



Alberta Court of Justice

Calgary Family & Youth Division

Practice Directive #6: Child Protection Matters After Apprehension

Effective: May 30, 2022

1. Effective May 30, 2022, this replaces Practice Directive #6 Proceedings in Child Protection Matters. All proceedings that have had a Case Conference (also known as a Case Management Hearing) scheduled under that Directive shall proceed utilizing the procedure set out under that Directive.
2. All matters without a Case Conference Hearing Date scheduled after May 30, 2022, shall utilize the process set out in this Directive. The purpose of this Directive is to efficiently manage the use of court time given the high collapse rate on the first day of trial of Child Protection cases.
3. For cases where there is an Apprehension Order, after the Initial Custody Hearing, counsel shall prepare and submit Trial Readiness Forms pursuant to Practice Directive #1. Instead of setting a Pre-Trial Conference, the trial court shall set a Confirmation Hearing date six to eight weeks prior to the trial date.
4. Attendance at the Confirmation Hearing is mandatory for the parties and counsel. Unless otherwise directed by the Court, this is to be an in-person appearance. This hearing replaces the Pre-Trial Conference, Case Conference and Judicial Dispute Resolution proceedings.
5. At the Confirmation Hearing, the presiding Justice may:
 - a. Conduct an off-the-record discussion promoting settlement. Should settlement be reached the terms of any settlement will be recorded on the record and the appropriate order made;
 - b. Review the Trial Readiness Forms and discuss issues to ensure orderly conduct of the trial on the record;
 - c. Record any consent and hear evidence if needed to make the appropriate order concluding the proceedings;

- d. If the guardians are not in attendance, conduct an inquiry pursuant to *BN v. Alberta*, 2004 ABCA 40 and determine if the Court can proceed in the absence of the guardians and enter into a summary process;
 - e. Reduce the number of days scheduled for trial, including setting the case down for a Summary Hearing;
 - f. Adjourn the trial with another Confirmation Hearing date set prior to the new trial date;
 - g. Adjourn the Confirmation Hearing to another Confirmation Hearing date prior to the scheduled trial date; and/or
 - h. Refer the matter to an appearance before another Justice prior to scheduled trial date should the Justice decide it is appropriate to do so.
6. The director of Children's Services is expected to have the case worker or designate present so Counsel for the Director can receive instructions on a timely basis and/or embark upon a Summary Hearing.
 7. Should the Confirmation Hearing Justice engage in settlement discussions and settlement is not reached, that Justice is disqualified from conducting the trial but is not disqualified from any future confirmation hearing in the case.
 8. Effective May 30, 2022, the docket for Interjurisdictional Support Order (ISO) applications will be Wednesday afternoons in Courtroom 1205. Confirmation Hearings will be heard every Thursday, both morning and afternoon, in addition to every second and fourth Tuesday afternoon in Courtroom 1205.