



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: 21 October 2016

NP 09

NOTICE TO THE PROFESSION AND PUBLIC
SOUTH PEACE FAMILY MEDIATION INITIATIVE
(NORTHERN NAVIGATOR)

Purpose

To describe the process for the discretionary referral of family cases by Provincial Court judges to mediation for those cases coming before the Provincial Court in Fort St. John, Dawson Creek, and Chetwynd.¹ Recognizing that there are various methods to resolve family law disputes, this Notice to the Profession and Public outlines the process involved with respect to one of those options.

Notice

1. Until August 1, 2017, the process for family mediation referrals involving the Northern Navigator is:
 - a. At the first appearance, the presiding Judge will, where appropriate, direct the parties to the Northern Navigator (“Navigator”)² for an intake meeting and stand the case down for the meeting to take place during the court day.
 - b. The Navigator will meet separately with each party to inquire as to the appropriateness of a referral to mediation (including via Family Justice Services (remote), Legal Aid, private mediation, and the South Peace Community Resource Society Mediation Program), and consider what other service referrals would benefit

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 Justice, 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.

² The Navigator, Kaitlin Fulton, is an employee of SPCRS. She has an Associate of Arts in Criminology (Okanagan College), a Bachelor of Arts in Justice Studies and Master of Arts in Conflict Analysis and Management (Royal Roads University) and Certificate in Interpersonal Mediation and Negotiation, Justice Institute of BC). She is a member of the Associate Family Roster of Mediate BC Society. She is also a family support and supervised visitation worker for SPCRS and previously provided counselling, support, and advocacy to high risk aboriginal youth.

the parties (including legal advice). The Navigator 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 Navigator 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 Northern 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 Navigator.
 - 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.
2. A Northern Navigator Workflow is attached as **Appendix "A"**.
 3. The Initiative will be subject to an independent evaluation, which will be provided to the Court in 2017.

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).

Thomas J. Crabtree
Chief Judge
Provincial Court of British Columbia

Appendix "A" - Northern Navigator Workflow

