

FAMILY CROWN SERVICES OPERATIONAL MANUAL

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| MEDIA COMMUNICATIONS | New | Office of the Attorney General / Family Crown Services | Policy 16 |
| Policy Title | New or Amended | Division / Branch / Section | Policy # |

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MEDIA COMMUNICATIONS

1. Introduction

The vast majority of Family Crown matters are filed under the *Family Services Act*, S.N.B. 1980, c.F-2.2 and are subject to subsection 10(2) of the *Family Services Act*, S.N.B. 1980, c.F-2.2 which provides that:

No person shall, in relation to a proceeding under this Act, publish, make public or contribute to the publication of the name of a child who is or has been the subject of the proceeding or the name of the parent of any child in relation to such proceeding, or in any way identify the child or his or her parent.

Subsection 138(1) of the *Family Services Act* provides that:

A person who violates or fails to comply with a provision of this Act that is listed in Column I of Schedule A commits an offence.

Column I of Schedule A of the *Family Services Act* provides that a contravention of subsection 10(2) is a category E offence.

In short, Family Crown Counsel cannot identify any child or parent of that child where the child is or has been the subject of an application under the *Family Services Act*.

While the *Divorce Act*, S.C. 1985, c. 3 (2nd Supp.), the *Support Enforcement Act*, S.N.B. 2005, c. S-15.5, the *International Child Abduction Act*, S.N.B. 2011, c. 175, and the *Interjurisdictional Support Orders Act*, R.S.N.B. 2016, c. 102, do not contain a provision similar to subsection 10(2), *supra*, Family Crown Counsel should safeguard the privacy of the parties and children in proceedings under these statutes.

2. Statement of the policy

As a general rule, Family Crown Counsel shall not communicate with the media regarding Family Crown matters.

3. Procedure when approached by the media

When approached by the media, Family Crown Counsel shall decline to answer the inquiry at that time and shall seek guidance from the Assistant Deputy Attorney General of Family Crown Services.

The Assistant Deputy Attorney General shall discuss the matter with the Deputy Attorney General to determine whether it would be appropriate to respond to the media, and, if so, the nature of the response and the most appropriate person to make the response.

In appropriate cases, the Assistant Deputy Attorney General and/or Deputy Attorney General may consult with the Director of Communications for the Office of the Attorney General.

Ultimately, the Attorney General retains discretion in any case to determine whether to release information and the extent of any information that is to be released.

4. Procedure when parents threaten to approach the media

When parents threaten to approach the media regarding matters under the *Family Services Act*, Family Crown Counsel may:

- (a) bring the provisions of sections 10(2), 138 and Schedule A of the *Family Services Act* to the attention of the parents; and/or
- (b) address the matter in open court.

5. Procedure when the media attends court proceedings

When the media attends court proceedings, under the *Family Services Act*, Family Crown Counsel may:

- (a) bring the provisions of sections 10(2), 138 and Schedule A of the *Family Services Act* to the attention of the media; and/or
- (b) address the matter in open court.

6. Communicating with the media in one's personal capacity

As with any government employee, Family Crown Counsel are subject to certain limitations when communicating with the media in their personal capacity. An employee shall not make any comment that would do any of the following things:

- (a) compromise his / her ability to execute the responsibilities of their employment;
- (b) provide information / opinion regarding files or cases involving the Office of the Attorney General;
- (c) risk bringing the administration of justice, the Office of the Attorney General or Family Crown Services into disrepute or weaken the public's confidence related thereto; or
- (d) contravene the New Brunswick Law Society's *Code of Professional Conduct*.

7. Related documents

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

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

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

Interjurisdictional Support Orders Act, S.N.B 2016 c. 102.

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