

# *The Unified Family Court Act*

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Chapter U-1.1 of *The Revised Statutes of Saskatchewan, 1978 (Supplement)*  
(effective February 26, 1979).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER U-1.1

### An Act to establish a Unified Family Court for Saskatchewan

#### Short title

1 This Act may be cited as *The Unified Family Court Act*.

R.S.S. 1978, c.U-1.1 (Supp.), s.1.

#### Constitution

2 There is hereby established in and for the province of Saskatchewan a court of record which shall be called the Unified Family Court for Saskatchewan, hereinafter referred to as the court.

1977-78, c.41, s.2; R.S.S. 1978, c.U-1.1 (Supp.), s.2.

#### Seal

3 The Lieutenant Governor in Council may from time to time determine the seal to be used in the court and by which its proceedings shall be certified and authenticated.

1977-78, c.41, s.3; R.S.S. 1978, c.U-1.1 (Supp.), s.3.

#### Judges

4 The Unified Family Court shall consist of the local judges of the Court of Queen's Bench.

1977-78, c.41, s.4; R.S.S. 1978, c.U-1.1 (Supp.), s.4.

#### Juvenile court

5(1) The court shall be a juvenile court within the meaning of the *Juvenile Delinquents Act* (Canada) for the purpose of dealing with juvenile delinquents and causes and matters respecting children arising under Part I of *The Family Services Act*.

(2) Each judge of the court has all the powers vested in a judge under the *Juvenile Delinquents Act* (Canada).

1977-78, c.41, s.5; R.S.S. 1978, c.U-1.1 (Supp.), s.5.

#### Court officials

6 There may be appointed an officer of the court, to be known as the registrar of the Unified Family Court, and one or more officers of the court to be known as local registrars of the Unified Family Court, and any other officials required for the proper conduct of the affairs and proceedings of the court.

1977-78, c.41, s.6; R.S.S. 1978, c.U-1.1 (Supp.), s.6.

#### Jurisdiction

7 The court has, in matters and proceedings under:

(a) *The Deserted Wives' and Children's Maintenance Act*, the original jurisdiction exercisable by a court as defined by that Act;

(b) *The Children of Unmarried Parents Act*, the original jurisdiction exercisable by a judge as defined by that Act;

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- (c) Parts II and III of *The Family Services Act*, the original jurisdiction exercisable by a judge under those Parts;
- (d) *The Infants Act*, the original jurisdiction exercisable under that Act by the Court of Queen's Bench or a judge of that court;
- (e) *The Marriage Act*, the jurisdiction exercisable under that Act by the Court of Queen's Bench or a judge of that court;
- (f) *The Parents' Maintenance Act*, the jurisdiction exercisable under that Act by the District Court or a provincial magistrate;
- (g) *The Homesteads Act*, the jurisdiction exercisable by a judge of the Court of Queen's Bench under that Act;
- (h) *The Married Persons' Property Act*, the jurisdiction exercisable under that Act by a judge of the District Court or a judge of the Court Of Queen's Bench.

1977-78, c.41, s.7; R.S.S. 1978, c.U-1.1 (Supp.), s.7.

**Same**

8(1) Each judge of the court has the same jurisdiction, exercisable under the same conditions, to give judgments for restitution on conjugal rights and judicial separations, and to grant alimony, as the Court of Queen's Bench has under *The Queen's Bench Act*.

(2) In matters and proceedings under sections 30 to 39 of *The Queen's Bench Act*, each judge of the Unified Family Court has the same jurisdiction, exercisable under the same conditions, as the Court of Queen's Bench has under those sections.

1977-78, c.41, s.8; R.S.S. 1978, c.U-1.1 (Supp.), s.8.

**Jurisdiction over provincial offences**

9 Notwithstanding any other Act, the Lieutenant Governor in Council may by order confer on any named judge of the court original jurisdiction to try charges against any provincial Act or regulation triable on summary conviction where, in the opinion of the Lieutenant Governor in Council, it is appropriate for the judge of the court to deal with them.

