



Alberta Court of Justice

Calgary Family & Youth Division Practice Directive #5: *Family Law Act* Consent Desk Orders Counsel Drafted Consent Orders

Effective: December 21, 2017

In exploring the possibility of making more efficient use of Court and Judicial resources, as well as to ensure more timely access to Justice for members of the public and various stakeholders of the Court, a process has been introduced whereby Counsel is offered the same opportunity that the Self-Represented Litigants (SRLs) have been granted through the Caseflow Coordination Program.

Specifically, this would allow Counsel to submit Consent Orders to be handled administratively in the same manner as the current Caseflow Orders are handled by the Duty Judge or the Assistant Chief Judge, alleviating the need to attend court. This would assist in freeing up court availability and Judicial time to be utilized for complex or contested matters.

If one side is a SRL, counsel would be required to submit a sworn/affirmed Affidavit of Execution (attached) with respect to the said Order.

In addition to encouraging mediation and collaboration between parties, this would alleviate the requirement for legal counsel and parties to physically attend court.

NOTE: Guardianship is excluded from this process and must be presented in court.

PROCEDURE

1. Counsel files a Claim – Family Law application and the Consent Order accompanied by Affidavit of Execution (if applicable);
2. No Filing fees are paid
3. Clerk's Office will enter the desk application on CASES using code (FLADK)
4. Clerk's Office will send the file and Consent Order to the Duty Judge or the Assistant Chief Judge;

- a. A Specific CASES entry (DSKAP) indicating Consent Order Submitted and sent for signature will be entered;
 - b. A sign-out card will replace file in the filing room;
 - c. The Duty Judge or Assistant Chief Judge will review the application, as well as the proposed Consent Order, grant or deny the order, and return to the Clerk's Office;
5. Upon return of the file to the Clerk's Office:
- a. If the Order is granted, the Clerk's Office will:
 - i. Enter Order onto CASES;
 - ii. Stamp Order with 'Filed'; and
 - iii. Process Order and distribute accordingly.
 - b. If the Order is denied or amendments and changes are required, the Clerk's Office will:
 - i. Return the Order to Counsel advising them of the denial and set a Court appearance date; or
 - ii. Return the Order to Counsel requesting ordered amendments and, thereafter, re-submit the Order to the Judge for granting.