timeframe for reviewing the papers to Darryl Hrenyk. These will be amalgamated and presented for discussion and approval at the October meeting.

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Ms. Rosanna Slipperjack-Farrell

Ms. Ram Sidhu
Mr. Darryl Hrenyk
Ms. Shannan Knutson
Ms. Wendy Harrison

Agenda/Discussion Item	Comments	Decision
Approval of record of discussion of Sept.18, 2014	Record approved, subject to correction of Cathie Heinrich's name.	
Report out to Steering Committee	Following the October working group meeting, the co-chairs will report up to the Steering Committee on the status of the project, the overall timing of the phases and the potential for an additional working group member.	
WG meeting dates	December 3 rd has been confirmed as the next meeting date; however dates beyond that meeting are still awaiting confirmation from the Office of the Chief Judge.	
Sharepoint site	<p>Access: Most members now have access. Some members are still having difficulty which they will work with the ministry on addressing.</p> <p>New Documents: Following the September meeting, several reports were posted in the Key Reports folder.</p> <p>2 tables have been posted, offering space for members to document comments on specific Rules and individual forms. Comments should be saved and uploaded back into the Sharepoint site. Comments will be visible to all members. We will periodically review these tables.</p> <p>Policy papers: member's comments on policy papers will <u>not</u> be uploaded to the Sharepoint site. Members wishing to make comments on the policy papers for reference during the policy discussions should save the policy papers and any comments to their personal computers, and if they wish, bring a printed copy to the policy meetings.</p>	
BC Family Court Process Map	Reviewed the process map depicting the current BC family court process, which is posted in the Sharepoint "Shared Documents" folder. This is a high level view of the process from relationship breakdown through to trial and enforcement. It is intended as a tool to assist in developing and considering impacts of potential new processes or changes to existing processes. New versions of the map will be developed as we work through the policy topics.	
Agenda items for meeting on December 3, 2014	<ul style="list-style-type: none"> Presentation on the user experience research 	

	<ul style="list-style-type: none"> • Presentation by Kevin Jardine, ADM Court Services Branch on technology initiatives (e-divorce), user design approach to forms, and Court Administration Skills, Training & Roles project. • Policy Papers on Pre-Hearing matters: <ul style="list-style-type: none"> ○ Mandatory consensual dispute resolution ○ Early needs assessment / triage How to ensure litigants are adequately prepared for the court process (including parent information sessions and disclosure) 	
Discussion about policy paper topics	<p>Comment that it would be helpful to include information about the court users; a user profile. Service providers see clients with a wide range of skills/abilities/literacy and all experience difficulty with the system because they are in a high state of emotion and the forms/system are confusing.</p> <p>Interim orders should be added to court process. One option for language is short-term and long-term orders rather than interim and final.</p> <p>Information services are an important theme for all policy discussions. How can process be explained, what information service innovations are being used elsewhere, what how-to guides or step-by-step forms are in use or should be developed? What level of information needs to be incorporated in the Rules themselves (e.g. Nova Scotia example)?</p> <p>Case conferences – this topic should be expanded to include DR processes within the court process (FCC, settlement conference, conference settlement track). There was an interest in knowing how long it presently takes to get an FCC in each registry, but it is recognized s.13</p>	<p>CPLO will incorporate data about court users that may be available from: Court Services Branch, LSS, Macfarlane research, Family Justice Services Branch.</p> <p>s.51 Guardianship applications will be specifically addressed within the policy discussions as a fast-tracked/urgent/special process, along with protection orders and urgent applications. It may need to be revisited during other discussions as well.</p> <p>List of policy paper topics has been updated and recirculated.</p>
Presentation – Shannon Salter, Civil Resolution Tribunal	Description of the guided pathways and online DR being used by the CRT.	Presentation will be posted on the Sharepoint site.
Panel presentation	<p>3 panellists presented on information services and programs available now and initiatives for future services.</p> <p>1. Courthouse Libraries BC, Johanne Blenkin and Brenda Rose</p> <ul style="list-style-type: none"> • Front line assessment/referral • Clicklaw, LawMatters, Wikibook 	Presentations from the panellists will be posted on the Sharepoint site.

	<p>2. Justice Education Society, Rick Craig and Dave Nolette</p> <ul style="list-style-type: none"> • Families change • Parenting after separation • Guided pathways • Approach on civil forms <p>3. Legal Services Society, Sherry McLennan</p> <ul style="list-style-type: none"> • Family law website • MyLaw BC 	
Presentation – Dan VanderSluis, FJSD	<p>Services in Family Justice Centres and JACs</p> <ul style="list-style-type: none"> • Early needs assessment • Programs and services • Virtual JAC and technology initiatives • Services linked to court processes 	Presentation will be posted on the Sharepoint site.

Action items

1. Possible policy paper topics – an updated version of this has been posted in the Sharepoint Shared Documents folder, reflecting the topics we decided on for the December and January meetings. Please consider which policy papers should be discussed at the February and subsequent meetings.
2. Policy papers for the December meeting will be posted to the Sharepoint Policy Papers folder by November 19th. Please review and be prepared to discuss.
3. Presentations from the October meeting will be posted in the Sharepoint Presentations folder.

In attendance:

Judge Takahashi
Ms. Nancy Carter
Judge Wingham
Judge Raven

Judge Shaw
Ms. Nancy Merrill
Ms. Cathie Heinrichs
Ms. Rosanna Slipperjack-Farrell

Ms. Ram Sidhu
Mr. Darryl Hrenyk
Ms. Shannan Knutson
Ms. Wendy Harrison

Agenda/Discussion Item	Comments	Decision
Approval of record of discussion of Oct.14, 2014	Record approved without change	
WG meeting dates	January 8th was confirmed as the next meeting date. The February meeting is tentatively set for the 19 th . However, there will be an exploration about whether there is a day available earlier (i.e. the first week of February) as several people are unavailable the 19 th .	
Policy paper topics	Members of the WG were invited to participate in drafting policy papers and encouraged to let Nancy Carter know if they would like to volunteer for a particular topic. At the meeting the following people volunteered: Judge Raven – Less adversarial trials Judge Takahashi – Information required for decision – affidavits/forms/etc.	Policy papers to be distributed before Christmas for discussion at the meeting on Jan. 8: Initiating a claim; Case co-ordination; Dispute resolution within the court process
Report out on user experience research by Jodi Roach, Senior Policy Analyst, CPLO	Jodi Roach presented on the <i>User Experience Research Report</i> (posted on the SharePoint site). The following questions/comments were raised during the discussion. s.13	

	s.13	
Court Administration Transformation presentation by Kevin Jardine, ADM, Court Services Branch	<p>Justice Digital Transformation: Practical Reform through Better Services. Kevin Jardine s.13</p> <p>s.13 as well CSB's new Service Excellence research project to review and modernize how court administration staff serve citizens and support the sector. The following questions were discussed:</p> <p>s.13</p>	

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Page 010

Withheld pursuant to/removed as

s.13

s.13

ACTION ITEMS

1. Post Kevin Jardine's presentation on SharePoint site
2. Finalize February meeting date

In attendance:

Judge Takahashi
Ms. Nancy Carter
Judge Wingham

Judge Raven
Ms. Cathie Heinrichs
Ms. Wendy Harrison

Ms. Ram Sidhu
Mr. Darryl Hrenyk
Ms. Shannan Knutson

Absent: Judge Shaw

Ms. Rosanna Slipperjack-Farrell

Ms. Nancy Merrill

Agenda/Discussion Item	Comments	Decision
Approval of Agenda		Agenda approved without change
Approval of record of discussion of Dec.3, 2014		Record approved without change
Distribution of User research report	s.13	A brief (1-2 page) summary that captures key themes but respects the confidential nature of individual comments will be prepared by CPLO for use in discussion with court user and other similar groups.
Update on the status of the Working Group	A question was raised as to whether an update on the status of the Working Group and the project may be prepared for the purpose of reporting out to such organizations as LSS and the CBA.	The co-chairs will canvas this with the Steering Committee.
Update on discussion with focus group on assessment and collaborative DR – Nancy Carter	s.13 s.13 Participants: Ram Sidhu, Nancy Cameron, Heidi Mason, Dan VanderSluis, Kari Boyle, Ayne Meiklem, Wayne Plenert, Carole McKnight, Eugene Raponi, Carol Hickman, Mary Mouat, Jerry McHale, Jennifer Muller, Nancy Carter. s.13 s.13	

s.13		
Upcoming WG meeting dates	Members of this group may be available to present at the February meeting. February 2, 2015 - confirmed March 2015 - no meeting scheduled April 16 2015 - confirmed	
Proposed agenda for February 2	Discussed proposed agenda items: - review a document to be prepared by CPLO outlining the general policy decisions made by the WG to date regarding pre-court processes and will create "straw dog" models based on those recommendations for WG review and comment - presentation on assessment screening and power imbalances - review process maps setting out policy directions discussed thus far May also see whether Chief Judge Crabtree and Associate Chief Judge Phillips are available to discuss the current scheduling program and adaptations that may be available to facilitate such things as judges doing pre-trial conferences.	Agreed with proposal
Policy papers for meetings <u>after</u> February 2.	Given the decision to not discuss new policy topics at the WG's February meeting, CPLO will review the table of possible policy papers and adjust paper due dates for consideration of the WG at the next meeting. The revised table will be distributed with the Record of Discussion. Less adversarial trials – Judge Raven is preparing this paper and s.13 s.13	CPLO will provide research support to other members of the working group who have volunteered to prepare policy papers. Small claims processes and accompanying rules should be available when we discuss fast track processes.

	s.13 Judge Takahashi has volunteered to prepare a paper on information required for decision (affidavits / forms / etcetera).	
Working group meetings by video conference	Due to weather conditions and flight cancellations, participants attended today's meeting using video conferencing technology in Victoria and Vancouver. At the end of the meeting, the group agreed the technology had worked better than expected, and we will keep this in mind as we plan future meetings. Cathie Heinrichs is unable to attend in person for the Feb.2 meeting – CPLO will explore whether video facilities are available for her.	

s.13

s.13

Discussion on Policy Paper – Case Management
Should rules mandate some form of case management?

- s.13

-

s.13

Discussion on Policy Paper – CDR within the Court Process
Should CDR within the court process be a feature of the new rules?

s.13

s.13

Should the CDR process be available for all types of issues?

s.13

Other:

The group was canvassed for feedback on the process to date and whether any adjustments to how the meetings are conducted were needed. The working group generally felt the process was working well and a good foundation was being developed for the construction of the rules.

Action items

1. Prepare user research report summary
2. Explore videoconference facilities for Cathie Heinrichs for February meeting
3. The table of upcoming agendas will be updated to reflect the reframing of the February agenda.
4. Judge Takahashi is approaching the chief Judge and ACJ Phillips about attending to speak to the issues of trial preparation.
5. CPLO will follow up to determine what CDR training is presently available to /required of provincial court judges.

Dan VanderSluis, Executive
Director, FJSD and Jan
Fontaine, Regional
Manager, FJSD

- Involvement of children in mediation

Discussion of Rule 5: Introduced in 1998, now in Surrey, Vancouver, Nanaimo, Kelowna. Applicants and respondents are required to meet with an FJC before appearing before a judge; there is some practice of trying to use a notice of motion to bypass this requirement although some registries guard against this. After meeting with Party 1 (P1) the FJC makes three attempts to try and engage P2 (2 phone calls and then a letter). The FJC does a full assessment with each party, exploring what out of court options exist to resolve issues. The FJC provides Form 6 to the client, signing the top portion. The party is responsible to indicate to the court what the outcomes were and file the form. The registry will set a court date if a completed Form 6 plus the PAS certificate from at least 1 party is filed. Registry doesn't wait for confirmation both meetings have occurred as that causes delay for the applicant. s.13

s.13

Assessment Tool: In keeping with a family law working group recommendation for a formal assessment process, FJSD set out to develop a practical form to screen for family violence, level of conflict, substance abuse, mental health child protection, and debt problems. The form would support a multi-disciplinary response to people's family law and related problems, reaching people early before they were settled into a litigation process.

The working group was briefed on the work leading up to the development of the assessment tool and its testing. The group was briefed on the assessment tool and how it is used. Although they do not report out on the number of clients that are screened out of mediation due to family violence or other factors (e.g. capacity issues), in Rule 5 sites FJCS stamp Form 6 with "Mediation Not Appropriate".

s.13

Assessment by distance – FJSD has done some work in this area. Specific training is needed and the assessment interviews tend to be shorter in length. There are certain things to be aware of in the absence of visual cues, however if CDR is also by distance there is a lower level of risk in some cases because the parties are not in the same location together. s.13

s.13

	<p>s.13</p> <p>Rule 20 FJS Confirmation of Mediation - Prior to amendments to Rule 20 earlier this year, there was some "churn" as more parties were being ordered to meet with an FJC pursuant to the FLA. s.13</p> <p>s.13</p> <p>FJCs now use a Confirmation of Mediation form to indicate whether issues were resolved (no details are provided), or whether a mediation did not proceed because it was not appropriate, was outside FJC scope of service, or determination of appropriateness could not be made (perhaps because one party did not attend).</p>
Discussion of Background Paper and Process Map Stages 1 and 2 – Initiating a claim and assessment	<p>Initiating document: s.13</p> <p>s.13</p>

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Withheld pursuant to/removed as

s.13

Discussion of background s.13
paper and process map
Stages 3 and 4 –
Information and Settlement
Readiness and CDR

s.13

Summary of decisions

Discussion of background
paper and process map
Stage 5- Case Management

There was insufficient time to discuss this agenda
item.

