

Court of Queen's Bench of Alberta
Family Law Practice Note 10
Access to Court Files in Family Law Proceedings
Effective: October 15, 2017

1. Access to Court of Queen's Bench of Alberta ("Court") files pursuant to this Practice Note is subject to applicable laws, Court orders, and Court practice notes restricting access to such records.
2. This Practice Note applies to anyone who requests access to a Court File in proceedings under the Family Law Rules, part 12 of the *Alberta Rules of Court*, Alta Reg 124/2010, and proceedings under the *Family Homes on Reserves and Matrimonial Interests or Rights Act*, SC 2013, c 20 ("Family Law Proceeding").
3. For the purpose of this Practice Note, "Court File" means the entire Court File but does not include the procedure card or scheduling information. Anyone may access the procedure card and scheduling information.
4. The following persons have access to the Court File:
 - (a) a party to the action, lawyer of record, lawyer for the child or children of a party, a government employee acting in the course of employment in respect of the specific file;
 - (b) a person authorized by a party, lawyer of record, or lawyer for the child or children of a party by means of a filed "Authority to Access Family Law File", and
 - (c) members of the media, accredited by the Court from time to time.
5. Any other person who requests access to a Court File in a Family Law Proceeding must, each time they request access, complete and serve a "Request to Access Family Law File" form upon the parties to the action, the lawyers of record and the lawyer for the child or children of the parties, and file an Affidavit of Service with the Court.
6. When asked, the Clerk of the Court must provide the relevant Addresses for Service.
7. The Request may be served by electronic method under Rule 11.21 or by recorded mail under Rule 11.22: a) on the Address for Service of the lawyer for each party or child, or b) for persons not represented by a lawyer, the address provided under Rule 12.56.
8. If a party or a child of a party wishes to prevent access to all or part of the Court File, he or she must bring a Restricted Court Access Application under Part 6, Division 4 of the *Alberta Rules of Court*. The applicant must give notice under Rule 6.31, including notice to the person requesting access to the file, and notice to the accredited media under Rule 6.32.

9. If no Restricted Court Access Application is filed within 30 days of service of the Request to Access Family Law File, and provided that the Affidavit of Service has been filed with the Court, the clerk must grant access to the file unless the Court has otherwise ordered.

Index to Forms

Note: Currently forms under the Family Practice Notes are appended to their respective FPN. There are a number of other locations for family law and divorce forms on the court website.

Authority to Access Family Law File

Request to Access Family Law File

Form 32, Restricted Court Access Application (Rules of Court)

COURT FILE NUMBER

COURT

Court of Queen's Bench of Alberta

JUDICIAL CENTRE

APPLICANT(S)

RESPONDENT(S)

COUNSEL FOR CHILDREN

DOCUMENT

Request to Access Family Law File

**CONTACT INFORMATION
OF PARTY FILING THIS
DOCUMENT**

Notice to the Respondent(s)

under Family Law Practice Note 10

Access to Court Files in Family Law Proceedings

_____ (name of non-party) requests access to the Court File in the Family Law Matter noted above for the following reasons:

If you wish to prevent access to all or part of the Court File, you must bring an Application for Order Restricting Access under Part 6, Division 4 of the *Alberta Rules of Court* within 30 days of service of this Request.

If you do not file an Application for Order Restricting Access within 30 days of service of this Request, the Court may grant unrestricted access to the subject Court File.

Signature: _____

Date

Name:

Clerk's stamp

COURT FILE NUMBER

COURT

Court of Queen's Bench of Alberta

JUDICIAL CENTRE

APPLICANT(S)

RESPONDENT(S)

COUNSEL FOR CHILDREN

DOCUMENT

Authority to Access Family Law File

ADDRESS FOR SERVICE

AND CONTACT

INFORMATION OF PARTY

FILING THIS DOCUMENT

I am (choose one):

- a party
- lawyer of record for _____
- lawyer for the child or children of a party.

I hereby grant _____ (name of non-party) access to the Court File in the Family Law Matter noted above for 30 days.

Date

Signature: _____

Name: _____