



### **Plain Language Summary for Bill 24: An Act to Amend the Family Law Act**

The Minister of Justice has introduced Bill 24: *An Act to Amend the Family Law Act* in the Legislative Assembly. In addition to other amendments, this bill will bring the Northwest Territories' *Family Law Act* (the "Act") in line with changes to the federal *Divorce Act* that came into force in 2021 via Bill C-78. Family law in Canada is an area of shared responsibility between the federal, provincial and territorial governments.

There was an effort to respond to the federal changes and to amend territorial family law legislation in the 19<sup>th</sup> Legislative Assembly, however a bill was ultimately not introduced as more time was required to incorporate feedback received from the Department of Health and Social Services, the family law bar of the Law Society of the Northwest Territories, and the judiciary. The feedback received has helped to inform the current bill.

The amended Act will:

1. Introduce new terminology that emphasizes parenting and promotes the best interests of the child.
  - Changes to the Act will replace language such as "custody" and "access" with new terms from the *Divorce Act* that is child-centred and emphasizes parenting.
  - "Parenting time" is the time that someone in the role of a parent is responsible for a child (including when the child is at daycare or school). People with parenting time can make day-to-day decisions about the child.
  - "Decision-making responsibility" is the role of making significant decisions about a child's well-being related to the child's health, education, language, religion and significant extra-curricular activities.
  - "Contact" is the time that a non-parent spends with a child; for example, visiting time with a grandparent.
  - "Parenting Orders" and "Contact Orders" will set out the parenting time and decision-making arrangements for a child.
2. Describe new duties for parents, legal advisors, and the courts.
  - The new duties for parents and non-parents with contact time will encourage compliance with the Act by clarifying obligations, and require parties in a family law dispute to attempt alternative dispute resolution where it is appropriate to do so.
  - New duties for legal advisors will require them to encourage clients to use dispute resolution processes where appropriate and to inform clients about family justice services that can help resolve matters, or comply with their obligations under the Act.

- New duties on the courts to address cases where families are involved with many parts of the justice system at the same time.
3. Amend provisions that hinder the making of rules of court concerning family law cases.
- Section 62 of the Act currently interferes with making general family law rules of court for the Supreme Court. The Act will be amended to allow for greater flexibility for the judiciary to create broadly applicable rules of court.

The proposed amendments will also make a number of non-substantive changes that will improve the Act's clarity and readability. This will include updating the current language with gender-neutral pronouns and terms as part of a gradual process being applied to all legislation of the NWT.

For additional information or questions contact:

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