



## COVID-19: NOTICE #11 – ATLANTIC BUBBLE

Friday, Oct. 9, 2020

This Unified Family Court and provincial Family Court direction outlines the Court's policy regarding the Atlantic Bubble. The Atlantic Bubble consists of the four Atlantic provinces — Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland and Labrador.

The Court anticipates requests by or on behalf of a party or witness who has recently been outside the Atlantic Bubble to be exempt from the requirement to self-quarantine.

[Notice #10](#) governing court processes post June 15, 2020, describes the current safe services model in the Unified Family Court and the provincial Family Court. Clause 5 and 6 of that notice provide:

### *5. Telephone/Video/Virtual Appearances to Continue*

*The Supreme Court (Family Division) in all locations will continue to direct that parties be heard over the telephone, by the use of video or other electronic means. This direction will change if a judge directs that in-person participation is appropriate and can be safely accommodated.*

### *6. Hearings*

*A requirement for cross-examination may cause a judge to direct that a matter requires attendance of some or all the parties or witnesses to be present in court. The details of arrangements will be decided on a case-by-case basis, which will involve a judge working with the parties and Court Administration to confirm logistical needs and the Court's capability at the relevant site.*

**The foregoing directions of this court are now complemented by the following:**

The Unified Family Court and the provincial Family Court adopt the relevant part of Clause 2 of the Public Health Order issued pursuant to Section 32 of the *Health Protection Act* 2004, c. 4, s. 1. Clause 2 provides in part as follows:

.....  
1. *In this Order*

.....  
(b) “self-quarantine” means the requirement of any person who has been exposed or may have been exposed to COVID-19 during its period of communicability to restrict that person’s activities in order to prevent disease transmission during the incubation period for this disease.

2. *Effective July 3, 2020, all persons residing in or present in the Province of Nova Scotia who:*

2.1 *have travelled outside the Atlantic Provinces or Canada; . . . . [must]*

.....  
(a) *self-quarantine or self-isolate, for:*

(i) *the period commencing on the day of entry into Nova Scotia.*

.....  
*For greater certainty, this includes remaining in your residence or residence grounds and otherwise removing yourself from the presence of others in public while you may be infectious during the 14-day period, so that all precautions necessary to protect others are in place. Specifically, do not enter any buildings, public transportation, or other enclosed spaces (other than your residence) where other people are present.*

.....

The Court may nevertheless grant exemptions to the foregoing requirement to self-quarantine:

2.6 *Notwithstanding section 2.1, individuals who are well and showing no symptoms of COVID-19 and are engaged in a legal proceeding in Nova Scotia, whether the accused, victim, witness or party in such proceeding, may enter Nova Scotia for participation in the legal proceeding if the person:*

- (a) *self-isolates/self-quarantines for the period they are in Nova Scotia other than when they are in court; and*
- (b) *complies with the physical distancing requirements of 2 metres (6 feet) while in Nova Scotia.....*

While the Unified Family Court and the provincial Family Court may exempt persons from the requirement to self-quarantine, the Unified Family Court and the provincial Family Court have chosen not to do so, absent compelling circumstances as determined by the presiding judge in consultation with the Associate Chief Justice of the Family Division of the Supreme Court.

Parties who know a proposed participant in a proceeding has been outside the Atlantic Bubble at any time in the two weeks preceding their attendance or participation in a proceeding must immediately advise the presiding judge. Similarly, if a party is living with someone who has been outside the Atlantic Bubble in the same two weeks the presiding judge must be immediately advised.

Recognizing that direct evidence of witnesses will always be in affidavit form, the Court will assist parties and witnesses in self-quarantine or who are self-isolating with accessing alternatives to in-person participation. Those alternatives will include testifying on cross-examination virtually, including by telephone. The Court will also hear from parties or witnesses requesting an adjournment of all or part of a proceeding given a requirement to self-quarantine or to self-isolate.

Counsel and parties are reminded that the Court continues to offer the options for dispute resolution outlined in [Notice #10](#). The Court is also now offering online dispute resolution. Arrangements for online dispute resolution can be made by contacting Natasha Matthews by email at [natasha.matthews@novascotia.ca](mailto:natasha.matthews@novascotia.ca).

**Associate Chief Justice Lawrence I. O'Neil  
Supreme Court of Nova Scotia (Family Division)**