

## IN THE SUPREME COURT OF THE YUKON TERRITORY

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PRACTICE DIRECTION # 40

*Family Law Case Conferences*

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This practice direction applies to all family law proceedings including a divorce petition or any proceeding where a claim for custody, access, child support or property division is made. It requires a family law case conference to be held with a judge within 60 days of the date of service of the proceeding, except in those cases that are exempt. Failure to hold a family case conference within 60 days may result in an application being struck or adjourned by the presiding judge. The practice direction takes effect on May 1, 2007. A lawyer or a party may speak to the Trial Coordinator to request a Family Law Case Conference on a family law proceeding filed before May 1, 2007.

The purpose of the family law case conference is to ensure that all parties are aware of the alternative dispute resolution procedures that are available and to discuss the appropriate procedure for the particular case. The judge may address the following matters:

1. A discussion of the alternative procedures of private mediation, collaborative practice, judicial mediation, settlement and arbitration;
2. A discussion of some of the well-established principles of custody, child support, spousal support and property division;
3. A discussion to identify and narrow the issues;
4. Setting timelines where appropriate;
5. The judge may make any order that could be made under Rule 35 for pre-trial conferences.

Where appropriate, the judge may also make the following orders:

1. The judge may appoint a single expert to report on financial and property issues;
2. Where matters are unopposed or uncontested, the judge may order substituted service, interim interim or interim custody and child support, financial disclosure, preservation of property and other orders that may be appropriate based upon affidavit evidence;
3. The judge may recommend that a custody and access report be prepared or that a Child Advocate be appointed.

Where a lawyer or a party applies by letter, a judge shall ordinarily grant an exemption from

the requirement of a family law case conference in the following circumstances:

1. Where each party is represented by a lawyer and the lawyers agree that a conference is not required;
2. Where there is a lawyer representing the claimant/applicant and the other party does not file an appearance; or
3. Where there has been a history of violence or abuse and a party requests that there be no conference, or that each party have a separate conference;
4. Where there is urgency or convenience.

The Judge may also grant an exemption without an application.

Where the parties reside within 30 kilometres of Whitehorse, they must attend the conference in person with their lawyer, if they have one. Otherwise, telephone attendance or videoconference may be permitted.

The judge who presides at the conference will normally be seized of the case, except where it is appropriate or necessary for another judge to hear any matter that may arise.

The family law case conference will be tape recorded, but the tape will remain in the judge's chambers, unless a judge orders otherwise. A clerk may be present. If orders are made or directions given, the judge will prepare a case conference memorandum setting out the orders made or directions given, and the judge may include other results of the case conference. A lawyer or a party shall have 14 days to file a response disputing the accuracy of the memorandum. The judge may issue a final memorandum. Orders must be prepared and filed as in any Chambers application.

Upon the request of a party, the Trial Coordinator will provide a date, time and place for the conference. A copy of this practice direction shall be attached to the Notice of Family Law Case Conference attached hereto. The party that initiates the Notice shall serve it on the opposing party (or deliver it, if that party is represented by a lawyer and has provided an address for delivery).

Failure to attend a family law case conference may result in orders being made in the absence of a party so long as the party has been notified of the conference and the relevant documents have been served (or delivered, as the case may be) on the absent party.

Veale J.  
February 26, 2007

**IN THE SUPREME COURT OF THE YUKON TERRITORY**

**Between:**

S.C. No. \_\_\_\_\_

Petitioner/Plaintiff

**And**

Respondent/Defendant

**NOTICE OF FAMILY LAW CASE CONFERENCE**

Take notice that a Family Law Case Conference will be held at the Courthouse,  
2134 2<sup>nd</sup> Ave, Whitehorse, Yukon,

On: \_\_\_\_\_  
(date)

At: \_\_\_\_\_  
(time)

Practice Direction #40 is attached explaining the purpose of a Family Law Case Conference. **If you intend to participate in the case conference, you must file an appearance. You may contact the court at 867.667.5937 to arrange to do so.**

If you intend to participate by telephone or videoconference, please contact the Trial Coordinator at 867.667.3442 to provide a phone number where you can be reached.

**If you fail to attend in person or by telephone, orders may be made in your absence.**

Dated at the City of Whitehorse, in the Yukon Territory, this \_\_\_\_ day of \_\_\_\_\_,  
200\_\_.

\_\_\_\_\_  
Lawyer or Party