



**A Guide to Process** for  
Family Cases  
at the  
Superior Court of Justice

Ontario Superior Court of Justice (updated September 2024)

# Contents

<b>1. Introduction</b> .....	<b>8</b>
The Superior Court of Justice and the Family Court Branch .....	8
<b>2. The Laws That Apply to Family Disputes</b> .....	<b>10</b>
<b>3. Rules, Practice Directions and Notices</b> .....	<b>12</b>
Family Law Rules .....	12
Practice Directions and Notices .....	12
Timelines .....	12
<b>4. Getting Legal Advice</b> .....	<b>13</b>
Lawyer referrals .....	13
Unbundled legal services .....	13
Reduced legal fees .....	13
Legal Aid Ontario and free legal clinics .....	13
<b>5. Resolving Your Family Dispute Out of Court</b> .....	<b>15</b>
Parenting plans.....	15
Negotiation .....	15
Mediation .....	16
Mediation-arbitration.....	17
Collaborative family law .....	18
Parenting coordination.....	18
<b>6. Information and Services for Families in Court</b> .....	<b>20</b>
Mandatory Information Program .....	20
Family Law Information Centre (FLIC) .....	20
Legal Aid Ontario advice lawyers and duty counsel .....	21
Court-connected mediation .....	21
Family court support workers.....	21
Indigenous Family Court Workers .....	22
Parenting assessments .....	22
The Office of the Children’s Lawyer (OCL) .....	22

Voice of the Child reports .....	23
Interpreters .....	23
Accessibility coordinators .....	24
<b>7. Family Violence .....</b>	<b>25</b>
<b>8. Starting a Family Law Court Case .....</b>	<b>26</b>
Starting your case in the right court.....	26
The application.....	26
Step 1: Choose the right application.....	27
Step 2: Prepare your application .....	27
Step 3: What documents do you need to file with your application? .....	28
Step 4: Issue your application.....	32
Step 5: Serve your application - special service .....	33
Step 6: File your application .....	33
No answer from the other party (uncontested trial) .....	34
<b>9. Online Filing and Case Center .....</b>	<b>35</b>
Family Submissions Online Portal.....	35
Other ways to file .....	36
Case Center .....	36
Deadline to upload your documents to Case Center .....	36
Case Center help.....	36
<b>10. Answering a Family Law Application.....</b>	<b>38</b>
Prepare an answer .....	38
Serve your answer - regular service.....	39
File your answer .....	39
Replying to an answer .....	39
<b>11. Providing Your Financial Information (Disclosure) .....</b>	<b>40</b>
Automatic orders .....	40
No disclosure necessary.....	41
Disclosure for support issues.....	41
Disclosure for property issues .....	42

Certificate of financial disclosure .....	43
<b>12. The First Court Date .....</b>	<b>45</b>
<b>13. Family Law Conferences .....</b>	<b>46</b>
Scheduling your conference.....	47
Preparing documents for your case conference.....	47
Preparing documents for your settlement conference .....	48
Offers to settle .....	49
Combining your case conference and settlement conference.....	49
Trial management conference and trial scheduling endorsement form.....	50
Updating your financial information .....	51
Certificate of financial disclosure.....	51
Net family property statement .....	51
Comparison of net family property statement .....	51
Regular service of conference documents .....	52
Timing to serve and file your conference materials .....	52
Confirming your conference .....	53
What to expect at a conference .....	53
Orders at a conference.....	55
Confidentiality .....	55
<b>14. Temporary Court Orders (Motions) .....</b>	<b>56</b>
Types of motions.....	56
Temporary orders (Notice of Motion: Form 14).....	56
Procedural, uncomplicated, or unopposed issues (Motion: Form 14B) .....	56
Motion with notice to the other party .....	57
Motion without notice to the other party ( <i>ex-parte</i> motion) .....	57
Urgent motions.....	58
Regular motions and long motions .....	58
Refraining motions (Family Responsibility Office).....	59
Scheduling a motion.....	59
Documents for your motion.....	59
Form 14 Notice of Motion.....	60

Form 14A Affidavit .....	60
Factum or summary of argument .....	60
Responding affidavit .....	61
Reply affidavit .....	61
Motion without notice - no service required .....	61
14B motion - forms .....	62
Serving and filing your motion materials - regular service .....	63
Timelines for serving and filing your motion materials .....	63
Motion with notice .....	63
Long motions .....	64
Confirming your motion .....	64
Offers to settle .....	65
What to expect at your motion .....	65
Family Responsibility Office (FRO) and Support Deduction Orders (SDOs) .....	66
Draft court orders .....	67
Costs .....	67
<b>15. Trials .....</b>	<b>68</b>
Before your trial .....	68
Trial record .....	68
Financial statements .....	68
Offers to settle .....	68
Your witnesses at trial .....	69
Documents as evidence .....	69
How to behave in court .....	70
Overview of the trial process .....	71
Excluding witnesses .....	71
Opening statement .....	71
Evidence .....	71
Closing statement .....	72
Examining witnesses .....	72
Examination in chief .....	72
Cross-examination .....	73

Prior statements.....	74
Hearsay .....	74
Objections .....	74
Expert witnesses.....	75
Litigation experts.....	75
Participant experts.....	75
Qualifying the expert.....	76
The judge’s decision.....	76
Costs .....	76
<b>16. Changing a Final Order (Motions to Change).....</b>	<b>77</b>
Starting your case in the right court.....	77
The parties on a motion to change.....	77
Preparing your motion to change.....	78
If all parties agree with the change, Forms 15C and 15D.....	78
If parties do not agree with the change, Form 15.....	78
Changing parenting orders - Form 35.1: Affidavit.....	78
Changing support orders - Form 13: Financial Statement .....	79
Confirmation of Assignment.....	79
Family Responsibility Office (FRO) Statement of Arrears.....	79
Form 13A: Certificate of Financial Disclosure .....	80
Issuing your motion to change.....	80
Serving your motion to change.....	80
Filing your motion to change .....	81
Responding to a motion to change .....	81
Case or settlement conference .....	82
Dispute Resolution Officer (DRO).....	82
A final decision on a motion to change.....	82
<b>17. Online (Virtual) Court Attendances.....</b>	<b>84</b>
<b>18. Additional Information and Resources.....</b>	<b>86</b>
Family Law - General .....	86
Family Law Court Procedures.....	86

Parenting .....	87
Child and Spousal Support.....	87
Property.....	88
Mediation .....	88
Legal services .....	89
Family Violence .....	90
Information and Services for Children .....	91
Emotional and Mental Health.....	91
E-filing, Case Center and Videoconferencing .....	92

# 1. Introduction

The goals of this guide are:

- to help you understand the steps in a family case at the Superior Court of Justice, including the [Family Branch of the Superior Court of Justice \(Family Court\)](#)
- to give you information about family justice resources
- to connect you to further public legal information and helpful tools.

You can use the [table of contents](#) and [links](#) to go directly to the information you need!

This guide **does not**:

- **provide legal advice.** If you can, it is recommended that you speak with a family lawyer for advice regarding your case. You can find information about [getting legal advice](#) at part 4 of this guide.
- **provide information about child protection cases.** If a children's aid society is involved with your family, even if you do not have a case in court, [Legal Aid Ontario](#) (LAO) may be able to help you. See [LAO's website: <https://www.legalaid.on.ca/childrens-aid/>](#)
- **replace the laws, regulations, rules, practice directions, or notices** that apply to family cases. For the most up-to-date information about the family court process, please refer to Ontario's [Family Law Rules](#), the [Consolidated Provincial Practice Direction for Family Proceedings at the Superior Court of Justice](#) and any [Notices or Practice Directions that apply in your region](#).

## The Superior Court of Justice and the Family Court Branch

Family cases are heard at all Superior Court locations throughout the province. In many locations, there is both a Superior Court of Justice and an Ontario Court of Justice. In those locations, both Courts can preside over parenting, support, contact and safety issues.

However, only the Superior Court of Justice has the jurisdiction to deal with certain issues, such as divorce and property, whereas cases involving child protection and adoption must be started at the Ontario Court of Justice.

In 25 locations throughout Ontario, there is a unified Family Court, which is a part of the Superior Court of Justice. The Family Court unifies the jurisdiction of the Ontario Court of Justice and Superior Court of Justice and can hear **all** family cases, including cases involving divorce, property, parenting, contact, support, child protection and adoption. You can find a Family Court Branch in the following locations:

Barrie • Belleville • Bracebridge • Brockville • Cayuga • Cobourg • Cornwall • Hamilton • Kingston • Kitchener • Lindsay • London • L'Orignal • Napanee • Newmarket • Oshawa • Ottawa • Peterborough • Pembroke • Perth • Picton • St. Catharines • St. Thomas • Simcoe • Welland

For information about court locations, see: [Ontario court locations, service hours and contacts | Ontario.ca](#)

## 2. The Laws That Apply to Family Disputes

There are a number of different laws and regulations that may apply to your family situation, including:

- **Children’s Law Reform Act** (relating to parenting claims)
- **Family Law Act** (relating to child and spousal support as well as the division of property)
- **Divorce Act**, you’ve been married (relating to divorce, child and spousal support issues and parenting issues).
- **Federal and Provincial Child Support Guidelines** (relating to determining income and calculating child support).
- **Family Responsibility and Support Arrears Enforcement Act** (relating to the enforcement of support orders)
- **Interjurisdictional Support Orders Act** (relating to applying for, varying and registering support orders when one party lives outside of Ontario)
- **Child, Youth and Family Services Act** (relating to child protection, secure treatment of minors and adoption)
- **An Act respecting First Nations, Inuit and Métis children, youth and families** (creates minimum standards for child and family services that are provided to Indigenous children and their families)
- Child Support Guidelines: **Federal Guidelines** and **Provincial Guidelines**.
  - **Child Support Table Look-up** (Government of Canada) for calculating table child support.
- Spousal Support: **Spousal Support Advisory Guidelines** (Guidelines to determine the amount and duration of spousal support that should be paid)

These laws are published on [Ontario’s e-Laws website](#) and the free non-profit website, [Canadian Legal Information Institute at canlii.org](#)

More information about the laws that apply to different family situations is available on the [Your Legal Rights](#) and [Steps to Justice](#) websites from Community Legal Education Ontario (CLEO).

Information is also available from Ontario's [Ministry of the Attorney General](#) under the heading "Family law topics" and from Canada's [Department of Justice on their family law page](#).

### 3. Rules, Practice Directions and Notices

Along with the laws and regulations that apply to family law cases, the following Rules, Practice Directions, and Notices tell you the processes to follow at court.

Note: These Rules, Practice Directions and Notices apply to **all** parties. You will be expected to follow the rules even if you don't have a lawyer assisting you.

#### Family Law Rules

The ***Family Law Rules*** tell you the court process you must follow in a family law case. This guide refers you to the rules that apply at different steps in the court process, and the forms you are required to prepare.

Note: any reference to specific **rules or subrules** in this guide are referring to the *Family Law Rules*, available at: [www.ontario.ca/laws/regulation/990114](http://www.ontario.ca/laws/regulation/990114).

These forms are available at your local courthouse or online at: [www.ontariocourtforms.on.ca/english/family/](http://www.ontariocourtforms.on.ca/english/family/).

Free online assistance in filling out many of these forms is available at CLEO's Guided Pathways at: <https://stepstojustice.ca/family-law-guided-pathways/about>.

#### Practice Directions and Notices

In addition to the Rules, the Superior Court of Justice has **Practice Directions** and **Notices** that must be followed. Some will apply to the whole province, while others are specific to each region or courthouse. These Practice Directions can be found on the Practice Direction and Notices page of the Superior Court of Justice's website: <https://www.ontariocourts.ca/scj/practice/regional-practice-directions/>

#### Timelines

The *Family Law Rules* set out the minimum timelines for steps in your case.

There are specific rules about how days are counted. For example, if a rule or court order provides for less than seven days for something to be done, then Saturdays,

Sundays and other holidays when the court office is closed do not count. See **Rule 3** for more information about counting days.

## 4. Getting Legal Advice

Understanding the law can be difficult. If you get the wrong information or do not know how the law applies to your situation, it can be harder to resolve your family law case and cost you money. It is important to get advice from a lawyer.

### Lawyer referrals

Many people find a lawyer based on recommendations from friends or family members. You can also find a lawyer through the [Law Society of Ontario](http://www.findlegalhelp.ca) at [www.findlegalhelp.ca](http://www.findlegalhelp.ca). This Service will give you the name of a lawyer who practices family law in your community who will provide a free consultation of up to 30 minutes.

You can also call the referral service's crisis line between 9:00 a.m. and 5:00 p.m. Monday to Friday. They can be reached toll free at **1-855-947-5255** or **416-947-5255** from the Greater Toronto area.

### Unbundled legal services

If you can't hire a lawyer for your whole case, you can still get advice or help with one or more steps in the case. This can help you get the assistance that you need while managing your expenses. For example, you can hire a lawyer just to help you prepare your materials, or hire them to appear for you at an important court attendance. This is sometimes known as "unbundled services" or "limited scope services".

See: <https://familylawlss.ca> for a list of lawyers in communities across Ontario who provide limited scope family law services.

### Reduced legal fees

You can also get legal help at a reduced rate from the **Advice and Settlement Counsel Project** at <http://ascfamily.com>. Through this service, you can hire a family lawyer to help you reach a settlement or represent you at a specific court appearance.

Depending on your income, you can also find lawyers who offer sliding scale rates through **JusticeNet**, at [www.justicenet.ca](http://www.justicenet.ca).

### Legal Aid Ontario and free legal clinics

If your income is low, you may access services from **Legal Aid Ontario (LAO)**. LAO offers a legal advice service over the telephone and in person in some court locations. You can make a request by calling LAO toll free at 1-800-668-8258.

If you are in a Family Court branch and your case is about parenting issues or support, you may also be able to get help at court from LAO's duty counsel program.

For information about available LAO services in your community, call your local court office, or LAO's summary advice telephone service at 1-800-668-8258, or go to [www.legalaid.on.ca/services/family-legal-issues/](http://www.legalaid.on.ca/services/family-legal-issues/)

LAO may also help pay for a lawyer to represent you in your case.

For information on how to apply for legal aid, call toll free at 1-800-668-8258 or see: [www.legalaid.on.ca/services/how-do-i-apply-for-legal-aid/](http://www.legalaid.on.ca/services/how-do-i-apply-for-legal-aid/)

If you live in a community where there is an Ontario law school, help may also be available from a **Student Legal Service Organization**.

Contact information for these student clinics is available at <https://www.legalaid.on.ca/student-legal-service-organizations/>

Free help to fill out your paperwork may also be available from law students through the **Pro Bono Canada** Family Justice Centre.

For more information see: [www.probonostudents.ca/family-justice-centre](http://www.probonostudents.ca/family-justice-centre)

If your case involves domestic violence, help may be available from **Luke's Place** at their **Virtual Legal Clinic**, or from the **Barbra Schlifer Commemorative Clinic**.

For more information on Luke's Place, see: <https://lukesplace.ca/for-women/pro-bono-summary-advice-clinic/> or call 905-728-0978 ext. 235 or toll free at 1-866-516-3116 ext. 235

For more information on Barbra Schlifer Commemorative Clinic, see: [www.schliferclinic.com](http://www.schliferclinic.com) or call them at **416-323-5149** and select **1**.

## 5. Resolving Your Family Dispute Out of Court

The *Divorce Act* and the *Children's Law Reform Act* require you to try to resolve your family issues through family dispute resolution processes outside of the court. This includes processes such as negotiation, mediation, and collaborative law.

There are exceptions if you are at risk due to family violence.

### Parenting plans

Where parents come to an agreement outside of court, it is best to document your arrangements in a parenting plan.

The Parenting Plan Tool from the Department of Justice and the Parenting Plan Guide and Template from AFCC-Ontario<sup>1</sup> are two tools to help parents create their own parenting plans

The Community Legal Education of Ontario (CLEO) has a flowchart for how to negotiate an agreement outside of court. See CLEO's website for this chart and more: <https://familycourt.cleo.on.ca/en/steps-family-law-case>

### Negotiation

Negotiations are discussions between you and the other side, to sort out your dispute and come to an agreement. You are encouraged to negotiate with the other side throughout the court process. As long as it is safe to do so, **subrule 17(3.1)** requires you to discuss (confer) with the other side before court conferences and **subrule 14(11)** requires you to confer with the other side before a motion.

If you cannot negotiate directly because of a bail restriction, restraining order, or other safety concerns, you may be able to negotiate through lawyers or another neutral person.

If you can reach an agreement, you need to put the terms that you have agreed to in writing. If you haven't started a court action, the written agreement that should be prepared is called a **Separation Agreement**. If a court case has been started, the written agreement that is normally prepared is called **Minutes of Settlement**.

---

<sup>1</sup> Association of Family and Conciliation Courts (AFCC) Ontario chapter.

**Sections 54 to 56** of the *Family Law Act* tell you basic things you need for your separation agreement to be recognized (enforced) by a court.

