

Questions and Answers arising from the Family Town Hall, September 22, 2025

Below are answers to questions arising in the chat during the Family Town Hall on the Family Focused Protocol (FFP) on September 25, 2025. They have been organized based on question topic.

Presentation Requests

The PowerPoint presentation has been made available through the Law Society and various family organizations. We anticipate making further materials available through the King's Bench website, when appropriate.

Recording Requests

Unfortunately, for security reasons, the recording cannot be made publicly available.

Future Sessions

We anticipate the Family Law Orientation Workshop (FLOW), set for November 28, 2025, will be an online process. Some learning materials will be made available.

At this time, the court does not have any plans on creating a session for Legal Assistants.

Current Matters

1. Some guidance on the next 4 months would be appreciated.
2. I'm grateful for today's session on the new FFP and for the effort that went into designing it. I asked a number of questions that could not be answered in the little time available; I look forward to learning of the answers. Right now I would most like to know about the process for pressing matters for the rest of the year, now that Family Docket Court has become rare and hearings are no longer available. I need assistance with child support, which the opponent refuses to pay; the matter went to Family Docket in June and was directed to Resolution Counsel, who returned it to Family Docket. Child support has not been paid for almost two years, and I do not wish to let it wait for the FFP.
3. What should we do in the meantime for pressing matters, now that Docket is becoming scarce and hearings are all but unavailable. Some matters cannot wait until January or beyond.
4. What is the transition plan for existing actions?
5. Two procedural questions: (1) how does this apply to existing files – can an already commenced action apply for an MIT meeting? (b) how does this apply to variation applications?
6. From now until Jan 2025, how are matters being addressed? In central region, we have been told no further EICC dates available for remainder of the year
7. How will we transition current matters set for morning chambers?
8. How will files that are already under formal case management be impacted by this?
9. Will non-contested desk applications such as desk divorce still proceed through the FFP?

Docket court and urgent matters chambers will continue in their current form in Edmonton and Calgary through to the end of 2025. Morning chambers will still be available in 2026 in all regions

for a transition period, the duration of which is yet to be determined. If your matter is time-sensitive, you may proceed to docket court in Edmonton and Calgary and request that it be sent to morning chambers for interim relief. Morning chambers will be phased out in 2026 as all matters transition to the FFP.

If the matter is urgent and requires more than the allotted time for morning chambers or urgent matters chambers, the parties can write to the CJ/ACJ to request an urgent hearing.

Parties in all other matters, including those that are already in the system, should use the next 3 months to get ready for the new process. That includes ensuring the Parenting After Separation (PAS) certificate is valid, filing and exchanging updated disclosure, and completing an ADR process on all outstanding issues after disclosure is complete.

In jurisdictions where the Family Justice Services (FJS) program is in effect, any self-represented litigant is required to attend a meeting with a Family Court Counsellor.

In the new year, if court assistance is required for any matter, the parties will be able to immediately file a Mandatory Intake Triage (MIT) package, which must include proof of compliance with the mandatory requirements. Waivers or deferrals may be granted by desk process only. The packages will then be vetted by the Case Management Officer (CMO) and if all requirements are met, the parties will be provided with leave to book the MIT. These steps apply to existing matters that do not have a final order or judgment, new matters, and variation applications.

All matters presently set for 2025, including specials, R. 4.10 case conferences, and EICCs will proceed as scheduled. If you were granted leave for one of these processes, but have been unable to book it in 2025, you must file an MIT intake package and enter the new process.

If you already have a Streamline trial that is scheduled and you need to seek a R. 4.10 Case conference (a minimum of 3 months prior to the trial date), you can do so by reaching out to the Justice Seized Coordinator Case Conference Coordinator to book this date with the Justice who ordered the trial. Any R 4.10s in February 2026 and beyond will be booked with a family roster justice.

All desk applications, including Consent Desk Divorce packages and Desk Disclosure applications, will continue as is, through the regular desk order process. Waivers and deferrals of the mandatory requirements will be handled by the desk duty justice only starting in January 2026.