Item will be discussed at the
April 16th meeting.

Action items

1. Research available statistics on the number of cases that are diverted from court or proceed to court on narrower issues after completing CDR.
2. Investigate whether there are any videos or opportunities for a guest speaker (via tele/video conference) to describe detailed mandatory assessment/CDR processes in other jurisdictions.

In attendance:

Judge Takahashi
Judge Shaw
Judge Raven

Ms. Wendy Harrison
Ms. Cathie Heinrichs
Rosanna Slipperjack-Farrell

Ms. Ram Sidhu
Mr. Darryl Hrenyk

Absent: Ms. Nancy Carter , Judge Wingham

Guests: Associate Chief Judge Nancy Phillips, Carol Hickman

Agenda/Discussion Item	Comments	Decision
Approval of Agenda		Agenda approved, with changes to the timing Ms. Hickman's and Judge Phillips presentations.
Approval of record of discussion of Feb. 2, 2015		Record approved without change
Presentation by Carol Hickman, Q.C. on private practice in family mediation, family arbitration and collaborative family law.	s.13	

s.13

Presentation by Associate
Chief Judge Nancy Phillips
on the Provincial Court
Scheduling Project

s.13

Discussion - Case
Management

s.13

Discussion – First
Appearances

s.13

Discussion – Expedited
processes for urgent and
special matters

s.13

Policy issues:

1. *Urgent and ex parte applications.
Is an interim order an effective way to deal with
urgent orders? Is the current situation a problem?*

s.13

*What about ex parte orders being made based on
Affidavit evidence? Could a desk order be used?*

s.13

s.13

s.13

Should ex parte orders be part of case management?

s.13

2. *Would protection orders benefit from a separate process to obtain them?*

s.13

3. *If the case management model we have been discussing is adopted, should case managers make interim child support orders?*

s.13

Discussion – s.51
Applications for
Guardianship

s.13

Report back on March 26
Steering Committee –
Judge Takahashi

Judge Takahashi reported back on the Steering Committee's response to the two questions that had been posed by the Working Group at the March 26th meeting:
s.13

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Ms. Nancy Carter

Ms. Ram Sidhu
Ms. Cathie Heinrichs
Ms. Rosanna Slipperjack-Farrell

Ms. Shannan Knutson
Mr. Darryl Hrenyk
Ms. Nancy Merrill

Absent: Judge Rose Raven, Judge James Wingham, Ms. Wendy Harrison

Agenda/Discussion Item	Comments	Decision
Approval of Agenda		
Approval of record of discussion of April 16, 2015		The header on the document will be corrected to ready "Meeting #6". s.13 s.13
Updates from Working Group members	s.13	
Discussion – Expedited Trials		

s.13

Discussion – Trial
Processes

Discovery
s.13

s.13

Witnesses

s.13

Expert evidence

s.13

Question:	s.13	
Wrap up and review of upcoming policy papers	<p>The working group raised the following as potential additional topics:</p> <ul style="list-style-type: none">• Variation applications and cancellation of arrears• Appearing back before a judge to settle the terms of an order or otherwise clarify matters• Costs and expenses• Sanctions – what processes/forms do we need to embody the sanctions permitted in the FLA? <p>What rules might bolster these legislative provisions?</p>	

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven
Judge James Wingham

Ms. Ram Sidhu
Ms. Cathie Heinrichs
Ms. Rosanna Slipperjack-Farrell
Ms. Wendy Harrison

Ms. Shannan Knutson
Mr. Darryl Hrenyk
Ms. Nancy Merrill
Ms. Nancy Carter

Guests: Mr. Chris Beresford, Executive Director, MELS
Ms. Colleen Shaw, Senior Policy Analyst, MELS

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved, with the addition of an update by Meg on the sample forms/checklists already being used for pre-trial and trial management conferences.	
Approval of record of discussion for May 14, 2015 and revisions to April 16, 2015 ROD	May 14 ROD approved. April 16 ROD requires a further correction about the s.13	
Updates from Working Group members	s.13	
Discussion – Joinder of Proceedings		

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Withheld pursuant to/removed as

s.13

s.13

Discussion – LAT
Processes

s.13

Discussion: Child Support s.13
Establishment,
Recalculation and
Enforcement

s.13

Post – presentation
Discussion: Child Support
Establishment,
Recalculation and
Enforcement

s.13

Wrap up and review of
upcoming policy papers

August meeting – as 3 people are unavailable on Aug. 6, we will try to find an alternative date, otherwise the meeting will not go ahead.
Cathie will be away in September and October.
There will be a request to release judges for 2016 meeting dates. Will try to schedule the May meeting mid-month.
Resources to watch for: 1) Justice Gray – developing a list of questions to be asked at trial; 2) Kit on self-representing in court is being developed
The sample forms/checklists used in conferences will be reviewed at next meeting.

Possible policy topics:
Adjournment process
ISOA Process – Ex juris service versus ISOA
On/off the record for counsel
Information sharing issues
Appointing an amicus curiae to cross examine.
Appearing before a judge to settle an order
Sanctions, costs and expenses

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven
Judge James Wingham

Ms. Ram Sidhu
Ms. Cathie Heinrichs
Ms. Nancy Merrill
Ms. Wendy Harrison

Ms. Shannan Knutson
Mr. Darryl Hrenyk
Ms. Nancy Carter

Regrets: Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of record of discussion for June 25, 2015 and revisions to April 16, 2015 ROD	Approved subject to correction of two typographical errors in the June ROD.	
Updates from Working Group members	<ul style="list-style-type: none"> A guide to assist SRLs in preparing for a family court trial in Provincial Court has been posted on the PC website. To access the guide see Sharepoint Key reports or go to http://www.provincialcourt.bc.ca/downloads/pdf/Guide%20to%20preparing%20for%20a%20family%20court%20trial%20in%20Provincial%20Court.pdf Judicial Survey – the Chief Judge has suggested September may be a good time to distribute this to the judges, and advised someone in his office would be available to receive responses. <p>s.13</p> <ul style="list-style-type: none"> CPLO will distribute the materials on Family Solutions Court from the UK to the group and post on Sharepoint. (Done) WG members may send other relevant information to CPLO to distribute. <p>s.13</p>	
Follow up Discussion Paper - Information sharing		

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Withheld pursuant to/removed as

s.13

s.13

Follow up Discussion
Paper - Role of the
Case Manager

s.13

Viewing of Less
Adversarial Trial
video from Australia

s.13

Sample checklists
[3 examples of
"Application for an
order brought
without notice to the
respondent (ex
parte), including one
from Cranbrook and
the Surrey "green"
form]

	s.13	
Policy topics	<ul style="list-style-type: none"> • Sanctions (to be discussed in September) – does the FLA speak sufficiently to this in conduct orders or should there be more set out in the rules? Some of the specific issues are: <ul style="list-style-type: none"> ○ How can expenses be applied for against the other party? This should be discussed using a “straw dog”. ○ Rules to deal with vexatious litigants. ○ Cross-examination of a party by another party who is abusive or whose behaviour is prolonging the process. s.13 s.13 What tools might help the court deal with cases where cross examination is inappropriate or where a party is unable/incapable of effective self-representation due to mental health or some other reason? How might a “McKenzie friend” be used? ○ Cross examination in cases involving a victim of violence who may need an amicus. • Role of the registry – ADM for Court Services Branch to return to discuss this • Participation of children and s.211 reports – on September agenda. • ISO processes - s.13 s.13 • There are no prescribed forms in the family rules to deal with use of warrants in the family court. If a party comes before a judge under an unendorsed warrant, they must be released. 	
Wrap-up	Next steps: After the September meeting, a Recommendations paper will be drafted, setting out the policy directions being recommended by the WG based on the policy discussions. The Recommendations paper will offer an opportunity to check in with the SC on the proposed policy directions, and set out a plan for moving forward. Once that paper is ready, we will need to discuss how consultation will proceed, a topic that the WG will be	

	<p>asked to provide input on.</p> <p>November meeting – as several member are unavailable, we will canvass for an alternate date to the October 29 meeting. (Cathie is available as of Nov. 6.)</p> <p>It was suggested that Donna Martinson and/or Suzanne Williams attend the September meeting to speak about children's participation. CPLO will inquire whether they are available.</p> <p>Proposed agenda for September meeting: Participation of children including s.211 reports Sanctions paper Proposed list of Case Manager responsibilities</p>
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In attendance:

Judge Meg Shaw

Judge Rose Raven

Judge James Wingham

Ms. Nancy Carter

Mr. Darryl Hrenyk

Ms. Shannan Knutson

Ms. Ram Sidhu

Mr. Jess Gunnarson

Regrets: Judge Mark Takahashi, Ms. Cathie Heinrichs, Ms. Nancy Merrill, Ms. Rosanna Slipperjack-Farrell

Guests: Mr. Dan VanderSluis, Provincial Executive Director, FJSD, Ms. Paula Lavery, Regional Director, FJSD
Ms. Suzanne Williams, Lawyer, Brown Henderson Melbye

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	ROD for August 12, 2015 approved upon insertion of "often" and "form" on page 5. Comments arising upon reflection after the August 12 th meeting: s.13	
Panel discussion with Suzanne Williams	s.13	

s.13		
Follow-up: distribute the 2006 report, Meaningful Child Participation in BC Family Court Processes. Done, posted in Sharepoint Key Reports folder.		
Policy Papers: Children's Participation	<ul style="list-style-type: none">• S.211 reports – s.13 s.13	

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Withheld pursuant to/removed as

s.13

	<p>s.13</p> <ul style="list-style-type: none">• Hear the Child reports s.13 s.13• Judicial interviews – s.13 s.13• Child advocacy s.13 s.13	
Policy Paper – Rules to address abuse of court procedures and sanctions	s.13	

s.13

Role of Case
Manager – draft
table of
responsibilities

	<p>s.13</p> <p>Procedural orders s.13</p> <p>Urgent and PO applications s.13</p>	
Wrap-up	<p>Next steps: Following the September meeting, a Recommendations paper will be drafted, setting out the policy directions being recommended by the WG based on the policy discussions. The Recommendations paper will offer an opportunity to check in with the Steering Committee on the proposed policy directions, and set out a plan for moving forward. Once that paper is ready, we will need to discuss how consultation will proceed, a topic that the WG will be asked to provide input on. The Recommendations paper will be drafted in parts, with the first part to be reviewed at the November WG Meeting.</p> <p>Next Meeting: Thursday November 19th, from 10:00 – 3:30 in the Judicial Court Boardroom</p> <p>Proposed Agenda items:</p> <ul style="list-style-type: none"> ○ Presentation by the Honourable Donna Martinson on children's participation and information sharing in family violence cases. ○ Discussion of draft policy recommendations paper – part 1. 	

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven

Ms. Nancy Carter
Mr. Darryl Hrenyk
Mr. Jess Gunnarson

Ms. Cathie Heinrichs
Ms. Ram Sidhu
Ms. Nancy Merrill

Judge James Wingham
Farrell

Ms. Shannan Knutson

Ms. Rosanna Slipperjack-

Guests: The Honourable Donna Martinson, Q.C.
Mr. Kevin Conn, Director, Court Innovation, Court Services Branch, Ministry of Justice

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Record of Discussion for September 17 th 2015 approved.	
Presentation on Children's Participation & Info sharing between multiple court proceedings, the Honourable Donna Martinson, Q.C.	<p>Children's Participation Honourable Martinson's research is informed by the recommendations from NAC: s.13</p> <p>s.13</p>	

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Withheld pursuant to/removed as

s.13

s.13

Presentation on
Court Services
Branch Initiatives,
Kevin Conn, Director
of Court Innovation

s.13

Reviewed 3 initiatives. Kevin's Powerpoint presentation is saved in our Sharepoint site, Presentation Material library.

Debrief on morning
presentations

s.13

Report out on
exploratory group

Review of Policy
Recommendations
Paper – 1st
installment

	s.13
Wrap-up	<p>Next steps:</p> <p>Next Meeting: Thursday December 10th, from 10:00 – 3:30.</p> <p>The meeting will continue the discussion of the policy recommendation paper installment</p> <p>1. The focus of the discussion will be on clarifying and reaching agreement on the recommendations put forward in the paper. Comments about specific wording or otherwise editorial in nature should be made in writing (using track changes on the document) and forwarded to Darryl and Shannan.</p>

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven
Judge James Wingham

Ms. Nancy Carter
Mr. Darryl Hrenyk
Mr. Jess Gunnarson
Ms. Shannan Knutson

Ms. Cathie Heinrichs
Ms. Ram Sidhu
Ms. Nancy Merrill

Regrets: Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Record of Discussion for November 17 2015 approved.	
Continuation of Review of Policy Recommendations Paper – 1st installment	<p>The Working Group resumed its review of the first installment of the policy recommendations paper, supported by the four case scenarios that depict the process flow in cases involving applications for parenting arrangements and support, protection orders and urgent applications. The following comments were made during the discussion:</p> <p>s.13,s.14</p>	

Page 061

Withheld pursuant to/removed as

s.13

Page 062

Withheld pursuant to/removed as

s.13

s.13	
Wrap-up	<p>Next steps: finish review of Policy Recommendations Paper - Installment 1, begin review of Installment 2.</p> <p>Please check the proposed meeting schedule for 2016 and confirm your availability with Nancy Carter.</p> <p>Next Meeting: January 21, 2016</p>

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge James Wingham
Ms. Rosanna Slipperjack-Farrell

Ms. Nancy Carter
Mr. Darryl Hrenyk
Mr. Jess Gunnarson

Ms. Cathie Heinrichs
Ms. Ram Sidhu
Ms. Shannan Knutson

Regrets: Judge Rose Raven, Ms. Nancy Merrill

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Record of discussion for December 10 th meeting approved, subject to correcting a typo (remove "over").	
Updates from Working Group members	s.13,s.14	

Continuation of
Review of Policy
Recommendations
Paper – 2nd
installment

s.13,s.14

s.13

Wrap-up

Next Meeting: March 3, 2016

Proposed agenda items:

- Determine what recommendations to include in the "Involvement of Children in the Court Process" section of the Policy Recommendations Paper. s. 13
- Review outstanding sections of the Policy Recommendations Paper (mini-trials, less adversarial trial, joinder of proceedings, abuse of court process, sanctions).
- Review updated project timeline

Note: Jim is unable to attend the March meeting, and Ram will confirm her availability closer to the meeting.

Any additional comments on those sections of the Policy Recommendations Paper that have already been reviewed should be emailed to Shannan and Darryl.

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven

Ms. Nancy Carter
Mr. Darryl Hrenyk
Ms. Shannan Knutson

Ms. Cathie Heinrichs
Ms. Lisa Hamilton
Mr. Jess Gunnarson

Regrets: Judge James Wingham, Ms. Ram Sidhu, Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Introduction of new WG member	Introduced Ms. Lisa Hamilton, lawyer and benchler, nominated by Law Society of BC, to replace Ms. Nancy Merrill.	
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	The following changes to the Record of discussion for January 21 st meeting will be made: s.13	
Updates from Working Group members	s.13	

s.13

Presentation on
Family Justice Report
Service – Family
Justice Services
Division
Dan Vandersluis,
Executive Director,
Patricia Elliott,
Program/Policy
Analyst
Paula Lavery,
Regional Manager

s.13

**Continuation of
Review of Policy
Recommendations
Paper – 2nd
installment**

The Working Group reviewed the edits made to Chapter 1 of the policy recommendations paper and reviewed Chapter 2 of the paper, up to section 2.6 Mini Trials. The following comments were made during the discussion:

s.13

Chapter 2

- Involvement of Children in the Court Process - s.13

s.13

	<ul style="list-style-type: none">• Interim / non-urgent Notice of Motion applications – s.13 s.13• Trial processes - s.13 s.13
Wrap-up	<p>Next Meeting: April 14, 2016</p> <p>Email/fax any additional comments on the policy recommendations paper to Darryl or Shannan by March 14. The paper will be revised and circulated again. A final version of the paper will be presented at the Steering Committee meeting in May.</p> <p>Proposed agenda items:</p> <ul style="list-style-type: none">- Final review of the policy recommendations paper- Engagement strategy <p>Future meeting dates – dates for the next year will need to be selected to reserve the dates in people's calendars, even if we choose to use phone/video for some of the meetings. GoToMeeting and on-screen editing are an option for WG meetings when we reach the drafting stage.</p>

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven
Judge James Wingham

Ms. Nancy Carter
Mr. Darryl Hrenyk
Ms. Shannan Knutson
Ms. Rosanna Slipperjack-Farrell

Ms. Cathie Heinrichs
Ms. Lisa Hamilton
Mr. Jess Gunnarson
Ms. Ram Sidhu

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	The following changes to the Record of discussion for the March 3, 2016 meeting will be made: s.13	
Updates from Working Group members	Rosanna provided updates on the LSS mediation referral pilot and her discussion with the FJSD local manager in Prince George and Terrace about dispute resolution services in the north. Rosanna will provide a list of people/organizations to consider when we begin the consultation phase.	
Consultation and Engagement Strategy	Cathie provided a description of the Early Neutral Consultation training. s.13	
Continuation of Review of Policy Recommendations Paper	The Working Group completed the review of the Policy Recommendations paper. The following comments will be addressed within the paper; it will be finalized and submitted to the Steering Committee. s.13	

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Withheld pursuant to/removed as

s.13

	s.13
Wrap-up	<p>Next Meeting: June 8, 2016</p> <ul style="list-style-type: none">• Reviewed people's potential availability for upcoming meeting dates. Cathie may only be available by phone in June. The proposed September dates are at the same time as the judges' conference.• Will further explore options for online meeting tools that have screen sharing capabilities. Not sure whether judges have access to Skype and Ram cannot use it. Legislative counsel may be able to suggest an option.• Comments on the Engagement and Consultation Strategy should be returned by next Friday 22nd, as well as any last comments on the policy paper). Also inviting WG to supply a list of organizations/contacts we may consider for future consultation purposes.

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven

Ms. Nancy Carter
Mr. Darryl Hrenyk
Ms. Shannan Knutson

Ms. Ram Sidhu
Ms. Lisa Hamilton

Regrets: Judge James Wingham, Ms. Rosanna Slipperjack-Farrell

Early departure: Mr. Jess Gunnarson, Ms. Cathie Heinrichs

Guests: Mr. Dan VanderSluis & Ms. Patricia Elliott, Family Justice Services Division

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved.	
Updates from Working Group members	<p>Nancy and Mark provided an update on the May 2016 Steering Committee meeting. The Policy Recommendations paper was approved by the Steering Committee. The consultation and engagement strategy was also approved, subject to the following conditions: the Law Society of BC is to be included as a stakeholder organization; consistent messaging is needed and the DAG and Chief Judge want to take an active role in consultation; the Chief Judge would like to engage the judiciary before other presentations occur, perhaps by webinar and a subsequent presentation at a judicial conference. A 20 slide presentation has been prepared and is being approved (35-40 minutes to present); will likely be a Steering Committee meeting for final approval and clarification around timing of presentations.</p> <p>Lisa reported she received a call asking about unified family court. Nancy advised the mandate letter for the federal Dept. of Justice (DOJ) contained 1 line referencing unified family court and DOJ has been canvassing interest of the provinces/territories. While BC is interested in a discussing a unified court, in the past these conversations have raised issues of partial implementation and clawing back federal funding for programs/services. A unified court would be a huge project and at this point there has only been very brief and early discussion. Our rules reform project will proceed; if work were to proceed with a unified court the rules reform work would serve as a foundation.</p> <p>Upcoming dates: CBA council meeting in September (Cathie will provide exact dates), Law Foundation Advocates Conference October 18-20.</p>	
Drafting Instructions	<p>Outcomes of the discussion are reflected in the revised drafting instructions. During the June 8th meeting the WG discussed the following:</p> <ul style="list-style-type: none"> • Service of the Notice to resolve a family matter - s.13 s.13 • Urgent proceedings - s.13 s.13 • Exceptions to pre-court process requirements - s.13 s.13 	

s.13	
Less Adversarial Trial Process	Reviewed the summary description of Australia's LAT process and discussed which elements of that model might be adapted to a pilot with the BC provincial family court. s.13
Online PAS (OPAS) Evaluation	Presentation by Mr. Dan VanderSluis & Ms. Patricia Elliott, Family Justice Services Division s.13

	s.13
Wrap-up	<p>Next Meeting: August 18, 2016</p> <ul style="list-style-type: none">• Upcoming meetings: Ram and Nancy are away for the August meeting. We are trying to confirm judges' schedules for Fall meetings. Agreed that the August and September meetings will be in person and we will consider whether WebEx is an option for subsequent meetings as would permit the draft rules to be viewed online.• Before the August meeting, an updated version of the drafting instructions will be distributed. Please email any comments to Darryl and Shannan and we will try to amalgamate these before the meeting.

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven

Judge James Wingham
Ms. Lisa Hamilton
Ms. Shannan Knutson

Mr. Jess Gunnarson
Ms. Cathie Heinrichs

Regrets: Ms. Nancy Carter, Ms. Ram Sidhu, Mr. Darryl Hrenyk, Ms. Rosanna Slipperjack-Farrell

Guests: Ms. Jodi Roach, Justice Services Branch

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved.	
Updates from Working Group members	s.13	
Process Map – Review of 3 scenarios	<p>3 scenarios were illustrated using the Process Map:</p> <ol style="list-style-type: none"> Both parties compliant with pre-court process, outstanding issue requiring adjudication. Party 2 non-compliant with pre-court process Application for without notice protection order <p>The discussion was an opportunity to walk through the scenarios from the point that Party 1 sought resolution of a family law issue right through the adjudication process. s.13</p> <p>s.13</p>	
Discussion Document: Less Adversarial Trial – BC Pilot	<p>Reviewed the Discussion Document that was circulated to facilitate a WG discussion on what a LAT may look like if implemented as a pilot after the new rules are introduced.</p> <ul style="list-style-type: none"> s.13 	

s.13

Drafting Instructions	Outcomes of the discussion are reflected in the revised drafting instructions. During the August 18 th meeting the WG discussed the following issues: s.13,s.14
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Wrap-up	Next Meetings: September 27, 2016 in person
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	<p>November 1, 2016 December 12, 2016</p> <p>Shannan will schedule a 15 minute Webex call for 12:45 on around September 15 to test whether all members of the group are able to participate in a Webex video call from their desks. We will then determine whether meetings after September 27 will be in person or by video.</p>
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In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven

Judge James Wingham
Ms. Nancy Carter
Ms. Shannan Knutson

Ms. Ram Sidhu
Ms. Cathie Heinrichs
Mr. Darryl Hrenyk

Early departure: Ms. Rosanna Slipperjack-Farrell, Ms. Shannan Knutson

Regrets: Ms. Lisa Hamilton, Mr. Jess Gunnarson

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved.	
Updates from Working Group members	<p>Update on contracted service of Protection Orders made when the respondent is not present in court: s.13</p> <p>s.13</p> <p>Chief Judge's webinar on the Provincial Court Family Rules project to Provincial Court judges – a 30 minute presentation plus questions is scheduled for Monday October 3. The presentation will be framed as an update on the key concepts that have been developed, explaining that next steps include drafting and work on the business case. At this point in the project, a conceptual framework is ready for presentation to the judiciary and then to other stakeholders; to initiate a dialogue with the understanding that there will be further consultation once more detailed draft language is available. There will be a presentation by Nancy, Ram and Shannan at the Advocates Conference in October. It was suggested that a presentation at CBA meeting in December might also be useful – Nancy and Cathie will discuss further. s.13</p> <p>s.13</p>	
Impact of pre-court process on limitation periods	s.13,s.14	
Discussion of the Role of the Family	Reviewed the document distributed prior to the meeting, presenting a mock-up of the FCM role and responsibilities. The following points were discussed:	

Case Manager (FCM) s.13

	s.13
Wrap-up	next meetings: November 1, 2016 - will be by webex, with a room booked in vancouver for those wishing to attend at a group location rather than from their office.

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Rose Raven
Ms. Lisa Hamilton

Judge James Wingham
Ms. Nancy Carter
Ms. Shannan Knutson
Ms. Rosanna Slipperjack-Farrell

Ms. Ram Sidhu
Ms. Cathie Heinrichs
Mr. Jess Gunnarson

Guest: Ms. Jodi Roach

Early departure: Ms. Shannan Knutson

Regrets: Mr. Darryl Hrenyk

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved.	
Updates from Working Group members	<p>Nancy Carter and Judge Meg Shaw updated the group on the webinar presentation to the judiciary. There were lots of questions, but it seemed well received.</p> <p>Nancy Carter and Ram Sidhu updated the group on the presentation to the Advocates Conference. There was some concern expressed regarding mediation and assessment. Particularly, who would assess (qualifications), what lens would be applied, and which tool would be used.</p> <p>Regarding on going engagement, Cathie Heinrichs advised that the next CBA family section meeting is January 17th.</p> <p>Lisa Hamilton and Nancy Carter will connect offline to discuss engaging the high conflict parenting coordinators and mediators group.</p>	
Family Case Manager	<p>Shannan Knutson reported out on a call with the Triage Coordinator in Saint John New Brunswick.</p> <p>The group discussed the role of the Family Case Manager.</p>	

s.13

	<p>s.13</p> <p>The group wondered if more consultation on the model was required. [Note: once decisions are made on key concepts then broader consultations are planned].</p> <p>Further information that would be helpful includes:</p> <ul style="list-style-type: none">• Info on JJPs in Provincial Court Criminal matters• Actual time to interim orders [Note: Jesse checked with CSB and those stats could be pulled, but are not readily available]
Wrap-up	<p>Next Meetings: December 18, 2016 - will be by WebEx, with a room booked in Vancouver for those wishing to attend at a group location rather than from their office.</p> <p>Judge Meg Shaw advised she will be unable to attend the January 26th meeting.</p> <p>CPLO is to provide a paper outlining the family master role as decided today.</p>

In attendance (Using Webex):

Judge Mark Takahashi
Judge Meg Shaw
Mr. Jess Gunnarson

Judge James Wingham
Ms. Cathie Heinrichs
Mr. Darryl Hrenyk

Ms. Lisa Hamilton
Judge Rose Raven

Regrets: Ms. Ram Sidhu
Ms. Nancy Carter

Ms. Rosanna Slipperjack-Farrell

Ms. Shannan Knutson

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved.	
Updates from Working Group members	<p>Judge Raven updated the group about a presentation she attended given by Judge Len Marchand on the compensation hearings set up as part of the Indian Residential School Settlement Agreement. He presented in part on how the process used in those hearings were adapted to ensure effective participation by the First Nations victims. This included the use by adjudicators of an inquisitorial model of adjudication. Consideration of the processes used in those hearings may be helpful to the Working Group. The Working Group agreed that hearing from Judge Marchand would be helpful and, after a short discussion, decided to identify a future Working Group meeting to discuss how best to bring a First Nations 'lens' to the development of the Rules. Judge Marchand could be issued an invitation to speak at that meeting. The future Working Group meeting could also include consideration of the Truth and Reconciliation Commissions Calls to Action and the recommendations of the Final Report of Special Advisor Grand Chief Ed John.</p> <p>Judge Shaw updated the group on the presentation that she and Nancy Carter gave to A2JBC on November 23. She reported that the meeting was well attended and included Chief Justice Bauman and Chief Justice Hinkson as well as former Mr. Justice Cromwell. She also reported that the presentation was well received.</p> <p>Darryl Hrenyk undated the working group on discussions that Shannan Knutson had with Judge Hackett (former Master) from Saint John, New Brunswick. Judge Hackett has agreed to attend the Working Group's meeting on January 26 by phone or video.</p>	
Family Master Model paper	The group reviewed the Family Master Model paper and discussed whether it represented the current thinking of the Working Group about how the role might function. The Working Group agreed that, for the most part, the paper was representative. However, a couple items generated discussion.	

s.13

s.13

Draft Drafting
Instructions

The Working Group spent the afternoon working through the Adjudication Process sections of the Draft Drafting Instructions document. The following concerns were raised and discussed.

Initiating hearing/appearance:

- s.13

•

•

Settlement conferences:

- s.13

Trial Preparation conferences:

- s.13

	<p><u>Joinder of Proceedings:</u></p> <ul style="list-style-type: none">• s.13 <p>The Working Group was not able to review the entire document but agreed that a revised version could be created using the assumptions noted related to current Rules that will likely be carried forward into the new Rules.</p> <p>Darryl Hrenyk committed to distributing a draft "Final Drafting Instructions" document for review in January.</p>
Wrap-up	<p>Next Meeting: January 26, 2017. The meeting may be held using Webex.</p> <p>CPLO is to provide a Final Drafting Instructions paper that includes the amendments suggested today.</p>

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Mr. Jess Gunnarson

Judge James Wingham
Judge Rose Raven
Mr. Darryl Hrenyk

Ms. Lisa Hamilton
Ms. Shannan Knutson
Ms. Ram Sidhu

Regrets: Ms. Rosanna Slipperjack-Farrell

Early departure: Ms. Nancy Carter

Guests: Justice Deborah Hackett (New Brunswick), Associate Chief Judge Susan Wishart, Caroline Berkey

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved – subject to correction of a date (January 26) and replacing “presumed” with “mandatory” in reference to trial preparation conferences.	
Updates from Working Group members	<ul style="list-style-type: none"> Update on service of protection orders – all protection orders made when the respondent is not present in court are now being served by contracted process servers, unless otherwise ordered by the court. There is an evaluation framework in place to evaluate number of orders being served and whether the initiative is meeting its objectives. Congratulations offered to Judge Heinrichs. No CBA replacement has yet been named. Nancy and Lisa are planning to present to the LSBC Benchers on Friday and to the CBABC Family Sub-section chairs on Saturday. 	
Saint John Case Management Master- Madam Justice Deborah Hackett (Slides distributed)	<ul style="list-style-type: none"> The St. John family case management model began as a pilot in 2010, was evaluated in 2012 and is now a regular part of the family court rules pursuant to Rule 81. Rule 81 is a stand-alone rule establishing the process and authority of the family case management master. Justice Hackett commented that the rule was drafted in a short time frame and not all aspects of it work well; it is being revised to align better with current practice. The model was implemented as part of a suite of reforms which included a Family Law Information Centre that provides legal information and up to 2 hours of advice from a family lawyer, who attends the initial appearance before the master if a party is self-represented. There was initially a voluntary family mediation program, but it was quicker to resolve matters before the master and there was low uptake; the service is not currently available. Under the rule, any new applications are set for a first hearing before the master 60 days after the application is filed. On that day, parties watch a parenting after separation video. The master canvasses whether there is opportunity for settlement and whether any interim orders are needed (an interim agreement or order is made at this stage in about 40% of cases). Master determines next step: return before master, settlement conference or hearing before judge. If the matter is an application to vary an order of a judge, the master cannot make an order. The master may assess whether the matter is urgent, support the parties to reach agreement, prepare a consent order for a judge to sign or determine whether the next step is a conference or hearing before a judge. Benefits of the model – parties are supported to resolve matters, court delays have been reduced, when files do go to a judge issues like financial disclosure requirements have already been addressed, inefficiencies that used to be characteristic of first appearances have been reduced. Reduces the time to get to trial and length of trial b/c SRLs have had more direction on materials and there are fewer adjournments, lawyers use process to narrow issues and ensure disclosure is made. Implementation challenges – it took a year for the Bar to adjust to the model. Although there were several lawyers from the community on a task force that recommended the 	

	<p>model, they were not involved in subsequent implementation and there was not an extensive training or roll-out with the Bar as the implementation had short time lines.</p> <ul style="list-style-type: none"> • No record of appearance before the master. Could not justify the resources required when the objective was to support the parties to reach consensus. Also, did not want to create a "junior judge" position. A master's order can be appealed if a judge grants the applicant leave, although in most cases it will be just as quick or quicker to proceed to a trial of the matter. Not recording has not been a problem, there have been only a few appeals. If leave to appeal is granted it results in a trial de novo. • Evidence presented to the master depends a bit on the master's preference. Justice Hackett did not usually request affidavit evidence; would refer matter to a judge if unable to make a decision based on the parties' submissions. In contrast, Master Daigle will require the parties to file affidavits if there is a dispute about the evidence and may make a decision based on affidavit evidence. • Physical environment – the Master sits in a small court room with a bench. Wears a robe that is similar but distinct from the judicial robes. There is an administrative assistant who helps prepare notes and orders resulting from the appearances. An officer of the court (sheriff) is present. Parties may appear by teleconference.
Draft Drafting Instructions	<p>Pre-court Processes General</p> <ul style="list-style-type: none"> • Question about whether Provincial Court judges have the authority to order the return of a child who was removed to another jurisdiction. Case-law research needed. <p>Notice to Resolve a Family Matter</p> <ul style="list-style-type: none"> • s.13 • • • <p>Assessment</p> <ul style="list-style-type: none"> • s.13 • • <p>Consensual Dispute Resolution</p> <ul style="list-style-type: none"> • s.13 <p>Pre-court Disclosure of information</p> <ul style="list-style-type: none"> • s.13 <p>Initiating Proceedings</p> <ul style="list-style-type: none"> • s.13
Wrap-up	<p>Next Meeting: March 2, 2017. The meeting will be in-person with Webex as an option for anyone unable to attend in person due to weather or other reasons.</p>

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Mr. Darryl Hrenyk

Judge Rose Raven
Mr. Wesley Shields

Ms. Ram Sidhu
Ms. Shannan Knutson

Regrets:

Judge James Wingham, Ms. Lisa Hamilton, Ms. Rosanna Slipperjack-Farrell

Early departure:

Ms. Nancy Carter, Mr. Jess Gunnarson

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved	
Updates from Working Group members	<ul style="list-style-type: none">• Welcome to Wesley Shields, who will be participating in the Working Group as the nominee of the CBA.• Update on the Parenting After Separation (PAS) program - s.13 s.13• Update on discussion concerning police assist clauses at a Judicial Committee on Inter-Jurisdictional Child Protection meeting. s.13 s.13• Update on presentations to Benchers as well as the CBA family subsection chairs.s.13 s.13	

	<p>s.13</p> <ul style="list-style-type: none"> • Upcoming Rules presentations: <ul style="list-style-type: none"> ○ Nancy and Dan VanderSluis will be meeting with women's serving organizations in March, and there will be discussions with men's groups as well. ○ Darlene Shackelly, Executive Director of the Native Courtworkers Association has been identified as a starting point for engagement with indigenous communities, but we likely still need to engage with Aboriginal leadership. ○ Wesley suggested a family law seminar being hosted by the Trial Lawyers Assoc. on April 21 may be a good opportunity for a brief presentation, however we will need to inquire whether that is possible during the interregnum period. ○ It is unlikely there will be an opportunity to include this project on the agenda for the April Judges' conference. Discussed that there seems to be a need to remind judges the webinar is recorded and available for viewing – Meg will raise this with the Chief Judge who may choose to discuss the issue on his weekly address to the Bench. • Steering Committee meeting scheduled March 31, 2017 – a 2-3 page summary update will be prepared for this meeting, including the general project overview update. This will be circulated to the WG for comment prior to the SC meeting.
<p>General project overview update</p>	<ul style="list-style-type: none"> • The ministry continues work on resourcing and describing the benefits (e.g increased capacity, reduced delay, etc) of investing in the proposed model. There is work being done to calculate implementation costs (including phased implementation) and what projected savings might be. Treasury board approval will be sought early after the 2017 election. • Although the actual Treasury board submission document may not be able to be shared given its confidential nature, the business case will be shared with the Steering Committee. It makes sense (conditionally) to share that with the WG as well. • Consultation is ongoing until interregnum period and then resuming post-election. The timing of a public discussion paper will hinge on Treasury board approval. • Drafting is ongoing and we anticipate incorporating feedback from public consultation in the fall. • Prototyping – we would like to start testing pieces of the model on the ground to gain experience. There may be some elements of the model that could be tested without significant resources; are talking to Court Services Branch about what elements we might be able to try. • Final approval of the new Rules and Forms will be by Order in Council, followed by forms testing and a significant training period for Court Services Branch staff as well as the Bar, judiciary and others.

<p>Draft Drafting Instructions</p>	<p>Review of drafting instructions – continued from previous meeting</p> <p>Initiating Proceedings:</p> <ul style="list-style-type: none">• s.13 <p>Family Case Management:</p> <p>s.13</p> <p>Specialized processes:</p> <ul style="list-style-type: none">• s.13 <p>Discrete matters or non-urgent matters:</p> <ul style="list-style-type: none">• s.13• <p>Settlement Conferences:</p> <ul style="list-style-type: none">• s.13 <p>Trial preparation conferences:</p> <ul style="list-style-type: none">• s.13 <p>Alternative Trial processes:</p> <ul style="list-style-type: none">• s.13
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	<p>s.13</p> <ul style="list-style-type: none">• <p>Joinder and separation of proceedings:</p> <ul style="list-style-type: none">• s.13 <p>Abuse of Court process:</p> <ul style="list-style-type: none">• s.13 <p>Sanctions:</p> <ul style="list-style-type: none">• s.13• <p>Involvement of Children in the Court Process:</p> <ul style="list-style-type: none">• s.13 <p>Service Rules:</p> <ul style="list-style-type: none">• s.13 <p>Witnesses:</p> <ul style="list-style-type: none">• s.13 <p>Trial date:</p> <ul style="list-style-type: none">• s.13 <p>Expert evidence (other than section 211 Reports):</p> <ul style="list-style-type: none">• s.13
Wrap-up	<p>Next Meeting: April 18, 2017. There will be in-person locations in Victoria (the meeting is adjacent to the judge's conference, which is in Victoria) and also in Vancouver, with Webex/video links.</p>

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Mr. Darryl Hrenyk
Ms. Lisa Hamilton

Judge Rose Raven
Mr. Wesley Shields
Ms. Nancy Carter

Ms. Ram Sidhu
Ms. Shannan Knutson
Mr. Jess Gunnarson

Regrets: Judge James Wingham, Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved.	
Approval of Record of Discussion	Approved subject to updating the points concerning trial dates in the drafting instructions. This section will read: s.13	
Updates from Working Group members	<ul style="list-style-type: none"> • Update from Mark and Nancy on the Steering committee meeting held March 31, 2017. The Steering Committee reviewed a project update at the meeting. The SC is generally supportive of the use of technology where possible. In terms of timelines, the business case is under development and we are still aiming to have a draft ready to share in June. • Update on early stakeholder discussions that took place prior to the interregnum period: <ul style="list-style-type: none"> ○ Women's anti-violence organizations, attended by CPLO, FJSD and the Provincial Office of Domestic Violence. Reviewed the conceptual model, discussing how assessment works within FJSD. Participants commented that 1) Assessment is already being done by community advocates, doesn't need to be done centrally. One aspect of the response is that community organizations often work only with one family member and assessment in the model is of the whole family. Also, there needs to be consistent training. Ram commented that assessment in her organization is focused on advocacy and is not a duplication of the FSJD assessment; although there may be some overlap the overall goal is different. 2) Mediation is very foreign for some newcomers; people understand what a judge is but don't necessarily understand what a mediation process is. 3) 	

	<p>s.13</p> <ul style="list-style-type: none"> • Jess Gunnarson advised the Working Group he has accepted a position with the Coroner's Service and will be replaced on the group by another person from Court Services Branch.
Family Master role discussion	<ul style="list-style-type: none"> • A document with excerpts from Records of Discussion, chronicling the discussion on this issue was circulated. <p>s.13</p>
Drafting Instructions - Involvement of Children in the Court Process	<p>Postponed until June 1 – CPLO will circulate information about registering for the CLE Introduction to the Child Rights Toolkit. Shannan is attending the full conference and will provide an update at the June 1 meeting.</p>
Guest Presentation and Discussion – Court Administration Transformation Suite [CATS 2.0]	<p>Presentation by Mr. Bernard Achampong, s.13</p> <p>s.13</p> <p>The Working Group had the following questions/ comments.</p> <p>s.13</p>

**Debrief after the
guest presentation**

s.13

**Requests to reduce
or cancel arrears**

Wrap-up

Next Meeting: June 1, 2017. Given the work that remains to be done on the draft rules, the group suggested monthly meetings may be needed July through October (recognizing people will be away for summer leave). Will work towards scheduling meetings through March 2018.

