



## PROVINCIAL COURT OF BRITISH COLUMBIA

**The March 17, 2020 update replaces the March 15 and 16, 2020 updates.**

### COVID-19 March 17, 2020 Update

Effective **Wednesday, March 18, 2020:**

#### **FAMILY (including child protection (CFCSA) and maintenance enforcement (FMEA))**

Family case conferences and CFCSA case conferences scheduled between March 16 and May 4, 2020 will not proceed so the parties should not attend Court. The parties will receive notification by May 4, 2020 regarding the next date they must attend Court.

Only urgent family, CFCSA, and FMEA matters as determined by a judge will be heard, including:

- a. requests for urgent relief relating to the safety of a child or parent;
- b. requests to obtain or set aside protection orders, or urgent orders involving parenting time, contact with a child or communication between parties;
- c. urgent issues that must be determined relating to the well-being of a child including essential medical decisions or issues relating to relocation, non-removal, wrongful removal or retention of a child;
- d. in a child protection case, all urgent or statutorily mandated matters, including the initial presentation hearing, the protection hearing, applications for supervision orders and for extension of time, and any other urgent motions or hearings; and
- e. applications to suspend, change or cancel any order for imprisonment or committal pursuant to the *Family Maintenance Enforcement Act*.

Applications to a judge for determining if the matter is urgent can be sent by fax to fax filing registries (see [GEN 01 Practice Direction](#)) or by mail to the applicable [court registry](#) until further notice.

All non-urgent family matters, including trials, scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties having to attend Court. See [Adjournment Details](#) for more information.

The Provincial Court registries will not accept any new non-urgent family filings between March 18, 2020 and May 16, 2020.

### **SMALL CLAIMS**

Small claims case conferences scheduled between March 16 and May 4, 2020 will not proceed so the parties should not attend Court. The parties will receive notification by May 4, 2020 regarding the next date they must attend Court.

Only urgent small claims matters as determined by a judge will be heard, including applications:

- a. regarding outstanding warrants;
- b. to preserve limitation periods;
- c. to extend the time for filing pleadings where permitted under the Small Claims Rules; and
- d. to renew notices of claim.

Urgent small claims filings will only be accepted:

- electronically (where able) using [Court Services Online](#);
- by mail; or,
- by fax to fax filing registries (see [GEN 01 Practice Direction](#)).

Applications to a judge for determining if a matter is urgent can be sent by fax to fax filing registries (see [GEN 01 Practice Direction](#)) or by mail to the applicable [court registry](#) until further notice.

All non-urgent small claims matters, including trials and [Rule 9.1 Simplified Trials](#), scheduled to proceed between March 18, 2020 and May 16, 2020 are adjourned without the parties having to attend Court. See [Adjournment Details](#) for more information.

No new non-urgent small claims filings will be accepted by the Provincial Court registries between March 18, 2020 and May 16, 2020.

## **CRIMINAL (ADULT AND YOUTH)**

### ***PERSONS IN CUSTODY***

The scheduling and hearing of in-custody criminal trials and sentencings will proceed unless adjourned by the Court on application by a party. Parties are encouraged to apply to use video conference for in custody sentencing and trials in criminal matters. You may call the [court registry](#) to schedule your telephone application before a judge to have a matter heard by videoconference. You may apply to adjourn a matter by calling the applicable [Judicial Case Manager](#). Adjournments due to COVID-19 will be noted as such in the Court file.

Consent remand matters will proceed by telephone or by submitting to the Judicial Case Manager the [Consent Remand Form](#) by email where available.

All judicial interim release (bail) hearings will continue to use video/telephone conferences in accordance with [CRIM 05 Hearing of Bail Applications](#) (instead of in-person appearances), unless a judge or justice orders otherwise. CRIM 05 generally provides that bail applications within Court sitting hours are assigned to be heard by judges in the locations where they are sitting, and bail applications occurring outside of Court sitting hours shall be referred to the Justice Centre.

### ***PERSONS OUT OF CUSTODY (including Circuit Courts)***

All out of custody criminal matters (initial appearances, remands, applications, trials, and sentencings) scheduled to proceed between March 18 and May 16, 2020 are adjourned without the parties attending Court. See [Adjournment Details](#) for more information. The Court file will record that these adjournments are due to COVID-19.

If you think your matter is urgent, you or your counsel may contact the applicable [Judicial Case Manager](#), and they will arrange to have a Provincial Court Judge determine by telephone whether the matter is urgent and any next steps.

### ***JUDICIAL AUTHORIZATIONS***

All applications for judicial authorization that can be made by telecommunication should be made by telecommunication for judicial consideration due to COVID-19 until further notice. This direction restricting in-person applications supercedes paras. 3 and 6 of [CRIM 03 Daytime Search Warrant Applications](#).

Applicants seeking judicial authorization for matters that by law must be applied for in person are to give consideration to the investigative urgency of the matter and seek judicial authorization where the matter is a priority. The Court may vet matters accordingly, decline to consider an in person application, or provide applicants with directions as to where a particular application may be made in person to a judicial officer.

### ***TRAFFIC, TICKET OR BYLAW MATTERS***

Traffic, ticket or bylaw matters scheduled from March 18 to May 4, 2020 will be adjourned without the disputant having to attend Court and will be rescheduled to a later date. A notice of a new Court date will be sent to the disputant by mail to the address on file with the Court.

This situation will continue to be monitored and information updated on the Provincial Court [website](#). The Court will post further information as it becomes available, so please continue to check our website at [www.provincialcourt.bc.ca](http://www.provincialcourt.bc.ca).