

What is a Case Conference Memorandum?

This is a document prepared by the case conference judge 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.

Triage and Case Conference Processes

The discussions at the Triage and Case Conferences are confidential. Only agreements or court orders that were made at the Triage or Case Conference or information set out in the Case Conference Memorandum can be mentioned in later court proceedings. Only parties and their lawyers, if the parties are represented, may be present in the courtroom.

If you do not attend the Triage or Case Conferences on the scheduled dates, 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.

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 **204-985-8511** or toll-free at **1-866-800-8056**.

The Legal Help Centre provides family law information based on household income and the number of members in the family unit. It is staffed by law students and supervised by lawyers. The Centre runs workshops on Case Conferences. Call **204-258-3096** or see their website at legalhelpcentre.ca.

What if I decide not to have a lawyer?

If you decide not to have a lawyer, you will need to know the correct court procedures, forms and deadlines. Court staff 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 retain a lawyer, you must still follow the rules of the court.

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

Canada Pension Plan (CPP) Credit Splitting

The CPP contributions you and your spouse or common-law partner made during the time you lived together can be equally divided after a divorce or separation: <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-split-credits.html>.

MG-7232

Case Management of Family Matters



Resolving Family Matters in a Co-operative Way

Manitoba 

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 reduce unnecessary delay
- to reduce costs
- to make sure every court appearance is meaningful and moves the case forward to a conclusion
- to set early trial or final hearing dates
- to ensure a case is ready for trial or final hearing, if a decision by a judge is required

How does Case Management work?

Case Management begins with a Triage Conference. If you require the assistance of a judge to resolve your matters, you must file a Request for Triage Conference (Form 70D.2), Certificate of Prerequisite Completion (Form 70D.3) and Triage Brief (Form 70D.4) to start the process. The other party must file a Certificate of Prerequisite Completion and Triage Brief in response. All applicable prerequisites must be completed before filing these documents.

If the other party does not complete their prerequisites, you may file a Notice of Motion

(Form 70Q) before an Associate Judge. The Associate Judge may order the completion of prerequisites by imposing deadlines and other sanctions, such as costs.

What happens at a Triage Conference?

The Triage Conference is a meeting between the triage judge, the parties, and their lawyers, if the parties are represented. The triage judge will read the file in advance to be familiar with your case. You should be prepared to discuss possible ways to resolve your case.

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

If any matters are not resolved at the Triage Conference, the triage judge will set a first Case Conference within 30 days of the Triage Conference date to deal with those matters.

How do I prepare for a Case Conference?

If your situation has changed since the filing of your Triage Brief, an updated Triage Brief (Form 70D.4) may be filed, and served on the other party in advance of the Case Conference date.

If your situation has not changed, the judge will refer to the Triage Brief you filed previously.

What happens at a Case Conference?

A Case Conference is a meeting between the case conference judge, the parties, and their lawyers, if the parties are represented.

The case conference judge will read the file in advance to prepare for your appearance. You should be ready to discuss possible ways to resolve your case.

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

If any matters are not resolved, the judge will set a trial or final hearing date and may:

- ask the parties for more information
- refer the parties to various programs or community services
- schedule another Case Conference in order to pursue settlement

The judge has the power under Rule 70.24(33) to make certain orders after hearing from the parties or their lawyers. These include procedural orders and orders for home assessments, paternity testing, suspension of enforcement, imputation of income, and child support.

The judge will continue to work with you until all matters are settled or are decided by a judge at a trial or final hearing.

At a trial or final hearing, a different judge will hear evidence and arguments from both parties and make a final decision. Your case conference judge will not be the judge at the trial or final hearing.