

Provincial Court Family Rules – Explained – Webinar

Fictitious Fact Pattern & Questions

Abi and Colin met in 2002. Abi was 18 and Colin was 20 at the time. Abi completed Medical Office Assistant Certificate in June 2004 and began working full time on graduation. Colin has worked in construction since he graduated from high school. Abi and Colin dated but did not live together until April 2004 and they were married on September 4, 2004. They had three children:

Daniel, born in 2008 (currently 14 years old)
Emily, born in 2009 (currently 13 years old)
Fiona, born in 2012 (currently 10 years old)

Abi worked full time until she completed her maternity leave after Daniel was born. She started working part time after Fiona started kindergarten. She is earning \$24,000 per annum and has no benefits. Colin is working in a union job doing steel fabrication and now earns \$80,000 per year. He has extended benefits.

Abi and Colin's relationship deteriorated during COVID, but then Abi caught Colin kissing Abi's best friend Jackie in mid-February 2022, just after Bonnie Henry relaxed the COVID restrictions. Shortly after that, Abi discovered that Colin and Jackie had been seeing each other for about a year. She was blind-sided by this information.

Abi and Colin separated on February 28, 2022. Abi continued to live in the family rental home and Colin moved out into an apartment near the family home. Jackie moved in with him on March 1, 2022.

Colin talks about Jackie and he being "soulmates." He refuses to have one on one time with the children says that Jackie needs to develop a relationship with the children. Meanwhile, Abi is having a hard time moving forward and talks on the phone to her mother about how awful Colin and Jackie are.

Emily does not take Colin's new relationship well. She refuses to go to see Colin at all. Fiona looks up to her sister and follows her example. She says if Emily doesn't have to go, then she should not have to either. Abi tries to encourage the girls to see Colin, but they continue to refuse.

Daniel feels that his sisters are being unfair. He feels badly for his father, with whom he has always been quite attached. He continues to see Colin on weekends.

Colin decides that the only way he is going to get to see the girls is if he goes to court. He wants an order as soon as possible. In his view, Abi is the person at fault and he believes it is in the girls' best interests to see him (and Jackie).

Question 1: What document(s) does Colin complete?

Question 2: Is there any way for Colin to apply to court for an immediate parenting time order?

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Colin fills out an Application about a Family Law Matter and heads to the nearest registry at lunch time to file the document. He applies for guardianship, shared parental responsibilities, shared parenting time, and child support. He wants a one week on and one week off schedule.

Question 3: Is Colin able to file the Application about a Family Law Matter?

Question 4: What does Colin have to do in order to get in front of a Judge?

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Abi hasn't been able to contribute financially so Colin has applied for jobs out of town and recently got a much better paying job in Alberta and wants to relocate with the kids.

Question 5: What steps does Colin need to take?

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Abi learns from the kids that Colin and Jackie are planning to move to Great Slave Lake and to take the kids with them.

Question 6: What can Abi do if she opposes the move?

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BREAK – 10 MIN
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Assume that the children remain with Abi and that Colin and Jackie moved away a year ago to Great Slave Lake. Colin has little actual contact despite an Order that provides parenting time.

Assume that Abi had been in a motor vehicle accident. The accident was serious and Abi was hospitalized for a while and put on opioid pain killers. She became addicted to them and had a difficult time when her prescription was terminated. After Colin moves away, Abi began to misuse prescription medication that she purchased on the street.

Eventually, this drug addiction led to her being reported to the Ministry. The Ministry removed the children from her care and placed in foster care (a community resource) – there are proceedings under the CFCSA.

Colin’s mother, Kaila, who lives in the same location as the children, wants the children to live with her. She now needs to make a court application. MCFD supports the children living with her.

Question 7: What steps does Kaila need to take and what Forms does she need?

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As a result of the MCFD involvement, Colin and Jackie move back to the same community as the children. They move in with his Mom so that they all are parenting the children.

Abi’s prescription drug misuse has her acting violent towards Jackie and Colin.

Question 8: If Colin wanted to apply for a Protection Order, what steps would he need to take?

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Colin doesn’t know where Abi is living or working.

Question 9: What does Colin need to do to locate Abi so that he can try to arrange service of documents?

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Colin and Abi only had an interim Order made 15 months ago for parenting time and parental responsibilities. Now Colin wants to change that interim Order and obtain a final Order.

Question 10: What does Colin need to do?

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