



A 2022 Alberta Guide to the Law

Navigating Family Court in Alberta



 **Student Legal Services**
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Student Legal Services presents

Navigating Family Court in Alberta



1. How Can Family Law Disputes Be Resolved?

- Partners can come to their own agreement
- Partners can get a lawyer, mediator, or arbitrator to help them come to an agreement
- Partners can let the court decide. The court will issue an order that both parties must follow.

2. What Court Do I Use?

Court of King's Bench

Use when:

- You are applying for divorce
- You are applying to divide property
- You are applying for exclusive possession of the home or household goods
- You are applying for a Declaration of Parentage or a Declaration of Irreconcilability
- You are applying for an order about money in trust or dealing with real property (land, houses, condominiums, etc.).
- You are a non-spouse in a divorce action who is close to the child (such as a grandparent) making an application to seek contact or time with a child. This must be done with leave (special permission) of the court.

Provincial Court

Does not handle divorce or the division of property. For everything else, you have the choice. If documents have already been filed, use that same court.

Provincial Court:

- has more locations
- is easier to use for people without lawyers
- is less formal



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This pamphlet discusses general family court processes in Alberta, including important terms, the courts, basic court processes, and navigating family court.

Important Terms

Action: a lawsuit or legal proceeding in a civil or family law case. Each action and legal proceeding is assigned a file number, also called a Court file number, to keep track of documents submitted to the court.

Adult Interdependent Partner: an adult is an interdependent partner of another adult if they have:

- a) Been living with the other person in a relationship of interdependence
 - (i) For a continuous period of at least three years
 - (ii) Of some permanence if there is a child of the relationship either by birth or adoption
- b) Or, the couple has entered into an adult interdependent partner agreement

A relationship of interdependence is where two people share one another's lives, are emotionally committed to one another, and function as an economic and domestic unit.

Affidavit: a written statement of fact that is sworn to be true in front of a Commissioner for Oaths, Justice of the Peace, or Notary Public.

Appeal: a party who lost a lower court decision (like at the Provincial Court or the Court of King's Bench) brings that decision to be reviewed by a higher court (like the Court of Appeal) in hopes that the decision is reversed or changed. A higher court can change a lower court's decision if the lower court made an error. An appeal is not a new trial or rehearing of your case.

The person who brings the appeal is called the **appellant**. The person who responds to the appeal is called the **respondent**.

Applicant: the person starting a legal process in Provincial Court.

Clerk: an officer of the court that files documents and keeps records of court proceedings.



Consent Order: if you and the other party both agree on the terms of an agreement (like parenting or support), you can apply to have this agreement made into a Consent Order, which is a formal agreement between the two parents.

Consent orders can be submitted to the court using a desk application. You can ask your lawyer to prepare a consent order for you, or you can contact Resolution Services for help in doing so.

Defendant: the person responding to an action or legal proceeding. This term is used when filing under the *Family Property Act* or the *Divorce Act*.

Desk Application: a process where a file is sent to a Judge to review and make a decision without anyone needing to attend Court.

Plaintiff: the person beginning an action or legal proceeding. This term is used when filing under the *Family Property Act* or the *Divorce Act*. The plaintiff starts a legal action by filing a Statement of Claim.

Respondent: the person responding to an action in Provincial Court, or, the person responding to an appeal.

Service/Serve/Serving: personally delivering legal documents to the other parties in an action. If you do not feel safe doing so, you can get a family member or friend to serve the other party, or a process server. A process server is a professional hired to serve legal documents.

Statements & Reply Statements: documents filed with an application that summarizes your evidence about the other party's claims.

Important Family Law Legislation

Family Law Act

The *Family Law Act* is provincial legislation that governs many non-divorce family law situations, such as:

- Determining the parents of a child, including cases where the child was conceived through assisted reproduction



- Determining who the guardians of a child are
- Setting out the rights and obligations of parents and guardians
- Making parenting orders in cases where guardians are living apart and cannot agree on parenting responsibilities
- Determining the amount of contact between children and other people who may be important to them
- Enabling enforcement of time with a child
- Determining the amount of child support
- Determining the amount of support for spouses or adult interdependent partners

Divorce Act

The *Divorce Act* is federal legislation that applies to married couples who are seeking a divorce. The *Divorce Act* also deals with parenting arrangements and child and spousal support in a divorce. A non-spouse who is close to the child (such as a grandparent) may make an application under the *Divorce Act* to seek contact or time with a child. This must be done with leave (special permission) of the court.

