

NOTICE
MANITOBA COURT OF QUEEN'S BENCH – MASTERS
RE: COVID-19 SUSPENSION – CHILD PROTECTION DOCKETS
APRIL 7, 2020

Due to the special nature of Child Protection matters, the masters, in consultation with members of the Child Protection Bar and court staff, have determined to resume Child Protection Dockets commencing April 15, 2020. The detailed instructions contained in this notice apply to all Judicial Centres where masters preside at the Child Protection Dockets with some modifications for dockets outside the City of Winnipeg that will be indicated in this notice.

The masters in Winnipeg will preside in Room 410 or such other courtroom as may be assigned at the regular docket times. The courtroom will have teleconferencing capability that will allow counsel to attend remotely and call in. Agency counsel and counsel for responding parties will have the option of attending the courtroom, however they are strongly encouraged not to attend in person, and to instead conduct their matters by teleconference. If counsel does attend, all COVID-19 safety protocols must be strictly adhered to without exception. During the suspension period, no parties and no social workers will be allowed to attend court. In addition, due to the proceedings being closed and because of the nature of the teleconferencing equipment available, only agency counsel, and counsel acting for a responding party (where necessary), will be permitted to participate in the teleconference. The teleconference number is not in any circumstances to be shared with social workers or members of the public including the parties themselves, or anyone other than counsel as indicated above.

Agency counsel will be advised of a time to call in to have their matters addressed. This will require coordination and cooperation among agency counsel to work out times in advance of the docket, and communicate the times to counsel acting for parties who wish to participate as well as the court. This will be of particular concern as it relates to the dockets held on Wednesday and Friday mornings where multiple agency counsel appear. It is suggested that law firms that represent multiple agencies and have several counsel normally appear to address their respective matters reduce the

number of counsel appearing or make sure their bloc of scheduled time accommodates all of their collective agencies' matters.

During this period, we will not be addressing matters by seniority of counsel unless counsel works that out among themselves. Agency counsel with very few matters on the docket should be ready to have their matters addressed first.

Anyone served with a petition during the suspension period shall be served with a Notice to Respondents in the attached form that puts them on notice that they are not to attend the courthouse and advises them what they are to do. In addition, the Notice will be provided to the Sheriff's Officers controlling entry to the courthouse, and these will be provided to anyone who attends at the courthouse for a child protection docket because they did not receive the Notice when served, or did not understand the Notice, given its inconsistency with the petition. There is a separate form of Notice for each Judicial Centre.

There are several important instructions that apply to the proceedings during this suspension period.

For the Winnipeg matters, Mia Van Helden, the child protection paralegal at Legal Aid Manitoba, will be taking all calls for legal aid assistance by telephone as directed in the attached notices. She will process all legal aid applications by telephone and will also refer all individuals to legal aid duty counsel where they have questions she cannot answer or where the individual wants to consent to an order without formally retaining counsel, where the individual does not want to consent to an order but does not want counsel, or where the individual is not eligible for legal aid and wants private counsel. Ms. Van Helden's phone line will be accessible to all callers from 9:00 a.m. to 4 p.m., Monday to Friday. The phone number is (204) 985-8582.

In addition, children that are 12 years of age and older, or an agency worker caregiver (foster parent) or advocate on their behalf shall call Ms. Van Helden at the same phone line. Arrangements will be made to have the child speak to duty counsel who will assess whether the child needs counsel to be formally appointed or whether duty counsel can provide the child's position to the court without a formal appointment. It is important that appropriate contact information for the child is provided to Ms. Van Helden in order that duty counsel can communicate with them.

During the suspension period, no children are to be brought to court and there will be no Orders to Convey for parties who are in custody.

The attached notices specifically advise parties that if they do not contact Legal Aid and provide a position, their matter may proceed by deemed consent. However, this will be assessed on a case-by-case basis and there will be situations where the master will not allow a matter to proceed on deemed consent, particularly where a permanent order is being sought. In some instances, the master may require the re-service of documents.

During the suspension period, counsel shall make best efforts to have documents served well in advance of any scheduled docket. Counsel should also file motions, such as motions for substitutional service, and provide material to the master well in advance so that the master can deal with these motions more efficiently at the docket.

The 60 day docket rule is not in effect during this suspension period.

