

Intake: A First Step

Intake begins when you start an application in the Family Court.

You meet with a family court officer, usually called an intake officer, who will help you to focus on your situation and consider the appropriate options.

The intake officer helps you to sort out what to do about your situation and what the next steps might be. The intake officer does not take sides in a case—they remain impartial.

Purpose

The purpose of intake is to

- identify the issues involved
- ensure proper exchange of information by the parties concerning those issues
- consider appropriate options to resolving the issues identified
- recommend other steps, including a hearing before a judge

The intake officer does not force the parties to reach a settlement outside of court. A “satisfactory and fair resolution” to the case may involve a hearing or trial before a judge or, in appropriate cases, mediation. In some cases, the parties will have reached an agreement before coming to the Family Court, and may want this agreement to be considered by a judge and made into a court order.

The intake process may help you to reduce the number of issues in dispute when the matter proceeds to court.

Common Questions

Do I still need a lawyer?

You should see a lawyer if you are involved in a legal dispute. The intake officer cannot give legal advice. They can tell you how you can contact a lawyer. The intake process does not replace negotiation between lawyers or mediation of disputes before a mediator.

What will happen at intake meetings?

The primary concern of the intake officer is to help you identify the issues and to make sure that you have provided all information required by the Family Court, especially documents.

Is intake confidential?

Not exactly, but details of discussions during the intake process will not be included in the court record. The intake officer will prepare a document called an Intake Sheet. The Intake Sheet is not a detailed account of discussions, nor a “he-said-she-said” statement of what was said to the intake officer. It is used as an information reference only.

Who attends intake meetings?

The person who is starting an application at the Family Court comes to an intake meeting. Generally, the other party does not attend at this time. An applicant may bring a family member or friend with them to the intake meeting.

What if my ex-partner will not give the intake worker the information the Court is asking for?

Intake is part of the court process and is mandatory. The judge has the authority to order them to provide certain information. Normally the intake officer will send a notice of the application hearing date to the ex-partner.

What happens if we can reach an agreement on the issues before going to court?

A court officer will suggest that you consult with a lawyer about the agreement. The court officer cannot prepare the agreement for you or give you legal advice. An agreement must be signed by both parties and witnessed. It must be clearly and neatly written or typed. It must state what you have agreed to. If the parties are satisfied with their written agreement, they may file it with the court. Check with the court officer to see whether other documentation must be provided with the agreement.

Court staff will send the agreement to a judge for approval. If it is approved, it will be issued by the court as a consent order that settles the court case, without you having to appear in court. If the judge does not approve the agreement, you may be called back to the courtroom to address questions from the judge.

Can an intake worker make final decisions about my case?

No, but an intake officer may do the following to help you resolve your dispute:

- suggest that you seek legal advice and counselling services
- suggest that you consider mediation
- refer the parties to the Parent Information Program
- schedule a court date before a judge
- recommend to a judge that a pre-trial settlement conference be scheduled
- ask that the parties provide proper financial and other information to each other

Where can I get more information?

For more information about representing yourself in court visit the Department of Justice website at www.gov.ns.ca/just/repselfmain.htm. For more information about the courts of Nova Scotia go to www.courts.ns.ca.

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