Specials

1. How do we deal with a matter where it has been ordered to special chambers, but no dates are available, and it appears there won't be any moving forward?
2. I am being told that I cannot schedule a special chambers date because of this town hall meeting although it already went to an EICC and order directing parties to schedule a special was granted.
3. How do we deal with pending specials?
4. What about matters where you've already tried other means of settlement and were directed to book a special?
5. What should we do in the event that we have an Order or leave to proceed to a Special?
6. What happens to special chambers applications that have been set?

7. What happens to matters currently scheduled for specials but need to be adjourned (i.e. to accommodate retention of new counsel for third party?)
8. How do we schedule specials that are directed by a Justice in Case Management?
9. There are a number of matters where leave has been granted to schedule Special Chambers. We have not been able to schedule the Specials date, because the 2026 calendar isn't out yet. When the upcoming process change takes effect, will we still be permitted to act on these orders and proceed directly to Specials? Or, will we be required to start at step 1 in the new process?
10. I am concerned about circumstances where getting to Specials may be time-sensitive. (I have a matter currently where my out-of-Province client needs to get to Specials to request in-person parenting time with his child). If we can still proceed to Specials, there may be a large number of matters trying to book those Specials dates. Is there going to be a process in place to triage the scheduling of those matters?
11. If we have to start over at step 1 of the new process, will there be a way to triage matters that are waiting on Specials dates into the new process before other matters?

Special Chambers applications as we presently know them will no longer exist in the FFP. If you have a special scheduled in 2025, it will proceed. If you do not have a special actually scheduled, even if you were granted leave, or if you must adjourn a special presently scheduled, you will need to enter the new system and apply for an MIT conference.

Based on current anticipated lead times, if the applicant meets all mandatory requirements, MITs will be scheduled within the same timeframe as would have previously been available for specials. The party requesting relief must submit an FL-18 application with an affidavit or statement within their MIT package.

Relief that requires final determination, or requests for variation such as retroactive or arrears of support, or changes to parenting time will be sent to a trial unless determined time-sensitive by the MIT Justice. If an interim application is complicated and requires more time, the MIT Justice may set a longer hearing in their sole discretion.

If a matter is urgent, a party can seek an expedited hearing from the Chief or ACJ. Counsel should write to the Chief or ACJ and provide details of what relief is being sought, why the matter should be considered urgent, and a draft procedural order of how the matter should proceed.

Practices of Other Jurisdictions

1. There is reference to other jurisdictions. Please provide references to the relevant literature and names of such jurisdictions.
2. This sounds a lot like the Ontario family law process. I've practiced in both jurisdictions and honestly, I'm glad we're implementing this. Makes it much and cost-effective to the client.
3. Given how many questions and critiques are flying in, I wanted to just take a moment to say that after practicing 20+ years in Toronto and over Ontario, I find your process here really exceptional and efficient – tremendously fast compared to what I am used to, and this new one looks even better. Kudos on that – I think we all get so used to looking for problems as lawyers that we forget to mention the good.

This new model is loosely based on the Manitoba and Nova Scotia models.

Court Resources

1. Will there be a formal manner of lawyers providing feedback as the process moves forward?
2. Will telephone access to the clerk's office be restored in light of new changes? As of now, there is no way to contact the clerk's office by phone to ask procedural questions or obtain clarification. Everything redirects to the Contact Center, which is not a resource for lawyers.
3. Will PN 1 be updated? It is so outdated.
4. Apart from the educational materials mentioned, are we going to have directions such as PN2 to assist counsel and parties with the new processes on a go-forward basis?
5. Direction as to how or what parts of PN2 still apply would be helpful.
6. Will the KB "Family Roster" of judges be made known to us?
7. Do we know how many roster judges there are or will be?
8. When will the MIT and new family law forms be released?

We are updating all Practice Notes to comply with the new process and anticipate issuing a Notice to the Profession and Public prior to the January 1, 2026 implementation date. The Forms will be available in mid to late November. We are organizing an Education Conference (FLOW) for November 28, 2025 where the process and forms will be presented in detail.

The list of roster judges will not be published. There will be no opportunity to "pick" your MIT/Case Conference Justice or your settlement Conference Justice.

Court Operations staff are engaged in a range of essential duties, including supporting court proceedings, assisting clients at public counters, and managing email and digital submissions. Due to these operational demands, it is not feasible to maintain consistent phone coverage in the clerk's office at this time.