Family Property Act

The *Family Property Act* (formally known as the *Matrimonial Property Act*) governs the division of property when a marriage or adult interdependent relationship breaks down. The *Matrimonial Property Act* still applies to married partners who began living separate and apart before January 1, 2020, but all other spouses and partners will be governed by the *Family Property Act*. The biggest difference between the two is that the *Family Property Act* makes it so that unmarried couples who are adult interdependent partners have the same rights and obligations as married couples upon the breakdown of the relationship.

Other Important Family Law Legislation:

- *Child, Youth and Family Enhancement Act*: governs child intervention matters and adoption
- *Adult Interdependent Relationships Act*: defines an “adult interdependent partner”
- *Minors’ Property Act*: covers children’s property matters

- *Maintenance Enforcement Act*: establishes the Maintenance Enforcement Program which ensures that people meet their obligation to pay child, spousal, and partner support that is required by court orders.

The Types of Courts

Different courts have different powers and handle different legal issues. If you have already filed court documents or have been served with court documents, use the same court where those documents have been filed.



Provincial Court

The Provincial Court is the lower court in Alberta. The Provincial Court handles most criminal and regulatory offences and also hears civil cases up to \$50 000, Family, Child Protection, Youth, and Traffic cases.

The Court of King's Bench of Alberta

The Court of King's Bench is the Superior Trial Court in Alberta. It hears trials in civil, family, and criminal matters and appeals from the decisions of the Provincial Court. The Court of King's Bench handles all divorce proceedings and the division of property. Other family law issues like child support, spousal support, and child parenting time and access can also be brought before the Court of King's Bench.

Court of Appeal of Alberta

The Court of Appeal hears appeals from the Court of King's Bench, the Provincial Court, and administrative tribunals. It is the highest court in Alberta.

The Supreme Court of Canada

The Supreme Court of Canada is Canada's final court of appeal and hears appeals from all branches of law in Canada. It hears decisions from the highest courts of each province and territories, as well as from the Federal Court of Appeal and the Court Martial Appeal Court.

Other Courts

- The Federal Court deals with intellectual property, maritime law, federal-provincial disputes, and terrorism.
- The Tax Court hears appeals from tax assessments.

- The Federal Court of appeal reviews decisions from Tax Court and Federal Court.
- Military Courts and the Court Martial Appeal Court handle military issues.
- Administrative boards and tribunals deal with disputes that do not need to be dealt with in court, like the interpretation of regulations, human rights, and immigration/refugee matters, for example.

How Can Family Law Disputes Be Resolved?

- Partners can come to their own agreement.
- Partners can get a lawyer, mediator, or arbitrator to help them come to an agreement.
- Partners can let the court decide. The court will issue an order that both parties must follow.

This pamphlet mainly discusses what happens when a matter is brought before the courts, however, resolving matters through the courts can be costly in terms of time, money, and emotions spent.

Court Basics

- The person beginning the legal process (called an “action” or “proceeding”) in Provincial Court is the **applicant**.
- The person responding the proceeding is called the **respondent**.
- Both sides are called **parties**.
- At any time during the process, the parties can make an agreement on their own without going to court.

What do I do?

- Stand up when the judge enters the courtroom until they tell you that you can sit down.
- When your matter is called, go to the front of the courtroom, and sit at one of the tables. The other party (or their lawyer) will sit at the other table.
- When you speak to the judge, stand at the podium in the middle of the room.
- If you do not understand, you can ask the judge to explain.

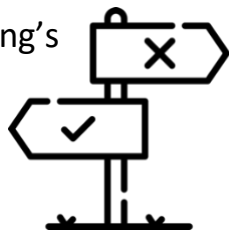
The courtroom is a formal setting. You do not have to wear a suit, but dress appropriately, be respectful to others, do not interrupt, speak one at a time, do not eat or drink (except water), and turn off all electronic devices.

- At Provincial Court, call the judge “Your Honour.”
- At the Court of King’s Bench, you can call the judge:
 - “My Lady,” “Madam Justice,” or “Ma’am” if the judge is a woman.
 - “My Lord,” “Mr. Justice,” or “Sir” if the judge is a man.

What Court Do I Use?

In Alberta, family law issues start in either a Provincial Court or the Court of King’s Bench

The Court of King’s Bench of Alberta is the only court that handles divorce proceedings and the division of property. Other family law issues like child support, spousal support, and child parenting time and access can also be brought before the Court of King’s Bench.



Use the Court of King’s Bench when:

- You are applying for divorce
- You are applying to divide property
- You are applying for exclusive possession of the home or household goods
- You are applying for a Declaration of Parentage or a Declaration of Irreconcilability
- You are applying for an order about money in trust or dealing with real property (land, houses, condominiums, etc.).
- You are a non-spouse in a divorce action who is close to the child (such as a grandparent) making an application to seek contact or time with a child. This must be done with leave (special permission) of the court.



For everything else, you have the choice between the Court of King's Bench and Provincial Court. Provincial Court is less formal than the Court of King's Bench and is easier to use for people who do not have lawyers. There are also more Provincial Court locations. If you are responding to court documents or changing court documents, you need to do so at the same court level and location where the documents were filed.

Family Dispute Resolution Processes

While it is not necessary to do alternative forms of dispute resolution before coming to the courts, it is highly encouraged. Court can be expensive in terms of money, time, and emotions spent. Courts are experiencing great delays and backlogs, especially since the COVID-19 pandemic. Damage is also caused to children who experience ongoing conflict between their parents.



Sometimes the Court will **order** dispute resolution processes before going through more formal court processes. Dispute Resolution Processes are available at both Provincial Court and the Court of King's Bench.

For matters going to trial in the Court of King's Bench, parties need to provide a certificate that they participated in a dispute resolution process.

Dispute Resolution Processes can include:

- Using **parenting tools** like apps that can be used to assist parents to resolve disputes and communicate.
- Participating in **mediation**, a family-centered conflict resolution process where an impartial third party helps participants negotiate an agreement.
- **Child support resolution programs** for self-represented parties who have a child support dispute. This program is required before making an application in the Court of King's Bench. The program can draft Consent Orders if the parties come to an agreement.
- Working with collaborative family professionals. **Collaborative practice** enables separating or divorcing spouses to create their own agreement with the support of trained professionals.

- Working with **parenting coordination and parenting experts** who help with communication and cooperation between parents.
- Working with **arbitrators** who are independent decision-makers who are contracted to settle a dispute.
- Attending a **Judicial Dispute Resolution Conference (JDR)** where parties meet with a judge to confidentially discuss the case and what the parties feel is important. The parties try to reach an agreement and the judge gives a non-binding (not enforceable) opinion about what the outcome may be at trial. In some cases, the JDR will be binding, meaning that the judge can make a decision and grant an order. The judge at a JDR will not be the same one at the trial, if a trial is needed.

However, alternative forms of dispute resolution may not be appropriate, beneficial, or useful (i.e. cases of domestic abuse or when the other party refuses to participate). As such, the Court can waive the duty to participate upon an application to do so.

Family Docket Court

There is Family Docket Court at both the Provincial Court and the Court of King's Bench. Docket Court is a busy courtroom where the Judge only has a few minutes to talk about each matter. At Family Docket Court, the court directs you to a process that best meets the needs of your family and your children. Generally, everyone must go to Family Docket Court before they can proceed with any formal applications in a family matter. You only attend Family Docket Court if you are in Edmonton or Calgary.

How to Attend Family Docket Court

1. Submit a *Notice to Attend Family Docket Court* to the Clerk at the court location you will be using. You need to give a copy to the other party. You can find the form here: <https://albertacourts.ca/qb/areas-of-law/family/family-docket-court>
 - a. This form sets out who each of the parties are, some basic information such as their income, any children's names and dates of birth, and the family law issue.

- b. You will choose two date options. Note that it can be helpful to let the other party know what you are going to do so they can attend. If you choose a date when the other party is not available, you must attend Family Docket Court and request an adjournment. This means the matter will have to be postponed to another date.
 - c. You do not need to file a claim or have started an action about your family law matter before going to Docket Court.
 2. Once you receive your filed *Notice to Attend Family Docket Court* form back from the Clerk, it will have a filed stamp on it and a date will be chosen. This document must be served on the other party at least 5 days before the court date. Service can be done in person, by email, text message, or social media, but you must be able to satisfy the Court that the other party received the document. If you feel unsafe serving the other party, a close friend or family member can do so. Or, you can hire a process server to do it. A process server is a professional hired to serve legal documents.
 - a. If you receive a *Notice to Attend Family Docket Court* from the other party, you do not need to file your own Notice to Attend Family Docket form. Any other issues you want to address can be brought up in Docket Court.



Attending Family Docket Court

1. Check in 15 minutes before court starts and wait for your matter to be called.
2. The following may occur:
 - a. The Court considers if a Consent Order is appropriate
 - b. If no alternative dispute resolution has been attempted, the Court may order one, depending on the urgency and circumstances of the issue.
 - c. The Court may schedule the matter for more formal court processes like a desk application, chambers, or special chambers.
 - i. Chambers is where pre-trial applications and procedural matters are heard.



- d. The Court may adjourn the matter to another Family Docket Court date if necessary.
3. The Judge will complete an Endorsement, which is an Order of the Court. It will be filed and emailed to you. It shows any orders that were made, and any dates scheduled for your matter.

Desk Applications

Some applications can be brought before the court without having to first proceed to Family Docket Court. You submit your documents at a courthouse for a judge to review on their own and the court contacts you once the judge grants your order, if the judge needs more information, or if the judge refuses to grant the order.

You can use a desk application process if:

- You are applying for divorce where both spouses agree to get divorce. You must already have written agreements or court orders about parenting, child, and spousal support.
- You are using the Court of King's Bench and the application is a **“simple desk application.”**
- And some other scenarios, including non-family related issues.

Simple Desk Applications at the Court of King's Bench

Simple Desk Applications at the Court of King's Bench can only have two issues per application, and *Affidavits* cannot be more than five pages (except for exhibits). *Statements* and *Reply Statements* do not have page limits, but any additional pages attached to them cannot be more than four pages long, excluding exhibits. Exhibits themselves cannot be more than two pages.

What are some of the Orders I can apply for using a Simple Desk Application?

- Consent to travel
- Dispense with consent for passport applications
- Parenting time for holidays and special occasions like summer, a long weekend, Christmas, etc.
- A simple parenting variation such as a change in a pick-up location or drop-off time.

- Termination of child support for adult children
- Change of name
- Access to educational, medical, or dental records
- Exclusive possession of the family home
- Consent Orders
- And other simple variations and orders.



Note that for changes to child or spousal support, the Director of Maintenance Enforcement must also be served notice.

How to make a Simple Desk Application

1. File an *Application* electronically with the Clerk and serve it on the Respondent. An *Application* will include a proposed form of Order which sets out what you are asking the Court to do. Applicable forms can be found at <https://www.albertacourts.ca/qb/areas-of-law/family/family-law-forms>
 - a. For divorce, you need the correct *Application* and supporting *Affidavit*.
 - b. For *Applications* made under the *Family Law Act*, you need the correct *Claim* and supporting *Statement(s)* or an *Affidavit*.
2. The Respondent may want to give evidence to the Court for consideration.
 - a. For the *Divorce Act* or *Family Law Act*, the Respondent has 10 days after being served to file electronically with the Clerk, and serve on the Applicant, an *Affidavit* or *Reply Statement*.
 - b. If the *Application* is the first *Application* for a new proceeding under the *Family Law Act*, the Respondent has 20 days after being served to file with the Clerk and Serve on the Applicant.
 - i. This time period is extended to one month if the Respondent is in Canada but outside of Alberta and to two months if the Respondent is outside of Canada.
 - c. If the Respondent does not respond, the Applicant can submit application documents, the proposed Order that was provided to the

Respondent, proof that those documents were served on the Respondent, and a *Notice of No Response* as a Desk Application.

3. If the Respondent files a response, the Applicant has 7 days to reply to that response. When all documents have been filed and the parties have not reached an agreement for an Order, all the documents (both from the Respondent and Applicant) can be submitted by the Applicant.
4. The Desk Application will then be submitted to a judge to consider. The judge will either:
 - a. Approve the proposed Order
 - b. Change the Order
 - c. Refuse the Order
 - d. Decide the matter is not appropriate for a desk application process and direct the parties to a hearing.

If the Order is refused or changed, the judge may provide an Endorsement which contains the reasons for why the Judge made their decision.

5. Within 7 days of receiving the Endorsement, the Applicant shall prepare and submit the Order to the court so it can be signed and filed. The Order must then be served on the Respondent as soon as possible.