1977-78, c.41, s.9; R.S.S. 1978, c.U-1.1 (Supp.), s.9.

**Powers and duties of court**

10 In all matters and proceedings in which jurisdiction may be exercised in the Unified Family Court, the court has the same powers and duties as the Court of Queen's Bench to conduct the matters and proceedings, grant remedies and enforce its judgments, orders and other process.

1977-78, c.41, s.10; R.S.S. 1978, c.U-1.1 (Supp.), s.10.

**Judge has powers of a magistrate**

11 In addition to any other powers and duties of a judge of the court, each judge is, *ex officio*, a magistrate under the *Criminal Code*.

1977-78, c.41, s.11; R.S.S. 1978, c.U-1.1 (Supp.), s.11.

**Additional jurisdiction of court**

**12(1)** The court has and may exercise such other jurisdiction as may be conferred upon it by or under any other Act.

(2) The court has and may exercise the same *parens patriae* powers as the Court of Queen's Bench in respect of any matter or proceeding before it.

(3) The jurisdiction of the court shall be exercised by a judge thereof.

(4) Where a judge of the court ceases to hold office, he may, within ten weeks thereafter, give judgment or make an order or decision in a matter or proceeding previously heard by him as if he had continued in office.

1977-78, c.41, s.12; R.S.S. 1978, c.U-1.1 (Supp.), s.12.

**Combined proceeding**

**13** Where a proceeding is commenced in the Unified Family Court in a matter or proceeding that is within the jurisdiction of the court, and is combined with a related matter that is within the jurisdiction of the judge presiding in the court but not within the jurisdiction of the Unified Family Court, the judge may, with the consent of the parties to the proceeding, hear, determine and dispose of the combined proceeding.

1977-78, c.41, s.13; R.S.S. 1978, c.U-1.1 (Supp.), s.13.

**Transfer to Unified Family Court**

**14** A judge, court or other person having jurisdiction in a matter or proceeding over which the Unified Family Court or a judge thereof has jurisdiction may, upon application, order that the matter or proceeding be transferred to the Unified Family Court where, in the opinion of the judge, court or other person, it is more convenient for the matter or proceeding to be dealt with by the Unified Family Court.

1977-78, c.41, s.14; R.S.S. 1978, c.U-1.1 (Supp.), s.14.

**Transfer from Unified Family Court**

**15(1)** Where, in the opinion of a judge of the Unified Family Court, it is more convenient for a matter or proceeding in the Unified Family Court to be dealt with by another court or judge, the judge of the Unified Family Court may, upon application or on his own motion, order that the matter or proceeding be transferred to another court or judge having jurisdiction in the matter or proceeding.

(2) A judge of the Unified Family Court making an order under subsection (1) may give such directions for the transfer and make such order as to costs as he considers appropriate.

1977-78, c.41, s.15; R.S.S. 1978, c.U-1.1 (Supp.), s.15.

**Costs**

**16** Where a matter or proceeding that is not within the jurisdiction of the court is commenced in the court, the court may order by and to whom costs in the matter or proceeding shall be paid.

1977-78, c.41, s.16; R.S.S. 1978, c.U-1.1 (Supp.), s.16.

**Appeal**

17(1) Subject to subsection (2), nothing in this Act limits any right to appeal available under any other Act in respect of any matter or proceeding that, pursuant to this Act, is within the jurisdiction of the court or a judge thereof.

(2) Where an appeal is taken against any decision, order, judgment or other determination of a judge of the Unified Family Court, the appellant shall, notwithstanding any provision of the Act pursuant to which the appeal is being taken designating the court or judge to be appealed to, appeal the decision, order, judgment or other determination to a judge of the Court of Appeal.

(3) A judge of the Court of Appeal to whom an appeal is taken as provided in subsection (2) may give such directions with respect to the appeal as he considers appropriate.

