

About Informal Trials | Kamloops Pilot Project

The Ministry of Attorney General and the Provincial Court of BC are testing a new kind of trial in Kamloops called an informal trial that is set out in Part 9, Division 5 of the [Provincial Court Family Rules](#).

What is an Informal Trial?

The purpose of an informal trial is to provide a trial process in which the trial judge is able to take a facilitative role to direct, control and manage the conduct of the trial.

The informal trial is designed to be less formal and more flexible to meet the needs of the parties.

The parties present their evidence at the trial following the judge's direction about how the information is put before the court. The judge then determines how the information before the court will help to decide the issues to be resolved.

The informal trial is voluntary. An informal trial will be used only if all parties in the case and the trial judge agree to it. You must each file a written consent form if you agree to use the informal trial process. The consents must be filed at the court registry before the trial is scheduled. Any issue could go to an informal trial, but it may not be appropriate for all cases – even if the parties agree to an informal trial, it will still be up to the trial judge to determine if it is appropriate.

The Consent to Informal Trial form can be found at www.gov.bc.ca/courtforms/prov-family.

Why would I choose an Informal Trial?

- An informal trial is more flexible and may be easier especially when people do not have the assistance of a lawyer at trial.
- The judge is more involved in asking questions and guiding the process.
- The judge will try to reduce conflict between the parties and help them focus on the children, for child related matters, and the issues in dispute.
- The process is more relaxed at an informal trial than a regular trial. They will usually be held in a courtroom, but the court set-up may change (for example, not using the witness box). You can expect the use of less formal language and more relaxed court protocol, such as staying seated while speaking to the judge. Other accommodations necessary for a party to participate effectively may also be made.
- You can speak directly to the judge about your situation, in your own way, without interruption or objections from the other party or their lawyer.
- You and your witnesses (if any) can tell the judge about the facts in your case. The judge will consider what you and your witnesses have told them, and the judge will decide the importance to the case of what each person says.
- You can ask the judge to consider documents or other materials that help to prove the facts. It is up to the judge to decide if they are helpful to them in deciding the facts in issue and if they will accept them as part of your evidence. You may hear those materials referred to as exhibits.
- Most of the time the parties in the case are the only witnesses. Other witnesses, including an expert witness, may testify only if the judge agrees they are needed.
- You feel more comfortable with the judge having a more active role in your case.

What Can Happen at an Informal Trial?

Every trial is different. The trial judge may adjust the process to better meet the needs of the parties.

At any point during the trial the judge may continue the trial using the regular trial process if the informal process is determined to be no longer appropriate.

An Informal Trial may look like this:

- 1) The judge explains the informal trial process and makes sure that the parties understand and have agreed to an informal trial.
- 2) The judge may identify the issues to be resolved and may try to help parties reach an agreement of some or all of the issues.
- 3) All parties and any witnesses must swear or affirm that any information provided and statements made during the trial are true and may be used as evidence. The parties speak directly to the judge.
- 4) The party who filed the application will tell their story to the judge first. They may also ask the judge to consider evidence from other witnesses or other evidence, like documents or photos. The judge will decide which evidence to accept. The judge may ask questions to help understand their story and to make sure the party has covered information about all the issues before the court. The other party will not be allowed to interrupt.
- 5) When the party is done telling their story, the judge will ask the other party (or their lawyer) if there are other questions that they think should be asked. If it seems helpful to the court, the judge will ask the party the suggested questions.
- 6) The other party will tell their story to the judge. Steps 4 and 5 will be repeated for that party.
- 7) Most of the time you and the other person will be the only witnesses. Other witnesses are allowed only if the judge agrees they are needed. The witnesses must come to the trial but must wait outside the courtroom until they are asked to come give their evidence. If a party wants the judge to hear from a witness that they have brought to court and the judge agrees, the judge will hear from the witness and may ask them questions of their own or as suggested by the parties.
- 8) You can have an expert witness, such as a doctor or counsellor, or a report writer, give evidence if the judge agrees it would be helpful. This will need to be requested and decided as soon as possible before the trial as there are other requirements specific to expert reports. If the judge agrees before the trial that they are needed as a witness, they must come to the trial and be ready to give evidence. They may be questioned by the judge or the parties.
- 9) Each party will get to make a short closing statement about the issues and how they think the court should decide the issues. If you have a lawyer, they can make the closing statement.
- 10) The judge will consider what each party says and the evidence which has been provided to determine if it will help to resolve the issues in the case. It will be up to the judge to determine the appropriate weight to be given to any evidence, decide what facts have been proven and apply the law to those facts.
- 11) The judge will make a decision about the issues. The final order has the same effect as if it were made at any trial. Sometimes a judge is not able to make a decision right away so the judge may ask the parties to return to hear the decision or may write a decision to give to the parties later.

Any of the above steps may be modified by the judge to help the parties obtain a fair and timely decision.

For more information about informal trials, visit www.gov.bc.ca/FamilyInformalTrial.

