



THE SUPREME COURT OF THE NORTHWEST TERRITORIES

PRACTICE DIRECTION

Mandatory Attendance at Parenting After Separation Workshop

(Effective April 1, 2010)

This Practice Direction represents a 12 month pilot project commencing April 1, 2010 in the City of Yellowknife aimed at ensuring that parties to family law proceedings where there are issues affecting children have access to information about the effects of family breakdown on children. The purpose of this Practice Direction is to encourage adult parties to deal with court proceedings with an awareness of, and sensitivity to, the impact on their children and themselves so as to minimize disruption and stress for the children.

In this Practice Direction, the Parenting After Separation seminar referred to is the free Parenting After Separation Workshop currently offered by the Department of Justice, Government of the Northwest Territories, or any equivalent seminar that may be offered by the Department of Justice from time to time.

1. This Practice Direction applies only to family law proceedings commenced in the Supreme Court of the Northwest Territories where all named parties are residents of the City of Yellowknife at the time the proceedings are commenced.
2. Family law proceedings are proceedings under the *Divorce Act* and the *Children's Law Act* where custody, access, day to day care, contact or child support is in issue.
3. Every person commencing a family law proceeding other than proceedings under the *Interjurisdictional Support Orders Act* and s.18 of the *Divorce Act* must attend the Parenting After Separation seminar prior to filing the document commencing the proceeding. A certificate of attendance must be presented to the Clerk of the Supreme Court prior to filing the document commencing the proceeding.

However, in situations where an application is brought:

- a. for interim custody, access or day to day care incidental to an *ex parte* restraining order where domestic violence is alleged;
- b. where it is alleged that kidnapping or abduction of a child has occurred; or
- c. where a unilateral change in *de facto* custody of a child is alleged to have taken place,

the applicant may bring the application without first attending the seminar but is required to attend within one month of bringing the application, and must have registered in the seminar and provided the proposed date of attendance to the Clerk of the Court prior to filing any documents for the application.

4. Every person commencing a family law proceeding, other than proceedings under the *Interjurisdictional Support Orders Act* and s.18 of the *Divorce Act*, shall serve upon the respondent at the same time as the document commencing the proceeding is served, a Notice to Attend Parenting After Separation Workshop, which notice shall be a separate document in the form attached as Appendix "A".

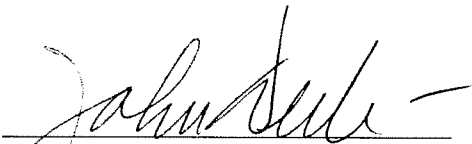
5. The respondent must attend the seminar within three months of being served with the originating document. A certificate of attendance must be filed with the Clerk of the Court.

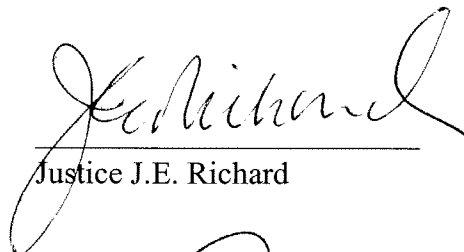
6. Unless an exemption has been granted pursuant to paragraph 10, before a family law proceeding can be set down for trial, proof of attendance at the Parenting After Separation seminar by the party setting the action down for trial must have been filed. Compliance with paragraph 3 or 5 by the party setting the proceeding down for trial is sufficient compliance with this paragraph.

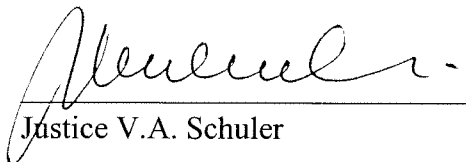
7. A party who does not attend a Parenting After Separation seminar and has not been exempted from attendance may be subject to having his or her pleadings or other documents struck or may be refused the right to make submissions or to have his or her evidence considered on an application or at trial.

