

SUPREME COURT OF YUKON

PRACTICE DIRECTION FAMILY - 14

Judicial Interviews of Children

This Practice Direction sets out the process to be used, in determining whether to conduct a judicial interview of children during family law proceedings, and how such an interview may be conducted.

Judicial interviews are meetings conducted by judges with children during family law proceedings in which the parties are in dispute over decision-making and parenting-time, or custody and access. Interviews are not conducted for evidential purposes, but to ascertain the wishes of the children.

When a Request for a Judicial Interview May be Made:

- A request may be made at any stage of the proceedings.
- A request shall only be made where there is a live controversy about decision-making and parenting-time or custody and access.

Who May Make the Request:

- The parties;
- The child lawyer;
- The court, on its own motion.

How the Request Shall be Made:

- In a Notice of Application; or
- At a Family Law Case Conference, Case Management Conference or court appearance. At its discretion, the court may require the requesting party to file a Notice of Application.

Nature of Submissions Which May be Made:

The parties shall have the right to provide submissions about:

- whether a judicial interview should be conducted;
- how the judicial interview should be structured, including where the interview should take place; who may be present; how the meeting will be recorded; and if and how the parties will be informed of the substance of the meeting;
- what should be discussed at the judicial interview; and

- any other matter at the discretion of the judge.

How the Judge will Communicate the Results of the Judicial Interviews to the Parties:

- The judge will determine whether to communicate the results of the judicial interviews to the parties orally or in writing; and
- The results, once delivered to the parties, shall form part of the court record.

The decision about conducting a judicial interview, and how the interview is to be structured and conducted is a matter of judicial discretion.

Duncan, C.J.
August 3, 2026