It is important to note that a Separation Agreement may not be enforced by a court if a party did not share all the relevant financial information (financial disclosure) when the agreement was made. Also, it is always best for each of you to get independent legal advice before the agreement is signed to make sure you understand your rights and obligations.

For information about making a separation agreement, see CLEO's Steps to Justice at <https://stepstojustice.ca/steps/family-law/2-make-separation-agreement/>

## Mediation

Mediation is a voluntary, confidential way to resolve family law issues. If you and the other side agree to use mediation, a family mediator can work together with you to reach an agreement.

There are many benefits to the mediation process, especially for family issues. For example:

- Both sides work together to resolve disagreements.
- Mediators are trained to help you and the other side communicate and negotiate better, which can help in the short and long term.
- The focus in mediation is for you and the other side to create your own solutions.
- Mediation can be more affordable. Subsidized mediation services are available based on your income.
- Mediation can also be less stressful than the court process.

A mediator will first meet with each side separately to make sure you both *want* to participate and to ensure that the process will be safe for everyone.

Then the mediator will usually arrange meetings with both of you together, although there are options for you to participate from different rooms (known as shuttle mediation). The mediator will help you identify solutions that can meet both your interests.

**Note:** Family mediators **do not:**

- make decisions about how to resolve your issues; or
- provide legal advice.

It is important that you and the other party get the legal advice you need to make informed decisions about your agreement. See part 4 of this guide for information about [legal advice and representation](#).

Information about free and subsidized mediation services can be found at the [Family Law Information Centres \(FLIC\)](#) at every court location where family cases are heard, or on the [Ministry of the Attorney General's website](#) at: [www.ontario.ca/page/family-mediation-service-providers](http://www.ontario.ca/page/family-mediation-service-providers)

## Mediation-arbitration

In some communities in Ontario, paid mediation-arbitration services are available as another way to help people resolve their family law issues.

The steps for this process are:

- First, a **mediation-arbitration agreement** must be signed before you begin, which includes confirmation that you've received [independent legal advice](#).
- Once this document is signed, a professional mediator will help you and the other side agree on your issues and then put them into a written agreement.

If your issues aren't settled in mediation, you will then begin a separate arbitration process, usually with the same professional. In arbitration, you present your case to the arbitrator and respond to the other side's case. The other side does the same.

- After the hearing is finished, the arbitrator makes a decision which is called a **family arbitration award**. The arbitration award must be followed by both you and the other side, and it can be enforced by the Court.
- If either side believes that the arbitrator has made a mistake, you may be able to appeal the decision.

For information on family arbitrations, including mediation-arbitrations, see the [Ministry's website](#) at: <https://www.ontario.ca/page/family-arbitration>

See **subrule 8(3.2)** and **subrule 14(24)** for more information about starting a court case that includes a claim about mediation-arbitration.

See **rule 38, subrules 46 to 54** for more information about how to appeal an arbitration award.

## **Collaborative family law**

Collaborative family law is an approach to resolving family disputes cooperatively. If you and the other side agree to try collaborative family law, both you, the opposite side, and both of your lawyers must agree in advance in writing that while you are negotiating cooperatively, you will not go to court. You also agree in advance that *if* this cooperative approach fails, neither of the lawyers will be eligible to represent you or the opposite side in the court process.

Your lawyers then work together with you and the other side to exchange information and develop an understanding of your needs and expectations.

Once you have this information, you are encouraged to find ways to resolve your issues by agreement. The agreements you make using this team problem-solving approach are then put into a separation agreement.

Where you are unable to come to an agreement through collaborative family law, you can still go to court, but you will need to hire a different lawyer to represent you.

Information about how to find a collaborative family lawyer in your community is available at the [Ontario Collaborative Law Federation](https://oacp.co/collaborative-divorce/) website <https://oacp.co/collaborative-divorce/>

## **Parenting coordination**

Parenting Coordination is an alternative dispute resolution process for parents who have a history of high conflict around parenting issues. The process helps to reduce conflict through mediation, parent education and arbitration.

A parenting coordinator is usually a mental health professional or lawyer who has experience with high conflict families, child development and patterns of domestic violence.

Parents who *already have* a court order or parenting agreement setting out how decisions about children are made and a detailed parenting schedule can hire a

parenting coordinator if they have conflicts over how to put them into practice. Parenting coordinators can make decisions about how to interpret the court orders or agreement.

Parenting Coordination is governed by the Ontario Arbitration Act and the Family Law Act (**section 59.7** and following).

Parenting coordination aims to keep parents out of the court process and helps to improve communication.

For more information about Parenting Coordination, see CLEO's Steps to Justice: <https://stepstojustice.ca/steps/family-law/4-get-help-parenting-coordinator-3/>

## 6. Information and Services for Families in Court

The following services are available at courthouses in your community that hear family law cases.

### Mandatory Information Program

The parties in most family law court cases must attend a **Mandatory Information Program**, or MIP. During these sessions, family law professionals will give you information about the court process, the options available to help you resolve your dispute, and the effects of separation on children and adults.

When you file your application with the court, you will be given information about scheduling and attending a MIP which can be done virtually and, in some locations, in person.

Both parties must attend the MIP, but you should not attend the same session. You will get a certificate to prove you attended the session, which you must file with the court. If you haven't participated in a MIP session, the court may prevent you from taking steps in your case.

For information about what happens at a MIP session see <https://stepstojustice.ca/questions/family-law/what-mandatory-information-program-my-family-court-case/> or the Ministry of the Attorney General website.

### Family Law Information Centre (FLIC)

There are **Family Law Information Centres** (FLICs) at each Superior Court of Justice where family cases are heard. **Information and Referral Coordinators** (IRCs) at the FLIC can:

- provide information about the court process
- provide information about family mediation and other ways to solve your issues
- refer you to services in your community.

## Legal Aid Ontario advice lawyers and duty counsel

If your [income is low](#), **Legal Aid Ontario (LAO)** has advice lawyers and duty counsel who may be available either at court or over the phone to give you legal advice and assistance, or who can refer you to other Legal Aid services.

You can call your local court office or Legal Aid's summary advice telephone service at **1-800-668-8258** to see what services are available in your community.

## Court-connected mediation

Even if a case has been started in court, you are still encouraged to settle your issues on consent through mediation or other services.

At a [case conference](#), (which is an early step in the process where the parties get feedback from a judge), the judge may order you to do an intake with a court-connected mediation service, where you will learn about how mediation can help you to resolve your issues, as well as other helpful community resources.

Parties in a family court case may receive free, day-of-court mediation, regardless of their income.

See part 5 of this guide to learn more about [mediation](#) and other options to [resolve your dispute out of court](#).

## Family court support workers

If you have experienced [family violence](#) and are going through the family court process, you may be able to get help from a family court support worker.

A family court support worker will:

- provide information about the family court process
- help victims prepare for family court proceedings
- refer victims to other specialized services and supports in the community
- help with safety planning, such as getting to and from court safely
- accompany the victim to court proceedings, where appropriate

For more information about family court support workers and how to find one in your area, see the [Ministry of the Attorney General website](#)

## Indigenous Family Court Workers

Indigenous Family Court Workers support indigenous community members involved in the family court process by:

- providing legal information about court procedures
- assisting in securing legal counsel, including help with Legal Aid Ontario applications;
- assisting with referrals to community resources and interpretation services;
- supporting community members at court attendances.

Ask at your local FLIC office if there is an Indigenous Family Court Worker at your court.

## Parenting assessments

Under **section 30** of the [Children's Law Reform Act](#), a judge may appoint an **assessor** to investigate the child(ren)'s needs and the ability of each parent to meet those needs. These services are available from private social workers and psychologists for a fee.

Assessments are not needed in every case, but can be helpful with high conflict parenting disputes, especially if an issue requires professional input.

Parties can agree to hire an assessor or, if they don't agree, one party can request that the judge order an assessment. They must also address who will perform the assessment.

## The Office of the Children's Lawyer (OCL)

The **Office of the Children's Lawyer** (OCL) provides services to help resolve parenting disputes by taking into account the views and preferences of the children involved:

- legal representation for the child(ren);
- an investigation about the parenting issues which can be broad or more focused in scope, or
- a Voice of the Child Report.

The OCL needs a judge to request their involvement before they will consider providing services in a family law case. A judge can make this request with or without the agreement of the parties. Once the judge makes the request, you will need to complete the OCL intake forms which are available at: <http://ontariocourtforms.on.ca/en/office-of-the-childrens-lawyer-forms/>.

Once the parties complete their intake forms, the OCL will advise whether they can help and, if so, what service they will provide.

For more information about the Office of the Children’s Lawyer, see the Ministry of the Attorney General website at: <https://www.ontario.ca/page/office-childrens-lawyer/>

## Voice of the Child reports

A **Voice of the Child Report** is one way to ensure that children’s views and preferences about parenting issues are considered in family law proceedings. It is a report that is prepared by a professional who has interviewed the child. It will usually also give information about:

- how the interview(s) with the child were completed
- what information was used in preparing the report
- anything else that is important to the process

Voice of the Child Reports can be requested either from the Office of the Children’s Lawyer or from private clinicians (usually social workers).

## Interpreters

The Ministry of the Attorney General only provides interpreters for the following parties:

- parties with low incomes who qualify for a fee waiver,
- parties who require a French-speaking interpreter,
- parties who use sign language

All other parties are responsible for arranging their own court-approved interpreter. If you or any of your witnesses require an interpreter and you meet the above criteria, you need to let the court know well in advance of your trial date.

For more information on court interpreters, see the [Ministry's website](https://www.ontario.ca/page/get-court-interpreter) at:  
<https://www.ontario.ca/page/get-court-interpreter>

## **Accessibility coordinators**

If you have issues accessing the court or participating in a court event because of a disability, you can get assistance from the court's [Accessibility Coordinator](https://www.ontariocourts.ca/scj/at-court/accessibility/):  
<https://www.ontariocourts.ca/scj/at-court/accessibility/>.

## 7. Family Violence

When deciding about parenting issues, judges are required to consider family violence and its impact on any children. Family violence includes any behaviour by a family member towards another family member:

- that is violent or threatening, or
- that constitutes a pattern of coercive and controlling behaviour, or
- that causes that other family member to fear for their own safety or for that of another person, and
- in the case of a child, the direct or indirect exposure to such conduct.

Behaviour can be considered family violence even if it is not a criminal offence.

For information about family violence and places to get help, see part 18 of this guide.

## 8. Starting a Family Law Court Case

This part gives you information about the steps to take when starting a family court case.

**Rule 8** of the *Family Law Rules* tells you about how to start an application.

You can find helpful information about filing an application in the [Ministry of the Attorney General's Guide to Process](#)

Community Legal Education Ontario (CLEO) has useful information and a flow chart about this stage of a court case. See [CLEO's website](#) at: <https://familycourt.cleo.on.ca/en/applicant>

### Starting your case in the right court

Before you issue your application, make sure you are starting your case in [the right court](#) and in the right city:

- If the orders you want the court to make include divorce or property issues you must start your case in a Superior Court of Justice (including the Family Court).
- If your application **only** deals with parenting claims or support, you may choose to start your case in the Ontario Court of Justice if there is one in your community.
- If you are making a parenting claim, you need to bring the application in the municipality where the child lives.

For more information about where to start your case, see [Rule 5 of the Family Law Rules](#)

### The application

The first step in a court case is to issue, serve and file an application. The application tells the court and the other party the issues you are asking the court to decide, the orders you want the court to make, and the facts that support your case.

The person who makes the initial application is called the **applicant**, and the other person is called the **respondent**.

---

## Step 1: Choose the right application

To start your case, you must decide which application you need. The choices are:

---

### Form 8A: Simple Application (divorce only)

**If the only claim you are making is for a divorce**, you should file a simple application. You cannot make any other claim in a simple application.

---

### Form 8A: Joint Application

**If you and the other party agree on all the claims you are making**, including a divorce and other issues, for example, parenting issues and support, you should file a joint application.

---

### Form 8: General Application

**If you and the other party cannot agree** on how to resolve some of the issues, you should file a general application.



Find the forms you need at:

<http://ontariocourtforms.on.ca/en/family-law-rules-forms/>.

For step by step information about how to apply for a simple or joint divorce, see CLEO's Steps To Justice at:

<https://stepstojustice.ca/legal-topic/family-law/separation-and-divorce/>

---

## Step 2: Prepare your application

You should prepare your application completely and include all the information that is asked for in the form, as well as any other documents that are required based on your claims. (See Step 3 below).

Community Legal Education Ontario (CLEO) has created a free online tool to help parties prepare court forms including court applications:

<https://stepstojustice.ca/guided-pathways>.

---

### **Step 3: What documents do you need to file with your application?**

You will need to prepare and file several other documents for the court to accept your application. The documents you need to prepare will depend on the issues you raise in your application.

---

#### **If you're asking for a divorce**

You must also give the Court your original marriage certificate, regardless of where you were married. If you don't have it, you can request a replacement copy of an Ontario marriage certificate [online](https://www.ontario.ca/page/how-get-copy-ontario-marriage-certificate-online) through Service Ontario at: <https://www.ontario.ca/page/how-get-copy-ontario-marriage-certificate-online>

If you can't get a copy of your marriage certificate, you must provide details regarding the marriage when you file your affidavit for divorce.

---

#### **If you're making parenting claims for a child, form 35.1**

You must also prepare and file a **form 35.1 Affidavit (decision-making responsibility, parenting time, contact)** This form asks you to answer some personal questions about the family situation and about your suggested parenting plan.

You will also have to fill out a **Form 35.1A Affidavit (child protection information)** if you, the other party, or the children have had any involvement with the Children's Aid Society.

Because this form is an affidavit, you must sign it in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your affidavit if you do not have a lawyer.

The Rules require you to immediately update the form, serve it on the other party and file it with the court whenever your information changes.

For more information about Form 35.1, see **rule 35.1** of the *Family Law Rules*

For free online help with filling out this form, see CLEO's [Guided Pathways](#) and the guide published by the [Ministry of the Attorney General](#):  
[https://ontariocourtforms.on.ca/static/media/uploads/courtforms/family/35\\_1/parenting-aff-self-help-guide-mar21-en.pdf](https://ontariocourtforms.on.ca/static/media/uploads/courtforms/family/35_1/parenting-aff-self-help-guide-mar21-en.pdf)

---

## If the issues include child or spousal support but not property

Child support is based on the [Child Support Guidelines](#). These guidelines set out the amount of child support to be paid based on the income of the parent paying child support and the number of children they must support. This payment is called the **table amount of child support**.

Spousal support is not determined by tables but is guided by the [Spousal Support Advisory Guidelines \(SSAG\)](#), found at: <https://www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html>

To determine how much support to pay, the paying parent or spouse must provide their income information by providing the documents below:

### Form 13: Financial Statement (Support Claims)

You must prepare a **Form 13 Financial Statement (Support Claims)**. This is a commissioned form that tells the other party and the court information about the value of your income, expenses, property and debts. You must sign it in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your financial statement if you do not have a lawyer.

### What do you need to attach to the financial statement?

You must attach certain documents to your Financial Statement as proof of your income. This includes:

- proof of your year-to-date income (for example, a pay stub or a social assistance stub)
- your Notices of Assessment or Reassessment from the Canada Revenue Agency (CRA) for the past 3 years (or if you are not required to file income tax returns because of the [Indian Act](#), you will need some other proof of income for the past three years).

If you don't have your Notices of Assessment, you can contact the [Canada Revenue Agency](#) (CRA) at 1-800-959-8281 or register for [My CRA](#) to get an Income and Deductions printout, which is a summary of those assessments.

See part 11 of this guide on [providing your financial information](#) for more information about what documents you need to give the other party and file at court.

### No financial statement - main caregiver

---

If you are the child(ren)'s main caregiver and **only** want the table amount of child support, you don't have to prepare a Financial Statement.

### Special or extraordinary expenses - Section 7 expenses

---

**Section 7** of the provincial and federal Child Support Guidelines allow the parent who is asking for child support to ask for more than the table amount to cover extra expenses such as daycare, educational, extra-curricular or medical expenses.

Each parent contributes to these expenses in proportion to their income, so if you make a claim for these expenses, you must serve and file your own financial statement and attach receipts for of these expenses.

### Split Parenting

---

If each parent is the main caregiver of at least one of the children, then each of you pays the table amount of child support to the other. In that case both parents must serve and file a financial statement.

### Shared Parenting

---

If you are sharing parenting time with the other parent (meaning the child(ren) spend between 40-60% of the time with each of you), then each parent may pay child support to the other. In that case, both parents must serve and file a financial statement.

See the Child Support Guidelines, sections 7, 8 and 9, for these types of child support orders, at: <https://www.ontario.ca/laws/regulation/970391>

### When do you need to update your form 13 financial statement?

---

You must update, serve and file your financial information so that it is current whenever you are attending a conference, motion or a trial. The rules say that you should update, serve and file the financial statement if your financial statement is *older* than:

- 60 days by the time you have a case conference or settlement conference
- 30 days by the time a motion is argued
- 40 days by the time the trial begins.

