

Case Management of Family Matters



Resolving Family Matters in a Co-operative Way



What is Case Management?

Case Management is a family court process. People with family law cases can meet with a judge to try and settle their matters in a co-operative way. Case Management allows a judge to manage the progress of a case as it moves through the court system.

What are the goals of Case Management?

- to help people resolve family matters in a co-operative way
- to avoid contested cases wherever possible
- to reduce unnecessary delay
- to reduce costs
- to make sure every court appearance is meaningful and moves the case forward to a conclusion

Financial Disclosure

If financial support is an issue in your case, in order to have an effective Case Conference, the court requires **recent** financial disclosure.

You **must** comply with any Demand for Financial Disclosure or Order for Financial Disclosure served on you. Before any Case Conference you must also provide up-to-date financial information. In most cases this means three recent paystubs. You should collect these documents, together with any other documents set out in the Demand or the Order for Financial Disclosure that you have not yet provided.

How does Case Management work?

Once court documents are filed, either party, at any stage, can ask that a Case Conference be scheduled.

If a Notice of Motion is filed to ask for an early temporary decision on a matter, normally a Case Conference will be required before the court hearing.

How to prepare for a Case Conference

Be sure to provide your lawyer or the other party with your current financial information well before the Case Conference date.

A Case Management Information Statement (Form 70S*) must be prepared, filed and served on the other party at least seven days before the Case Conference. Should you fail to do this, costs may be awarded against you.

The Case Management Information Statement should include:

- your brief and realistic assessment of the case
- your position on the matters you wish to discuss at the Case Conference
- a statement of what matters have been settled

What happens at a Case Conference?

A Case Conference is the meeting between the parties, their lawyers, if any, and the judge. Normally, family or friends are not allowed to be present in the courtroom.

The judge will read the Case Management Information Statement in advance so that he or she is familiar with your case. You should be ready to discuss possible ways to resolve your case without contested proceedings in this off-the-record meeting.

All issues may be settled at a Case Conference. If an agreement is reached, a formal court order will have to be prepared by one of the parties.

If the entire case is not settled, the judge may:

- ask the parties for more information
- refer the parties to various programs or community services
- schedule another Case Conference
- set a contested hearing date

As well, the judge has the power under Rule 70.24(28) to make certain orders after hearing from the parties or their lawyers. These include procedural issues and matters like home assessments, paternity testing, suspending enforcement, imputing income and ordering child support, on an interim reviewable basis.

The same judge will likely continue to work with you until all matters are settled or a contested hearing takes place.

At a contested hearing, a different judge will hear evidence and arguments from both parties and make final decisions. Your Case Management judge will not be the judge at the contested hearing.

The discussions at the Case Conference are confidential. The only things that can be mentioned in later court proceedings are agreements or court orders that were made at the Case Conference or information set out in the Case Conference Memorandum.

If you do not attend the Case Conference on the scheduled date, matters may proceed without you on that date or at a further hearing. Costs may be ordered against you. Your failure to attend does **not** stop the case.

What is a Case Conference Memorandum?

This is a document prepared by the judge about the Case Conference that sets out:

- what matters are settled
- what matters remain to be decided
- what agreements were reached and what orders were granted at the Case Conference
- any directions given by the judge

The memorandum is part of the public record of your case. If there are errors, you have 14 days to make a written request for changes.

Do I need a lawyer?

You should get legal advice as soon as possible, to find out what your rights and obligations are.

How do I find a lawyer?

Look in the Yellow Pages or contact the Community Legal Education Association – Law Phone-In and Lawyer Referral Program at 204-943-2305 or toll-free 1-800-262-8800. This program can also provide general legal information.

If you cannot afford a lawyer, you can apply for Legal Aid at 204-985-8550 or toll-free at 1-800-261-2960.

The Legal Help Centre provides family law information for those with household income under \$50,000. This Centre is staffed by law students and supervised by lawyers. The Centre holds drop-in hours and runs workshops on Case Conferences. Call 204-258-3096 or see their website at legalhelpcentre.ca

What If I decide not to use a lawyer?

If you decide not to use a lawyer, you will need to know the correct court procedures, forms and deadlines. Court staff can give you information on the Case Management process, but cannot tell you what information to put in your documents, explain your legal rights or predict the outcome of your case.

If you do not use a lawyer, you must be sure you know and follow the rules of the court.

* *The Case Management rules are found in Queen's Bench Rule 70.24. You can find the rules and the forms on the court website at manitobacourts.mb.ca*

You can get more information at:

The Law Courts
Main Floor - 408 York Avenue
Winnipeg, Manitoba R3C 0P9
Phone: 204-945-7853
Toll-free 1-800-282-8069 (ext. 7853)
or
The Manitoba Justice website:
manitoba.ca/justice/family