Caseflow Conference

A caseflow conference is a program offered by the Provincial Court that is an alternative to Docket Court. There are no Caseflow Conferences for King's Bench in Edmonton.

Lawyers can also choose to put their client's matter to a caseflow conference instead of going to Docket Court. A caseflow conference must be scheduled every time an applicant is self-represented or when an applicant requests it. However, a caseflow coordinator may waive the requirement if the coordinator thinks the matter should proceed directly to a hearing.

A caseflow coordinator is a neutral third party who listens to brief statements from the parties or their lawyers. It is a chance to discuss the matter in a private, less formal place than a court room.



Once a caseflow conference is scheduled, an Applicant must serve notice of the date, time, and location to the same people who need to be served with the other application documents.

A caseflow conference can happen before the respondent has filed and served a response to the application.

Attending a Caseflow Conference

Both the Applicant and Respondent must attend, either with or without their lawyers. Any other person served can attend the caseflow conference, as well as an intake counsellor or any other person approved by the caseflow coordinator.

If the parties reach an agreement in the caseflow conference, the coordinator drafts the terms of a Consent Order with the parties, which is later reviewed by a judge without the parties having to go to court.

If the parties want to go to court, the coordinator helps them get ready to proceed. The coordinator can also refer and assist the parties with other services, such as mediation or judicial dispute resolution.

If the Respondent does not attend, the caseflow coordinator will:

- Notify the Court clerk that the Respondent did not attend
- Inform the clerk whether the Respondent indicated in writing that they agreed or disagreed with the order applied for
- Arrange for the preparation of an Order for the Court to consider or help the applicant proceed directly to a hearing without further notice to the Respondent.

The Court can make an order without further notice to the Respondent if the Respondent does not attend.

The caseflow coordinator can adjourn (postpone) a caseflow conference or hearing to another time and place or indefinitely. If a hearing is to be adjourned, both the Applicant and Respondent must consent, or just the Applicant if the Respondent has not been served with notice of the hearing yet.

Early Intervention Case Conference (EICC)

Early Case Intervention Case Conferences exist in Family Docket Court in Edmonton or Calgary. You can agree with the other party to attend an EICC or the judge may order you to attend one.

At an EICC, a judge will read your Case Conference Summary to become familiar with your case. You may talk about the ways you can resolve the case without going through more formal court processes. If some or all matters are settled, the judge will outline your agreement in a Report from the Case Conference Justice. The Judge may give directions or orders about any next steps.

EICCs take place in a courtroom for one hour. You will be given a link to participate by video if in person attendance is not available.

You must attend the conference yourself and cannot send someone else to attend on your behalf even if it is your lawyer. If you have a lawyer, they can come to the Conference with you.

Documents to exchange before the EICC:

- Any documents or information listed in the Order for your Case Conference, any other documents needed by the other party to address the dispute, and up to date income information.
- The Case Conference Summary which can be found online at <https://albertacourts.ca/docs/default-source/qb/early-intervention-case-conference-summary-form.pdf>

Goals of an EICC:

- To see if the parties can settle some matters that have not been resolved
- To talk about options to settle the matter than may not be available in more formal court proceedings
- To hear what the Judge thinks about the strengths and weaknesses of each party's case if settlement is not possible
- To reduce matters that have to go to a more formal court proceeding if settlement is not possible

- To talk about how to reduce the cost and time spent on a more formal court proceeding if settlement is not possible.

Family Law Actions at Provincial Court

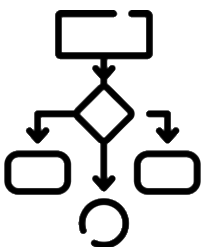
Remember that the Provincial Court can only hear some family law matters. It cannot grant a divorce, divide family property, give exclusive possession of a family home or household goods to one person, grant a Declaration of Parentage, Grant a Declaration of Irreconcilability, or deal with money in trust or real property (land, houses, condos, etc).

Below is a basic overview of a family law action at Provincial Court. You may have to take additional steps depending on your case.

1. If you do not have a lawyer and have a family law issue related to a dependent child, you can meet with a **Family Court Counsellor** through Resolution Services. Family Court Counsellors help people who do not have a lawyer prepare for court, discuss their issues and options, and refer you to other programs. Family Court Counsellors cannot provide legal advice.
2. You may have to attend an **intake appointment**. An intake appointment is required if:
 - a. The court orders it
 - b. An application dealing with parenting, guardianship, contact, or enforcement of time with a child is filed in Provincial Court in Calgary or Edmonton.
 - c. You are self-represented, in Calgary, and filing an application under the *Family Law Act*. The application would have to be something that the Provincial Court can deal with, but this service is also available at the Court of King’s Bench.

An intake appointment helps you to:

- Get safety screened for family violence
- Understand options and services for resolving child-related disputes
- Understand how separation and conflict affects children



- Negotiate agreements and resolve disputes
 - Prepare court applications and arrange court dates
 - Get referrals to other programs and services
3. The Applicant then files a *Claim – Family Law Act* with the matching *Statements* at the courthouse. The court schedules a date and writes it on the form. You can ask for a variety of things in your claim like guardianship, parenting arrangements (that are not being dealt with in a divorce), contact, child support and spousal or partner support. You can also ask to vary existing orders about these topics.
Your evidence is summarized in the *Statement*. Because there are different *Statements* for different issues, you need to file a *Statement* for each issue. More issues may come up. You can file more *Claim* forms throughout the process which will all be filed under the same court file number.
 4. The Applicant serves a copy of the filed documents on each of the Respondents. The Respondent must receive the documents at least 20 days before the court date. If they live outside of Alberta but inside Canada, they must receive the documents at least one month before the date. For Respondents outside of Canada, they need to receive the documents at least two months before the date.
 5. The Respondents then file a *Response - Family Law Act* with matching *Reply Statements* and serves them on the Applicant at least 10 days before the court date. *Reply Statements* summarize the Respondent's evidence about the Applicant's claims. Respondents can also contact a Family Court Counsellor for help.
 6. The Respondent can bring up new issues with their own *Statement* and the Applicant can also file *Reply Statements*. The Applicant must serve these on the Respondent at least 5 days before the court date.
 7. All parties go to court on the date shown on the *Claim – Family Law Act*.
 8. The court may refer the parties to caseflow conferences, docket court, or other services and meetings. If the parties cannot reach a solution to all of their issues, the judge may make a final decision at a trial.

Any orders made in Provincial Court will be prepared by the court clerk and mailed to the parties.



Presenting Evidence in Provincial Court

In Provincial Court, your evidence is usually in the *Statements* and *Reply Statements* that match the issues you are asking the court to deal with. *Statements* are made under oath before a Commissioner for Oaths and the Judge treats them the same way as if you were giving oral evidence (speaking under oath at a questioning, hearing, or trial.)

In your *Statement*, include all the facts you want the judge to hear. Evidence must be relevant to the orders you are asking for and should connect to a fact that you want to prove to the judge. It will not be helpful to include evidence that shows angry feelings or bitterness to the other party.

Family Law Actions at the Court of King's Bench

At the Court of King's Bench, you can file documents under the *Family Law Act*, the *Family Property Act*, or the *Divorce Act*.

1. Consult with an intake counsellor about your options and any possible referrals. Respondents can also consult with an intake counsellor about options and referrals.
2. Self-represented applicants will need to attend a caseflow conference unless this requirement is waived by the caseflow coordinator.
3. If you are not required to or choose not to attend a caseflow conference, the next step for any family law matter with the Court of King's Bench is to file a *Notice to Attend Family Docket* at the courthouse so that you can go to Family Docket Court (see page 8 for more information on attending Family Docket Court). You only attend Family Docket Court if you are in Edmonton or Calgary.
4. After filing a *Notice*, you must serve it on the other parties at least five days before Docket Court.
5. The Court will complete a *Family Docket Court Endorsement* which tells the parties what to do next.

6. The Docket Court may schedule the issue for a more formal court process, like an application. An application can refer to two things:
 - a. The documents you file for your request
 - b. How the judge hears your request, like in court or in a desk application.
7. If the Plaintiff wishes to begin a court action, they will file a *Statement of Claim*.

Types of *Statements of Claim*:



- If you are filing for divorce and dividing property (along with any parenting or support issues), use a *Statement of Claim for Divorce and Division of Property*. Note that if you separated before January 1, 2020, the forms will say “Matrimonial Property” instead of “Family Property”
 - If you are filing for divorce only (along with any parenting or support issues) use a *Statement of Claim for Divorce*.
 - If you are dividing family property only, use a *Statement of Claim for Division of Family Property*.
8. The Plaintiff will serve (or have someone else over the age of 18) serve a filed copy on the Defendant. Plaintiffs have one year from the date of filing to serve the Defendant.
 9. The Defendant files a *Statement of Defense*. The Defendant can respond to claims made in the *Statement of Claim*, as well as make counterclaims if the Defendant wants the court to consider an order that was not brought up by the Defendant. The Defendant must file and serve a *Statement of Defense* within 20 days of being served with a *Claim* if the Defendant lives in Alberta. If the Defendant lives outside of Alberta but within Canada, they have one month. If the Defendant lies outside of Canada, they have two months.
 10. The Plaintiff files and serves a reply to any counterclaims made.
 11. Parties share information with each other (like finances).

12. A party may make a *Family Application* to the Court at any time after filing a *Claim*, such as for interim support or exclusive possession of the family home, for example.

The judge may issue an interim order to deal with these issues. *Applications* must be filed and served, along with an *Affidavit*, on the other part at least five days before the court date.

13. The parties can question each other to make sure everyone knows what evidence will be presented.

a. Questioning is a formal process where parties answer questions under oath.

i. Questioning is done to help the parties learn about the other's case so a settlement may be made, to see if the other party will admit important facts, and to prevent parties from changing their evidence at trial.

14. Parties may attend settlement meetings, such as a Judicial Dispute Resolution Conference.

15. Issues that are not resolved will go to trial where the Judge makes the final order.

Evidence at the Court of King's Bench

You can give evidence orally under oath or in an *Affidavit*. Usually, oral evidence is only given during a questioning or at a trial and most evidence will be in the *Affidavits*. A party can prepare and file many *Affidavits* over the course of the legal problem.

What do I include in an *Affidavit*?

- An *Affidavit* will have background information at the beginning and the remedy requested at the end. What is written in between depends on the application being asked for.
- **Background information**
 - Age and birthdates of you, your ex, and your children
 - When and where you and your ex began living together or got married

- When you and your ex were separated
- Current living situation of you and your ex
- You and your ex's education and current job
- Any other court orders that relate to the application
- If you are applying for **partner or spousal support**
 - Roles and contributions of you and your ex during the relationship
 - You and your ex's education and work history (and any periods when you were off work and why)
 - Household budget and debt
 - Reasons why you cannot support yourself
 - Steps you need to take to be able to support yourself
- If you are applying for a **parenting order**
 - Information about your children like schools and daycares, activities, or medical needs
 - Roles and contributions of you and your ex to the household and childcare
 - The children's bonds with the parents
 - Steps taken to minimize the effects of the separation on the children
 - Time the children have spent with both parents since the separation
 - Things that affect you or your ex's ability to spend time with the children
 - Special occasions you want to spend with the children
- If you are applying for **child support**
 - Any voluntary support payments made by you or your ex
 - Information about your children like schools and daycares, activities, and medical needs
 - Special expenses for your children like activities and medical needs
 - You and your ex's health care benefits for the children
 - Living arrangements for the children
 - Financial information for you and your ex
 - Incorrect or missing financial information for your ex

- In the **remedy requested** section, add what kind of order you are asking the court to make.

Trial

The following is the basic trial courtroom procedure for civil or family law matters.

Step 1. Opening statements:

1. The Applicant introduces themselves and the other party or the other party's lawyer.
2. The Applicant gives an opening statement and explains to the judge what they are asking for.
3. The Respondent gives an opening statement.



Step 2. Evidence and witnesses:

1. The Applicant gives their evidence.
2. The Respondent cross-examines (asks questions to challenge them) the Applicant.
3. The Judge can ask questions of the Applicant.
4. The Applicant calls their witnesses and asks them questions.
5. The Respondent cross-examines each of the witnesses.
6. The Judge can ask questions of the witnesses.
7. The Respondent follows the above steps with their evidence and witnesses.

Step 3. Closing arguments:

1. The applicant gives their closing statement, summarizing the evidence and arguing why the Judge should decide in their favour.
2. The Respondent gives their closing statement and makes arguments.
3. The Applicant responds to any arguments from the Respondent.



Step 4. Decision:

1. The Judge makes a decision in favour of one of the parties.
2. The Respondent and Applicant thank the Judge.

Where Can I Get More Help or Information?

Student Legal Services – Family Law Project 11036 88 Ave NW Edmonton, AB T6G 0Z2	Ph: 780-492-8244 Admin: 780-492-2226 Fax: 780-492-7574
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The Family Law Project of Student Legal Services consists of law students who provide basic legal information on various topics in family law, such as divorce, separation, parenting time, child and spousal support ("maintenance"), matrimonial property, and adult interdependent relationships. Caseworkers are able to provide free assistance to low income individuals and will work on your matter under the guidance of an advising lawyer. Additionally, the Family Law Project conducts a Do-Your-Own-Divorce Clinic every few months.

Edmonton Community Legal Centre (ECLC) Telus House, South Tower Second Floor 10020 – 100 Street Edmonton, AB T5J 0N3	www.eclc.ca Ph: 780-702-1725
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Provides legal services for low-income Albertans in certain areas of family and civil law. These services include free legal information, referral, and legal education. ECLC may also be able to provide legal advice if you meet their eligibility criteria. Much of their legal information can be found on their website, as well as the time, dates, and locations of their public legal education programs. Additionally, ECLC has a fee waiver program if your income and matter fall within their guidelines.

Legal Aid Society of Alberta Revillon Building Suite 600 – 10320 102 Avenue Edmonton, AB T5J 4A1	Toll Free Ph: 1-866-845-3425
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Provides assistance through information, referrals, advice, and/or representation, depending on what your matter is and which eligibility guidelines you meet.

Lawyer Referral Service	Toll Free Ph: 1-800-661-1095
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Gives you the contact information for three lawyers who can help with your matter. You can speak to these lawyers for up to thirty minutes free to discuss your options.

Edmonton Resolution Support Services Rm 8124, 8th Floor - John E Brownlee Building 10365 97 Street NW Edmonton, AB T5J 3W7	Ph: 780-415-0404 Toll Free: 1-855-738-4747
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Edmonton Resolution Support Services provides various services to assist individuals dealing with family or civil matters. They have numerous free services, such as Family Court Counsellors, Family Mediation, Child Protection and Intervention Mediation, Civil Mediation, and assistance on Court Forms and Orders.

Centre for Public Legal Education Alberta (CPLEA) www.cplea.ca	Ph: 780-451-8764
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CPLEA provides detailed legal information online to the Alberta public on various areas of the law.

NOTE: *They do not provide legal assistance or advice or answer specific legal questions.*

Provincial Court Clerks – Family	Edmonton: 1-855-738-4747
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Clerks can assist in providing information for Provincial Court Family matters regarding judicial procedures, court appearances, trial dates, adjournments, outstanding warrants, summonses, subpoenas, witness fees and payment of fines. It is not their role to provide you with legal advice.

Maintenance Enforcement Program (MEP) 7 th Floor John E. Brownlee Building 10365 97 Street Edmonton, AB T5J 3W7	Ph: 310-0000 ext 780-422-5555 24h Tip Line: 310-0000 ext 780-401-8477
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A government agency that acts as a third party in child, spousal, and partner support transactions. It collects and enforces court-ordered support from the payor and forwards the amount to the recipient. Either the payor or recipient can register for MEP. To register, you need a court order before filling out and submitting specific forms, found on their website:

https://justice.alberta.ca/programs_services/mep/Pages/default.aspx

Emergency Protection Order Program	Ph: 780-422-9222 *If after business hours, contact local police*
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For those experiencing family violence and need immediate protection from further harm. This free program will provide help with risk assessments and safety plans, provide information and a lawyer for the purpose of obtaining an Emergency Protection Order (EPO). This lawyer cannot assist you with anything beyond the EPO.

Family Violence Info Line	General Info Line - 24 Hour Toll-Free Ph: 310-1818 (no area code) Emergency Financial Support: 1-877-644-9992 Afterhours call: 1-866-644-5135 Family Violence and Tenancy Concerns: 1-877-644-9992 Edmonton Sexual Assault Centre: 780-423-4102
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The Family Violence Info Line gives callers an opportunity to speak with trained staff regarding their situation and options.

The Family Centre, Edmonton #20, 9912-106 Street Edmonton, AB T5K 1C5	Ph: 780-900-6192
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The Family Centre provides subsidized counselling services, parenting workshops and therapy sessions. They also offer translation services, family support services, and a safe visitation site for parents with supervised access to their children.