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Cathie Heinrichs
Mr. Darryl Hrenyk

Judge Rose Raven
Mr. Wesley Shields
Ms. Nancy Carter

Ms. Ram Sidhu
Ms. Shannan Knutson
Ms. Erin Smith

Regrets: Judge James Wingham, Ms. Rosanna Slipperjack-Farrell, Ms. Lisa Hamilton

Early departure: Mr. Wesley Shields, Judge Meg Shaw

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	An agenda item was added, specifically a discussion on the decision note being submitted to the Steering Committee on the role of the Family Master.	
Approval of Record of Discussion	Approved	
Updates from Working Group members	<ul style="list-style-type: none"> • Welcome to Erin Smith who is replacing Jess Gunnarson as a representative from Court Services Branch. • Welcome back to Cathie Heinrichs, who is returning to the Working Group subsequent to her recent appointment as a Provincial Court Judge. • Mark and Nancy will be attending the Steering Committee meeting on June 8. A note on the role of the Family Master will be distributed to the Steering Committee members prior to the meeting and Mark and Nancy will be available to answer any questions. 	
Document on the role of the Family Master – for submission to the Steering Committee	s.13	
Discussion regarding the involvement of children's views and the participation of children in family justice processes	<p>Update from Shannan on the May 11th Access to Justice for Children Conference: Child Rights in Action, including an introduction to the Child Rights Toolkit.</p> <p>s.13</p>	

s.13

Programming for children experiencing separation/divorce
s.13

How should the Rules reflect children's right to participate?
s.13

Review of Draft
Rules – Part 1 & 2

Page 099

Withheld pursuant to/removed as

s.13

s.13

Wrap-up

Next Meeting: July 20, 2017.

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Cathie Heinrichs
Mr. Darryl Hrenyk

Judge Rose Raven
Ms. Lisa Hamilton
Ms. Nancy Carter

Ms. Ram Sidhu
Ms. Shannan Knutson
Ms. Erin Smith

Regrets: Judge James Wingham, Ms. Rosanna Slipperjack-Farrell, Mr. Wesley Shields

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	Approved, subject to noting an early departure for Meg Shaw and attendance of Cathie Heinrichs.	
Updates from Working Group members	<ul style="list-style-type: none">• Nancy provided an update on the June 8th Steering Committee meeting, advising that the Steering Committee approved the note describing the role of the Family Master as set out for the purposes of prototyping in select registries still to be determined. s.13• Nancy and Shannan provided an update on the July 14th presentation to the Westcoast LEAF Family Law Advisory Committee and advised a presentation/discussion with the Ending Violence Association of BC and BC Society of Transition Houses is scheduled July 21. At the July 14th discussion, Agnes Huang (family lawyer) commented that it is difficult to get a date in Robson Square for urgent matters, even if a judge has made a protection order with a short expiry date and directed the parties to return to court – Shannan will follow up with Agnes for more details.• Working Group agreed it would be helpful to hear from Wayne Plenart as well as from Judge Rita Bowry in September when the Northern Navigator evaluation is done. Would like to receive materials on the project in advance of the meeting. s.13	

	<p>communities and Rosanna has helped to create a list of contacts. Consultation will seek to identify specific issues and specific solutions. This is only one step in a wider consultation, will be identifying broader indigenous organizations. Meg will provide contacts for south Okanagan.</p> <ul style="list-style-type: none"> • Lisa provided an update on the Family Law Organizer (FLO) being developed through BC Courthouse Libraries. It is a tool to schedule family law events and training opportunities as well as relevant publications and presentations throughout the province. Will be launched soon, and may be one vehicle to distribute information about the Rules project in the future.
Discussion on the role of the Family Master and settlement conferences	<p>s.13</p>
Review of Draft Rules – Parts 1-3	<p>Reviewed Parts 1 and 2 in the meeting, Working Group members to forward comments on Part 3 by email.</p> <p>Purpose statement - s.13 s.13</p> <p>General overview – s.13 s.13</p> <p>Family master title – s.13 s.13</p>

s.13

Definition of family file coordinator. s.13,s.14
s.13,s.14

	s.13
Wrap-up	Next Meeting: Monday September 18, 2017. Working Group members are requested to email comments on Part 3 of the Consultation draft by August 4 th .

In attendance:

Judge Rose Raven

Judge Meg Shaw

Judge Cathie Heinrichs

Ms. Ram Sidhu

Ms. Shannan Knutson

Ms. Nancy Carter

Mr. Wesley Shields

Mr. Darryl Hrenyk

Ms. Erin Smith

Regrets: Judge James Wingham, Ms. Rosanna Slipperjack-Farrell, Judge Mark Takahashi

Late arrival: Ms. Lisa Hamilton

Guests: Mr. Wayne Plenert, Judge Rita Bowry

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	Approved, subject to correction of a typo.	
Updates from Working Group members	<p>Nancy provided an overview of the July 21 presentation/ discussion with the Ending Violence Association of BC and BC Society of Transition Houses. Participants acknowledged the wide spectrum of practices in the mediation community around working with parties who have power imbalance/family violence issues. Philosophies and social science research on the effectiveness of mediation in these cases is changing; when mediators understand the dynamics of these families and are able to use tools that address these behaviours it can be an appropriate response S.13</p> <p>s.13</p>	

s.13

Presentation on the
Northern Navigator
Project – Wayne
Plenert and Judge
Rita Bowry

- *Evaluation of the Northern Navigator Program: Interim Report* (prepared by Tim Roberts) and *Lessons from Northern Navigator* (prepared by Wayne Plenert) were distributed before the meeting as background materials.

An interim evaluation of the Northern Navigator (NN) project studied 20 high conflict cases, all of whom thought mediation would be appropriate for others. Some of the lessons learned are to contact people for feedback sooner after they complete the program and to provide more training on working with high conflict families. Noted NN is occurring in a very small community with a very high separation rate and few judges.

Referrals: The navigator sits in the court in the morning. The judge directs parties to the navigator and then she comes back in the courtroom later when the judge has determined who to refer to the program and arrangements are made for assessment to occur.

NN uses a sliding scale for parties who access private mediators rather than FJs. Default fee is \$150/hour; sliding scale is less. People pay for 1 hour to set up the file, 2 hours for the first session and another session if they need it.

Wayne suggests mediation be viewed as more than just one session on the way to court. Proposes we consider 2 separate streams: 1 to support cases that should settle easily and another for high conflict cases. There should be 2 sessions so there is less pressure to resolve in one session and to indicate this is not just a requirement to be met (more likely to promote buy-in, encourage people to engage more in the process). High conflict alone does not mean CDR is inappropriate, unless it's believed one parent should not be an involved parent.

Wayne likes the idea of moving away from the idea/title of family court (adversarial) to the "family relationship centre"; a place that supports family transition. Commented that making a referral to CDR in the initial stage of the court proceedings, even before a case conference, helps ensure parties consider settlement early in the process instead of waiting until the middle of trial. The model tries to ensure people in high conflict cases have a support/friend/advocate in the mediation session.

Parties are encouraged to get legal advice early; more are accessing LawLine. Financial disclosure by the 2nd session is not normally a problem. There are some criticisms around availability of mediation sessions, partly because mediators practice part time but also b/c people don't schedule the meetings until the day before a court date or avoid their obligations to attend.

	<p>Judge Bowry thinks it is key for parties to return to court after their sessions to have minutes of settlement from the mediator translated into a formal court order; they are working on this part of the process. Rita thinks there may need to be judicial training on how we approach families in the early stages and at the case conference; to focus more on moving forward and less on the history of the matter. Wayne agrees a return date is helpful; but there needs to be a minimum of 6-8 weeks to permit parties the opportunity to schedule up to several sessions. It is a stumbling block to the project that mediators cannot draft orders or written agreements; law society won't move on mediators' ability to draft agreements. Parties often believe the minutes or MOU are enforceable and it is often not practical for parties to return long distances for a return date in court. One suggestion is that minutes of settlement be attached to a draft consent order.</p> <p>Commented that uptake of FJSD distance mediation is low, perhaps because the complication/uncertainty of an unknown technology adds a layer of complexity that families aren't willing to take on at a difficult point in their lives. The family justice centre model is valuable and doesn't need to be thrown out. But there has also been considerable money spent on Mediate BC which offers versatility and flexibility to the FJSD model and fills gaps; should be able to amalgamate the two and give parties choice, as well as stressing that parties can still choose to meet with a judge in a conference.</p> <p>s.13</p>
Review of Draft Rules – Parts 1-3	<p>Reviewed Consultation draft in the meeting, through Rule 17. Working Group members to forward additional comments to Darryl and Shannan the end of Rule 28 by email to the creation of a new draft.</p> <p>Notable comments/discussion:</p> <p>s.13</p>

	s.13
Wrap-up	<p>Next Meeting: Thursday November 2, 2017, and then December 5, 2017.</p> <p>Working Group members are requested to email comments to the end of Rule 28 in the Consultation draft.</p> <p>The revised note to Steering Committee on the role of the Family Justice Manager with respect to settlement conferences will be recirculated to the Working Group.</p>

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Cathie Heinrichs
Mr. Darryl Hrenyk

Judge Rose Raven
Ms. Lisa Hamilton
Ms. Nancy Carter
Mr. Wesley Shields

Ms. Ram Sidhu
Ms. Shannan Knutson
Ms. Erin Smith

Regrets: Judge James Wingham, Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	Approved	
Updates from Working Group members	<ul style="list-style-type: none"> Nancy gave an update on meeting with Jane Doe Network, Oct. 11 – people attending the meeting had diverse opinions on CDR in situations involving family violence. Some attendees were supportive of using mediation and others opposed its use in any situation involving family violence. The purpose of the meeting was to hear concerns and feedback. After the meeting, Battered Women Support Service posted an open letter to the minister criticizing the model on their website. They cited a number of concerns, including with the assessment tool, the proposed “schedules”, and the use of mediation in any family matter but particularly in family violence situations. <p>s.13</p> <ul style="list-style-type: none"> Darryl updated on his brief project status update to CBA family subsection chairs at a recent breakfast meeting. Members were interested in hearing when consultation materials would be ready; he said we would have a timeline if not an actual document by year-end. The few comments were supportive. Wes is putting together an agenda for the November 2018 trial lawyers’ association conference. WG agreed this would be a good opportunity for to engage with this group on the project. 	
Report back to	<ul style="list-style-type: none"> Reviewed the changes made to the document titled “Report Back to Steering 	

Steering Committee on settlement conferences and Family Justice Mngr.	Committee: the Role of the Family Justice Manager in Settlement Conferences". Feedback from WG members had been received by email and incorporated in a new version that was distributed during the meeting. The document was approved for submission to the SC, s.13 s.13
Update on Business Case	To meet government commitments, the ministry is developing an early prototype that can be put in place within a year; the prototype is a mandatory assessment and CDR model that would be implemented in up to 3 locations. In addition, the business case needs to demonstrate the positive outcomes we believe investment in the front end process will yield. FJSD has been working on what it would look like to build that model across the province as well as on a scalable level. Using a consultant, we are analyzing the capacity the model will create for court to deal with non-family matters, not direct dollars saved. A business case writer has been hired and will be invited to present their work at a WG meeting. s.13
Review of Draft Rules	An updated Consultation Draft and accompanying Discussion Document were distributed in advance of the meeting. Rule 3 - Definitions - s.13 s.13

Page 111

Withheld pursuant to/removed as

s.13

s.13

| Family management conference
s.13

	<p>s.13,s.14</p> <p>Next draft to review will consist of new Parts. The Parts that have been reviewed to date will be brought back as one complete draft when the new parts have been reviewed.</p>
Wrap-up	Next Meeting: December 5, 2017. 1 st meeting in 2018: January 25 th .