To the extent possible, written case plans should be provided to parties when they are served. When a matter is ready to proceed, agency counsel will be required to present and file a written case plan.

All intended exhibits necessary for an order should be filed in advance of the docket. Copies of documents such as affidavits of service will be accepted subject to counsels' undertakings to file originals in due course.

Every effort should be made by counsel acting for parents and children to have instructions from their clients so that they can confirm those instructions to agency counsel prior to the docket. The goal is to minimize the number of counsel required to participate at any docket. If counsel is planning to participate by telephone it is critical that you let agency counsel know in advance so you can be provided with the approximate time and number to call the court.

Child Protection Dockets are scheduled to proceed in The Pas on April 15, 2020 and May 13, 2020. They will proceed by teleconference arranged through court staff in The Pas. The Legal Aid contact for persons served for those dockets is Abdul Abdulmalik at 1-204-627-4820 or 1-800-268-9790.

Child Protection Dockets scheduled for Dauphin will proceed by teleconference on April 16, 2020 and May 14, 2020 (at the regularly scheduled time of 10:00 a.m.). The Legal Aid contact for persons served for those dockets is Stefania Whidden at 1-800-810-6977.

Child Protection Dockets scheduled for Brandon will proceed by teleconference on April 20, 2020, April 27, 2020, May 4, 2020 and May 19, 2020 (at the regularly scheduled time of 1:30 p.m.). The Legal Aid contact for persons served for those dockets is Wendy Stewart at 1-204-729-3485 or 1-800-766-2148

ISSUED BY:

“Original signed by Senior Master Lee”

Senior Master F.A. Lee
April 7, 2020

**IMPORTANT NOTICE TO RESPONDENTS
MANITOBA COURT OF QUEEN'S BENCH
CHILD PROTECTION DOCKETS
(WINNIPEG CENTRE)**

You are being served or have been served with a petition that requires you to attend Court and tells you that if you do not attend Court on a specific date a Guardianship Order may be made in your absence.

Because of the COVID-19 pandemic, you **ARE NOT TO ATTEND THE COURT HOUSE DURING THE PERIOD OF TIME FROM APRIL 15, 2020 to MAY 22, 2020.**

However, this NOTICE is to tell you that **you have a right to speak with a lawyer.**

If you want to apply for a lawyer to represent you, you must immediately contact **LEGAL AID at 204-985-8582** between 9:00 a.m. and 4:00 p.m., Monday to Friday. Call this number and they will take your application over the phone. Once you complete the application, Legal Aid will tell the Court that you have applied for a lawyer and ask the Court to adjourn your matter until your lawyer is appointed. Once the lawyer is appointed, that lawyer will represent you at court. **YOU ARE NOT TO ATTEND COURT DURING THIS PERIOD OF TIME.**

If you:

1. Agree with the Agency's plan or the Order the Agency is asking for and want to advise the court of your position without applying for a lawyer to represent you;
2. Are unsure and want to speak to a lawyer to get some more information;
3. Want to represent yourself;
4. Want to hire your own private lawyer to represent you;
5. Are a child who is 12 years of age or older (children may have an agency worker, foster parent or other person call for them);

you must immediately call Legal Aid at the number above. Legal Aid will take your information and assign a duty lawyer to speak with you. The duty lawyer will inform the court of your situation or position and will then tell you if the Court makes an Order or adjourns the matter to another date.

If you do not contact Legal Aid at 204-985-8582 **before** your scheduled date, the Court may make a Guardianship Order without giving you another notice.

IMPORTANT NOTICE TO RESPONDENTS
MANITOBA COURT OF QUEEN'S BENCH
CHILD PROTECTION DOCKETS
(BRANDON CENTRE)

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If you do not contact Legal Aid at 1-204-729-3485 or 1-800-766-2148 **before** your scheduled date, the Court may make a Guardianship Order without giving you another notice.

**IMPORTANT NOTICE TO RESPONDENTS
MANITOBA COURT OF QUEEN'S BENCH
CHILD PROTECTION DOCKETS
(DAUPHIN CENTRE)**

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**IMPORTANT NOTICE TO RESPONDENTS
MANITOBA COURT OF QUEEN'S BENCH
CHILD PROTECTION DOCKETS
(THE PAS CENTRE)**

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