

NOTICE TO THE PROFESSION
MANITOBA COURT OF KING'S BENCH
MASTERS

**RE: UPDATE TO CHILD PROTECTION DOCKET PRACTICE
BEFORE THE MASTERS COMMENCING IMMEDIATELY**

Further to the Notice issued on June 9, 2022 concerning the return to in-person proceedings effective September 6, 2022, the Masters have had some time to consider the issue of attendance of children aged 12 and over at the Masters' Child Protection Dockets.

While there have been certain benefits, and there has been interest expressed by counsel in continuing the use of the COVID-19 Protocol developed during the court closure for addressing children's rights outside of the courtroom, given the very specific legislative requirement pursuant to section 33(2) of ***The Child and Family Services Act***, C.C.S.M. c. C80, impacted children aged 12 and over need to be served, and brought to court to address their rights. This return to pre-pandemic practice will be effective immediately.

The court does recognize that there may be factors present in some cases that require special consideration of this issue. In this regard, and in accordance with pre-COVID-19 practices, where the servicing agency is of the view that it is appropriate, on the specific facts, to consider dispensing with the requirement to bring a child to court, it is expected that agency counsel will present a motion, with appropriate evidence to the presiding master for consideration. To be clear however, these motions are to be the exception given the strict language that currently exists in the governing legislation.

By way of further reminder, while it continues to be the desire of the court that all available material be filed in advance to assist with the process, agency workers are expected to be present to provide evidence and/or

respond to questions should any arise, particularly when/if the agency intends to proceed to order. If matters are ready to proceed, and specifically where there are lengthy materials to review, we continue to require agency counsel to bring those issues to the attention of the master in advance by emailing the coordinator with the request.

Finally, while we appreciate there may be necessary exceptions, and value the very cooperative nature of counsel involved, the court does expect that, wherever possible, matters on the docket with children present will proceed first, followed by matters with parents or respondents present, including in custody, and then matters with workers present, in keeping with past practice.

Coming into effect:

This practice direction comes into effect immediately.

ISSUED BY:

“Original signed by Senior Master Clearwater”

**Senior Master K. L. Clearwater
Court of King’s Bench (Manitoba)**

Date: September 27, 2022