

PRACTICE NOTE

EXPANDED GEOGRAPHIC JURISDICTION OF THE UNIFIED FAMILY COURT

An Act to amend the Judicature Act and the Unified Family Act (1977 SN c.43) came into force upon publication of the Proclamation in The Newfoundland Gazette on May 29, 1998. This Act provided for the expansion of the geographic jurisdiction of the Unified Family Court to include the whole of the Avalon and Bonavista Peninsulas as described in Schedule "B" to the Amendment. (The exact boundaries may be ascertained from the Registry of the Unified Family Court.) As a consequence, the Legislature thereby transferred exclusive jurisdiction in certain Family Law matters to the Unified Family Court. As well, the Unified Family Court now has two presiding Judges.

The following practice shall prevail:

1. As of May 29, 1998, all new Application made under the Divorce Act by persons who reside within the expanded geographic boundary shall be made in the Unified Family Court.
2. All applications for variation of existing Orders under the Divorce Act shall be made in the Unified Family Court. If

the action originated in another Judicial Centre of the Supreme Court, the existing file will be transferred to the Unified Family Court through the Registries.

3. All actions under the Divorce Act that presently are ongoing shall be completed in the Judicial Centre in which the action had been initiated.
 - a) Applications made before May 29, 1998, that have been given court dates shall be heard in the Judicial Centre in which the hearing was set.
 - b) Decisions made by the Judge on such hearings will be filed in the Court in which the hearing was completed.
 - c) If further action is ordered at the conclusion of the hearing, the file will be transferred to the Unified Family Court. The file will be given a Unified Family Court file number and the action will be completed by the Registry at the Unified Family Court.
 - d) At the conclusion of his decision, a Judge may order that the file immediately be transferred to the Unified Family Court.

- e) All other files will remain in the Court in which the action was completed.
- f) Any new actions initiated in the expended geographic jurisdiction shall be completed at the Unified Family Court and the Registry will arrange for the transfer of these files.

4. Actions under Provincial Acts for which the Unified Family Court previously had jurisdiction shall remain in the Unified Family Court. Actions under Provincial Acts within the new geographic jurisdiction may be heard in either the Unified Family Court or the Provincial Court.

5. The services that can be accessed through the Counselling/Mediation Division of the Unified Family Court are intake/information, home assessments, interviews of children and supervised access. A Parent Education Program and Children's Group also are offered during specific times of the year. The Court also schedules Case Management Meetings with a Judge and provides an opportunity for clients and their counsel to have a Settlement Conference before a court trial.

Under the Federal Child Support Guidelines Program, Support Application Workers are available for information and assistance in settling child support issues.

DATED at St. John's, Newfoundland, this 11th day of August, 1998.

T. ALEX HICKMAN
Chief Justice