



# CALGARY FAMILY AND YOUTH REMOTE APPEARANCE PRACTICE NOTE

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Effective June 6, 2022

## **Application**

This Plan is to be effective June 6, 2022, unless modified for public health reasons. It applies to all Family, Child Protection and Youth Criminal Cases heard in the Provincial Court of Alberta at the Calgary Court Centre. These practices and procedures are subject to variation at the discretion of the presiding Judge. Counsel wishing to seek permission for themselves or their clients to appear by video when they are required to appear in person under this protocol should email [FYChambers@albertacourts.ca](mailto:FYChambers@albertacourts.ca) at least three (3) business days in advance of their scheduled court appearance. Any party or counsel permitted to attend by video must conduct themselves in accordance with the [Provincial Court of Alberta Conduct Guide for Remote Appearances](#).

## **1. Youth Criminal**

### 1.1. Docket

- 1.1.1. One primary Crown Prosecutor is to be in the courtroom. Other prosecutors can make guest appearances by video.
- 1.1.2. One Duty Counsel is to be physically present in the courthouse. Other lawyers with the Youth Criminal Defence Office can appear in-person or by video for routine docket matters.
- 1.1.3. Defence counsel can appear by video or in-person for routine docket appearances.

- 1.1.4. The use of designations of counsel for youth after first appearance is encouraged.
- 1.1.5. In-custody youth to appear by CCTV for short (30 minutes or less) bail hearings, routine docket appearances and short dispositions (15 minutes or less). Counsel are to appear in-person unless leave to appear virtually has been granted in advance by the Judge scheduled to hear the matter,
- 1.1.6. The presiding Judge can order personal attendance of crown, youth or counsel as needed.
- 1.1.7. Out-of-custody youth can do short dispositions in docket. Unless otherwise ordered by the Judge scheduled to hear the disposition in advance of the scheduled court appearance youth and counsel are to appear in person.

## 1.2. Scheduled Dispositions

- 1.2.1. Unless otherwise ordered by the Judge scheduled to hear the disposition all appearances are to be in person. In-custody youth are to be in person as well unless otherwise ordered by the Judge scheduled to hear the disposition.

## 1.3. Pre-Trial Conferences

- 1.3.1. Will occur by teleconference if all youth are represented by counsel for trials or preliminary inquiries greater than one day in length. If a youth is not represented by counsel, then the PTC will occur in a courtroom with in-person attendance required by the self-represented individual and all counsel, including crown counsel.

## 1.4. Trials and Preliminary Inquiries

- 1.4.1. Are to occur as scheduled with witnesses, youth, crown and defence counsel attending in-person. An application may be made to the presiding trial/preliminary inquiry Judge at least 30 days in advance for remote appearance of any participant in the proceedings pursuant to the [Protocol for Booking Courtroom Technology for Remote Witness](#).

## **2. Child Protection**

### 2.1. Docket:

- 2.1.1. The CFS (Child and Family Services) Court Team is to appear in person. Caseworkers can appear virtually or in person. Caseworkers must attend in person if it is anticipated they will be required to give evidence.
- 2.1.2. Counsel for the guardians may attend virtually for consent adjournments but must attend in person unless previously excused from physical attendance by the judge scheduled to hear the matter for any contested matters (including adjournments), where the party is consenting to an application, or evidence is anticipated to be heard.
- 2.1.3. Duty counsel is to be in the Court Centre but can attend individual courtrooms by video.
- 2.1.4. Counsel can appear by video for consent adjournments. Otherwise, they are to appear in person unless permission is granted in advance to appear virtually.
- 2.1.5. Guardians/parents are to appear in-person for all appearances even if they have counsel, with the exception of consent adjournments, when represented by counsel or they have received permission in advance to appear by video. When they do not have counsel, they are to appear in person for all appearances unless they are given permission in advance by the court to attend by video.
- 2.1.6. Counsel for the Director can appear by video except for contested applications or where it is anticipated evidence will be called.
- 2.1.7. Counsel appointed for the child(ren) can appear by video unless ordered to attend in person.

