



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

NOTICE TO THE PROFESSION AND GENERAL PUBLIC: UPCOMING RULE AMENDMENTS

The Rules Committee of the Supreme Court has recently approved amendments to the *Rules of the Supreme Court, 1986*. These amendments were published in the Newfoundland and Labrador Gazette on January 26, 2024, and will come into force on February 26, 2024.

SUMMARY OF AMENDMENTS

Rule 4A—Access to Court Records

The amendments have created a Rule permitting parties to apply to the Court for a Confidentiality Order. Rule 4A allows parties to apply for an Order sealing court documents, restricting access to sound recordings or publication of information, permitting a person to be identified by a pseudonym, and otherwise provide for confidentiality of the Court record. The Court may also make a Confidentiality Order of its own motion.

Rule 4A provides for a process where an application can be made *ex parte* for an interim Order restricting access to a Court record for such time as is required to give notice of the application and bring it to a hearing.

Rule 29.05(3)—Powers of Court on Return Date

The powers under Rule 29.05(3) have been amended to allow the Court, on the return date of an application, to “make the order sought on the application” where it determines that it is unnecessary to set a further hearing date. The Rule will also allow the Court to “make any other order” it deems just.

Rules 39.10 and 39B.03(1.1)—Consequences for Failing to File Documents for a Settlement Conference

Rule 39B.03 has been amended to provide for an administrative process in which parties will lose their scheduled settlement conference date where any party to the settlement conference fails to file their brief within the allotted timeline.

Rule 39.10, which applies to conferences more generally, has been amended to allow a judge to make an order as to costs outside the conference itself when required documents are not filed in time.

Rule F14.03(1)—Scheduling a First Case Management Meeting

Rule F14.03(1)(b)(ii) has been amended to change the process in which a matter’s first case management meeting is scheduled where: the proceeding does not engage Family Justice Services; the applicant has filed an affidavit of service; and the time for filing a Response has expired.

Previously the Rules required a Registry clerk to schedule a Case Management Meeting on their own initiative. The amendment will now require a party to file a Request for Case Management in these circumstances.

Rule F15.01—Scope of General Rules Applicable to Interim Applications

Rule 15.01(1) has been amended to expand the purpose provisions relating to Interim Applications in family law matters. The new provisions emphasize the “obligation” of all participants to move their matters toward “final resolution” of disputes and highlight that Interim Applications provide a mechanism for “temporary relief” on issues that require an Order “prior to final resolution.”

Rule F32.02—Format for Affidavits

Rule F32 has been amended to insert a new Rule F32.02 respecting formats for affidavits. It provides for maximum affidavit page length and the size of attachments filed with the Court in family matters.

Affidavits shall be 12 single-sided pages or fewer, with 12-point font and a minimum of one and one-half spacing. Attachments to affidavits shall not exceed 10 pages.

Rule F37A—Adult Protection Proceedings

The amendments have created a new Rule F37A providing for a procedure in matters brought under the *Adult Protection Act, 2021*. The Rule provides for flexibility in these proceedings outside the strict formal requirements that otherwise apply to matters subject to the *Family Law Rules*.

Revisions to Family Law Forms

The following forms were amended: F4.03A; F4.04A; F5.05A; F5.06A; F6.02A; F6.06A; and F32.02A.

- Pleadings Forms—Forms F4.03A, F4.04A, F5.05A, F5.06A, and F6.02A have been amended to include a section requesting a party’s last name the day prior to

the day of a marriage where applicable. This is to increase consistency with the information requested by the Central Divorce Registry

- Notice of Default Form—F6.06A has been amended to better accord with the procedural requirements under the Rules. The amended form will allow parties to request a Default Order on property and spousal support claims where the timeline for filing a Response has passed, but the matter is undergoing dispute resolution with Family Justice Services due to a parenting or child support claim.
- Form of Affidavit—Rule F32.02A provides a Form for affidavits where that form is not otherwise outlined in the Rules.

FURTHER INFORMATION

If you have any questions regarding these recent amendments, please direct them to the Supreme Court's inquiries email address: inquiries@supreme.court.nl.ca.

RAYMOND P. WHALEN
Chief Justice