



## PROVINCIAL COURT OF ALBERTA

### COVID-19 COURT MEASURES UPDATE

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**Effective: February 2, 2022**

In response to the continued spread of the Omicron variant in the province, the Provincial Court of Alberta will be extending restrictions currently in place until February 18, 2022 inclusive. The Court will continue to hear all urgent matters and matters where there is a compelling reason to proceed.

#### **Criminal (Adult)**

Between January 4, 2022 and February 18, 2022 inclusive, all **non-urgent** out-of-custody trials, preliminary inquiries and other hearings requiring viva voce evidence will be adjourned **unless there is a compelling reason for the matter to proceed**. There will however be no presumptive adjournments. Counsel will obtain new dates remotely. Subject to the direction of the Assistant Chief Judge in charge of the region or Division, this can be done in advance of the trial date through remote court scheduling, on the scheduled trial date through the case management office or in accordance with existing regional protocols. Self-represented individuals must obtain a new trial date on the currently scheduled trial date by contacting the [Case Management Office](#) remotely or with the assistance of duty counsel at the courthouse.

All other proceedings including docket applications and pre-trials will be conducted virtually.

In-custody trials and preliminary hearings scheduled at circuit point locations will proceed at the circuit point. Docket appearances currently scheduled at circuit point locations will be addressed virtually. There will be no in-person attendance.

Should you wish to have an out-of-custody criminal matter proceed, you must write the Assistant Chief Judge in charge of the region or division, outlining why the matter should be considered urgent with a copy to opposing counsel at least three business days (where possible) prior to the first day of the trial. The Assistant Chief Judge or designate will then determine if the matter will be adjourned or proceed as scheduled and advise counsel accordingly. In determining if a matter is urgent **or if there is a compelling reason to proceed** the Assistant Chief Judge or designate will also consider the following factors:

- a) If the trial or preliminary hearing has been previously adjourned;
- b) If it is a continuation of a trial or preliminary hearing;

- c) If the timeline set out in *R v Jordan* will be exceeded if the matter is adjourned;
- d) If the matter involves a serious and/or violent offence;
- e) If the matter involves a child or other vulnerable witness;
- f) Where some or all the evidence can be heard remotely or by a means other than in-person viva voce evidence.

### **Case Management Offices**

All case management offices remain closed for in-person attendance until further notice. See the [Case Management Offices \(CMO\) Out-of-Custody Docket Protocol](#) for information about how to appear remotely at the CMO and the advanced duty counsel service.

### **Civil**

All in-person matters that are scheduled between January 4 and February 18, 2022 inclusive, including trials, pretrial conferences, assessments and applications, will be adjourned. The parties will be contacted by the Court to discuss case management issues, including new dates for the matter to proceed. All matters other than trials that are presently scheduled to be heard by telephone or Webex will proceed as scheduled.

### **Traffic, Ticket, Bylaw, Provincial Offences and Inquiries**

Traffic Court is not open for any in-person appearances.

- Virtual trials scheduled in Medicine Hat, Brooks, Lethbridge and Fort MacLeod will proceed as previously scheduled.
- Trial matters in all other locations between January 4 and February 18, 2022 inclusive: contact the base court office for the location your trial is scheduled by telephone or email for further information.
- For all other matters, you are required to contact the designated court office by telephone or email for further information.

More information at [COVID-19 Traffic Court](#).

### **Family and Child Protection**

All family docket appearances, judicial dispute resolutions (JDRs) and pre-trial conferences (PTCs) will proceed strictly remotely.

#### **Family:**

All non-urgent interim hearings and trials will be adjourned. Urgent interim hearings and trials will proceed in person only in accordance with the following criteria of urgency:

1. There is a risk of immediate harm to parties or child(ren);
2. There is an imminent risk of removal of child(ren) from Alberta;
3. For support orders, there is demonstrable severe financial hardship;
4. For mobility applications there is demonstrable risk to the child(ren) or a demonstrable risk of severe financial hardship to one of the parties;
5. The hearing has previously been adjourned due to reasons pertaining to COVID-19;
6. If the best interests of the child require the trial to proceed.

### **Child Protection:**

All child protection apprehension applications, docket appearances, case conferences, JDRs, and PTCs will proceed strictly remotely.

All initial custody applications will proceed as scheduled.

All non-urgent interim hearings and trials will be adjourned.

For all Family and Child Protection matters, if the parties do not agree, the determination of whether an interim hearing or trial is urgent shall be made by a judge, in accordance with urgency criteria, including whether the statutory cumulative time in care is exceeded and whether the parents have engaged with the judicial process.

For all interim hearings and trials scheduled from January 4 – February 18, 2022 inclusive, if the parties agree that their matter does not meet the urgency criteria, they shall bring the matter forward with three business days' notice using the existing bring forward process to reschedule the trial. If the parties do not agree that the matter should be adjourned, they are to follow the appropriate protocol.

### **Youth Criminal matters:**

During this time period, all **non-urgent** out-of-custody youth criminal matters will be adjourned **unless there is a compelling reason for the matter to proceed**. Counsel are to rebook matters according to existing protocols.

Should you wish to have an out-of-custody (youth) criminal trial proceed you must write to the Assistant Chief Judge in charge of the region or Division, outlining why the matter should be considered urgent with a copy to opposing counsel at least three business days (where possible) prior to the first day of the trial. The Assistant Chief Judge or designate will then determine if the matter will be adjourned or proceed to trial and advise counsel accordingly. In determining if a matter is urgent **or if there is a compelling reason to proceed**, the Assistant Chief Judge or designate will also consider the following factors:

- g) If the trial has been previously adjourned;
- h) If it is a continuation of a trial;
- i) If the timeline set out in *R v Jordan* will be exceeded if the matter is adjourned;

- j) If the matter involves a serious and/or violent offence;
- k) If the matter involves a child or other vulnerable witness;
- l) Where some or all the evidence can be heard remotely or by a means other than in-person viva voce evidence.

The protocol for Emergency Protection Orders, *Mental Health Act Warrants*, *Protection of Children Abusing Drugs Act* applications, Secure Services applications and *Protection of Sexually Exploited Children Act* applications remains unchanged.