If nothing in it has changed, you can simply serve and file a **Form 14A affidavit** stating that the information in your last financial statement is still true or, to provide details of any minor changes. (See **subrule 13 (12)** for when to update your financial information and **subrule 13(12.2)** for when to serve and file it.)

---

### **If you're asking to divide property (with or without support)**

If you are asking to divide (equalize) the family property you must prepare a **Form 13.1: Financial Statement (Property and Support Claims)**

---

#### Form 13.1 financial statement (Property and Support Claims)

The **Form 13.1 financial statement** is a commissioned form that asks you to give your income information along with the value of assets and debts on the date you got married, the date you and your partner separated, and today. You must sign it in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your financial statement if you do not have a lawyer.

Also, if you have made a claim for support, you must attach several documents to your Financial Statement as proof of your income. This includes:

- proof of your year-to-date income (for example, a pay stub or a social assistance stub)
- your Notices of Assessment or Reassessment from the Canada Revenue Agency (CRA) for the past 3 years (or if you are not required to file income tax returns because of the *Indian Act*, you will need some other proof of income for the past three years)

If you don't have your Notices of Assessment, you can contact the Canada Revenue Agency (CRA) at 1-800-959-8281 or register for My CRA to get an Income and Deductions printout, which is a summary of those assessments.

See part 11 of this guide on providing your financial information for more information about what documents you need to give the other party and file at court.

---

#### When do you need to update your form 13.1 financial statement?

You must update, serve and file your financial information so that it is current when you are attending a case conference, settlement conference, motion or a trial. The rules say that you should update, service and file the financial statement if your financial statement is older than:

- 60 days by the time you have a case conference or settlement conference
- 30 days by the time a motion is argued
- 40 days by the time the trial begins.

If nothing in it has changed, you can simply serve and file a **Form 14A affidavit** stating that the information in your last financial statement is still true or provide details of any minor changes.

See **subrule 13 (12)** for when to update your financial information and **subrule 13(12.2)** for when to serve and file it.

---

#### **Step 4: Issue your application**

If your application and other documents are properly completed, the clerk will issue your application by signing and stamping the application and giving you a court file number.

At the Family Court branch, if your case does not involve divorce, property, or an arbitration issue, the court clerk will give you your first court date once they have issued your application.

Parties are being asked to file their documents and have their application issued electronically if they are able to do so. Information about how to e-file your documents is available at Step 6 below.

Once the court issues your application, you must serve your documents on the other party.

---

#### **Paying filing fees**

You may be required to pay filing fees depending on the claims in your application. If you are filing your application electronically, you can make the payment securely online.

Depending on your income, you may qualify for a fee waiver by filing out a Fee Waiver Request Form: <https://ontariocourtforms.on.ca/en/court-fee-waiver-guide-and-forms/>. This form is a commissioned document, meaning you must sign it in front of a lawyer or commissioner of oaths to swear or affirm that what it says is true. You can swear or affirm your affidavit at the court office if you do not have a lawyer.

For more information about whether you qualify for a fee waiver and how to apply, see: <https://www.ontario.ca/page/have-your-court-fees-waived>

---

## Step 5: Serve your application - special service

Because this is the first step in your court case, your application and other documents must be served personally upon all other participants (**parties**) named in the court case. Personal service, also known as **special service**, means the other party or their lawyer is given the documents in person.

Again, because this is the first step in the case, your application must be served by someone other than you. You may have a friend or family member who is 18 or older serve your documents or you can hire a process server to do this for you.

See **subrules 6(3) and 6(4.1)** of the *Family Law Rules* for more information about special service of these documents.

A **Form 6B: Affidavit of Service** must be completed by the person who served the documents. This form sets out who served the documents, where, and how. Form 6B is proof that the other side is aware of the case.

Because Form 6B is an affidavit, the person must sign it in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your affidavit if you do not have a lawyer.

For information on serving documents, see the Ministry's website at: <https://www.ontario.ca/document/guide-procedures-family-court/serving-your-documents>

After a copy of your documents has been served on the other party, you need to file the Affidavit of Service with the Court.

---

## Step 6: File your application

All the documents you intend to use in your court case must be served on the other party and then filed with the court. By filing the documents with the court, you put them in the court's official case file, called a **continuing record**.

You must always file a form **Form 6B: Affidavit of Service** when you file your documents to prove that they were given to the other party.

See part 9 of this guide for information on electronic filing and using Case Center to view your court documents at court.

## No answer from the other party (uncontested trial)

Once your application has been served, the other party has 30 days (or 60 days if outside Canada or the United States) to prepare, serve, and file their **Form 10: Answer**, which is their response to the claims made in your application. (See **subrule 10(2)**)

If the other party has not served and filed their answer within the 30 or 60 days of being properly served and has not asked for more time to do so, you can take steps to have an **uncontested trial**. That means that the court will decide your case based only on your evidence.

You can usually do this by filling out [Form 23C: Affidavit for Uncontested Trial](#).

You must also attach a [draft Form 25](#) court order, and include all the orders you are asking the judge to make.

See part 14 of this guide for information on how to ask a judge for an uncontested trial by [filing a 14B motion](#).

## 9. Online Filing and Case Center

### Family Submissions Online Portal

Parties are now expected to file most family forms [online through the Family Submissions Portal](#).

There are benefits to filing your materials online:

- You do not need to file your original documents in person
- You can pay for any filing fees securely online
- When filing the documents online, an email confirmation will be sent to confirm that the court has received the document
- Once the documents have been processed, an additional email will be sent to advise if the documents have been accepted or rejected for filing.

See the Ministry's website for more information on e-filing documents:  
<https://www.ontario.ca/page/file-family-court-documents-online>

**Note:** all documents filed online should be saved using the following, standard method:

1. Document type including the form number
2. Type of party submitting the document,
3. Name of the party submitting the document (including initials if the name is not unique to the case), and
4. Date on which the document was created or signed, in the format DD-MMM-YYYY (e.g. 12-JAN-2021).

For example, documents should be saved as follows:

- Financial Statement Form 13.1 - Respondent - A. Wong - 21-NOV-2021
- Case Conference Brief Form 17A - Applicant - G. Singh - 13-MAR-2022
- Affidavit for Divorce Form 36 - Applicant - Nathanson - 12-JAN-2023

## Other ways to file

If you cannot file electronically, you can file your paper documents at the courthouse. If your case is time sensitive or urgent (less than five days away), you may also file by email.

You can find information about the courthouse location and email information at the [Ministry of the Attorney General Website](https://www.ontario.ca/locations/courts):  
<https://www.ontario.ca/locations/courts>

## Case Center

Case Center is an online platform that parties, counsel and judges must use to read electronic documents while they are at court. Case Center is used whether the court appearance is [virtual](#) or in person.

Case Center ensures that everyone - including the judge - has access to all the documents for the case. It also makes it easy to direct others to the page you are talking about.

**Uploading your documents is not the same as filing them with the court.** You can only upload documents to Case Center after the court has accepted them for [filing](#).

---

### Deadline to upload your documents to Case Center

The parties (or their lawyers) are responsible for uploading their documents to Case Center as soon as they are accepted for filing. The deadline for uploading to Case Center is at least **5 days** before the court date (or as soon as possible if the filing deadline is less than 5 days before your court date).

---

### Case Center help

If you are representing yourself at court, the Ministry of the Attorney General offers telephone and email support for Case Center. Please dial 1-800-980-4962 or 647-438-0403 and select option 4 for Case Center support or email your questions to [info.Case.Center@ontario.ca](mailto:info.Case.Center@ontario.ca).

If you are having technical issues with Case Center, you can contact Thomson Reuters for help at 1-800-290-9378 or go to their website:  
<https://www.thomsonreuters.ca/en/case-center/ontario-courts-support.html>.

For the Court's direction about how and when to use Case Center, along with helpful tips and supports, see the [Consolidated Provincial Practice Direction for Family Proceedings at the Superior Court of Justice](#) and the [Court's Case Center page](#): <https://www.ontariocourts.ca/scj/Case Center/>

## 10. Answering a Family Law Application

This part gives you information about what to do if you have been served with a court application.

### Prepare an answer

Rule 10 of the *Family Law Rules* tells you about how to answer an application.

The party who has started an application is called the **applicant** and the person who receives the application is called the **respondent**.

If you are the respondent, you need to prepare, serve and file your response using a **Form 10: Answer**. In your answer, you can agree or disagree with the applicant's claims and also make your own claims.

