



PRACTICE DIRECTION REMOTE APPEARANCES IN TERRITORIAL COURT

REMOTE APPEARANCE IN CHILD PROTECTION MATTERS

1. Where the Director of Child and Family Services is applying to the Court to confirm the apprehension of a child pursuant to the provisions of the *Child and Family Services Act*, and counsel or a Child Protection Worker (the Applicant) who is required to appear is not present in the community where Court is being held, the Applicant and any parties may, without authorization by the presiding Judge, appear by a method of telecommunication if they provide written notice to the Clerk of the Territorial Court, no later than 12:00 noon on the business day preceding the date set for the hearing of the application, stating:
 - a) the nature of the proceeding on which the Applicant is to appear;
 - b) the anticipated length of the proceeding;
 - c) the method of telecommunication by which the Applicant wishes to appear;
 - d) specific contact information for the Applicant;
 - e) the reason why the Applicant is not able to appear in person; and
 - f) whether the Applicant is asking that any of the parties be present with the Applicant at the appearance.

REMOTE APPEARANCE IN CRIMINAL COURT

2. In criminal matters, absent exceptional circumstances, counsel is expected to appear in person or through an agent.
3. In such exceptional circumstances where counsel wish to appear by telecommunication in a criminal matter, a written application shall be made to the Court as far in advance as possible.

4. The application shall be by way of written memorandum sent to the Clerk stating:
 - a) the nature of the proceeding on which counsel is to appear;
 - b) the anticipated length of the proceeding;
 - c) the method of telecommunication by which counsel wishes to appear;
 - d) specific contact information for counsel; and
 - e) the reasons for the application including the exceptional circumstances which prevent counsel from appearing in person or by agent.
5. The Clerk shall provide such application to the Judge who is set to preside on the day of the proceeding. The Judge may rule on the application in chambers or may require further submissions to be made in advance of the proceeding.

EXCEPTIONS

6. Where statutory provisions exist which allow counsel to appear by a method of telecommunication, the foregoing procedure need not be followed.
7. In urgent situations the presiding Judge may waive the requirement of the application set out at paragraph 4.

REVOCATION

8. This Direction replaces the Practice Direction of September 23rd, 2013 and becomes effective immediately. Dated this 15 day of May, 2015.




Chief Judge C. Gagnon



Judge B. E. Schmaltz



Judge R. D. Gorin



Judge G. E. Malakoe