In attendance:

Judge Mark Takahashi
Judge Meg Shaw
Judge Cathie Heinrichs
Mr. Wesley Shields

Judge Rose Raven
Ms. Lisa Hamilton
Ms. Nancy Carter

Ms. Ram Sidhu
Ms. Shannan Knutson
Ms. Erin Smith

Regrets: Judge James Wingham, Ms. Rosanna Slipperjack-Farrell, Mr. Darryl Hrenyk

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	As there was insufficient time to review the Record, Working Group members will send any suggested revisions by email to Shannan.	
Updates from Working Group members	s.13	
Review of Draft Rules	An updated Consultation Draft and Discussion Document were distributed in advance of the meeting. Discussion began with Part 5 – Settlement Conferences. s.13	

Page 115

Withheld pursuant to/removed as

s.13

3

In attendance:

Judge Rose Raven

Judge Meg Shaw

Judge Cathie Heinrichs

Ms. Nancy Carter

Ms. Ram Sidhu

Ms. Rosanna Slipperjack-Farrell

Ms. Erin Smith

Mr. Wesley Shields

Ms. Shannan Knutson

Mr. Darryl Hrenyk

Regrets: Judge James Wingham, Judge Mark Takahashi, Ms. Lisa Hamilton

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	ROD for December 5, 2017 approved. Any revisions that are required for the November 2017 ROD are to be emailed to Shannan. Discussed that the Record of Discussion needs to clearly indicate points where consensus is not reached and set out the differing opinions.	
Updates from Working Group members	<ul style="list-style-type: none">• Format for upcoming meetings: Input received from a number of WG members suggested that people are opposed to reviewing sections of the draft rules in subgroups, and strongly prefer meeting in person. Members are agreeable to a longer workshop session to get through a complete draft of the rules. We will meet as scheduled on March 1 and will work to set up a 2 day meeting in April. CPLO will endeavor to distribute a complete draft of the rules plus an accompanying white-paper style discussion document at least 2 weeks prior to the April meeting. s.13 <ul style="list-style-type: none">• Nancy reported the business case work is behind due to issues with the consultant. The intention is to have the draft business case complete by the March meeting.	
Child and Youth Legal Centre - Presentation by Suzette Narbonne and Donna Maser	<ul style="list-style-type: none">• Centre opened October 2017, funded by the Law Foundation and operated by the Society for Children and Youth of BC in Vancouver. The Society's mission statement is to promote the rights of children under the Convention on the Rights of the Child (CRC). The Centre uses a 3 stage process. Initially there is an inquiry stage – a staff person takes phone/emails from youth or adults seeking assistance on behalf of children, referrals from duty counsel, private bar. Next there's brief independent legal advice (ILA), often by phone. Some cases are	

accepted for representation (e.g. human rights, child protection, mostly FLA issues). The Centre's budget pays for 2 full-time lawyers plus some roster lawyers (however roster lawyers are not yet being used). Part of their work includes witness statements and victim impact statements. The Centre will not accept files where assistance is available elsewhere. No fees are charged at this time; they are still discussing how court costs will be paid. Most of the Centre's policies are still being developed and they are not sure at this point if there will be situations where parents are asked to contribute to costs (e.g. Alberta has a legal aid model that asks for contribution from the parents). There is a roster of lawyers on the CBA site – the Centre is developing a policy on how to vet roster lawyers, anticipates there will be reference checks and roster lawyers will only be approved for a few hours at a time.

- In an FLA case, the lawyer will speak to the youth and if the lawyer determines that the child's interests are not before the court, the lawyer will apply for an order that a child's lawyer be appointed if the parents have not or will not do so (prefer that the parents apply). The lawyers represent the interests of children in cases where the parents are not considering the child's interests and that information is not getting before the court (e.g. there is insufficient information before the court on how a child is doing at school, the child's mental health, etc). They also explain what's happening to the child and inform the court of any updated information the child provides (e.g. since a 211 or voice of the child report was written). The role is not primarily to present children's views to the court, as there are existing mechanisms to achieve that (s.211 reports, Hear the Child reports, affidavits or hearsay evidence).

s.13

- Society regards this as an ongoing program not a pilot, although the model may change depending on their early experience. Current funding won't serve the whole province, but it is enough to begin to demonstrate need and outcomes. There is an evaluation plan.
- Commented that all files where a youth asks to talk to a judge should be referred to ILA first. The earlier that the children's lawyer becomes involved (i.e. in collaborative, non-court processes before trials are set/started), the better the chance of keeping families out of court, which is what kids want.

	<p>Centre is trying to take an advocacy role, not to make a decision about what is in a child's best interests (that's the role of the judge).</p> <ul style="list-style-type: none"> • Don't generally take the children into court and do not encourage children to attend. If a youth wants to speak to a judge and the judge is willing to interview the child, a children's lawyer should give the child advice and prepare the child to ensure they are able to express their views. Centre still considering how to assist young children who cannot provide instructions. These children could be assisted by an amicus, but that's not really the role the Centre has adopted. • Children's lawyer may make submissions based on evidence already before the court, just pointing out the material that reflects the children's interest, rather than putting a child's affidavit before the court and inviting cross-exam of the child. • The first stage of assistance is referring youth to other supports; are creating a youth resources list and looking holistically at children's needs. • Once the children's lawyer is representing the child at trial, it is a traditional advocacy role, limited by what the judge permits them to do. • Next steps: Suzette will forward Shannan sample orders and relevant articles for distribution to the group.
<p>Review of Draft Rules</p>	<p>Drafting considerations related to children's participation – discussion document distributed.</p> <p>Rule 43 – does there need to be a rule setting out what a child's lawyer can and cannot do?</p> <p>s.13</p>

disclosure of documents.

Rule 48 – Involvement of children in the trial process - s.13
s.13

Drafting considerations related to alternative trial processes/practices –
discussion document distributed.
s.13

Drafting considerations related to less adversarial trials – discussion document
distributed
s.13

	s.13
	Part 7 – General Rules s.13
	(this is where the meeting ended)
Wrap-up	Next Meeting: March 1, 2018. Treena is working on scheduling upcoming meetings, including a 2 day meeting in April.

In attendance:

Judge Rose Raven
Judge Meg Shaw
Judge Cathie Heinrichs

Judge Mark Takahashi
Ms. Shannan Knutson
Ms. Erin Smith

Ms. Nancy Carter
Mr. Darryl Hrenyk

Regrets: Judge James Wingham, Ms. Ram Sidhu, Ms. Lisa Hamilton, Mr. Wesley Shields
Early departure: Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	ROD for January 25, 2018 approved, subject to small edit re judge's conference.	
Review of Draft Rules	<p>Discussion began where we left off at the end of the January 25th meeting, in Part 7 – General Rules, following Practice Directions and at page 46 of the Companion Document circulated for the January 25th meeting.</p> <p>Registry scheduling and notice - s.13 s.13</p> <p>Attendance by Telephone or other means – s.13 s.13</p>	

s.13

Order may be made despite absence or without notice -s.13
s.13

Delay in proceeding – s.13
s.13

Copies permissible instead of originals -s.13
s.13

Effective date of orders -s.13
s.13

Preparation of orders -s.13
s.13

	<p>Form of orders -s.13 s.13</p> <p>Notice and correction of orders –s.13 s.13</p> <p>Affidavits -s.13 s.13</p> <p>Who can search court files –s.13 s.13</p> <p>Filing an Agreement or parenting coordinator's determination -s.13 s.13</p>
	Discussion ended, rules related to Service, Sanctions and Electronic Filing are still to be reviewed.
Wrap-up	Next Meeting: We are trying to schedule an extended meeting on April 9/10 to review a complete draft of the Rules, and are waiting to hear whether the judges' calendars can be cleared for those dates.

	<p>Follow up: WG members to email any comments on Service and Sanctions sections of the draft by March 10. These will be compiled and a full consultation draft distributed at least 2 weeks prior to the April 9 meeting (assuming those dates are confirmed).</p> <p>(Note – Meeting ended at 2:10 to accommodate subsequent workshop on family justice manager.)</p>
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In attendance:

Judge Rose Raven
Judge Meg Shaw
Judge Cathie Heinrichs
Judge James Wingham

Ms. Ram Sidhu
Ms. Shannan Knutson
Ms. Erin Smith

Ms. Nancy Carter
Mr. Darryl Hrenyk
Mr. Wesley Shields

Regrets: Ms. Lisa Hamilton, Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	ROD for March 1, 2018 approved.	
Updates from WG members	<ul style="list-style-type: none">Justice Services Branch (JSB) has undergone some reorganization. There is no longer a Civil Policy and Legislation Office; Nancy is now the Executive Director of the Family Policy Legislation and Transformation group within JSB, working with Darryl, Shannan and Jodi Roach as well as additional analysts and project directors.Funding has been secured to prototype some aspects of the "front-end" of the model that the PCFRWG has been developing. Part of the objective of prototyping is to identify and work out any operational issues with the model and identify if there are any details of the model that will need to be modified. Initially, there will be a prototype in one site; work is currently underway to identify that site. s.13	
Review of Draft Rules	<p>A complete consultation draft was distributed in advance of the meeting, in both "clean" and "red-line" versions. The objective of the discussion was to ensure the provisions in the draft reflected the policy direction that the group has decided on, as well as to flag any areas that reflect the policy but that are difficult to read/understand. Discussion began at the beginning of the draft.</p> <p>Purpose - s.13</p>	

a
y
of

s.13

General Overview - s.13

s.13

Reference Aids - s.13

s.13

Definitions

- s.13

s.13

Page 128

Withheld pursuant to/removed as

s.13

s.13

PART 1 / PART 2 – discussed whether the Parts should start at what's currently titled Preliminary Requirements; the purpose and definitions would not be assigned a Part. s.13

s.13

"Preliminary Requirements" - s.13

s.13

Discussion on how to reference in the Rules that preliminary requirements may only apply to designated registries: s.13

s.13

s.13

Rule 6 Preliminary requirements not applicable in certain cases – s.13

s.13

Rule 8 Filing a notice to resolve a family law matter – s.13

s.13

Rule 9 – Attending a needs assessment – s.13

s.13

Rule 10 – Completing a Parenting Education Program s.13

s.13

Rule 11 Participating in consensual dispute resolution – s.13

s.13

Rule 12 Provision of financial information - s.13

s.13

	<p>s.13</p> <p>Discussion about schedules - s.13</p> <p>s.13</p>
Wrap-up	<p>Next Meeting: May 7, 2018</p> <p>We are working to create space in the judges' calendars for a 2 day meeting in June, either June 14/15 or 10/11 depending on availability. There will unlikely be a meeting in July.</p>

In attendance:

Judge Rose Raven
Judge Meg Shaw
Judge Cathie Heinrichs
Judge James Wingham

Ms. Ram Sidhu
Ms. Shannan Knutson
Ms. Erin Smith
Ms. Lisa Hamilton

Ms. Nancy Carter
Mr. Darryl Hrenyk
Mr. Wesley Shields

Regrets: Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	ROD for April 10, 2018 approved.	
Updates from WG members	<ul style="list-style-type: none"> Rose spoke with Jane Reid (family lawyer, mediator) about the pro bono mediation roster which is currently serving only supreme court parties but is open to assisting parties in the provincial court as well. s.13 Judge Gillespie is now Acting Chief Judge as Chief Judge Crabtree was appointed to the Supreme Court. At this point we do not know who will take his place on the PCFR Steering Committee. Lisa is participating in a new alternative legal services working group. They are doing a consultation on how to best support parties without representation (e.g. forms completion, McKenzie Friends). Lisa would like permission to forward some names from the WG. WG agreed but noted that the OCJ must approve judges providing opinions on behalf of the court. 	
Review of Draft Rules	<ul style="list-style-type: none"> Add date/draft number to the versions for easier reference. <p>Disagreeing with an order applied for - s.13 s.13</p> <p>Consequences - s.13 s.13</p>	

What happens at family management conference – s.13,s.14
s.13,s.14

Procedure in family management conferences - s.13
s.13

Part 4
Overview of requirements in this Part - s.13
s.13

Applying for FLA protection orders s.13
s.13

Form of orders - s.13
s.13

Applying for a protection order without notice - s.13
s.13

Applying for a protection order with notice - s.13

s.13

Procedure for protection orders - s.13

s.13

No limitation on PO applications - s.13

s.13

Applying to change or cancel protection order - s.13

Applying to change or cancel urgent order - s.13

Applying for an urgent order - s.13

s.13

Division 4 – Applying for Procedural orders etc....s.13

s.13

Application to set expenses - s.13

Obtaining orders/directions under this Division by desk order - s.13

s.13

Notice of proceedings and adding parties – where did (3) come from?

