

THE HONOURABLE D. MARK PIKE  
ASSOCIATE CHIEF JUDGE



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PROVINCIAL COURT OF NEWFOUNDLAND AND LABRADOR

**PRACTICE MEMORANDUM**  
Provincial Court Family Rules, 2007

**ISSUED:** August 20, 2009

**EFFECTIVE:** September 1, 2009

**RULE AFFECTED:** Rule 19

In accordance with Rule 17.01 of the Provincial Court Family Rules, 2007, upon a recommendation having been made and upon being satisfied that it will allow for the better operation of the Rules and the functioning of the Court, I hereby issue the following practice memorandum:

**BACKGROUND:**

The Family Justice Service division (FJS) was established province-wide on March 1, 2007. It operates as an adjunct to the Supreme Court of Newfoundland and Labrador, Trial Division, the Unified Family Court and the Provincial Court of Newfoundland and Labrador providing mandatory parent information sessions, mediation and counseling in family law matters involving custody, access and support issues, including spousal support. In the Provincial Court, FJS operates within **Rule 19** of the Provincial Court Family Rules, 2007.

After consultation with the various stakeholders in FJSD, the Provincial Advisory Committee of FJS passed a motion to temporarily suspend the mediation of spousal support matters from the mandate of FJS from December 1, 2008, to September 1, 2009, inclusive. A motion was recently passed to continue this temporary suspension for a further period from September 1, 2009 to December 31, 2009. This initiative is a suspension only and it is contemplated that spousal support will once again be mediated in the future.

**ACTION:**

As a result, mediation of spousal support matters by FJSD will continue to be suspended for the period from September 1, 2009, to December 31, 2009, inclusive. Court Clerks will therefore continue the practice of not forwarding applications for spousal support for mediation and for this suspension period only, leave to file an interim application will no longer be required where either of the Parties seeks to file an interim application where spousal support is the only relief sought. There is no change in relation to the manner in which all other claims related to custody, access and child support will be dealt with.

**ISSUED** this 24<sup>th</sup> day of August, 2009 at St. John's, NL.

A handwritten signature in black ink, appearing to read 'M. Pike' followed by some initials.

Acting Chief Judge M. Pike  
Provincial Court of Newfoundland and Labrador