



THE PROVINCIAL COURT
OF BRITISH COLUMBIA

Effective Date: *17 May 2021*

NP 11 *Revisions in red*

NOTICE TO THE PROFESSION AND PUBLIC

USE OF A SUPPORT PERSON IN CIVIL AND FAMILY PROCEEDINGS

Purpose

The objective of this Notice to the Profession and Public is to outline the guidelines for using a support person (also referred to as a courtroom companion or “McKenzie friend”) in Provincial Court small claims or family proceedings. A support person may also be subject to any applicable provisions of the *Legal Profession Act*.

Notice

1. Unless a judge orders otherwise, a litigant may have a support person sit with them in a Provincial Court small claims or family trial or hearing except for:
 - a. a small claims settlement or trial conference;
 - b. a family *settlement* conference; *or*
 - c. *a family management conference.*
2. A support person may be a friend or a relative.
3. A support person must not be someone who:
 - a. may be a witness in the hearing or trial; or
 - b. is paid by the litigant for their services.
4. A support person may provide the following help in court:
 - a. taking notes;
 - b. organizing documents;
 - c. making quiet suggestions to the litigant;
 - d. providing emotional support; and
 - e. any other task approved of by the judge.
5. A support person shall not address the court, or speak on behalf of the litigant except in exceptional circumstances and only with the advance permission of the judge.

6. A judge may refuse to allow a support person to sit with a litigant where the presence of the support person could be or becomes disruptive to the proceedings or would otherwise be unfair to an opposing party.
7. A support person may be allowed to attend a small claims settlement or trial conference or family **settlement** conference or **family management conference**, with the permission of the judge, and usually only where the opposing party agrees. If the support person is not allowed to attend, the litigant may ask the judge for a break during the conference to speak to their support person outside the conference room.

History of Notice to the Profession and Public

- Original Notice to the Profession and Public dated April 10, 2017.
- Amended Notice to the Profession and Public dated January 9, 2020 (clarifies “Purpose” and para. 3b that a support person may also be subject to any applicable provisions of the *Legal Profession Act* and must not be paid by the litigant for their services).
- **May 17, 2021: Amended to change “family case conference” to “family settlement conference” and to add “family management conference” to be consistent with the new *Provincial Court Family Rules* that came into force May 17, 2021.**

Melissa Gillespie
Chief Judge
Provincial Court of British Columbia