Consent guardianship orders - s.13

s.13

Division 6 Consent orders - s.13

s.13

Consent orders without appearing in court - s.13

s.13

Consent order sought before a judge - s.13

s.13

	Ended discussion with Rule 64, right before Part 5 Settlement Conferences
Wrap-up	Next Meeting: June 14/15, 2018 – in person in the MELS boardroom, Vancouver

In attendance:

Judge Rose Raven
Judge Meg Shaw
Judge Cathie Heinrichs
Judge James Wingham

Ms. Ram Sidhu
Ms. Shannan Knutson
Ms. Erin Smith
Ms. Lisa Hamilton

Ms. Nancy Carter
Mr. Darryl Hrenyk
Mr. Wesley Shields
Ms. Rosanna Slipperjack-Farrell

Guests: Jodi Roach, Family Policy Legislation & Transformation Division
Oriole Courcy, Family Justice Services Division
Jess Gunnarson, Court Services Branch
Kevin Conn and Jack Sam, Court Services Branch

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	ROD for May 7, 2018 approved.	
Updates from WG members	<ul style="list-style-type: none"> • Changes in Working Group membership: Erin Smith has changed positions and will be replaced on the group by Jess Gunnarson, for the time being. Judge Shaw will be replaced by another judge shortly as she begins her duties as Regional Administrative Judge. • Victoria prototype –funding is secured to prototype the pre-court requirements and case management process in one location in this fiscal year. In discussions with the Chief Judge, Victoria was selected as the initial pilot site, probably operating under a practice directive to start. s.13 <p>resources and should be able to demonstrate how the model operates with the supporting services in place. But moving forward we need to know how the model will operate in less supportive sites.</p> <ul style="list-style-type: none"> • Other jurisdictions – brief overview of the report recommending a 3 year pilot in Manitoba encouraging early resolution of family matters out of court, using a chief resolution officer. New Brunswick is expanding the family case management master model to Moncton. • s.13 <p>s.13</p> <p>Also, the CBA met with the AG and there was some discussion about why BC does not have a unified family court s.13</p> <p>s.13</p> <p>or</p>	

	s.13
Kevin Conn and Jack Sam, Court Services Branch - Demonstration of the online Protection Order Application	s.13
Review of Draft Rules	
	Definitions s.13

Page 138

Withheld pursuant to/removed as

s.13

Page 139

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s.13

Page 140

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s.13

Page 141

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s.13

s.13

Part 4 – Specialized processes – s.13

s.13

Division 3 – Applying for PO

s.13

	<p>s.13</p> <p>Division 4 – Obtaining an Order about an Urgent Matter -s.13</p> <p>s.13</p> <p>s.13</p>
Wrap-up	<p>Next 3 Meetings: September 6, October 15, December 5</p> <p>Materials will be forwarded by email to working group members for review/comment prior to the next working group meeting.</p>

In attendance:

Judge Rose Raven

Judge Patricia Bond

Ms. Nancy Carter

Judge Meg Shaw

Judge Mark Takahashi

Mr. Darryl Hrenyk

Judge Cathie Heinrichs

Mr. Wesley Shields

Ms. Shannan Knutson

Ms. Erin Smith (for Jess Gunnarson)

Guests: Jodi Roach, Family Policy Legislation & Transformation Division

Oriole Courcy, Family Justice Services Division (brief attendance by phone)

Regrets: Ms. Rosanna Slipperjack-Farrell, Judge James Wingham, Ms. Ram Sidhu, Ms. Lisa Hamilton

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	ROD for June 14 & 15, 2018 approved.	
Updates from WG members	<ul style="list-style-type: none">• Changes in Working Group membership: This is Judge Shaw's last WG meeting as she has taken on the duties of Regional Administrative Judge. The WG bid Judge Shaw farewell and welcomed Judge Bond.• Comment that some lawyers have expressed frustration that there is no process in the current PC rules to examine a payor in a support matter. An order for financial disclosure will not achieve the same thing as a process for interrogations or examination for discovery. s.13	
Victoria early resolution prototype (ERP) & Business Case – update by Nancy Carter	<p>ERP Draft Project Plan circulated</p> <ul style="list-style-type: none">• Suggestion a judge from the PCFRWG be involved in the prototype planning, however participation will require a significant time commitment. Regional Administrative Judge Rogers is sitting on an ERP Steering Committee, which meets regularly. Associate Chief Judge Wishart's role will include ensuring the voice of the PCFRWG is included in ERP. An objective of ERP is to identify which aspects of the proposed model should continue and which aspects need to be tweaked. As the model is too complex to operate under a practice direction in ERP, we will need a prototype rule that reflects the rules we are drafting related to first steps and family case management. Drafting the pilot rule and how to resolve policy issues as they arise in the ERP project will need to be incorporated in the ERP project plan.	

	<p>s.13</p> <ul style="list-style-type: none"> • There is a workshop on September 21st. If a judge has been designated to work on the ERP project by this date, they may be invited to attend. <i>Update: Judge Heinrichs has been designated as the lead link for the court to bridge between the PC Rules and the ERP project. Nancy Carter, Darryl Hrenyk, Erin Smith, Shannan Knutson and Jodi Roach also are involved in both projects.</i> <p>Business Case Overview – Powerpoint presentation</p> <p>s.13</p>
<p>Oriole Courcy, Senior Policy Analyst, Family Justice Services Division</p>	<p>Provided a verbal summary of FSJD scope of service for dispute resolution services, with a written summary to follow. The majority of people seeking assistance fall within the scope of service. DR services are not provided when:</p> <ul style="list-style-type: none"> • Children are residing outside BC (e.g. child resides with another parent outside of BC). • Division of property – these are referred to private mediators • Families are intact but are seeking help making parenting decisions, or the family is intact and a non-parent (e.g. grandparent) is seeking DR services • Families are seeking assistance with assisted reproduction agreements • Do not assist with written agreements if a non-parent is seeking guardianship of a child over 12 (b/c written agreement of the child is required under FLA) • DR services for support matters if income needs to be imputed or where calculating income is very complex, or where the payor controls a corporation. • Retroactive child support – only calculate support amounts dating back 12 months and do not document arrears. • Do not create agreements that use lump sums or property in lieu of monthly support payments. • Supreme Court clients – will only document terms in an MOU (not a written agreement).
<p>Review of Draft Rules</p>	<p>s.13</p>

s.13

Division 3 – Process for Orders about Urgent Parenting Matters –s.13
s.13

s.13

Division 4 – Consent Orders - s.13
s.13

s.13

Division 5 – Process for procedural order and parenting enforcement order
applications – s.13

s.13

s.13

	s.13
	Division 2 – Trial Processes – s.13 s.13
	Ended discussion after Rule 6.07.
Wrap-up	Next 2 in person meetings: October 15, December 5 Regular 1 hour meetings for policy topics will be scheduled by phone/webex will be scheduled for those able to attend – email invites will be sent. TO DO – WG members are to email comments on remainder of draft (Rule 6.08

	onward) to Darryl/Shannan. Materials will be forwarded by email to working group members for review/comment prior to the next working group meeting.
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In attendance:

Judge Rose Raven

Judge Patricia Bond

Ms. Lisa Hamilton

Judge Mark Takahashi

Mr. Darryl Hrenyk

Judge Cathie Heinrichs

Ms. Ram Sidhu

Ms. Erin Smith (for Jess Gunnarson)

Guests: Jodi Roach, Family Policy Legislation & Transformation Division

Regrets: Ms. Nancy Carter, Mr. Wesley Shields, Ms. Shannan Knutson, Ms. Rosanna Slipperjack-Farrell,
Judge James Wingham

Agenda / Discussion Item	Comments	Decision
Approval of Agenda		
Approval of Record of Discussion	Approved with changes	
WG Updates	<p>Some members of the bar are asking if there are any "teeth" to be added to costs.</p> <p>Family Law Committee (14-15 judges) is meeting Oct 27th. Judge Raven is requesting someone report to that committee on the PCFR progress. One of the judges should provide the report, but looking for what can and cannot be said. To do: FPLT will provide speaking notes / guidance on what is appropriate to share</p> <p>The LSS Provincial Advocate's conference is coming up October 16-18, funded by the Law Foundation.</p> <p>FPLT is working with the drafter to clarify and simplify language in the draft rules, however for today's meeting we will continue our review using the same draft used in the September meeting.</p>	
Review of Draft Rules	s.13,s.14	

s.13

Division 3 – Informal Trial Pilot

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s.13

s.13

Division 2 – General Procedure for Orders

s.13

Division 3 – Affidavits and General Rules for Filing

s.13

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s.13

Division 4 - Service
s.13

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s.13

s.13

Part 8 – Sanctions
s.13

	s.13	
Forms Discussion		
Discussion about drafting Clarity Review process	This process is ongoing.	
Review of next step	We are starting our 1 hour lunchtime calls starting with the Business Case on October 17 th . To do: FPLT will send around a revised agenda of upcoming meetings because some subjects have been moved. COMPLETED	

In attendance:

Judge Rose Raven

Judge Patricia Bond

Ms. Nancy Carter

Judge Meg Shaw

Judge Mark Takahashi

Mr. Darryl Hrenyk

Judge Cathie Heinrichs

Mr. Wesley Shields

Ms. Shannan Knutson

Ms. Erin Smith (for Jess Gunnarson)

Guests: Jodi Roach, Family Policy Legislation & Transformation Division
Oriole Courcy, Family Justice Services Division (brief attendance by phone)

Regrets: Ms. Rosanna Slipperjack-Farrell, Judge James Wingham, Ms. Ram Sidhu, Ms. Lisa Hamilton

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Approved	
Approval of Record of Discussion	ROD for June 14 & 15, 2018 approved.	
Updates from WG members	<ul style="list-style-type: none">• Changes in Working Group membership: This is Judge Shaw's last WG meeting as she has taken on the duties of Regional Administrative Judge. The WG bid Judge Shaw farewell and welcomed Judge Bond.• Comment that some lawyers have expressed frustration that there is no process in the current PC rules to examine a payor in a support matter. An order for financial disclosure will not achieve the same thing as a process for interrogations or examination for discovery. s.13• Discussed that Supreme Court has the Notice to Mediate process, s.13	
Victoria early resolution prototype (ERP) & Business Case – update by Nancy Carter	<p>ERP Draft Project Plan circulated</p> <ul style="list-style-type: none">• Suggestion a judge from the PCFRWG be involved in the prototype planning, however participation will require a significant time commitment. Regional Administrative Judge Rogers is sitting on an ERP Steering Committee, which meets regularly. Associate Chief Judge Wishart's role will include ensuring the voice of the PCFRWG is included in ERP. An objective of ERP is to identify which aspects of the proposed model should continue and which aspects need to be tweaked. As the model is too complex to operate under a practice direction in ERP, we will need a prototype rule that reflects the rules we are drafting related to first steps and family case management. Drafting the pilot rule and how to resolve policy issues as they arise in the ERP project will need to be incorporated in the ERP project plan. <p>s.13</p>	

	<p>s.13</p> <ul style="list-style-type: none"> • There is a workshop on September 21st. If a judge has been designated to work on the ERP project by this date, they may be invited to attend. <i>Update: Judge Heinrichs has been designated as the lead link for the court to bridge between the PC Rules and the ERP project. Nancy Carter, Darryl Hrenyk, Erin Smith, Shannan Knutson and Jodi Roach also are involved in both projects.</i> <p>Business Case Overview – Powerpoint presentation</p> <p>s.13</p>
<p>Oriole Courcy, Senior Policy Analyst, Family Justice Services Division</p>	<p>Provided a verbal summary of FSJD scope of service for dispute resolution services, with a written summary to follow. The majority of people seeking assistance fall within the scope of service. DR services are not provided when:</p> <ul style="list-style-type: none"> • Children are residing outside BC (e.g. child resides with another parent outside of BC). • Division of property – these are referred to private mediators • Families are intact but are seeking help making parenting decisions, or the family is intact and a non-parent (e.g. grandparent) is seeking DR services • Families are seeking assistance with assisted reproduction agreements • Do not assist with written agreements if a non-parent is seeking guardianship of a child over 12 (b/c written agreement of the child is required under FLA) • DR services for support matters if income needs to be imputed or where calculating income is very complex, or where the payor controls a corporation. • Retroactive child support – only calculate support amounts dating back 12 months and do not document arrears. • Do not create agreements that use lump sums or property in lieu of monthly support payments. • Supreme Court clients – will only document terms in an MOU (not a written agreement).
<p>Review of Draft Rules</p>	<p>s.13</p>

s.13

Division 3 – Process for Orders about Urgent Parenting Matters – s.13

s.13

Division 4 – Consent Orders -s.13
s.13

s.13

Division 5 – Process for procedural order and parenting enforcement order
applications – s.13

s.13

s.13

	<p>s.13</p> <p>Division 2 – Trial Processes – s.13</p> <p>s.13</p> <p>s.13</p> <p>Ended discussion after Rule 6.07.</p>
Wrap-up	<p>Next 2 in person meetings: October 15, December 5</p> <p>Regular 1 hour meetings for policy topics will be scheduled by phone/webex will be scheduled for those able to attend – email invites will be sent.</p> <p>TO DO – WG members are to email comments on remainder of draft (Rule 6.08</p>

	onward) to Darryl/Shannan. Materials will be forwarded by email to working group members for review/comment prior to the next working group meeting.
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In attendance:

Judge Rose Raven

Judge Meg Shaw

Judge Cathie Heinrichs

Judge James Wingham

Ms. Erin Smith (for Jess Gunnarson)

Judge Patricia Bond

Judge Mark Takahashi

Mr. Wesley Shields

Ms. Ram Sidhu

Ms. Nancy Carter

Ms. Jodi Roach

Ms. Shannan Knutson

Ms. Lisa Hamilton

Regrets: Ms. Rosanna Slipperjack-Farrell

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Revised agenda approved	
Approval of Record of Discussion	Hard copies of the ROD for October 12, 2018 were circulated as not all WG members were aware the ROD was circulated in the November 20 th email sent by Delaney Davies. If any errors/omissions are noted following the meeting, please notify Shannan.	
Updates from WG members	Insufficient time for updates.	
Notice to Resolve (N2R) – Discussion paper distributed prior to meeting	s.13	

	s.13
ERP Process Map	Erin provided a walk-through of the process map that has been developed for the ERP. The N2R will need to be incorporated in the process. s.13
Review of Early Resolution Prototype Draft Rule – table of draft rule and issues/questions distributed prior to meeting	<p>RE organization: The WG agrees with the approach of using an Appendix for the ERP Rule.</p> <p>Title: Will use Early Resolution and Case Management Model. This better reflects the case management component. s.13</p> <p>To Do: Add definition of “family justice manager” s.13</p>

(2) application of this rule - "family law matter" s.13
s.13

(4) when this rule does not apply – s.13
s.13

Will need transitional rules for those files already in the system. s.13
s.13

Rule 1-2 Citation and application – check with drafter to see if this has to be
duplicated

Rule 1-3 Purpose – use general purpose from larger rules. s.13
s.13

Rule 2-1(2) – add the N2R requirement. s.13
s.13

Discussed whether Rule 2-1 needs an exception for people who have tried CDR
privately, s.13
s.13

Rule 2-2 Needs assessment: s.13
s.13

s.13

File summary sheet – s.13
s.13

Financial statements for CDR – s.13
s.13

Rule 3-1 notice of claim – s.13
s.13

Rule 3-2 Replying to a notice of claim – s.13
s.13

Rule 3-3 – TO DO s.13
s.13

Rule 4-1
s.13

(4) Information presented at family management conference – s.13
s.13

Rule 4-3 Family management conference proceedings

s.13

Meeting ended at Part 5 – Orders.

