

FAMILY CROWN SERVICES OPERATIONAL MANUAL

APPLICATION AND USE	New	Office of the Attorney General / Family Crown Services	Policy 2
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:

APPLICATION AND USE

The purpose of this Manual is two-fold: to ensure the fair and effective practice of Family Law in New Brunswick and to communicate the intention of Family Crown Services to the public in order to maintain public confidence in the administration of justice.

The policies in this Manual do not cover all aspects of the Family Law process. Some issues are not addressed; other issues are addressed more comprehensively. Even where a policy has been drafted to give relatively complete guidance with regard to a particular type of decision, it is impossible to anticipate the infinite variety of circumstances in which a Family Law case may arise. There will often be gaps between the ambit of the policies and the reality encountered by Family Crown Counsel. Accordingly, it is essential to understand the context in which these policies are presented. This requires an appreciation of the fundamental role of Family Crown Counsel in the Family Law process.

Family Crown Counsel is required to make difficult decisions. Although Family Crown Counsel is accountable for the exercise of his/her discretion and is required to comply with these policies, this should not cause Family Crown Counsel to be reluctant in making difficult decisions. Only a small number of policies eliminate options or require consultation or approval before decisions are made. The vast majority of decisions that Family Crown Counsel must make encompass a range of options from which he/she must select the most appropriate in the circumstances.

The Office of the Attorney General understands that the exercise of judgment in the Family Law process is not an exact science. Reasonable, competent people often disagree. When, it is not clear to Family Crown Counsel how to balance competing factors, less experienced counsel are encouraged to consult with senior colleagues or the Assistant Deputy Attorney General in order to arrive at an appropriate decision. Similarly, when there is uncertainty in regard to what should be done in the absence of specific guidance in this Manual, the fullest possible discussion of the issues with colleagues or the Assistant Deputy Attorney General is strongly recommended.

It is important for Family Crown Counsel to bear in mind that to neglect, or to avoid, making a necessary decision can be more harmful to the administration of justice and to the public interest than making a decision that is later challenged. The practice of Family Law, even by experienced counsel, requires careful analysis of issues and, frequently, consultation. The policies set out in this Manual are not designed to be implemented automatically or to be a substitute for judgment. The proper administration

of justice requires that Family Crown Counsel carefully consider the particular nuances of each case during the decision making process.

This Manual does not have the status of law. It does not in any way override the *Family Services Act*, *Family Law Act*, *the Support Enforcement Act*, *the Rules of Court*, *the Charter* or any other applicable legislation. It is not intended to provide legal advice to members of the public or create any rights enforceable at law in any legal proceeding.