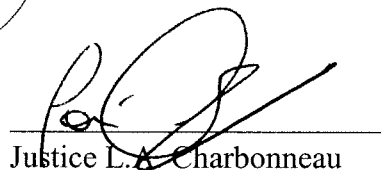
8. There is no requirement to take the seminar where the children are all 16 years of age or over.
9. There is no requirement to take the seminar where all parties to the family law proceeding certify in writing that a written agreement has been entered into settling all issues respecting custody, access, day to day care, contact and child support.
10. There may be other extraordinary circumstances where an exemption from attending the seminar will be granted and these cases will be dealt with on an individual basis upon application to the court.
11. At the time of filing the originating document in a family law proceeding, except proceedings under the *Interjurisdictional Support Orders Act* and s. 18 of the *Divorce Act*, the petitioner/applicant must submit to the Registry a completed compliance form in the form attached as Appendix "B".

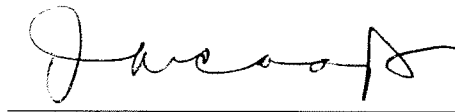
Issued this 15th day of March 2010, by direction of the judges of the Supreme Court of the Northwest Territories.


Justice J.Z. Vertes,
Senior Judge


Justice J.E. Richard


Justice V.A. Schuler


Justice L.A. Charbonneau


Justice D.M. Cooper

Appendix "A"

NOTICE TO ATTEND A PARENTING AFTER SEPARATION SEMINAR

TO: The Respondent (or Petitioner), _____
(Name)

YOU ARE REQUIRED to attend a Parenting After Separation Seminar offered by the Department of Justice, Government of the Northwest Territories, within three (3) months after service of this Notice on you, unless:

- a. you file with the court a certificate of attendance proving that you have attended a Parenting After Separation Seminar or an equivalent program within the preceding year; or
- b. you obtain an exemption from the Court; or
- c. you and all other parties to this proceeding certify in writing that a written agreement has been entered into settling all issues respecting custody, access, day to day care, contact and child support.

IF YOU FAIL to attend a Parenting After Separation Seminar when required to do so, the Court may:

- a. make an order without hearing from you or considering your evidence;
- b. strike out your pleadings or other documents;
- c. refuse to allow you to make submissions on an application or at trial; or
- d. order you to attend a Parenting After Separation Seminar within any time specified by the Court.

To attend the seminar you must register in advance by telephone (867) 873-2473. There is no fee for registration. Information is also available by a link through the following website:

<http://www.justice.gov.nt.ca/FamilyLaw/ParentingAfterSeparationandDivorce.shtml>

Dated at _____ in the Northwest Territories, this ___ day of _____,
20__.

Clerk of the Supreme Court

Appendix "B"

**COMPLIANCE FORM FOR PRACTICE DIRECTION ON
MANDATORY ATTENDANCE AT PARENTING AFTER SEPARATION WORKSHOP**

Court file no. _____ Case name: _____

I am (counsel for) the Petitioner/Applicant in this case and (check applicable section):

_____ attached to this form is the Petitioner's/Applicant's certificate of attendance at the Parenting After Separation Workshop

_____ filed herewith is an application for an exemption from the requirement to attend the Parenting After Separation Workshop

_____ this application comes within paragraph (specify which) 3a ____, 3b ____, 3c ____, of the Practice Direction; the Petitioner/Applicant has registered in the Parenting After Separation Workshop and will attend on (date) _____

_____ the Practice Direction does not apply in this case because (specify which) the Petitioner/Applicant/the Respondent does not reside in the City of Yellowknife

_____ the Practice Direction does not apply in this case because the children are all 16 years of age or over

_____ the Practice Direction does not apply in this case because as certified by all parties to this proceeding in the document attached hereto, a written agreement has been entered into settling all issues respecting custody, access, day to day care, contact and child support

Dated at _____ in the Northwest Territories, this ____ day of _____,
20____.

(Counsel for the) Petitioner/Applicant