Wrap-up

Reschedule the next noon hour meeting for December 13 – discussion will revisit the family case management conference as set out in the ERP rule

Next in person meeting: January 17, 2019

Working Group members in attendance:

Judge Rose Raven

Judge Cathie Heinrichs

Wes Shields

Judge James Wingham

Ms. Ram Sidhu

Ms. Erin Smith

Ms. Jodi Roach

Ms. Shannan Knutson

Mr. Jess Gunnarson

Guests:

Association Chief Judge Susan Wishart

Mr. Peter Sperling

Ms. Stephanie Melvin

Mr. Alex Masse

Ms. Oriole Courcy

DISCUSSION TOPIC: Notice to Resolve a Family Matter

Background

s.13

Meeting Objective

s.13

Summary of discussion points

s.13

s.13

Action items

- For the December 5th meeting FPLT will:
 - summarize the history of WG discussions concerning the Notice;
 - develop options to the Notice as a formal court form; and
 - draft a sample letter of invitation that explains the assessment and CDR requirements to P2, along with the consequences of not participating.

Working Group members in attendance:

Judge Rose Raven
Judge Cathie Heinrichs
Ms. Erin Smith

Judge James Wingham
Ms. Shannan Knutson

Judge Patricia Bond
Ms. Jodi Roach

Guests: Mr. Alex Masse

DISCUSSION TOPIC: Review of subrules about the family justice manager and family management conference in the draft prototype rule

Background

s.13

Meeting Objective

The purpose of this discussion was to review and seek the WG's feedback/agreement with the amendments to the updated excerpt of Part 4 Family Management Conferences from the prototype rule.

Summary of discussion points

s.13

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s.13

Action items

- FPLT will relay comments to drafter for amendment.
- For the January 9th meeting FPLT will distribute meeting materials in advance. Our apologies for the late distribution of materials for the December 13th call – with only 1 week since the in-person meeting it was very challenging to create an updated draft and table and still give sufficient time for WG members to review.

January 17th in-person meeting: there was a suggestion that we try to extend the length of the meeting to allow more time to work through the agenda. This was discussed on the December 13th call –some of the judges on the call identified other meetings on the 17th that would prevent extending the meeting past 3:30. With shortened travel times due to daylight hours, it is also likely difficult to meet earlier.

Summary of discussion at the February 7/19 teleconference meeting to share proposed FLA amendments with the judicial members of the PCFRWG

Judged in attendance: J. Wingham, J. Bond, J. Wishart, J. Rogers, J. Heinrichs, J. Raven, CJ Gillespie (for the last 10 minutes of the call)

Ministry staff in attendance: Darryl, Shannan

Materials: January 24 2019 Consultation draft of the three proposed amendments to the FLA distributed in advance of the call.

1. Reviewed amendment to s.13
s.13

2. Reviewed amendment to s.198(5). No comments.

3. Reviewed amendments to s.13
s.13 It is much easier and quicker to amend a regulation than it is to amend a statute. It was confirmed that "prescribed" means prescribed by regulation. During the overview of the amendment, it was discussed that the objective behind the amendment is to authorize a provincial court judge to review a decision made by a judicial justice. Although in the Victoria prototype, a judge will be acting as a family justice manager, rather than a family judicial justice which does not yet exist, the decisions of the designated judge will be reviewable as if she were a family judicial justice. The WG judges raised the following questions:
s.13,s.14

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s.14;s.13

Page 176

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s.14;s.13

Working Group members in attendance:

Judge Rose Raven

Judge Cathie Heinrichs

Judge Mark Takahashi

Judge James Wingham

Ms. Shannan Knutson

Ms. Erin Smith

Ms. Nancy Carter

Ms. Jodi Roach

Ms. Ram Sidhu

DISCUSSION TOPIC: Review of orders that may be made by the family justice manager and whether specified applications should go before a family justice manager for case management purposes only before being heard by a judge

Background
s.13

Meeting Objective

The purpose of this discussion was to:

- Identify whether there are any additional family law matter orders that should be included in Table 1.
- s.13
-
- Confirm whether the list of case management orders and who may make those orders, is correct as set out in Table 3.

Summary of discussion points

Are there any additional family law matter orders that should be included in Table 1?

- WG agreed the list was complete.
- There was a comment that “adjourn to” may be more accurately captured as “direction to attend”.

Does a family justice manager have authority to make an interim order about a family law matter if that matter is addressed in a written agreement that a party has applied to change?

- Discussed that the FLA permits a party to apply to court for an order to “set aside or replace” all or part of a written agreement. This is not an application to change or vary; it is really an application for a new order.

s.13

Are there any applications to a judge that would benefit from case management by a family justice manager, even though the family justice manager would not have authority to decide the application?

s.13

s.13

Confirm whether the list of case management orders and who may make those orders, is correct as set out in Table 3.

s.13

Next Steps: PCFR WG meetings are set for January 17 and February 21. The discussions at today's meeting will be used to update the materials for the January 17th meeting, which will be circulated to the WG this week. We are also working to have some of the draft forms for the Early Resolution Prototype ready for discussion on the 17th and will try to circulate this week as well.

Working Group members in attendance:

Judge Rose Raven y
Judge Cathie Heinrichs N
Judge Mark Takahashi N
Mr. Wesley Shields Y

Judge James Wingham Y
Ms. Shannan Knutson
Ms. Erin Smith

Ms. Nancy Carter
Ms. Jodi Roach
Ms. Ram Sidhu y

DISCUSSION TOPIC: Review of ERP Forms

Background

At the in-person WG meeting on January 17th, we completed review of the draft ERP rule and began revising ERP forms. We agreed to continue review of ERP forms on today's call. A revised draft of the ERP rule incorporating comments from Jan. 17th is planned to be circulated to the WG on January 25. The timelines for feedback will be short and comments should focus particularly on policy concerns. Comments about language will be forwarded to the drafter for consideration, however the drafter has the final decision.

Meeting Objective

To review the content of the following draft ERP forms:

- Notice to Resolve Draft
- Family Law Matter Claim Draft
- Application about a Protection Order Draft
- Protection Order Affidavit Draft
- Reply to a Family Law Matter Claim Draft

Summary of discussion points

DRAFT NOTICE TO RESOLVE

- Feedback from the Jan. 17th meeting will be incorporated, s.13 s.13

DRAFT FAMILY LAW MATTER CLAIM

s.13

s.13

- Undue hardship – s.13
s.13
- Spousal support – s.13
s.13

DRAFT REPLY FORM

s.13

DRAFT APPLICATION FOR A PROTECTION ORDER

s.13

s.13

Next Steps: New draft of the ERP rule will be circulated on Jan 25. Will also circulate a new package of draft forms, using the language from the Jan 25th draft ERP rule, one week in advance for the Feb 6th noon meeting. On Feb 6th we will be discussing forms other than those reviewed today.

Next PCFR WG in person meeting set for February 21.

WG Call on X-Exam Restrictions -
14 November 2018

Present:

- Judge Patricia Bond
- Judge Rose Raven
- Wesley Shields
- Ram Sidhu
- Jodi Roach
- Shannan Knutson
- Erin Smith
- Alex Massé (Note-taker)

Regrets:

- Judge Mark Takahashi
- Lisa Hamilton

[Jodi introduces the session. It's about cross examination in cases where there are allegations of family violence.]

s.13

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s.13

Page 185

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s.13

Page 186

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s.13

Page 187

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s.13

Page 188

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s.14;s.13

In attendance:

Judge Rose Raven
Judge Mark Takahashi
Judge Cathie Heinrichs

Judge Patricia Bond
Ms. Jodi Roach
Ms. Shannan Knutson

Ms. Nancy Carter
Ms. Lisa Hamilton

Regrets: Ms. Rosanna Slipperjack-Farrell, Mr. Wesley Shields, Judge James Wingham, Ms. Ram Sidhu

Agenda/Discussion Item	Comments	Decision
Approval of Agenda	Agenda approved	
Approval of Record of Discussion	Postponed to January 23 noon call (Note - Pat is unable to attend on January 23).	
Updates from WG members	<p>s.13</p> <p>We will return to finalizing the general PCF rules once the prototype rule is finalized. The next in-person meeting is February 21. Due to spring break, we have not been able to schedule a March meeting. There was a request for an April 1st meeting date and we anticipate additional meetings will be required into Fall 2019 as we review the feedback from consultation and make any necessary amendments. TO DO: Nancy will communicate those requirements to the OCJ for scheduling.</p> <p>Nancy updated WG on David Eby's tour of the Victoria JAC and family remand in the Victoria provincial court this morning (Jan.17). He had a positive response and is supportive of the project, feeling it aligns with ministry objectives.</p>	
Review of Early Resolution Prototype Draft Rule – table of draft rule and issues/questions distributed prior to meeting	<p>RE organization: The WG confirms agreement with the approach of using an Appendix for the ERP Rule, as drafted.</p> <p>Definitions: "family justice manager" - s.13 s.13</p>	

s.13

"Family law matter" – s.13

s.13

"Urgent parenting matters" s.13

s.13

Section 4 - Should "urgent parenting matter" applications be allowed in registries other than where the child usually reside, or should they be able to seek permission to file in another registry? s.13

s.13

s.13

Counterclaim provisions – s.13
s.13

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s.13

Page 193

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s.13

s.13

Division 4 Consent orders
s.13

ERP Forms discussion	"About the Forms" s.13
Wrap-up	The next noon hour meeting is February 21, Next in person meeting: Feb. 21, 2019 and we are seeking approval for April 1 .

In attendance:

Judge Rose Raven
Judge Mark Takahashi
Judge Cathie Heinrichs
Ms. Nancy Carter

Judge Patricia Bond
Ms. Jodi Roach
Ms. Ram Sidhu
Ms. Erin Smith (for Jess Gunnarson)

Ms. Lisa Hamilton
Ms. Shannan Knutson
Mr. Wesley Shields

Regrets: Ms. Rosanna Slipperjack-Farrell, Judge James Wingham

Agenda / Discussion Item	Comments	Decision
Approval of Agenda	Approved.	
WG Updates	<p>Launch of the Victoria ERP has been moved to May 13. Forms are complete, with the exception of a few small corrections.</p> <p>Question from Rose as to whether we wanted any mention of the VERP in the Family Practice Manual. Would need to have material ready in April for publication in May. Bev Leader from CLE is the facilitator. TO DO: Nancy will connect with Rose in March to discuss.</p>	
Update on VERP draft rule	Early Resolution and Case Management Model Rule paper for Steering Committee meeting on Feb.22 distributed to WG today. s.13	

	<p>s.13</p> <p>Discussion about discovery - s.13</p> <p>s.13</p>
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s.13	
Review of Draft Rules	4.24 Registry for support order enforcement – s.13 s.13
	Part 5 – change to Family Settlement Conferences s.13
	Part 6 – Trials s.13
	interrogatories/ discoveries s.13 s.13

s.13

Scheduling a trial prep conference - s.13
s.13

6.04 changing trial date – s.13
s.13

6.06 211 Reports – s.13
s.13

6.07 – attendance of witnesses - s.13

s.13

6.09(1) If witness does not obey subpoena – s.13
s.13

6.10 Requirements for report – s.13
s.13

6.14 informal trial process – s.13
s.13

6.17 initial hearing - s.13

s.13

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s.13

6.19 Continuation of hearing in informal trial process - s.13
s.13

6.21 Court may direct regular trial -s.13
s.13

Part 7 – General Rules
s.13

	<p>s.13</p> <p>7.09 Preparation of orders - s.13 s.13</p> <p>7.10 Form of orders -s.13 s.13</p> <p>7.11 Notice and correction of orders-s.13 s.13</p> <p>7.12 Affidavits -s.13 s.13</p> <p>Division 4 Service-s.13 s.13</p> <p>7.23 Proving service -- s.13 s.13</p> <p>7.25 Service outside BC -s 13 s.13</p>
Review of next step	<p>Lunch meetings – may schedule them again for specific topics, but will discontinue regular lunch hour meetings.</p> <p>In person meetings – April 1 is confirmed. May 6 has been proposed but we are awaiting confirmation. Intention is to have a</p>

	<p>discussion paper ready for May 6, to go out for consultation in the summer.</p> <p>In-person meetings may resume in October.</p> <p>Comments on VERP rule – need to be emailed by Monday.</p>
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