1977-78, c.41, s.17; R.S.S. 1978, c.U-1.1 (Supp.), s.17.

**Enforcement of judgments and orders**

18(1) A person entitled to alimony or maintenance under a judgment or order of the Court of Queen's Bench may file a copy of the judgment or order, certified by the local registrar of the Court of Queen's Bench at the judicial centre from which the judgment was rendered or the order was given to be a true copy, in the Unified Family Court and when so filed the order or judgment is enforceable under *The Deserted Wives' and Children's Maintenance Act* in the same manner and to the same extent as an order for the payment of a sum by a husband under that Act.

(2) Where the person entitled to file and enforce a judgment or order under subsection (1):

- (a) receives financial or other assistance from the Department of Social Services on his or her behalf or on behalf of a dependent child; and
- (b) refuses or neglects to file or enforce the judgment or order;

an officer of the Department of Social Services authorized by the Deputy Minister of Social Services may file and enforce the judgment or order.

(3) A person entitled to maintenance under a judgment or order of the Court of Queen's Bench within the meaning of subsection (1) includes a child entitled to maintenance under any such judgment or order.

(4) A judge of the Unified Family Court may vary the amount of any alimony or maintenance ordered to be paid by a judgment or order of the Court of Queen's Bench filed in the Unified Family Court under this section.

1977-78, c.41, s.18; R.S.S. 1978, c.U-1.1 (Supp.), s.18.

**Counselling services**

19 Where a judge of the court considers that any party to a matter or proceeding in the court would benefit from any counselling or other professional services provided by qualified social workers or other professional persons, the judge may, notwithstanding anything in any other Act, adjourn the matter or proceeding to allow the party to receive such counselling or professional services.

1977-78, c.41, s.19; R.S.S. 1978, c.U-1.1 (Supp.), s.19.

**Secrecy**

**20(1)** Subject to subsection (2), no social worker or other professional person who renders his services to a person who is or becomes a party to a matter or proceeding in the court:

- (a) is compellable to give evidence in respect of:
  - (i) written or oral statements made to him by the party during the provision of the services;
  - (ii) knowledge or information acquired during the provision of the services;
- (b) shall be required to produce any written statement mentioned in subclause (a)(i) at a trial, hearing or other proceeding.

(2) Subsection (1) does not apply to any statements made or knowledge or information acquired by a social worker or other professional person who is required by the court to make recommendations respecting the custody or welfare of children.

1977-78, c.41, s.20; R.S.S. 1978, c.U-1.1 (Supp.), s.20.

**Adjournments**

**21** Except where otherwise provided in respect of the matter or proceeding by any other Act and subject to such provision, a judge of the court may adjourn a matter or proceeding in the court for such period or periods as he considers appropriate.

1977-78, c.41, s.21; R.S.S. 1978, c.U-1.1 (Supp.), s.21.

**Prohibitory orders**

**22(1)** Where a judge of the court is satisfied that the privacy of any party to a matter or proceeding in the court is being disturbed by the conduct of another person who is a party to the matter or proceeding, the judge may order that the person refrain from such conduct towards the party as the judge specifies in the order.

(2) Any person who contravenes an order made under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$250.

(3) Any person who is dissatisfied with an order made under subsection (1) or the refusal of the judge to make an order under that subsection may, within thirty days from the day on which the order was made or the judge refused to make an order, as the case may be, appeal the order or refusal to a judge of the Court of Appeal.

(4) The judge of the Court of Appeal may make such order in respect of an appeal under subsection (3) as he considers just.

1977-78, c.41, s.22; R.S.S. 1978, c.U-1.1 (Supp.), s.22.

**Proceedings, etc., in court**

**23** A judge of the court shall, having due regard for the proper administration of justice, conduct all matters and proceedings in the court as informally as the circumstances of the case permit, and no decision, order or other action of such judge shall be quashed or set aside because of such informality.

