



COVID-19 & Family Law Issues in Saskatchewan

Last updated: May 12, 2020

The following is not legal advice and is being provided for informational purposes only. If you have questions about your specific family law situation you should talk to a lawyer. Eligible clients can speak to a lawyer through Pro Bono Law Saskatchewan. To see if you qualify, call 306-569-3098 or 1-877-833-7257. If you are in Saskatoon, you'd normally call CLASSIC, but their family law advice clinics are currently suspended. If they re-open, Pro Bono Law Saskatchewan will refer the appropriate clients to CLASSIC.

General Information

1 I have a court date. What should I do?

- **The first thing you should do is check to see whether your matter is still going forward in court.** Due to COVID-19, the family law court is only hearing urgent and emergency family law matters.
- To read more about what the court means by “urgent and emergency”, please click the link: <https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/covid-19-update>
- **Most family law matters are not considered urgent or emergency matters.** If you have a court date for a family law matter, it has probably been moved to a later date. Family law matters have been moved as follows:
 - **Family Law Trials:** All family law trials currently scheduled to May 31, 2020, are adjourned until further notice. New trial dates will be set once the Court operations are in regular operation.
 - **Family Law Pre-Trials:** All family law pre-trials currently scheduled to May 31, 2020, are adjourned until further notice. New pre-trial dates will be set once the Court operations are in regular operation.



- **Family Law Applications Generally:** All family law applications, including Maintenance Enforcement Office applications and inter-jurisdictional support order applications are adjourned as follows:
 - All applications scheduled to proceed during the month of March 2020 are adjourned to June 10, 2020;
 - All applications scheduled to proceed during the month of April 2020 are adjourned to June 17, 2020;
 - All applications scheduled to proceed between May 1, 2020 and June 19, 2020, inclusive, are adjourned to June 24, 2020 ; and
 - Starting June 1, 2020, the Court will resume accepting all family law applications. The Court will schedule a "chambers blitz" during the weeks of June 8-12, June 15-19 and June 22-26. All chambers appearances will be by telephone
- **Uncontested Proceedings:** If you have an application that is not contested (both parties agree to everything), and does not require a court appearance, you can still file the documents with the court.
- **If you are uncertain when you have to go to court, you should contact the Local Registrar's office in your area.** Contact information for the Local Registrar's Office can be found at: <https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times>

2 Should I go to the courthouse?

- **If any of the following apply to you, do not go to the Court of Queen's Bench for any reason:**
 - You have been advised by Public Health, a doctor or the Saskatchewan Health Authority website to self-isolate due to possible exposure to COVID-19;
 - You are experiencing COVID-19 symptoms;
 - You have been outside Canada in the past 14 days;
 - You have been in close contact with a person who has been outside Canada in the past 14 days;

- You have been in close contact with a person who is experiencing COVID-19 symptoms in the past 14 days;
- You fall into any other category for self-isolation that is set out on the Saskatchewan Health Authority Website - <https://www.saskhealthauthority.ca/>
- If you have an upcoming court date and fall into any of the above categories, contact the Local Registrar at: <https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times>. Most court appearances will be held by telephone.
- If you have questions, contact the Local Registrar for further instructions at: <https://sasklawcourts.ca/index.php/home/court-of-queen-s-bench/court-locations-and-sitting-times>

Parenting

3 I have a court Order, but I don't want my children to visit the other parent. Can I withhold them?

- **If you have a Court Order, it is your responsibility to obey it.** If you do not follow the court order, an application for contempt of court may be brought against you. You will have to explain why you did not follow the court order. If the Judge does not agree with why you did not follow the court order, then the Judge may order you to pay fines or make a stricter Order against you.
- **NOTE: A lawyer cannot advise you to disobey a Court Order,** so this is a decision you will have to make on your own accord.
- The judge will determine if disobeying the court order was reasonable or not. The judge's main consideration is the best interest of the child(ren). This generally does not include a parent's wants or needs. Generally, it is in the best interest of the child(ren) to spend time with both parents. If there are concerns regarding a Court Order, the best thing to do is try to resolve the issue with the other parent.

4

I don't have a Court Order, but the other parent wants parenting time. What should I do?

- **If you do not have a Court Order, you should try to maintain the status quo when it comes to parenting time with your children, so long as it is safe to do so.**
- If contact with one parent is not safe (i.e., due to COVID-19 symptoms or international travel), maintaining contact through telephone, FaceTime, Skype, etc., is encouraged. If there is an issue with parenting time, try to work it out with the other parent first. You should keep in mind what is in the best interest of the child.

5

My ex and I agree on a parenting arrangement. Is it OK to go against the Court Order?

- **Generally, yes!** Both parties have to agree without any inappropriate behaviour, like manipulation or threats. Courts will support parents that can come to an agreement in the best interest of the child(ren).
- You may want to put the change in writing so that neither party can later claim that they did not agree to it.
- It may also be beneficial to agree upon a timeline for the change to the Court Order. Is it temporary or permanent? This may help avoid conflict over the change in the future.
- If the change is intended to be permanent, it would be beneficial to have the Court Order updated once court operations resume.
- If the agreement falls apart, the Court Order should be used as a fallback and followed until the matters can be further addressed.

6

My ex has withheld my child from me. What can I do?

- **You may make an application to court, but the court may determine that it is not urgent** Unfortunately, you will likely have to wait until the court resumes regular operations to bring this issue to court. The Court is only accepting urgent or emergency family matters. One exception to this is if you believe that your ex is kidnapping your child, you can bring an emergency application to court. If this is the case, you should seek advice from a lawyer.

- If possible, you should speak to the other parent to see if you can work out a parenting arrangement for the time being. If you and the other parent are unable to come to an agreement, the use of a mediator, or even a family member or mutual/neutral friend may help work things out.
- Again, it is important to note that when having these discussions, the best interest of the child(ren) and allowing the child(ren) to spend time with both parents should always be kept in mind.

7 My ex is trying to move far away with my child, and I just found out. What should I do?

- **This is a particularly complex area of law and you should consult with a lawyer.** Call [Pro Bono Law Saskatchewan](#) at **1-855-833-7257** to see if you qualify for our services.
- Generally, a parent needs a Court Order or consent of the other parent to move a child. If a parent tries to move a child without a Court Order or consent of the other parent, the court may make an Order that stops the parent from moving the child. If the child has already moved, the court can make the parent return the child.
- This is an area of law that may be deemed an urgent and emergency matter. The court may still be able to be dealt with at this time.

8 My child is in imminent danger! What should I do?

- **Call 9-1-1.** Police may not enforce Parenting Orders, but they can check on the welfare of your child and assist if there is an imminent threat to the child.
- You may also contact your nearest Ministry of Social Services office.
- Consider how imminent the danger is. If you've been aware of the danger for some time, the Court may not consider it urgent. If it's a new threat, you may make a court application to get a court order or change the current court order. Call [Pro Bono Law Saskatchewan](#) at **1-855-833-7257** to see if you qualify for our services

Child Welfare Matters

9 I have a child protection trial and/or pre-trial. What should I do?

- All child protection trials and pre-trials currently scheduled to May 31, 2020, are adjourned until further notice. New trial and pre-trial dates will be set once the Court operations are in regular operation. You should stay in contact with the court and regularly check the updates on <https://sasklawcourts.ca/>

10 My child has been apprehended. What should I do?

- Contact your caseworker, and/or your Local Registrar to determine when your initial hearing is going to take place.
- Consult with a lawyer for advice regarding the initial hearing. You may be entitled to help from a Legal Aid Lawyer. Call [Legal Aid Saskatchewan](https://www.legalaid.ca/) at 1-800-667-3764 to see if you qualify. If you do not qualify for Legal Aid, you may call [Pro Bono Law Saskatchewan](https://www.probono.ca/) at 1-855-833-7257 to see if you qualify for our services

Spousal and Child Support

11 I have a Court Order for spousal and/or child support, but my ex stopped paying. What can I do?

- If the Court Order has a specified amount of spousal and/or child support, you should register the Court Order with the Maintenance Enforcement Office and seek their assistance with enforcing payments.
- Contact information for the Maintenance Enforcement Office can be found at: <https://www.saskatchewan.ca/government/directory?ou=8bdcc87e-239a-4efd-a321-e43677f1e29a>
- If you have already registered the Court Order with Maintenance Enforcement, you should contact them to determine if you are able to provide any additional information to assist with enforcement.

