



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *01 August 2024*

FAM 12

PRACTICE DIRECTION

DEFAULT METHOD OF ATTENDANCE FOR COURT APPEARANCES UNDER THE PROVINCIAL COURT (CFCSA) RULES AND THE PROVINCIAL COURT (SNUW'UY'ULHTST TU QUW'UTSUN MUSTIMUHW U' TU SHHW'A'LUQWA'A' I' SMUN'EEM) [LAWS OF THE COWICHAN PEOPLE FOR FAMILIES AND CHILDREN] RULES

Purpose

The purpose of this practice direction is to set out the default methods of attendance for court appearances under the *Provincial Court (Child, Family and Community Service Act) Rules*, B.C. Reg. 533/95 (“CFCSA Rules”) and the Provincial Court (Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem) [Laws of the Cowichan People for Families and Children] Rules (“Cowichan Rules”).

Application

This practice direction applies to all Provincial Court locations in the Province.

Directions

1. Unless a judge otherwise orders or directs, and subject to sections 2 and 3 below, the default method of attendance for the following court appearances will be in-person:
 - a. Aboriginal Family Healing Court Conferences,
 - b. case conferences under the Cowichan Rules,
 - c. trials and trial continuations, and
 - d. appearances where both notice of the application is required to be given to another party **and** where oral evidence will be presented

2. The default method of attendance for CFCSA family case conferences will be remotely by Microsoft (MS) Teams audioconference or videoconference or by telephone.
3. A person seeking an alternate method of attendance for a court appearance listed in section 1 above must make an application under CFCSA Rule 9(5) and Cowichan Rules Rule 11(5).
4. Notwithstanding section 1 above, the following participants may appear either in person or remotely without having to make an application:
 - a. family duty counsel and counsel for Parents Legal Centres (by videoconference); and
 - b. designated representatives of a First Nation, an Indigenous community, a Treaty First Nation or the Nisga'a Lisims Government if they do not intend to call their own evidence (by audioconference or videoconference).
5. For any other appearance not specified in section 1 above, the default method of attendance will be hybrid. "Hybrid" means participants may attend court either in person or remotely without having to make an application (and no advance notice is required).
6. For remote attendance at any proceedings by MS Teams, counsel are required and parties are strongly encouraged to use videoconference. For every MS Teams proceeding, a dial-in conference number will also be provided so that participants can participate by telephone if they are unable to do so by videoconference or if their video connection fails during the proceeding.
7. Participants must read and comply with:
 - a. The [Use of Electronic Devices in Courtrooms](#) Policy and Access to Court Proceedings Policy, including the general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court; and
 - b. [Notice 21 Remote Attendance in the Provincial Court](#).

History of Practice Direction

- Original practice direction effective July 18, 2022.
- December 19, 2022: Revised title and other amendments consequential to the Revised CFCSA Rules per OIC 559/2022 and OIC 676/2022.
- August 1, 2024: Updated title and purpose in light of the Cowichan Rules; added “case conferences under the Cowichan Rules in s. 1; changed numbering of sections; added reference to “CFCSA” in s. 2 (previously unnumbered section); added references to Cowichan Rule 11(5) in s. 3 (previously s. 2); removed reference to CFCSA in s. 5, 6, and 7 (previously s. 4, 5, and 6).

I make this practice direction pursuant to my authority under Rule 9(2) of the CFCSA Rules, Rule 11(2) of the Provincial Court (Snuw’uy’ulhtst tu Quw’utsun Mustimuhw u’ tu Shhw’a’luqwa’a’ i’ Smun’eem [Laws of the Cowichan People for Families and Children]) Rules, and the *Provincial Court Act*, R.S.B.C. 1996, c. 379.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia