

FAMILY CROWN SERVICES OPERATIONAL MANUAL

INTERPRETATION	New	Office of the Attorney General / Family Crown Services	Policy 1
Policy Title	New or Amended	Division / Branch / Section	Policy #

SLT		June 1, 2022	June 1, 2025
Approved by	This policy was approved on:	This version takes effect on:	This policy will be reviewed by:

INTERPRETATION

1. General guidelines concerning interpretation

In this Manual, the following general guidelines apply:

- (a) a word importing a masculine gender includes the feminine gender, and a word importing a feminine gender includes the masculine gender;
- (b) a word in the singular includes the plural, and a word in the plural includes the singular; and
- (c) where a word is defined, other parts of speech and tenses of the same word have corresponding meaning.

2. Specific definitions

In this Manual, except where the context requires otherwise, each of the following words and phrases has the corresponding meaning that is set out below:

“Assistant Deputy Attorney General” means the Assistant Deputy Attorney General of Family Crown Services, unless otherwise stated; (*Sous-procureur général adjoint*)

“Attorney General” means the Attorney General of the Province of New Brunswick; (*Procureur général*)

“court” means the Court of Queen’s Bench of New Brunswick, Family Division, unless otherwise stated; (*Cour*)

“Deputy Attorney General” means the Deputy Attorney General of the Province of New Brunswick; (*Sous-procureur général*)

“exceptional circumstances” means a circumstance in which the public safety or the public interest is demonstrably better served by a deviation from the policy, but does not include a circumstance where there is a need or desire for expediency; (*situations exceptionnelles*)

“**Family Crown Counsel**” means counsel responsible for specified areas of civil law outlined in the mandate established by the Attorney General, and includes *ad hoc* Family Crown Counsel; (*procureur de la couronne à la famille*)

“**may**” indicates that there is an issue to consider or a discretion to exercise, and that a decision or action may, or may not, be taken; (*peut*)

“**Minister**” unless otherwise stated, means the Minister of Social Development and includes any person designated under subsections 3(1)(b) and 3(1)(b.1) to exercise any authority, power, duty or function conferred upon him by the *Family Services Act*, (*Ministre*)

“**shall**” or “**must**” indicates a requirement, and usually relates to a legal obligation or procedural necessity; (*doit*)

“**should**” indicates that there is an expectation that a task will be carried out, but recognizes that it may not always be possible or desirable to do so in the particular circumstances of a case; (*devrait*)

“**will**” indicates that there is an expectation that a task will be carried out or an outcome will occur, but may not always be the case, because Family Crown Services may not have the authority to control the result. (*devra*)

3. Reference to legislation

The authorities and sources cited in this section of this Policy are referred to or have been consulted in the preparation of this Manual.

3.1 Legislation

Where the statutes and regulations cited below are referred to elsewhere in this Manual, the short title or citation established by the statute or regulation is used.

An Act Respecting the Role of the Attorney General, R.S.N.B. 2011, c. 116

Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11

Civil Service Act, S.N.B. 1984, c. C-5.1

Divorce Act, R.S.C., 1985, c. 3 (2nd Supp.)

Family Services Act, S.N.B. 1980, c. F-2.2

Family Law Act, S.N.B. 2020, c.23

Infirm Persons Act, S.N.B. 1973, c. I-8

Interjurisdictional Support Orders Act, S.N.B. 2002, c. I-12.05

International Child Abduction Act, S.N.B. 2011, c. 175 incorporating the *Hague Convention on the Civil Aspects of International Child Abduction*, 25 October 1980

Judicature Act, S.N.B. 1973, c. J-2

Law Society Act, 1996, S.N.B. 1996, c. 89 and *General Rules*

Official Languages Act, S.N.B. 2002, c. O-0.5

Public Service Act, S.N.B. 1984, c.C-5.1

Right to Information and Protection of Privacy Act, S.N.B. 2009, c. R-10.6

Rules of Court, N.B. Reg. 82-73 (*Judicature Act*, S.N.B. 1973, c. J-2)

Rules of the Supreme Court of Canada, S.O.R./2002-156 (*Supreme Court Act*, *infra*)

Supreme Court Act, R.S.C. 1985, c. S-27

Support Enforcement Act, S.N.B. 2005, c. S-15.5

3.2 Jurisprudence

R. c. Boucher, [1955] R.C.S. 16, 1954 CanLII 3.

3.3 Administrative directives

Government of New Brunswick, "Policy on Conflict of Interest", AD-2915.

Government of New Brunswick, "Travel Policy", AD-2801.

3.4 Professional publications

Law Society of New Brunswick, "Code of Professional Conduct" (January 1, 2020)

Law Society of New Brunswick, "Interaction Between Lawyers and Physicians in Litigation" (2002)