



***Under normal circumstances, co-parenting with your ex can be difficult. In the midst of a global pandemic, with every nation, family, and household at war against an invisible - but deadly virus - things aren't any easier.***

The situation we face is unprecedented. In the legal arena, where precedent is the “name of the game”, that means that there’s less certainty than ever before. Nevertheless, we all must work together as best we can. This includes single parents and former partners.

In light of COVID-19, we have received many inquiries. Some of the more common questions we have received, and some general information in response, are below:

**1. Is my scheduled Chambers date, pre-trial conference, or trial, still going ahead?**

The Court of Queen’s Bench has suspended all regular court operations until June 1, 2020. Unless your lawyer has contacted you and advised to the contrary, if your court date occurs prior to June 1, it has likely been adjourned.

**2. Is my matter “urgent” or an “emergency”?**

It appears as though emergency situations are being defined very narrowly. For example, even where the Ministry of Social Services has removed a child from their parents, these trials are adjourned until at least June 1.

In assessing whether your matter would fit this narrow definition, the court has offered the following examples of urgent and emergency situations for family law participants:

- Applications for urgent relief relating to the safety of a child or parent. This shall include applications for restraining orders, non-contact orders, and exclusive possession of the family home orders.
- Urgent matters involving the safety or well-being of a child including essential medical decisions or issues relating to the wrongful removal or retention of a child.
- Applications related to dire circumstances of financial need including the preservation of existing family property.
- Any other matter the Court deems necessary to hear on an urgent basis with prior permission of the Court. These matters will be strictly limited.

**3. How does school closure impact parenting time?**

Some Parenting Agreements (or court Orders) may demand an equal sharing of school and summer holidays. It is not clear how the court would interpret such clauses during emergency measures leading to the indefinite closure of schools; however, this is not likely to be treated as a “holiday” situation.

We would encourage parents that have primary residency of children to facilitate and encourage additional parenting time with the other parent. This should be done in a manner that prioritizes safety, and is consistent with implementing recommended social distancing protocols. For example, if you or your child is sick, it may be prudent to restrict in-person access to the other parent until after an appropriate period of self-isolation. Similarly, if you fall ill while the children are visiting with the access parent, then it may be most prudent for the child to remain with the other parent while you self-isolate.

It bears repeating: there is no “correct,” way to respond to this situation. We remind parents that they are in the midst of a never before seen global emergency, and that disagreements over parenting time should, if at all possible, be postponed. In the event that parents are unable to sort through these matters on their own, we remind them that Saskatchewan has extremely competent and capable family lawyers and mediators willing to help you negotiate a fair and equitable solution.

On a final note, and while it is likely to only be a rare occurrence, should either parent consider exploiting the COVID-19 virus and suspension of court by refusing to engage in good-faith conflict resolution discussions, then such conduct may be subject to review by the court once normalcy returns, and appropriately sanctioned.

#### **4. How will this impact Child Support or Spousal Support payments?**

If you are under an Agreement or Court Order requiring you to make support payments, then you must continue to do so as normal. Should you be laid off or otherwise lose your income as a result of COVID-19, then it may be possible to vary the amount owed. As each situation is evaluated on an individual basis, we encourage you to speak with a lawyer to discuss how your support obligation may be affected.

Similarly, if you are the recipient of spousal or child support and your former partner loses their income source due to COVID-19, then you may need to prepare for your support payments to drop.

Regardless of whether you are receiving support or paying it, we would encourage participants more than ever to attempt resolving matters through agreement. Although Court is currently suspended, lawyers and mediators are still able to help you and your former partner remotely negotiate fair and equitable solutions.

The situation is rapidly changing. As more information becomes available, we will continue doing our utmost to keep you informed.

Lastly, while WMCZ’s physical doors are closed, we remain open for business and to assist our clients, and those who wish to consult with us. As leaders in legal technology, our practice is entirely electronic. We are well-equipped to work remotely, and are happy to consult with new or existing clients via telephone or video conferencing.

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