

COVID-19 NOTICE / PRACTICE DIRECTION
COURT OF QUEEN’S BENCH OF MANITOBA

RE: CONTESTED MOTIONS RESPECTING THE VACCINATION OF A CHILD

The COVID-19 pandemic continues to evolve in uncertain and potentially dangerous ways. As a response, public health authorities have now recommended that eligible children also receive the available vaccinations as soon as possible.

In the above context, where a matter has not yet proceeded to triage and/or case conference, if and where one parent seeks to have a child vaccinated and the other parent opposes, it is directed (pursuant to Queen’s Bench Rule 70.24(6)) that any contested motion in relation to parental decision making respecting the vaccination of a child (pre-triage) proceed through the filing of a Form 70DD, following which the matter will be heard on an expedited basis by the triage duty judge.

It should be understood that if any such dispute proceeds to a contested hearing before a triage duty judge in the manner described above, based on the recommendations of public health authorities, there will be a presumption (that may be displaced with evidence) applicable to the issue of parental decision making that in light of the dangers posed by the COVID-19 pandemic, the recommended vaccinations are in the best interests of the child.

That presumption will apply to all subsequent motions for an order for parental decision making respecting the vaccination of a child following triage and the first case conference.

Coming into effect

This Practice Direction comes into effect on December 14, 2021 and will apply to all judicial centres.

ISSUED BY:

“Original signed by Chief Justice Joyal”

**The Honourable Chief Justice Glenn D. Joyal
Court of Queen’s Bench (Manitoba)**

DATE: December 14, 2021