Should members of the legal community need to contact Court Operations, we ask that they send an email to KB Filing with the subject line "Attention Supervisor". If a response is not received within 24-48 hours, the matter can be escalated by emailing KBA.LeadershipTeam@just.gov.ab.ca. This inbox is monitored regularly by the leadership team.

Additionally, the CJS Contact Centre continues to provide services to counsel and offers a dedicated phone line for lawyers at 780.638.4749. This resource is available to assist with general inquiries and to direct matters to the appropriate area within Court and Justice Services.

We appreciate your understanding as we work to balance service delivery with operational capacity.

Commencing a Matter

1. Can we file an FLA claim like a commencement doc without a specific court date? And have one commencement document for family law claims AND family property claims together?
2. As noted above, we cannot currently file an FL-10 to commence a claim under the FLA without a court date on the form. I had one rejected by the filing clerks about 2 weeks ago for this reason. This needs to be fixed.
3. The current dashboards do not accommodate LAA files. Will the new ones?
4. How the date will be assigned for the matter?
5. If someone is seeking to enforce an arbitration award the other side is not agreeing appeal period passed, where or how do they enter the system?
6. If I am looking to turn an arbitration into an order and the other side is not cooperating, what process do I move forward with?

An action must be started to enter the FFP. As such, a party will be able to file a FL-10 without a specified date included. There are no plans to incorporate a combined Family Law Act claim with a Family Property Act claim. A FL-10 for the Family Law Act claim will need to be filed separately from the Statement of Claim for Division of Family Property. A consolidation of the actions may be required.

Justice Digital is working to ensure LAA files will be accommodated under the new digital process. It may not be ready by January 1, 2026, but will be set up soon after if needed.

The process for enforcement of arbitration awards in the new process is currently under consideration.

Disclosure

1. At what point can we give up on getting disclosure and just seek an adverse inference in the way the notice to disclose and the case law has been suggesting?
2. When the other party does not cooperate on ADR or financial disclosure, or does not complete PAS, we need a way to move forward. We cannot allow an obstructive party to delay the matter forever.
3. There is no mention of FOAEAA and the Alberta designated authority for handling the process of obtaining income disclosure directly from CRA?? Also – Has there been any discussion of “mandatory pre-disclosure CS Orders”? This has come up as an issue with CBA Family Section advocacy with DOJ and comes out all the difficulties and delays in getting early CS Orders in place notwithstanding "mandatory Disclosure" requirements...
4. Will we still be able to get a disclosure order on the desk application basis following service of the Notice to Disclose?
5. Can the NTD be changed to include Schedule A and bank statements/credit card statements for variation of support, instead of just items 1-9, especially with cunningham obligations?

In the FFP, if the Applicant has complied with the Mandatory requirements, the file will be certified to schedule a MIT. As such, the Respondent’s disclosure is not required. If the respondent does not provide disclosure, they will be precluded from bringing any cross applications. If a

Respondent refuses to participate in an ADR process, the Applicant should seek an ADR waiver through the new desk process (swim lane 2) to proceed to file the MIT package.

Desk Disclosure Applications will still be available through the regular desk process.

The development of forms and protocol for the FOAEAA is in the hands of Alberta Justice.

Alternative Dispute Resolution

1. Will there be mediations available through KB? Most of clients don't afford privately retained mediators. While working with south Asian community, majority of immigrants are below the \$70K yearly income and it is tough for them to pay for private mediations. Due this income threshold, court provided mediations will be helpful?
2. Will ADR for the purpose of the MRs (Mandatory Requirements) be defined?
3. What is going to be the plan for regional practice when these services are simply NOT available. There are not FCC services or court provided mediation in our region and many families do not have the financial means to afford any kind of ADR outside of a proposal and/or singular 4-way meeting – will doing that be adequate? If so, how will we be able to confirm that without impinging on settlement privilege?
4. What forms of ADR are expected at the Mandatory requirement stage?
5. Can ADR include a 4-way settlement meeting with disclosure?
6. Will that \$90k number be updated with inflation automatically, will the court simply periodically review such, or will that remain static?
7. If the file is currently subject to trial order but ADR is not done other issues except parenting, will ADR be must for other issues for such file?
8. Removal of EICC is a huge loss. Is there any consideration being given to maintaining the EICC?
9. For an MIT meeting, will the justice still make attempts at mediation even if the parties are seeking interim relief, in a form similar to med-arb? Or will they merely address those interim relief and next steps?

