

## SUPREME COURT OF YUKON

---

### PRACTICE DIRECTION FAMILY-3

### *Family Law Case Conference*

---

This practice direction applies to all family law proceedings including a claim for divorce 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 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:

- Discuss the alternative procedures of private mediation, collaborative practice, judicial mediation, settlement and arbitration;
- Discuss some of the well-established principles of custody, child support, spousal support and property division;
- Identify and narrow the issues;
- Set timelines where appropriate;
- Make any order that could be made under Rule 36 for case management conference; or
- With the agreement of the parties, convert the meeting into a judicial settlement conference.

Where appropriate, the judge may also:

- Order substituted service, custody and child support, financial disclosure, preservation of property and other orders that may be appropriate based upon affidavit evidence or as the circumstances require;
- Recommend that a custody and access report be prepared or that a Children's Lawyer be appointed; or
- Appoint a single expert to report on financial and property issues.

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:

- Where each party is represented by a lawyer and the lawyers agree that a conference is not required;
- Where there is a lawyer representing the applicant and the other party does not file an appearance;

- 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; or
- Where there is urgency or inconvenience.

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, attendance by telephone or videoconference may be permitted.

The judge who presides at the conference may seize him or herself with the case.

The family law case conference will be recorded, but the recording will remain in the judges' chambers, unless a judge orders otherwise. A clerk may be present. Any orders or directions made must be prepared and filed as in a Chambers application. In some cases, the judge may require the parties to appear in open court so that orders can be incorporated into the record of proceedings.

Upon the request of a party, the Trial Coordinator will provide a date, time and place for the conference. The party that initiates the Notice of Family Law Case Conference in Form 95A 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). A copy of this practice direction shall be attached to the Notice.

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.

Duncan C.J.  
October 13, 2022