If your answer includes a parenting claim, you must also include a **Form 35.1: parenting affidavit** (and **Form 35.1A** if you, the other party or the child(ren) have had any involvement with the Children's Aid Society.)

If the applicant has asked for child or spousal support or the division of property, you will also have to provide a Financial Statement (**Form 13.1** if there are any property issues or **Form 13** if the only issues are support).

For more information about parenting affidavits and financial statements see [What documents do you need to file](#) in part 8 this guide (Step 3).

After you have prepared these documents, they must be served on the applicant and filed with the court within 30 days (or 60 days if you live outside of Canada or the United States).

For more information about the steps to answering an application, see the Ministry's website: <https://www.ontario.ca/document/guide-procedures-family-court/answering-application> and CLEO's [Steps to Justice](https://stepstojustice.ca/questions/family-law/how-do-i-respond-family-law-court-case/) at: <https://stepstojustice.ca/questions/family-law/how-do-i-respond-family-law-court-case/>

**Note:** If you do not serve and file your Answer within the deadline, the case can go ahead without you. This means that the applicant can get orders that affect you without the Court hearing from you. If necessary, you or your lawyer may ask the Court for an extension of the time to prepare your court papers.

See part 14 of this guide for information about how to ask a judge for an extension of time by [filing a 14B motion](#).

## Serve your answer - regular service

You, or any other person over 18 years old, can serve your answer by either regular service or [special service](#). **Regular service** means that you can give the other party, or their lawyer, your documents by e-mail, mail, or courier. Service by mail must be mailed 5 business days before the normal deadlines. See [subrule 6\(2\)](#) for more information about regular service.

For more information on serving documents, see the [Ministry's website](#) at: <https://www.ontario.ca/document/guide-procedures-family-court/serving-your-documents>

A **Form 6B: Affidavit of Service** must be completed by the person who served your documents. This form sets out who served the documents, where, and how, and is proof to the Court that the applicant received your responding documents.

Because Form 6B is an affidavit, the person must sign it in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your affidavit if you do not have a lawyer.

## File your answer

After you have served the other party, you must file these documents, including your affidavit of service, with the court.

See part 9 for information about how to [file your documents online](#).

See part 8 on [paying fees](#) when filing your court documents.

For more information about court fees see the [Ministry's website](#) at: <https://www.ontario.ca/page/family-court-fees>

## Replying to an answer

If you've started a court application and the other side serves you with a **Form 10: Answer**, you have 10 days to respond by filling out a **Form 10A: Reply**. The Reply gives you a chance to comment on any new claims or issues that the other side raises in their answer.

For more information on how to reply to an answer, see [CLEO's Steps in a Family Case](#) at: <https://familycourt.cleo.on.ca/en/applicant/prepare-your-reply>

## 11. Providing Your Financial Information (Disclosure)

This part describes the financial documents that you are expected to serve and file if your court case involves claims for child support, spousal support or property.

Your financial disclosure obligations are set out at **rule 13** of the *Family Law Rules* and **section 21** of the *Child Support Guidelines*

For more information about financial disclosure, see the Ministry's website: <https://www.ontario.ca/document/guide-procedures-family-court/financial-disclosure> and CLEO's Steps to Justice at: <https://stepstojustice.ca/questions/family-law/what-financial-statement-what-documents-do-i-have-give-my-partner/>

In addition to your financial statements (**Form 13** or **Form 13.1**), you and the other party must also give each other documents showing your income, property, savings and debts. This is called **financial disclosure**.

**Note:** It is very important for both of you to give the other party your financial disclosure as soon as possible. This is important because:

- giving the other party a full picture of your financial situation is a basic step in resolving your support and property issues;
- if you do not give the other party your financial disclosure, it can delay the resolution of your case and add to your costs;
- if you have not provided your disclosure as required by **rule 13**, a judge can order you to pay all or part of the other party's legal costs; and
- in some cases, if you don't provide the required disclosure, a judge might decide the case without your input by ignoring (striking) your court papers.

Gathering, serving and filing all these financial documents can be difficult, but you **must** follow these rules.

### Automatic orders

In most family cases, when you issue your application or your motion to change, the court will issue an **automatic order**, which you must give to the other party. The automatic order sets out the documents each party must provide to the other as part

of the disclosure obligations. A party who has not made all efforts to comply with these obligations in advance of the case conference may be held responsible for the other party's legal costs. ([See rule 8.0.1](#))

## No disclosure necessary

You do not have to provide financial disclosure if you are the parent who primarily cares for the child(ren) and you are **only** asking for basic, [table child support](#).

But if you are asking the other parent for [special expenses for children](#), [spousal support](#) or [property division](#), then you must provide financial disclosure.

## Disclosure for support issues

Where a claim for child or spousal support has been made, you must give each other the following documents:

- Income tax returns for the past 3 years
- Notices of Assessment and reassessment for the past 3 years
- Your most recent statement of earnings or other statement that shows how much you earn in a year
- For people who are self-employed, proof of income from the past three years including financial statements for the business and a breakdown of all salaries, wages, and other benefits paid to others
- Proof of income from a partnership, corporation or trust
- Proof of any income received from employment insurance, social insurance, a pension, workers compensation, disability payments or any other source.

See **sections 21 and 22** of the [Child Support Guidelines](#) for a complete list of these documents.

If you've been unemployed within the past 3 years, you may be asked to give the other party a copy of your record of employment or other proof that your job ended; evidence of any medical condition or other reason why you cannot work; and any statement of income or benefits that you have received or will receive.

These documents are normally attached to your Financial Statement and served on the other side when you start an application or respond to one.

You will not be allowed to file your court documents without attaching proof of your current income, and your Notices of Assessment or Reassessment for the last three years.

If you don't have your Notices of Assessment, you can contact the [Canada Revenue Agency](#) (CRA) at 1-800-959-8281 or register for [My CRA](#) to get an Income and Deductions printout, which is a summary of those assessments.

For more information about financial statements, see [What documents do you need to file](#) in part 8 this guide (Step 3).

## Disclosure for property issues

Married spouses are each entitled to half of the value of the property that the couple gained during the marriage. That is called **equalization** or the *division of property*. When a spouse makes a claim for equalization, each party must exchange documents to help you to calculate your individual **net family property**.

The net family property calculation is done by determining the increase in value of all your property, assets, and savings on the date you were married, (known as the *date of marriage*), up until the date you were separated, (known as the *date of separation*) minus any debts, deductions, and excluded property.

Once you know the total of each spouse's net family property, you can figure out how to fairly divide its value.

There are rules about the kinds of deductions or exclusions you can make in **section 4** of the [Family Law Act](#).

Below is a list of the documents you need to share at the beginning of your case. They must be dated as of the *date of separation*.

- Statements of your bank accounts, savings plans and other investments, including RRSPs and pensions
- A copy of an application to value your pension
- Assessments for any real estate in Ontario

- A document that shows the cash value of any life insurance policies
- Financial Statements and income tax returns if you have an interest in a sole proprietorship or partnership
- Additional documents if you have an interest in a corporation, to show the number and types of shares or other interests you owned. If your interest is in a privately held corporation, this will include financial statements and, in some cases, corporate income tax returns
- Documents to show the interest you have in any trusts
- Statements for the debts you owe, for example, mortgages and credit cards

See **Rule 13 (3.3)** of the Family Law Rules for a complete list of these documents

You must also give the other side documents showing the value of any property that you owned at the *date of marriage*. These are called **deductions**.

You must also provide documentation of any **exclusions**, such as inheritance, that you are claiming pursuant to **section 4(2)** of the *Family Law Act*.

If your case involves property claims, these documents must be served on the other party within 30 days after the Financial Statement is due.

For more information about special property rules, see CLEO's *Steps to Justice*: <https://stepstojustice.ca/steps/family-law/2-learn-what-assets-have-special-rules/>

If you were not married but the other party is claiming an interest in your property, you may also need to exchange financial disclosure.

For more information on property claims between unmarried couples, see CLEO's *Steps to Justice* at: <https://stepstojustice.ca/steps/family-law/think-about-whether-make-resulting-trust-claim/>

## Certificate of financial disclosure

You must also serve and file a **Form 13A: Certificate of Financial Disclosure**, which must be updated, served and filed with the Court before your conferences.

See **subrules 13(5.0.2) and 13(13.1)** about updating your certificate of financial disclosure before court attendances.

If you do not provide your financial disclosure, you may also be held responsible for costs that the other party has spent on the case.

## 12. The First Court Date

If your case is at the Family Court branch, in all cases except those that deal with divorce, division of property or an arbitration award, a first court date will be scheduled by the Court when the application is issued. This date is called a **first appearance**.

At a first appearance, the court clerk checks all your documents to make sure they are complete and have been properly served. You will also have an opportunity to discuss settlement or to attempt mediation with the other party. If you can agree on any issues at the first appearance, you can file your agreement with the court and ask for an order to be made on consent.

If the case has not been settled and your documents are complete, the court clerk will normally set a date for a case conference.

See **Rule 39** of the Family Law Rules for information about First Appearance Court.

For all other cases, the first court date will normally be at a conference before a judge or a Dispute Resolution Officer (DRO).

## 13. Family Law Conferences

This part describes the types of conferences that are part of a family law case.

**Rule 17** of the *Family Law Rules* is the main rule that applies to conferences, and which sets out the process for case conferences, settlement conferences and trial management conferences.

For a summary of the required steps in a family court case prior to a trial, see the Ministry's website at: <https://www.ontario.ca/document/guide-procedures-family-court/required-steps-family-court>

A **conference** is a step in a family case where a judge meets with you and the other party and your lawyers, if you have them, to discuss:

- the issues that you can agree on
- the issues that you don't agree on
- the chance of resolving those issues
- how the case should move forward

Each conference is a chance to resolve all or some of the issues, which can save you time and costs. If both parties are prepared and have exchanged financial disclosure, one conference could be enough to resolve all the issues in dispute.

Before each conference, both sides must negotiate with one another about how to resolve the disagreements. The case conference should not be the first time that you and the other party, or your lawyers, have discussed the case or tried to come to an agreement. This must be done in advance so that the conference can focus on the issues that can't be resolved.

There are limited exceptions to this requirement if there is a risk of domestic violence and a party is not represented by a lawyer. (See **subrule 17 (3.1)** and **(3.2)**)

Before each conference, certain forms must be completed, as described below.

## Scheduling your conference

If you are asking for a divorce or to divide property or your case is not in the [Family Court branch](#), you will not be automatically given a first court date. You or the other party must ask for a [case conference](#) to be scheduled by contacting the court office or booking it through an online tool called [Calendly](#) if it's available at your courthouse.

For more information on how to use Calendly to book your case conference date, please see the [Superior Court of Justice website](#):  
<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/tip-sheet-counsel-selfrep/>

Once you have your **Form 17: Conference Notice** with your court date scheduled, you need to serve it on the other party and file it with an affidavit of service.

A **Form 6B: Affidavit of Service** must be completed by the person who served your documents. This form sets out who served the documents, where, and how, and is proof to the Court that the applicant received your responding documents.

Because Form 6B is an affidavit, the person must sign it in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your affidavit if you do not have a lawyer.

## Preparing documents for your case conference

A **case conference** is usually the first meeting that the parties and their lawyers attend with a judge or a [Dispute Resolution Officer \(DRO\)](#) to make sure all the necessary documents have been exchanged, and to explore how to resolve the issues in the case.

See **rule 17 (4)** of the [Family Law Rules](#) for the purposes of a case conference

For your case conference, you need to fill out **Form 17A: Case Conference Brief** and serve it on the other party and then file it with the Court with the Form 6B: Affidavit of Service.

Your case conference brief **cannot** be longer than 8 pages, plus permissible attachments. The judge does not have time to read through too many documents at the conference and will need you to focus on the important information. Do not

include long texts, emails, or social media postings. References to the necessary excerpts from those communications may be included in the conference brief.

For more directions about case conference briefs, see the [Superior Court of Justice Provincial Family Practice Directions](#).

Don't forget to update your [financial statement](#) and [parenting affidavit](#), if required, before your conference.

For free, online help filling out your case conference brief and other court documents, see [CLEO's Guided Pathways](#)

## Preparing documents for your settlement conference

A **settlement conference** is the next conference that is scheduled and focuses on settling or narrowing down as many of the issues as possible.

See **rule 17 (4)** of the [Family Law Rules](#) for the purposes of a settlement conference.

Before your settlement conference, you need to prepare the following forms:

- **[Form 17C: Settlement Conference Brief](#)**
- **[Form 13A: Certificate of Financial Disclosure](#)**
- If your Financial Statement will be more than 60 days old at your settlement conference, you must file either a new, updated **Form 13** or **13.1** or an affidavit using **Form 14A** that either confirms that the information in your Financial Statement is still true or has details about how your financial situation has changed.
- If you were married and you or the other party are asking to divide property, you must also file a **Form 13B: Net Family Property Statement** and **Form 13C: Comparison of Net Family Property Statement**.
- Your **Offer to Settle** the outstanding issues (attached to your Settlement Conference Brief)

You should prepare your settlement conference brief carefully and complete all the sections that apply to your situation. It should set out clearly the issues you disagree about, your version of events, and how the issues can be resolved.

Settlement conference briefs **cannot** be longer than 12 pages, not including permitted attachments. The judge does not have time to read through too many documents at the conference and will need you to focus on the important information. Do not include long texts, emails or social media postings. References to the necessary excerpts from those communications may be included in the conference brief.

For directions about the settlement conference brief, see the [Superior Court of Justice Practice Directions](#).

For free, online help filling out your settlement conference brief, see [CLEO's Guided Pathways](#)

---

## Offers to settle

In your settlement conference brief, you should include a proposal to settle the issues, called an **offer to settle**. An offer to settle outlines what you are willing to accept to resolve your case. Your offer to settle should be clear, reasonable, and fair. The judge will use these offers to settle to provide feedback and help you to settle your case. Offers to settle can help you come to an agreement with the other party, and they can be used to request costs against the other party, if your case goes to trial.

Your offers to settle are confidential and cannot be shown to the judge hearing a motion or a trial until after the decision has been made.

More information about offers to settle, including what can happen if you don't make an offer to settle, can be found in [rule 18](#) and [rule 24](#) and at CLEO's [Steps to Justice](#)

## Combining your case conference and settlement conference

A judge may combine a case conference and settlement conference if:

- the parties have participated in an approved family mediation or legal aid settlement conference
- the parties were screened for domestic violence
- all financial disclosure has been exchanged
- neither party needs to bring a motion for temporary orders AND

- each party has filed a **certificate of dispute resolution (Form 17G)**

## **Trial management conference and trial scheduling endorsement form**

If the case has not settled at your settlement conference, you will move along to a **trial management conference** where the parties should be prepared to:

- see if you can agree on any of the issues in dispute
- confirm that you and your witnesses are ready to proceed as scheduled
- confirm whether the time you estimated for your trial is correct

See subrule **17(6)** of the *Family Law Rules* for a list of the purposes of a trial management conference.

The first step is for you and the other party to complete the **Trial Scheduling Endorsement Form**.

To access this form, see the Superior Court of Justice website at: <https://ontariocourtforms.on.ca/en/family-law-rules-forms/trial-scheduling-endorsement-form/>

The judge uses this endorsement form to:

- help the parties to organize the issues that need to be decided at trial
- determine who the witnesses will be
- address any other procedural issues that must be resolved before the trial can start
- Give an estimate of the total time that will be needed for the trial.

In preparing this form, consider whether any of your evidence can be presented at trial by **14A affidavit**, which will shorten the amount of time that is needed for the trial. Any evidence that is submitted by affidavit will still be subject to cross-examination (which means the witness who wrote the affidavit will have to attend).

The Trial Scheduling Endorsement Form must be reviewed and endorsed by the judge before a trial management conference can be scheduled. If you can't complete

the Trial Scheduling Endorsement Form right away, the judge may schedule a time for you to return to court to do so.

Before your trial management conference, you need to file the following documents with the Court:

- Your completed **Trial Scheduling Endorsement Form**, unless it has already been filed
- An [offer to settle](#) all issues that remain in dispute
- An outline of your [opening statement](#) for trial

Unless you have been directed to do so, you do **not** need to prepare a Trial Management Conference brief.

## Updating your financial information

You must do everything you are supposed to do **before** your conference for it to be useful. You and the other party should have shared all financial documents and any expert reports.

You must follow the rules for [updating your financial statements](#) so that the other side and the court have the most current information.

---

### Certificate of financial disclosure

If you have updated your [financial disclosure](#) before your settlement conference or trial management conference, you must serve and file an update form 13A Certificate of Financial Disclosure. (See [subrule 13\(13.1\)](#))

---

### Net family property statement

Before your settlement conference, if there are property issues, you must serve and file your [Net Family Property Statement](#) (or an affidavit if the information has not changed). (see [subrules 13 \(14\) and 13 \(14.01\)](#))

---

### Comparison of net family property statement

You should also serve and file a [Form 13C: Comparison of Net Family Property Statement](#) (jointly with the other party if possible). This form clarifies any items that

you and the other party disagree about in your net family property calculations. (See **subrules 13 (14.2)** and **13 (14.3)**)

## Regular service of conference documents

Case conference documents can be served by regular service or special service. This means that you can give the other party, or their lawyer, your documents by e-mail, mail, courier or in person. Service by mail must be mailed 5 business days before the normal deadlines.

