



TERRITORIAL COURT

## PRACTICE DIRECTION

### Scheduling of Contested Child Protection Hearings

#### Background

It is imperative that contested child protection proceedings be scheduled without unreasonable delay, and for the earliest available dates. Dates chosen must allow for the efficient use of the scheduled time. Care must be taken not to overestimate the time required for hearings and to avoid adjournments resulting from underestimates.

#### Application

This Direction only applies to contested declaration hearings. It does not apply to apprehension hearings; they will be managed on a case-by-case basis consistent with statutory timelines.

#### Purposes

The purposes of this Direction are:

- To ensure that all statutory timelines in the *Child and Family Services Act* are met when scheduling hearings, and in a manner consistent with the best interests of children;
- To improve the efficiency of scheduling and the effective use of court time;
- To provide clarity and certainty during the scheduling process.

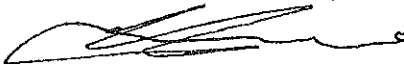
#### Contested Child Protection Hearings

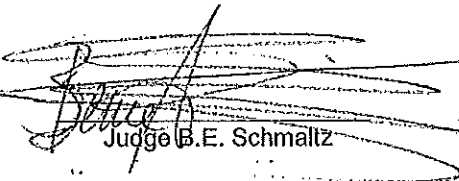
1. All contested hearings will be scheduled for times that do not conflict with other matters.
2. When all parties are represented by counsel, and a hearing is estimated to take one day or longer, it will not be scheduled until a pre-hearing conference has been held. A pre-hearing conference is to be held before a resident judge, and may be by telephone. At least one week prior to the pre-hearing conference, the material referred to in paragraph 4 below shall be provided to the Clerk of the Court and to other counsel.
3. If a party is not represented by counsel, and a hearing is estimated to take one day or longer, the parties shall appear in Territorial Court in the community where the hearing is to be held, or where the Court so orders in any other community, for the purpose of speaking to a hearing date. At least one week prior to this appearance any party represented by counsel shall file the material referred to in paragraph 4 with the Clerk of the Court and where practicable provide copies to every other party who has appeared in the proceedings.
4. Before a hearing will be scheduled for all matters exceeding one hour, every party represented by counsel shall provide the Clerk of the Court and any other party who has appeared in the proceeding with a brief statement in writing that provides the following information:
  - a) an informed estimate of the length of the hearing;
  - b) the names of all proposed witnesses along with a brief outline of why the evidence is relevant; and
  - c) a list of affidavits and other material to be relied upon.
5. All documents to be relied on at a hearing must be relevant and legible, and shall be filed with the Clerk of the Court no later than two weeks before the hearing is to commence, or at such other time as a judge may allow.

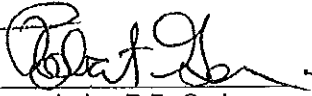
6. The Clerk of the Court shall be informed of any application to adjourn a hearing or of any proposed consent order as soon as possible.

**This Directive becomes effective April 28, 2008.**

Dated this 17<sup>th</sup> day of March, 2008.

  
Chief Judge B.A. Bruser

  
Judge B.E. Schmaltz

  
Judge R.D. Gorin