

FAMILY CROWN SERVICES OPERATIONAL MANUAL

LITIGATING INTERJURISDICTIONAL LEGISLATION	New	Office of the Attorney General / Family Crown Services	Policy 8
Policy Title	New or Amended	Division / Branch / Section	Policy #

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LITIGATING INTERJURISDICTIONAL LEGISLATION

1.1 Introduction

Family Crown Counsel is mandated to carry out the duties and responsibilities of the Attorney General under specified legislation having interjurisdictional application.

At times, Family Crown Counsel has also been mandated to act as *amicus curiae* in situations where the Attorney General has no statutory duties or responsibilities to delegate.

The role of Family Crown Counsel in interjurisdictional matters is problematic in that Family Crown Counsel has no client to provide instructions.

This policy identifies the limits of the role of Family Crown Counsel in interjurisdictional matters.

1.2 Family Crown Counsel as agent of the Attorney General

Family Crown Counsel has been mandated to carry out the statutory duties and responsibilities of the Attorney General under the *International Child Abduction Act*, S.N.B. 2011, c.175, under the *Divorce Act*, S.C. 1985, c.3 (2nd Supp.) and under the *Interjurisdictional Support Orders Act*, S.N.B. 2002, c.1-12.05 (ISOA)

The agent can have no greater power, or authority than his principal.

Family Crown Counsel shall not represent either of the private parties in these matters and shall not provide legal advice to them.

Family Crown Counsel may ensure that all pertinent information is placed before the court to assist the presiding justice to make an informed decision.

For greater detail, please refer to Policy 34 – Civil Aspects of International child abduction, Policy 32 - Variation of support under the *Divorce Act.*, and Policy 31 - *Interjurisdictional Support Orders Act*, c.1-12.05 (ISOA).

Family Crown Counsel is a government lawyer representing government interests. He is exempted from carrying liability insurance based on this strict mandate and is not able to represent private parties.

1.3 Duty to inform the Assistant Deputy Attorney General of judicial dissatisfaction

In the event that the judiciary questions the role of Family Crown Counsel in interjurisdictional matters, Family Crown Counsel shall immediately inform the Assistant Deputy Attorney General of Family Crown Services.

1.4 Related Documents

Policy 3 - Organization and Mandate
Policy 33 - Civil Aspects of International Child Abduction
Policy 31 - Variation of support under the *Divorce Act*.
Policy 30 - *Interjurisdictional Support Orders*
International Child Abduction Act, S.N.B. 2011, c.175
Divorce Act, S.C. 1985, c.3 (2nd Supp.)
Interjurisdictional Support Orders Act, S.N.B. 2002, c.I-12.05