



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: 09 January 2020

NP 11

NOTICE TO THE PROFESSION AND PUBLIC

USE OF A SUPPORT PERSON IN CIVIL AND FAMILY PROCEEDINGS

Purpose

The objective of this Notice to the Profession and Public is to outline the guidelines for using a support person (also referred to as a courtroom companion or “McKenzie friend”) in Provincial Court small claims or family proceedings. A support person may also be subject to any applicable provisions of the *Legal Profession Act*.

Notice

1. Unless a judge orders otherwise, a litigant may have a support person sit with them in a Provincial Court small claims or family trial or hearing except for:
 - a. a small claims settlement or trial conference; or
 - b. a family case conference.
2. A support person may be a friend or a relative.
3. A support person must not be someone who:
 - a. may be a witness in the hearing or trial; or
 - b. is paid by the litigant for their services.
4. A support person may provide the following help in court:
 - a. taking notes;
 - b. organizing documents;
 - c. making quiet suggestions to the litigant;
 - d. providing emotional support; and
 - e. any other task approved of by the judge.
5. A support person shall not address the court, or speak on behalf of the litigant except in exceptional circumstances and only with the advance permission of the judge.

6. A judge may refuse to allow a support person to sit with a litigant where the presence of the support person could be or becomes disruptive to the proceedings or would otherwise be unfair to an opposing party.
7. A support person may be allowed to attend a small claims settlement or trial conference or family case conference, with the permission of the judge, and usually only where the opposing party agrees. If the support person is not allowed to attend, the litigant may ask the judge for a break during the conference to speak to their support person outside the conference room.

History of Notice to the Profession and Public

- Original Notice to the Profession and Public dated April 10, 2017.
- Amended Notice to the Profession and Public dated January 9, 2020 (clarifies “Purpose” and para. 3b that a support person may also be subject to any applicable provisions of the *Legal Profession Act* and must not be paid by the litigant for their services).

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia