



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *01 September 2018*

NP 09

NOTICE TO THE PROFESSION AND PUBLIC

SOUTH PEACE FAMILY MEDIATION OPTIONS

Purpose

To recognize the available mediation options in the South Peace Region of the Province to resolve family law disputes, and to outline the process involved with respect to one of those options¹.

Notice

1. The mediation options available in the South Peace Region of the Province to resolve family law disputes include: counsel of choice, private mediator of choice, mediator provided by the Legal Services Society, Family Justice Counsellor using distance mediation, and the South Peace Community Resource Society's Northern Navigator Initiative ("Navigator").
2. Until April 30, 2019, the process for family mediation referrals involving the Navigator in Fort St. John, Dawson Creek, and Chetwynd is:
 - a. At the first appearance, the presiding Judge will, where circumstances warrant, direct the parties to the Navigator for an intake meeting. The case will be stood down for the parties to meet with the intake worker. The meeting will take place during the court day.
 - b. The parties will meet separately with the intake worker to inquire as to the appropriateness of a referral to mediation (including via Family Justice Counsellor (remote), Legal Aid, private mediation, and the Navigator roster mediation), and consider what other service referrals would benefit the parties (including legal

¹ In light of the purposes articulated in section 4 of the *Family Law Act*, further to the Third BC Justice and Public Safety Council Summit held May 2014, after consultation with the Bar in the Peace River, the South Peace Community Resources Society (SPCRS), the Trial Lawyers of BC, the BC Branch of the Canadian Bar Association, and the Family Justice Services Division of the Ministry of Attorney General, and in response to the critical local need for additional resources for families and a national and provincial recognition of the overall need to improve access to justice for families.

- advice). The intake worker completes a Navigator Summary Form which is delivered to the Court Clerk.
- c. Cases will be recalled by the Court who will consider the submissions of the parties/counsel and the Navigator Summary Form. If appropriate, the Court may make an Order to Mediation, in which case the parties will be directed to the intake worker who will assist with arrangements for mediation. The Court will also set a subsequent court date for the case.
 - d. Mediation is conducted either by a private mediator of the parties' choice at their own expense, a Navigator roster mediator charging fees on a sliding scale, a mediator provided by the Legal Services Society, or by a Family Justice Counsellor using distance mediation. The parties may be required to attend pre-mediation sessions plus a minimum of two two-hour sessions with the mediator. The mediator will complete a Mediator Summary Form and deliver it to the Court Registry, and provide copies to the parties and the intake worker.
 - e. At the next appearance date, the parties will advise the Court of the results of mediation, and the Court will make the appropriate orders and directions.
 - f. Unresolved issues will be addressed through the usual Court process.
 - g. Parties are encouraged to seek legal advice at any point in the process.
3. The Navigator Workflow which outlines the process is attached as **Appendix "A"**.
 4. The Navigator will be subject to an independent evaluation, which will be provided to the Court once completed.

History of Notice to the Profession and Public

- Original Notice to the Profession and Public dated June 1, 2016.
- Amended Notice to the Profession and Public dated October 21, 2016 (changes to wording for clarity and to refer to the evaluation that will be provided to the Court and extends the date of the notice to August 1, 2017).
- Amended Notice to the Profession and Public dated November 8, 2017 (changes to wording for clarity and to title and purpose; adds para. 1; and extends date of Navigator process until August 31, 2018).
- Amended Notice to the Profession and Public dated September 1, 2018 (extends date of Navigator process until April 30, 2019).

Appendix "A" - Navigator Workflow