1977-78, c.41, s.23; R.S.S. 1978, c.U-1.1 (Supp.), s.23.

**c. U-1.1****UNIFIED FAMILY COURT****Act does not limit jurisdiction of other courts or judges**

**24** Nothing in this Act limits the jurisdiction granted to any court, judge or provincial magistrate by any Act, and the jurisdiction granted to the Unified Family Court and judges of the Unified Family Court by this Act is concurrent with the jurisdiction granted to a court, judge or provincial magistrate by any other Act.

1977-78, c.41, s.24; R.S.S. 1978, c.U-1.1 (Supp.), s.24.

**Private hearings**

**25** Any matter or proceeding in the court under this Act may, in the discretion of the judge, be heard in private.

1977-78, c.41, s.25; R.S.S. 1978, c.U-1.1 (Supp.), s.25.

**Powers of Lieutenant Governor in Council**

**26** The Lieutenant Governor in Council may, from time to time, by order:

- (a) designate the place or places, and the area or areas within which or in respect of which, a judge of the court shall exercise his jurisdiction;
- (b) change the place or places, or the area or areas within which or in respect of which, a judge of the court is to exercise his jurisdiction;
- (c) require a judge of the court to act, during the absence of another judge, in the place and stead of the judge who is absent.

1977-78, c.41, s.26; R.S.S. 1978, c.U-1.1 (Supp.), s.26.

**Judges may sit and act throughout province**

**27** Subject to any order under section 26, each judge of the court may sit and act at any time and at any place within the province in respect of any matter or proceeding over which the court or a judge thereof has jurisdiction under or pursuant to this Act.

1977-78, c.41, s.27; R.S.S. 1978, c.U-1.1 (Supp.), s.27.

**Rules**

**28(1)** The judges of the Court of Queen's Bench, or a majority of them, may make rules for the purpose of giving effect to the provisions of this Act or for the purpose of providing for any matters not fully or sufficiently provided for in this Act and, without restricting the generality of the foregoing, may make rules:

- (a) regulating the sittings of the judges of the Unified Family Court;
- (b) regulating the pleadings, practice and procedure in matters and proceedings before the judges of the court;
- (c) regulating the duties of officers of the court;
- (d) regulating costs in proceedings in the court;
- (e) providing for the taxation of costs and prescribing tariffs therefor;
- (f) prescribing and regulating the proceedings under any Act that confers jurisdiction upon the court or a judge of the court;

(g) governing the deposit or payment into or transfer out of the court of any money or property, or the dealing therewith;

(h) allowing for service outside of Saskatchewan.

(2) Where provisions with respect to practice or procedure are contained in any Act, rules may be made adding to or modifying those provisions to any extent that is considered necessary for the equitable dispatch of the business of the court, unless the power to do so is expressly excluded by the provisions of that Act.

(3) All rules made by the judges under this Act shall, with as little delay as possible, be published in *The Saskatchewan Gazette*.

(4) Subsection (2) does not apply to a general consolidation and revision of the rules, but a notice of the promulgation of the consolidated and revised rules shall be published in the *Gazette* and shall state a date, subsequent to such publication, on which the rules shall come into force.

1977-78, c.41, s.28; R.S.S. 1978, c.U-1.1 (Supp.), s.28.

**Rev. Stat. c.F-4 repealed**

**29** *The Family Court Act* is repealed.

1977-78, c.41, s.29; R.S.S. 1978, c.U-1.1 (Supp.), s.29.

**Coming into force**

**30** Unless a proclamation has been issued pursuant to section 30 of *The Unified Family Court Act, 1978*, being chapter 41 of *The Statutes of Saskatchewan, 1977-78*, before *The Revised Statutes of Saskatchewan, 1978* come into force, this Act or any of the provisions of this Act come into force on a day or days to be fixed by proclamation of the Lieutenant Governor.

1977-78, c.41, s.30; R.S.S. 1978, c.U-1.1 (Supp.), s.30.

