

**COURT OF QUEEN'S BENCH OF ALBERTA**

**Q.B. FAMILY LAW PRACTICE NOTE NO. 1**

**PARENTING AFTER SEPARATION**

**AMENDED: JULY 1, 2005**

**EFFECTIVE: OCTOBER 1, 2005**

1. This Practice Note applies to proceedings under the *Divorce Act* and the *Family Law Act* where the parties have co-habited and live in Bonnyville, Brooks, Calgary, Camrose, Edmonton, Edson, Fort McMurray, Grande Prairie, Hinton, Jasper, Lethbridge, Lloydminster, Medicine Hat, Peace River, Red Deer, Slave Lake and Wetaskiwin or within 150 kilometres of any of those cities or towns.
2. Every Plaintiff in an action for divorce and every Applicant in an application for relief under the *Family Law Act* where child support, custody, access, parenting or contact is an issue must attend the Parenting After Separation seminar within three months of filing the Statement of Claim or application. In the Brooks, Camrose, Hinton and Jasper areas the time within which to attend the seminar is four months. A certificate of attendance must be filed with the Clerk of the Court.
3. Where the parties live within the Judicial Districts of Calgary and Edmonton and within 150 kilometres of these cities no application for interim support for children, custody of, access to, parenting of or contact to children under the age of 16 shall be brought before the party bringing an application first attends Parenting After Separation. A certificate of attendance must be presented to the Clerk of the Court prior to filing an application.

However, in situations where there is an application being brought:

- a. for interim custody or parenting incidental to an *ex parte* restraining order where there is domestic violence,
- b. where kidnapping or abduction of a child has occurred, or
- c. where a unilateral change in *de facto* custody of a child has taken place,

the Applicant may bring an application without first attending but is required to attend the course within two weeks of filing the application, and must have registered in the course and provided the proposed date of attendance to the Clerk of the Court prior to filing any documents for the application.

4. The Plaintiff or Applicant must serve upon the Defendant or Respondent to any action or application a "Notice of Mandatory Seminar" in the prescribed form at the same time as the Statement of Claim or originating document is served.
5. The Defendant or Respondent to any such action must attend the Seminar within three months of being served with the Statement of Claim or originating document except for Brooks, Camrose, Hinton or Jasper, where they must attend within four months of being served. A certificate of attendance must be filed with the Clerk of the Court.
6. Any party to an action for divorce or any other proceeding when custody, access or child support is in issue who lives within 100 kilometres of the following towns:

Hanna  
High Level  
Lac La Biche

and who is not covered by paragraph 1 of this Practice Note must attend at the local office of Alberta Child and Family Services Authority to view a video version of the Parenting After Separation seminar within 3 months of filing a Statement of Claim or application or being served with either of them.

7. Before an action can be set down for trial, proof of attendance by the party setting the action down for trial must have been filed.
8. Any party who does not attend and has not been exempted may be subject to having his or her pleadings struck or may be refused the right to make submissions on an application or at trial.
9. There is no requirement to take this course where the children are all 16 years of age or over.
10. There may be other extraordinary cases where an exemption from attending the course will be granted and these cases will be dealt with on an individual basis upon application to the court.

[effective October 1, 2005]

PARENTING AFTER SEPARATION COURSE

APPLICATION FOR EXEMPTION

Date of Application: \_\_\_\_\_

Action Number: \_\_\_\_\_

Style of Cause: \_\_\_\_\_

Name of Person Seeking Exemption: \_\_\_\_\_

Name of Counsel: \_\_\_\_\_

Name of Other Party: \_\_\_\_\_

Name of Counsel: \_\_\_\_\_

Date registered for Course: \_\_\_\_\_

Reason for Asking for Exemption:

- Exemption not granted
- Exempt from taking the course
- Exempt from taking the course before bringing Notice of Motion or application but must take the course within one month of today's date. [In order to obtain a one month exemption the party must already be registered for the course and the dates indicated on this request].

\_\_\_\_\_  
Justice of the Court of Queen's Bench

\_\_\_\_\_  
Date