The Alberta Justice Family Mediation program is available across the province at no cost to parents of children under age 18 when at least one parent makes \$60K or less annually. Priority for mediation is given to the regions where FJS is currently available.

We encourage everyone to review the Family Justice Strategy NPP (December 4, 2023; <https://albertacourts.ca/kb/resources/announcements/NPP-Family-PC-Mandatory-Requirements>), which provides some guidance on ADR processes. ADR will be reviewed on a case-by-case basis and flexibility will occur in regions where there are limited community resources or no access to the FJS programs.

Resolution Counsel will be available province wide commencing January 1, 2026, on a first-come-first-served basis, so long as the conditions are met (one party has an annual income under \$90,000). A request to meet with Resolution Counsel can be made after commencing an action and applying through the roster desk process (swim lane 2).

An MIT judge may not be able to mediate issues if interim relief is being sought. The primary roles of an MIT judge are to deal with any interim relief, provide a procedural order, and ensure that the parties are ready to attend the settlement conference on all outstanding issues.

If the file is at an advanced stage, there may be time for resolution discussions to occur at the MIT stage at the judge's discretion.

Service

1. Will email be valid service? Notwithstanding there being no Order for sub service.
2. May the package for MIT be served by email, since the commencement document will already have been served personally?
3. Can lawyers prepare their own affidavit of service documents or edit the court form as is necessary?
4. If the respondent to a package files a cross-application, but doesn't file an aff of service, will the primary application package still move forward?
5. What is the process for getting an order for sub service?
6. I assume we can use AJs for sub service applications, correct?
7. How do you serve a FL10 Family Law Act claim with no set court date? Are the forms being edited for the new process?
8. And if the package is served on a lawyer who is on holidays for two weeks?
9. How will applications to deem service good and sufficient be handled?

Parties may serve non-commencement documents by email at an address that is known to be functional for the respondent, unless otherwise ordered. For any issues regarding the appropriateness of filing affidavits or service issues, counsel should refer to the Law Society's Code of Professional Conduct and the Rules of Court.

Affidavits of service are required for any applications or cross-applications to proceed. An application will not be stalled if there is a cross-application filed but no affidavit of service.

All substitutional service applications must go through the Applications Judges process.

Procedural Logistics

1. Will we receive notification of the defendant's filed material?
2. Will there be a provided list of concerns or issues which will qualify as 'snooze' issue vs rejection problems?
3. How would you advise of judicial conflicts ahead of time?
4. What will the procedure for advising opposing counsel and providing counterarguments regarding such a desk change via the MIT justice when requested?
5. Will the CGO clerk send everyone a copy of the Order?

All materials will be filed and served by the party seeking relief, not by the FFP.

It is anticipated that a checklist and/or guide will be provided with respect to the CMO process.

The MIT intake form will seek information regarding judicial conflicts.

Joint correspondence to the justice is preferred in all cases and as such, it is expected that counsel will cooperate in preparing a joint letter before communicating with the court. All communications to the court must be copied to the other side and the other party provided with sufficient time to respond, if required.

Any orders prepared by CGO clerks will be sent to all parties.

Virtual Appearances

1. Can parties appear by Webex for MIT meeting?
2. Are appearances for MIT and settlement conferences in person or online?

It is anticipated that all MITs and settlement conferences will occur in person. As with all court processes, a party may apply for leave to appear remotely. This will be considered on a case-by-case basis.

Platform Access

1. If a lawyer takes over from another lawyer, will the new lawyer be able to get access to the materials on the platform for CMO?
2. Will paralegals be able to gain access to the digital portal? I run a paralegal practice assisting self reps but am also very familiar with the existing digital filing portal as I contract for several family law lawyers.
3. Will paralegals be able to gain access to the digital filing portal at some point? I run a practice paralegal practice primarily assisting self-represented parties navigate the system but also work for a few lawyers (ie. Ron Foster) and am very familiar with utilizing the digital filing portal. If we will not be permitted access with the KBFiling email still be the process?

Response to Question 1: No they will not, the Justice Digital filing service is not a filing repository or document management system. Responsible lawyers and legal assistants are responsible for downloading filed documents and storing them, as well as transferring documents or files when there is a change of representation.

Response to Question 2 & 3: Yes, provided you receive permission from a lawyer with a valid Alberta Bar ID. All filing must have a responsible lawyer. As a legal assistant or paralegal, you can file on behalf of as many lawyers as you wish, provided you have permission from those lawyers to do so.

Scheduling

1. What time frames are there going to be in scheduling this MIT meeting in case there are delays in that way?
2. Will the calendar for MIT meetings be available so counsels can agree on dates ahead of communicating with the MIT schedules?

We cannot predict lead times for scheduling MIT conferences at this time. We do not anticipate posting an MIT calendar.

CMOs

1. Will there be a time limit on CMO clerks to respond receipt of documents and completion of mandatory requirements?
2. Are CMO decisions reviewable in any way? I think that will be a rare circumstance. I just generally don't think non-reviewable decisions within a justice system are helpful to justice.
3. FDC Justices helped us filter out frivolous interim applications before anyone had to file anything. Will CMO do that here?
4. If the applicant satisfies the process but the respondent causes delay, how the CMO and Court will control the delay tactic by opposing party?

The CMOs are senior family lawyers, not clerks. We do not anticipate significant delays in the screening of intake materials if the applicant has satisfied all the mandatory/*Rules*/legislative requirements and has attached all the relevant documents to support their intake application.

CMO decisions are not reviewable, but the CMO will provide brief feedback identifying the reason that the application was not certified. If the problem is minor, the party will be given the opportunity to resubmit perfected materials within 7 or 15 days (depending on the problem).

The CMO screening will be procedural, not substantive. However, all applicants will be required to establish that they have met the mandatory requirements by attaching documentary proof, filing their commencing documents (Statement of Claim or Family Law Claim or similar), and their FL18 application with affidavit or statement. This will diminish the number of frivolous applications.

With respect to concerns that a respondent may cause delays, if the applicant's materials are approved, the CMO will certify those materials in the absence of the respondent's materials so that the applicant may proceed to schedule the matter with the MIT justice forthwith.

Settlement Conferences

1. Will all justices offer binding settlement conferences or will it remain up to the individual Justice?
2. Why would certain justices refuse to partake in binding settlement conferences?
3. If both parties do not agree on having a settlement conference, what happens at that point?
4. I take it that the binding settlement conference might not be appealed. If yes, can a party opt out of a binding settlement conference?
5. Will counsel be required to robe for the settlement conference?
6. Will a justice at a binding settlement conference be able to decline to make a final binding determination, because they decide that the matter is not amenable to a decision based on the evidence before them. What if the parties insist on a determination? What if one side balks depending on what happens? The civil experience with streamlined trials has already shown a reluctance to make determinations in certain circumstances without full evidence, and I appreciate the balancing between expediency/costs and justice.

7. Getting into settlement conference as soon as possible, including without Full disclosure can be hugely successful. I have used JDRs at ACJ with great success. This process as described requiring full disclosure of all evidence (being trial ready) before settlement conference will add considerable time expense.

We will be maintaining a roster of justices willing to do a binding settlement conference. Both parties must consent to have a binding settlement conference but they will not be allowed to choose their justice. It will be at the justice's discretion to decline to proceed on one or more of the issues presented.

Settlement conferences are mandatory; however, if the Case Conference justice does not believe it should proceed, they have the authority to waive it.

Robing is not required for a settlement conference.

The MIT justice will determine what procedural orders must be complied with prior to the settlement conference, which may or may not include questioning, depending on the issues and the representations of the parties.