12 I do not have a Court Order for spousal and/or child support. How do I make my ex pay support?

- If you do not have a Court Order, there is nothing you can do to make your ex pay you support at this time. You will have to wait until the courts resume normal operations to make an application to the court for child support. In the meantime, you can try to negotiate a support agreement with the other parent or ex-spouse. For assistance with this you can call **Pro Bono Law Saskatchewan** at **1-855-833-7257** to see if you qualify for our services.
- You can start working on your support application and be ready for when the courts are open again. Call **Pro Bono Law Saskatchewan** at **1-855-833-7257** to see if you qualify for our services. We can assist with determining whether one of the parties is entitled to spousal support and the amount.
- The law with respect to child support, however, is much more straight forward. In most cases child support is mandatory and must be paid in accordance with The Federal Child Support Guidelines which can be found at <https://laws.justice.gc.ca/eng/regulations/SOR-97-175/index.html>
- If you and your ex-spouse or other parent are unable to come to an agreement, you will have to bring an application for support once regular court operations have resumed.
- If the other parent refused to pay support when they should have been doing so, you can generally seek up to three years of retro-active support.

Divorce/Separation & Property Division

13 I just separated from my partner/spouse. What do I do?

- **The most important thing is that you are safe and can take care of yourself and your children.**
- If you need help with basic needs, call **2-1-1** or visit <https://sk.211.ca/>. 2-1-1 is a free, confidential information and referral system for thousands of community and social services available across Saskatchewan.
- Applications for divorce and/or dividing property that is not agreed on by your ex-spouse will have to be brought to the Court once normal operations resume.

- For information regarding divorce and property division visit The **Public Legal Education Association of Saskatchewan's** website at familylaw.plea.org . Call **Pro Bono Law Saskatchewan** at **1-855-833-7257** to see if you qualify for our services. You may talk with a volunteer lawyer to see what your options are.

14 I'm separating from my partner/spouse. Is our agreement good enough?

- You should try to consult with a lawyer before signing any separation agreement, especially if it deals with family property. The Courts generally require that both parties get independent legal advice from a lawyer before finalizing a separation agreement.
- The purpose of the independent legal advice is to ensure that both parties are aware of their rights and fully understand the agreement.
- Your agreement may not hold up if one or both of the parties were unaware of their rights or did not fully understand the agreement.

15 We just separated and my partner/spouse is draining our accounts/ selling our assets! What should I do?

- This is a situation where you may be able to get a Court Order forcing your partner/spouse to stop this behaviour. If this is occurring, you should consult a lawyer as soon as possible. Call **Pro Bono Law Saskatchewan** at **1-855-833-7257** to see if you qualify for our services.
- You can also contact the bank and ask them to freeze joint accounts, but keep in mind that this may prevent you from accessing those funds as well. This is not recommended unless there is no other option. Freezing joint accounts may cause problems with payment withdrawals for things such as rent, mortgage payments, car payments etc. Freezing joint accounts should only be considered as an emergency last resort.
- If your spouse is trying to sell the home that you're currently living in, they will need a Court Order or your consent. Contact the buyer/realtor if you disagree with the sale of the home until you can get in front of a Court. You can also contact the Information Services Corporation to register a notice against any land titles to prevent the transfer of the title.

Common Law vs. Married

14 I'm separating from my partner/spouse. Is our agreement good enough?

- In Saskatchewan, common law partners have essentially the same rights as married individuals. If you have a specific question regarding your common law status, you should consult with a lawyer. Call **Pro Bono Law Saskatchewan** at **1-855-833-7257** to see if you qualify for our services to speak with a volunteer lawyer.