## 2.2. Apprehension Order Applications:

- 2.2.1. Are to be in person unless the requirements of s. 19(5) of the CYFEA are met (impracticable to appear personally before a Judge).

## 2.3. Secure Services Applications:

- 2.3.1. Are in person unless otherwise directed for applications. If it is a review the youth is to appear by video from the secure facility.

## 2.4. Case Conferences/Confirmation Hearings:

2.4.1. Require in-person attendance for guardians/parents, counsel and caseworker unless otherwise directed by the Judge scheduled to hear the proceeding.

2.4.2. In-person attendance for counsel unless otherwise directed by the Judge scheduled to hear the matter.

2.5. All Hearings including Initial Custody, Supervision Order, TGO and PGO:

2.5.1. Are to be in person subject to the discretion of the presiding Judge. Any application for remote appearance by witnesses or counsel is to be made at least 30 days in advance of the trial to the scheduled trial Judge, pursuant to the [Protocol for Booking Courtroom Technology for Remote Witness](#).

2.6. Pre-trial Conferences:

2.6.1. Current practice of telephone PTCs to continue with a view to returning them to regular court sitting hours in a courtroom.

### **3. Family**

3.1. Docket:

3.1.1. Counsel and litigants are to appear in-person except for consent adjournments where they can appear by video. Presiding Judge can allow virtual attendance if permission is sought in advance from that Judge for other docket appearances.

3.1.2. Any party represented by counsel can appear by video to confirm trial dates. Self-represented litigants are to appear in person.

3.1.3. Counsel can appear by video to put the terms of a consent order reached at a Judicial Dispute Resolution (JDR). Self-represented litigants must appear in person unless permission to attend by video is obtained in advance from the Judge scheduled to hear the matter.

3.1.4. Duty counsel is to be in the Court Centre but can attend individual courtrooms by video.

3.1.5. Counsel can attend by video to put the terms of a consent order on record when it is not necessary for the parties to be present.

3.1.6. Counsel who are appointed to act for the child(ren) are to appear in person unless excused by the court in advance unless the matter is being adjourned by consent when they can appear by video.

3.2. JDRs:

3.2.1. Are to occur by video pursuant to the [Calgary Virtual JDR Protocol](#) unless a party can show truly exceptional circumstances to docket Judge setting the date why the JDR should occur in person.

3.3. Binding JDRs:

3.3.1. By video or inperson based on the discretion of the assigned Judge.

3.4. Pre-trial Conferences:

3.4.1. Current practice of telephone PTCs to continue with a view to returning them to regular court sitting hours in a courtroom with attendance allowed by video.

3.5. Trials/Hearings:

3.5.1. All parties, witnesses and counsel are to attend in-person unless otherwise directed by the presiding Judge. All applications for remote appearances are to be made to the assigned trial Judge at least 30 days in advance pursuant to the [Protocol for Booking Courtroom Technology for Remote Witness](#).

**4. Miscellaneous**

4.1. *Protection of Sexually Exploited Children Act (PSECA) and Protection of Children Abusing Drugs Act (PCHAD):*

4.1.1. Applications are to be in person unless requirements in s. 4.2(1) of PCHAD and s. 2 of PSECA are met.

4.1.2. Reviews of confinement orders can occur virtually in the presiding Judge's discretion. Children confined in a safe house are to appear virtually unless otherwise ordered by the presiding Judge.

4.2. *Mental Health Act Warrants:*

4.2.1. Informants are to attend in person.

### 4.3. Emergency Protection Orders:

4.3.1. Are to occur in person. EPO Duty Counsel is to appear in person as well.

### 4.4. *Protecting Survivors of Human Trafficking Act*:

4.4.1. Can be in person or telecommunication or videoconference as contemplated by the Act.

## 5. **Obtaining Trial dates**

5.1. All Family and Child Protection Hearings that are not more than one day in length can be booked in the courtroom. All Youth Criminal trials and preliminary inquiries as well as Family and Child Protection trials longer than one day are to use the [Calgary Family and Youth Multi-Day trial Booking Protocol](#).

\*If a trial Judge is not assigned then the ACJ (Assistant Chief Judge) or designate can decide if remote appearance is allowed.