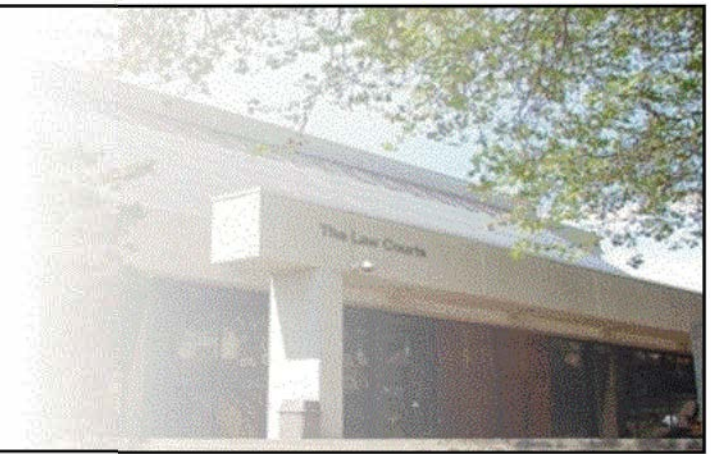




# Provincial Court of British Columbia



## Support Person Guidelines

[Effective April 2017]

### SUPPORT PERSON

If you do not have a lawyer, you may be able to have a support person sit beside you in **family and civil trials**. The BC Provincial Court has guidelines (*see back of this page*) for bringing a support person with you to court.

A support person is someone who sits beside a *self-represented litigant* (someone who does not have a lawyer and is presenting their own case in court) at the front of the courtroom to quietly help them during their trial.

### WHEN CAN YOU HAVE A SUPPORT PERSON?

You can have a support person during a Provincial Court family or Small Claims trial or hearing.

The guidelines do not authorize support persons in small claims or family **conferences**. The judge may permit them to attend a conference if you ask, but usually only if the other party agrees.

If they are not allowed to be with you in the conference room, you may ask the judge for a break during the conference to speak to them outside the room.

### TIPS FOR CHOOSING A SUPPORT PERSON



A judge must be satisfied that your support person would not be disruptive or unfair.

1. Choose someone who you can trust with private information and who will remain calm.
2. It may not be a good idea to choose a family member depending on your family dynamic and the nature of the case being heard.
3. Choose someone who does not have their own personal or political agenda.

### WHAT CAN A SUPPORT PERSON DO?

#### A support person may:

- Take Notes
- Organize documents
- Make quiet suggestions to you
- Provide emotional support
- Do any other task approved of by the judge

#### A support person may NOT:

- Speak to the judge
- Speak for you\*

\*except in exceptional circumstances where the judge has given permission in advance

Support persons are sometimes called **courtroom companions** or **McKenzie friends**.

## INTRODUCING YOUR SUPPORT PERSON

You do not have a guaranteed right to have a support person sit beside you. Therefore, it is important to ask the judge for permission to have one.



When your case is called, walk to the front of the courtroom.

Introduce yourself and tell the judge you have a support person with you who understands the Guidelines. It may also be helpful to tell the judge why you need a support person.

The judge may ask the opposing party if they have any objections. If they object, listen to their reasons and be prepared to respond.

## GUIDELINES FOR USING A SUPPORT PERSON IN PROVINCIAL COURT

- 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.
- A support person must not be someone who:
  - a. Maybe a witness in the hearing or trial; or
  - b. Is paid by the litigant for their services.
- 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.
- 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.
- 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.
- 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.

## SAMPLE INTRODUCTION

"Your Honour, I would like to request a support person to help me today.

I understand that a support person can sit beside a self-represented litigant in a courtroom. I know they aren't allowed to address the court, and s/he is not here to give me legal advice.

My support person is **[name]**. S/he is **[relationship to you, and occupation if relevant]**. S/he will help me with **[role - try to be specific; i.e. organizing notes, feeling calmer, etc.]**

It is important for **[name]** to sit beside me instead of in the public seating because... "

