



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *19 December 2022*

Notice 11

NOTICE

USE OF A SUPPORT PERSON IN SMALL CLAIMS AND FAMILY PROCEEDINGS

Purpose

The objective of this Notice is to outline the guidelines for using a support person (also referred to as a courtroom companion or “McKenzie friend”) in Provincial Court small claims or family proceedings, either in person or virtual. A support person may also be the subject of any applicable provisions of the *Legal Profession Act*.

Notice

A. When can a support person attend court with a litigant

1. Unless a judge orders or directs otherwise, a litigant may have a support person sit with them at any small claims or family proceeding, except for:
 - a. a small claims settlement conference or trial conference,
 - b. a family case conference, or
 - c. a family settlement conference.

A litigant must inform the judge before the commencement of the proceeding that a support person is present with them.

B. What can a support person do

2. A support person may provide the litigant with the following help in court:
 - a. taking notes;
 - b. organizing documents;
 - c. making quiet suggestions to the litigants;
 - d. providing emotional support; and
 - e. any other task approved of by the judge.

3. A support person must not address the court, or speak on behalf of the litigant except in exceptional circumstances and only with the advance permission of the judge.
4. If the presence of a support person becomes disruptive to the proceeding or would otherwise be unfair to an opposing party, a judge may refuse to allow a support person to sit with a litigant.
5. If a support person is not allowed, or no longer allowed, to attend, the litigant may ask the judge for a break during the court appearance to speak with their support person, in private, outside the room.

C. Who can be a support person

6. A support person can be anyone, including a friend or relative, except someone who:
 - a. might be a witness in the hearing or trial; or
 - b. is paid by the litigant for their services as a support person.

History of Notice

- Original Notice to the Profession and Public dated April 10, 2017.
- Amended Notice to the Profession and Public dated January 9, 2020 (clarifies “Purpose” and para. 3b that a support person may also be subject to any applicable provisions of the *Legal Profession Act* and must not be paid by the litigant for their services).
- May 17, 2021: Amended to change “family case conference” to “family settlement conference” and to add “family management conference” to be consistent with the new *Provincial Court Family Rules* that came into force May 17, 2021.
- December 19, 2022: Housekeeping changes.

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia