



# Alberta Court of Justice

## Edmonton and Calgary Practice Directive Family Pre-Court Practice and Procedure Changes

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Effective: December 18, 2023

This Practice Directive applies to applications under the *Family Law Act*. It implements part of the Alberta Justice Family Justice Strategy announced on December 1, 2023. It addresses four mandatory pre-court requirements. It currently applies only to legal proceedings taking place in Edmonton and Calgary; however, as more resources become available it is anticipated that its application will expand province-wide.

Prior to commencing legal proceedings, individuals are encouraged to either consult a lawyer or Resolution Services at 1-855-738-4747 or their website at <https://www.alberta.ca/family-court-assistance>. Resolution Services provides information to help you navigate the family justice system and may suggest alternatives to court that are less expensive and not as adversarial but cannot give you the legal advice you would receive from a lawyer.

The four mandatory pre-court requirements addressed in this Practice Directive are:

- Completion of the online Parenting After Separation (PAS) Course;
- Meeting with a Family Court Counsellor (FCC) (unless represented by a Lawyer);
- Making Financial Disclosure; and
- Attending [Alternative Dispute Resolution](#) (ADR).

Completion of these requirements is waived if the parties reach an agreement without filing a court application; however, financial disclosure must still be completed for a consent child or partner (spousal) support order.

All pre-court requirements must be completed prior to a party filing any document commencing a family law action or prior to filing a new application after a family law action has been commenced, unless a waiver or deferral is granted.

The determination of whether a waiver or deferral is to be granted will be made by a Justice of the Court of Justice. An application may be made by attaching a [Request to Waive/Defer Mandatory Requirements](#) using the unfiled documents needed to commence the claim. This application may be either a desk application or an ex parte court application. In the case of self-represented litigants, an FCC will meet with the Applicant or Respondent who has not completed one or more of the mandatory requirements and assist in preparing an application to the court to defer or waive the requirement(s).

A deferral or waiver may be issued by a Justice in urgent circumstances such as:

- a. there is a risk of immediate harm to parties or one or more children;

- b. there is imminent risk of abduction of one or more children;
- c. there is risk of severe economic harm to a child or party to an action; or
- d. the other party refuses to participate in the mandated process, they cannot be located or there is an existing order prohibiting contact between the parties.

Once the mandatory requirements have been completed, then:

- If the parties have resolved the matters for which an action/application was to be started, those agreements can be put into a Consent Court Order by Counsel or by the Applicant and Respondent with the assistance of [Resolution Services](#).
- If, upon completion of the mandatory requirements, parties have been unable to resolve all of the matters for which an action/application was to be started, either party may file their family law action or new application with the Clerk of the Court of Justice by attaching the [PAS Certificate](#), [Confirmation of Participation in ADR Form](#) and completed [Financial Disclosure Statement](#). They will then be given a Court date to be served on the other party along with the filed documents.

### **Mandatory Parenting After Separation (PAS) Course**

The [Parenting After Separation \(PAS\)](#) course must be completed prior to filing any document that commences a family law action or any new application where there are children under the age of 18 or other dependent children affected by the proceeding.

Upon completion of the PAS course, a PAS Certificate will be provided. The PAS Certificate must be filed with the documents commencing the family law action or new application.

If it has been more than two years since a party to a family law action took the PAS course, they must complete the course again before filing a new family law action or application and provide a new PAS certificate when they file their documents.

Respondents must complete the PAS Course and file their PAS Certificates with the Clerk of the Court within 14 days of being served. If the Respondent decides to file a cross-application, they must complete the PAS course and submit their PAS Certificate when filing.

### **Mandatory Meeting with a Family Court Counsellor (FCC)**

This requirement does not apply to parties who are represented by a lawyer, or to parties who do not have children who are under the age of 18 or other dependent children affected by the proceeding.

Before filing any document that commences a family law action or any new application, the Applicant must consult with an FCC who may provide guidance on matters including:

- Options to resolve the matter;

- Referrals to resources that may assist them in resolving their matter or otherwise assist their family;
- Information about court processes;
- The financial information they are required to provide to the Respondent and the Court to resolve their family law matters;
- Penalties which the Court may impose in respect of any failure to provide financial disclosure or failure to comply with any other mandatory requirements;
- How to best provide the Respondent with disclosure and information about the mandatory requirements and how best to engage the Respondent in dispute resolution processes where appropriate; and
- The suitability and preparation of a waiver/deferral request.

When an Applicant serves the Respondent with the document commencing a family law action or new application, the Applicant must also serve the Respondent with a document outlining the services provided by FCCs.

If the Respondent only files a response to a family law action or new application, the Respondent may choose not to meet with an FCC. If the Respondent decides to file a cross-application, they must meet with an FCC before filing.

### **Mandatory Financial Disclosure**

This requirement applies to all parties filing an application for child support, spousal support or adult interdependent partner support.

Before meeting with an FCC, Applicants must review the [Financial Disclosure Statement](#), gather the necessary disclosure and bring it to the meeting with the FCC.

When acting for a party, counsel must ensure that their client's disclosure is complete. Respondents may be prohibited from proceeding with any cross applications or new applications until their financial disclosure is complete.

If the Applicant or Respondent does not provide financial disclosure when required to do so, the Court may order costs against them, make a support order against them based on the information available to the Court or grant any other remedies available to the Court.

### **Mandatory Alternative Dispute Resolution (ADR)**

Before filing any document commencing a family law action or prior to filing a new application the Applicant must attend ADR, unless this requirement is waived or deferred by the Court due to urgent circumstances. The Applicant must meet with an ADR provider acceptable to the Court within a maximum of 6 months prior to filing any document commencing a family law action or new application.

The Applicant is responsible for completing an ADR Form that must be filed with the Court when commencing a family law action or new application. A link to the form [can be found here](#). The Applicant cannot seek relief that was not discussed in the ADR without leave of the Court.

The mandatory ADR requirement is not satisfied if a party attends ADR to discuss financial issues without first providing their financial disclosure.

The ADR requirement is met if one party (either the Applicant or Respondent) attends an ADR session and provides their required financial disclosure, even if the other party fails to attend or provide their financial disclosure.

[Participation in ADR Form](#) must be filed with the Court when filing the documents to commence a family law action or any new application.

**Issued this 18<sup>th</sup> day of December, 2023**



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**The Honourable J.A. Hunter**  
**Chief Justice**  
**Alberta Court of Justice**