

NOTICE
PROVINCIAL COURT OF MANITOBA

RE: CHILD PROTECTION HEARINGS

Due to COVID-19 travel restrictions within Manitoba, the Provincial Court of Manitoba will not be able to resume circuit sittings during the month of May. The Court does consider Child Protection proceedings to be a priority in the essential services provided by the Court during this time and therefore Child Protection dockets from the Court's circuit points will occur in May.

The Child Protection dockets will sit in the court centres of Winnipeg, Thompson, The Pas, Dauphin and Portage la Prairie.

The following dockets will sit in Winnipeg:

- May 4 (Peguis)
- May 5 (Pine Falls)
- May 12 (Berens River)
- May 13 (Bloodvein)
- May 15 (Steinbach)
- May 19 (Beausejour)
- May 20 (Emerson)
- May 21 (St. Martin)
- May 27 (Little Grand Rapids)
- May 28 (Gardenhill)
- May 28 (Pauingassi)
- June 1 (Poplar River)

The following dockets will sit in Portage la Prairie:

- May 5
- May 6

The following dockets will sit in Thompson:

- May 8 in Courtroom C
- May 12 in Courtroom C
- May 15 in Courtroom C
- May 19 (Cross Lake) in the morning, 10:00 a.m.
- May 19 (Norway House) in the afternoon, 2:00 p.m.

The following dockets will sit in The Pas:

May 26 (Pukatawagan)

The following docket will sit in Dauphin:

May 7

Please contact the court office in each court centre to find out which courtroom the matter will be heard in. The courtroom will have teleconferencing capability and counsel will have the option to attend remotely and call in. Where desired, counsel can appear in person and we will respect social distancing protocols in the courtroom. The teleconference numbers will only be given to agency counsel, parents' counsel and Legal Aid duty counsel for the Child Protection dockets.

In order to reduce the number of people attending the court building and reduce the risk of spreading the COVID-19 virus, parents, parties to the proceedings and social workers will not be allowed to attend court in person. They should not be given the docket teleconference numbers (unless the presiding judge has directed otherwise) given the closed nature of these proceedings. This includes those dockets where multiple pre-trials are scheduled. Parents may participate if their counsel use their own phones to call their clients and have the client on speakerphone. Before each matter is called, counsel can advise if their clients would like to participate and counsel can call the client. Agency counsel, social workers and respondent's counsel are welcome to facilitate telephone attendance or participation by respondents or social workers by any other means, agreeable to the presiding judge.

If a docket has more than one Agency with matters, the presiding judge may designate a time for each Agency counsel to call in to deal with its matters. It would be up to each Agency counsel to pre-arrange the order in which the matters will be dealt with.

The Agency will be expected to file case plans for each matter appearing on the docket at least one business day in advance, where feasible. The plan for each individual case should include the information that addresses the items listed in the *Minimum Expectations of Counsel in Provincial Court Child Protection Matters*, previously released on June 20, 2019 and available on the Court's website at http://www.manitobacourts.mb.ca/site/assets/files/1175/notice_-_child_protection_proceedings_-_minimum_expectations_of_counsel_in_provincial_court_child_protection_matters.pdf.

The Court will hear individual pre-trials by teleconference. Pre-trials will be scheduled for a separate time from the docket. The teleconference number will be provided to counsel. Counsel can provide the number to parents and social workers if the pre-trial is the only matter scheduled. Since the pre-trial is dedicated to only one proceeding, there is not the same "closed court" issue as a docket. The pre-trial conferences can be arranged by contacting the trial coordinators in the appropriate court centre.

If counsel will be asking the Court to make an order, the exhibits can be filed in advance, or on an undertaking of Agency counsel that they have the exhibits and will file them with the draft order. It will be up to the discretion of the presiding judge as to how and when the exhibits should be filed.

The Court is prepared to proceed with guardianship orders such as temporary orders, supervision orders and permanent orders if the evidence warrants such orders being made. Affidavit evidence in support of orders may be presented and can be filed electronically in advance.

The Court will be open and accept filing at the registry in each court centre (which reduces the work for court's administration) but given the current public health advisories, we will also accept e-filing, with the originals to be filed at a later date. If counsel choose to e-file, please do so by emailing the appropriate court centre at the following addresses, and include the words "CP filing for [Court date]" in the subject line so that court staff can easily identify and prioritize the email.

Winnipeg: pccp@gov.mb.ca

Portage la Prairie: PortageCourtOffice@gov.mb.ca

Dauphin: DauphinCourtOffice@gov.mb.ca

The Pas: ThePasCourtOffice@gov.mb.ca

Thompson: ThompsonQueensBench@gov.mb.ca (Please note this is the correct email address as both Provincial Court child protection and Queen's Bench matters are dealt with by the same staff in this court location.)

The Court is also prepared to hear any child protection trials in the court centre, if the parties are able to travel to the court centre.

For new apprehensions, when serving a petition, the Agency will be asked to serve a notice to the parties advising them they will not be allowed to attend in person and telling them to contact Legal Aid duty counsel. A sample of such a notice is attached to this notice. Modifications to the notice which would customize the notice with options that facilitate the remote participation of the parties are allowed, as long as the substance of the notice remains. We ask that the Agency make every effort to gather telephone or any other contact information from the respondents to facilitate contact by the Court. The Court will post a notice on the door of the court building in each community advising the parties that the docket will take place in the court centre and asking them to call their lawyer or Legal Aid duty counsel. For ongoing proceedings, we ask counsel for each party to contact their client and advise them of the directions in this notice as to where court will be held, who can attend and how they can participate.

The Court will address the rights of children if Agency counsel have arranged for a telephone or other remote method of communication with the child. The method of communication must be capable of being recorded in the courtroom and the child's

identity can be verified for the Court. Please contact the appropriate trial coordinator to schedule a time when the child's rights can be addressed.

The Provincial Court of Manitoba recognizes these are difficult and challenging times. We encourage counsel to bring creative approaches to the Court that allow us to facilitate access to justice and meet the statutory requirements of the *Child and Family Services Act*. We do appreciate all of counsels' efforts to accommodate this period of rapid change. The directions in this notice are subject to change as the circumstances and public health directives resulting from this pandemic change.

ISSUED BY:

“Original signed by:”

**The Honourable Chief Judge
Margaret Wiebe**

DATE: April 16, 2020

Important Notice to Respondents

Provincial Court of Manitoba

You are being served or have been served with a petition that requires you to attend Court and tells you 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, child protection dockets will not sit in the circuit communities during the months of April and May 2020. The child protection dockets will sit in the following court centres (Winnipeg, Portage la Prairie, The Pas, Dauphin and Thompson) in May. **YOU ARE NOT TO ATTEND THE COURTHOUSE DURING THE MONTHS OF APRIL AND MAY 2020.**

However, you have the right to speak to a lawyer.

If you want to apply for a lawyer to represent you, you must immediately contact **LEGAL AID at 204-985-8511 or 1-866-800-8056** 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 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. The lawyer may be able to assist you to appear for court proceedings by telephone or video. **YOU ARE NOT TO ATTEND COURT IN PERSON DURING THIS PERIOD OF TIME.**

If you,

1. agree with the Agency's plan or the Order the Agency is requesting and you 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. **You can provide the duty lawyer with your contact telephone information if you want to participate in the proceedings by telephone. If you are representing yourself, you need to make sure the Court has your phone number by providing it to Legal Aid (even if they are not your lawyer) or the child caring agency.** If you do not contact Legal Aid at **204-985-8511 or 1-866-800-8056** before your scheduled date, the Court may make a Guardianship Order without giving you another notice.