Access to Justice

1. My worry is how much will all this cost clients? With each additional step, the cost to clients is going to go up significantly.
2. Settlement conference only after questioning is completed? That hugely increases costs.
3. Will parties be able to jointly waive questioning to keep costs down? Will there be a process to move forward if a party fails to comply with procedural orders or fails to show up at questioning?
4. Anytime there is a requirement for in person hearing instead of remote hearing, this creates an access to justice block. It increases the fees for our clients because of the crazy extra time required for the logistics. What is the reasoning behind MITs being only in person?
5. Since hopefully this process will reduce workload of Justices, will it still be a 2 year wait to get to trial?
6. Will the Court have sufficient clerks and CMOs in order to make all of this possible?
7. Will there be more Resolution counsel appointed so there are no delays?

The new process is expected to enhance both cost and time efficiency by streamlining procedures. This approach yields optimal results when counsel promptly assist clients in meeting all mandatory requirements and actively pursue opportunities for resolution outside the court system.

If procedural orders are not being complied with, the issue can be addressed in writing to the case conference justice. As noted above, joint correspondence to the justice is preferred in all cases and as such, it is expected that counsel will cooperate in preparing a joint letter before communicating with the court. All communications to the court must be copied to the other side and the other party provided with sufficient time to respond, if required.

We will continue to monitor lead times and resources as the process proceeds.

Children's Counsel

1. Will there be an update on the requirements for children's counsel? i.e appropriate age of child?
2. Will the MIT justice be able to order child's counsel on the justice's own motion?
3. Is it appropriate for this request to be done on an *ex parte* basis?
4. Is there an impediment to doing it outside legal aid (child's lawyer)? Chat response – just cost, sounds like you'll need court approval either way
5. I am encouraged by the comprehensive system which has been developed. My only concern is that while we are trying to prevent harm to children from excessive conflict, we may be exacerbating it by front end loading significant and time consuming procedural steps before the children's real needs can be assessed. An early referral for "voice of the child" reports while the parents are moving through the intake processes may put the child's voice before the court at an earlier stage and prevent harm resulting from delay. The FRJS process of involving community resources should be engaged well before court processes are involved. The paradigm shift requires active use of community resources for children and families without planned court actions. If we are not seeking help for children as a tick box on a planned court action. We are seeking it to prevent the need for contested court actions.

The determination of when child's counsel is appropriate is fact-and-case-specific. There is no brightline rule based on age. The MIT justice may issue a Child's Counsel order on its own motion, after addressing the issue with the parties.

Parties may request child's counsel through the desk process by writing a one-page letter explaining the need for same and the parties' ability to pay the Legal Aid costs. As noted above, joint correspondence to the justice is preferred in all cases and as such, it is expected that counsel will cooperate in preparing a joint letter before communicating with the court. All communications to the court must be copied to the other side and the other party provided with sufficient time to respond, if required.

If an order for child's counsel is granted, the Court will prepare the order and email it directly to Legal Aid, with a copy to the parents and counsel.

Legal Aid has internal policies that must be followed once a Child Counsel Order has issued. Specific lawyers should not be requested, unless they have acted for the child(ren) in the past. They refer to their staff office first for child's counsel and then to the private roster.

Implications on Specific Legal Issues

1. How can I quickly get a s 3 child support order (eg \$300/month?)
2. Does the new system result in support, especially child support, potentially being urgent relief in certain circumstances? Having to wait for disclosure and then ADR from a party that is not forthcoming for either of those steps could/can be very prejudicial to some parties to my experience.
3. What about issues such as parties' capacity and secondary suits such as adult guardianship?

4. What about third party related civil suits (lawsuits against third party debt holders)?
5. What about post divorce matters, like retroactive child support, will this require a trial and no specials?
6. What if there is a final order and require changes to it?
7. What will happen to variation applications to final orders? Will a new trial be necessary?

If child support or other relief is urgent, submit a request through the urgent desk process.

The FFP does not change the Rules of Court, any legislation, or other legal processes.

Any post-final determination of any issue must proceed through the new FFP process.

French Language Access Questions

1. Faut-il aussi demander au début de procéder en français ou bien dans les deux langues ?
Tous les formulaires seront-ils disponibles en français ?

Translation: At the beginning of the process, should we ask to proceed in French or in both languages? Will all forms be available in French?

2. Les conférences MIT seront-elles offertes en français ?

Translation: Will MIT conferences be offered in French?

Tous les nouveaux formulaires seront proposés en français. Un processus en français est accessible en remplissant le formulaire disponible sur le site web.