

**PRACTICE NOTE  
PROVINCIAL COURT OF ALBERTA  
RED DEER FAMILY COURT  
PHOTOGRAPHIC EXHIBITS**

The Family Division of our Court has recently had a number of Affidavits filed that have contained photos as Exhibits, which are of an inappropriate nature. These Exhibits have been of children's private areas.

These types of materials and photos may very well meet the definition of an intimate image (s. 162.1(1)(2) CCC), obscene (s. 163 CCC), or child pornography (s. 163.1(1) CCC) and as such are unacceptable. Once filed these Exhibits may be accessed by members of the public. The clerks of the Court do not have time to review every Exhibit nor vet them.

Counsel are urged to not file or attach this type of material. Any Exhibit of this nature that is filed will be immediately sealed by the Court and no use will be made of it. In addition, counsel will be ordered that there be no further distribution of the offending material and that any material in the possession of counsel be surrendered to the Court to be sealed. The party filing may, with leave of the Court, file another Affidavit and Exhibits, setting out their position, that do not contain the offending material.

The sealed material will be subject to an Order for Destruction, to take effect ninety (90) days after the expiration of the appeal period.

Dated this 10<sup>th</sup> day of June, 2019.



James A. Hunter  
Assistant Chief Judge  
Provincial Court of Alberta – Red Deer