See **subrule 6(2)** for more information about regular service.

For information on serving your documents, see the Ministry's website at: <https://www.ontario.ca/document/guide-procedures-family-court/serving-your-documents>

The person who has served the conference brief and any other necessary documents on the other party must complete an **affidavit of service: Form 6B**.

## Timing to serve and file your conference materials

The conference briefs, updated financial statements, certificate of financial disclosure and affidavit of service must be filed with the court by the timelines set out in Rule 17.

The party asking for the conference must complete the correct forms, serve them on the other side, and file them with the Court, along with the Affidavit of Service, at least **6 business days** before the conference date.

The other party must serve and file their forms with the Court at least **4 business days** before the conference date.

The following chart sets out the timelines for filing your case conference briefs:

<b><i>Serving &amp; Filing of Briefs with the Court for person seeking conference (deadline for other party in brackets)</i></b>	<b><i>For conference date for the following week</i></b>
Monday (Wednesday)	Tuesday
Tuesday (Thursday)	Thursday
Wednesday (Friday)	Friday
Thursday (Monday)	Monday the second week afterwards

Do not forget to upload your documents in Case Center once they are filed with the court.

You will both be expected to provide your financial disclosure **before your case conference**. If the other side has not given you everything they were supposed to, you can include a list of the missing documents in your case conference brief and ask the judge to order the other party to provide them to you.

**Note:** the court can make an order for costs against the person who fails to provide the required financial documents in time for the conference.

## Confirming your conference

Each party must confirm they will be in court by completing and filing a **Form 17F: Confirmation of Conference** by **2 p.m. three business days before the conference**. If you or the other party do not send your confirmation forms to court on time, the conference will not go ahead without the judge's permission.

You should complete the confirmation form carefully, noting the specific issues that you want the Court to address (for example parenting claims and child support) and the specific materials that the judge should read (for example the case conference brief and your financial statement).

You must speak to the other party's lawyer (or the other party if they are unrepresented) before filing your confirmation to discuss the issues and the time you need for the conference.

You can send your Form 17F confirmation form to the court by e-mail.

See: notice that applies in your region for the email address where these forms should be sent, at: <https://www.ontariocourts.ca/scj/practice/regional-practice-directions/>

## What to expect at a conference

If your conference is being held in person at the courthouse, court staff can help you find the courtroom where your conference is being held.

Arrive at least 30 minutes before the time your conference is scheduled to begin. This will give you one more chance to discuss your case with the other party, which you

are required to do under the *Family Law Rules* unless there is a court order prohibiting contact or a risk of domestic violence by someone who is not represented by a lawyer. (See **subrules 17(3.1) and (3.2)**)

If duty counsel is available at your court and you want their help, you should contact them in advance to request their assistance.

Information about locating a duty counsel office can be found on the Legal Aid Ontario website, or by contacting the Client Service Centre at 416-979-1446 or toll-free 1-800-668-8258.

Plan to spend at least a half day at court. While conferences generally only take up to an hour, in some courts they are scheduled in groups and so you may have to wait for your turn. You can use this time to negotiate with the other party or their lawyer. Even after you have seen the judge, you may be asked to continue to negotiate based on the judge's suggestions, and then to return to see the judge afterwards.

Conferences are usually less formal than a motion or a trial, and everyone can stay seated when speaking. When your conference starts, the judge will explain the process, and will then lead a discussion on the issues in the case. The judge will give you feedback about how those issues might be decided by the Court based on the strengths and weaknesses of your case if your case were to go to trial. The judge will encourage you to settle all or some of the disputed issues based on that feedback, so you should be prepared to discuss all your issues and how you are willing to resolve them.

Most of the discussions at a case or settlement conference are private settlement discussions. They are **without prejudice**, which means that they cannot be used later as evidence in your case at a motion or trial. This way, parties are free to talk about all sorts of options to settle their case, including making compromises.

If you and the other party agree on an issue at your case conference, the judge will ask you or your lawyers to write out what you agreed to in a document called Minutes of Settlement. Both parties need to sign this document to show that you understand and agree to it. After the judge reviews your Minutes of Settlement, they can put what you have agreed to into a court order.

If you come unprepared or your conference is postponed because you didn't follow the rules, not only will you lose this chance to discuss the issues with a judge, but you may even have to pay all or part of the other party's legal costs.

For more information about conferences and costs, see **rules 17(18) and 24(7)**.

For tips on how to behave in court, see and the Superior Court of Justice website at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/virtual-courtroom-etiquette-rules/>

If you have issues participating at your court event because of a disability, you can get assistance from the court's [Accessibility Coordinator](#).

## Orders at a conference

Unlike at a motion or a trial, the Court cannot normally make orders at a conference unless all the parties agree. There are some exceptions:

- judges can make procedural orders that help move the case along such as ordering [disclosure](#) or setting out a timetable for the next steps in the case.
- judges can order the parties to get information from a [court-connected mediation service](#), or to attend a community program or resource.
- if the other party is told in advance (on notice), judges can also make temporary orders to preserve of the rights of the parties.

See **subrules 1(7.2) and 17(8)** for the kinds of procedural orders that can be made at a conference.

## Confidentiality

Your settlement discussions are private and cannot be shared with the judge hearing the motion or trial. Your [case conference brief](#) and [settlement conference brief](#) should **not** be included in the trial record.

However, your completed [trial scheduling endorsement form](#) **must** be included in the trial record and available to the trial judge.

See part 15 of this guide for information about the [trial record](#).

## 14. Temporary Court Orders (Motions)

This part tells you about how to get certain orders from the court by bringing a motion under **rule 14** of the [Family Law Rules](#).

### Types of motions

#### Temporary orders (Notice of Motion: Form 14)

In many cases, before the parties can get final orders at a trial or agree on how to settle their case, they will ask the court to make temporary orders about important issues. Examples could include an order for temporary child or spousal support, setting up a temporary parenting schedule, or deciding who can live in the family home.

To get a temporary court order, you need to notify the other side in writing and file the request with the court. This is called **bringing a motion**. Your **Form 14 Notice of Motion** will include the date when the parties will argue the motion in court.

You must also serve and file a [Form 14A Affidavit](#), which sets out the evidence that supports your position on the motion.

If you are the person bringing the motion, you are called the **moving party**. The other side is called the **responding party**.

For more information about what documents to prepare for a motion, and free, online assistance with filling out some of the forms, see CLEO's [Steps to Justice](#) and [Guided Pathways](#).

#### Procedural, uncomplicated, or unopposed issues (Motion: Form 14B)

You may also bring a motion for procedural or uncomplicated requests, for example, asking for permission to file a document after a deadline has passed. You can do this by filling out a **14B Motion Form**. The other side will have an opportunity to respond to your motion if they disagree with you, or you can attach the other party's consent to the request.

Unlike a regular motion, when you file a 14B motion you and the other side will not normally have to come to court to present your case. The judge will let you know the decision in writing.

Parties can also use a 14B motion to ask the Court to make important orders (such as parenting, support and property issues) that you and the other party agree to. If so, you must attach the consent or *Minutes of Settlement* that both of you have signed to your **14B Motion Form**. You must also include a **draft order** that shows the clauses that you are asking for in the order.

You may also use a 14B motion to ask for an **uncontested hearing** because the other party has not answered the case.

---

### **Motion with notice to the other party**

In almost all cases, the judge will not hear your motion unless you have provided notice to the other party. This means that you must serve your materials on the other party ahead of time, giving them time to respond before the motion is heard.

---

### **Motion without notice to the other party (*ex-parte* motion)**

In **very limited situations** you may be able to bring a motion without first providing notice to the other party. According to **rule 14(12)** you can bring a motion without notice when:

- notice is either unnecessary or not reasonably possible. For example, where you have tried everything but cannot locate the other party;
- there is an immediate danger that a child will be removed from Ontario and the delay in serving a notice of motion, or alerting the other party to your motion, would probably have serious consequences;
- there is an immediate danger to your health or safety or that of a child and the delay in serving a notice of motion would probably have serious consequences;
- serving a notice of motion would probably have serious consequences.

The Court will decide whether to hear your motion without notice based on your motion materials, which are described in the section below called Documents for your motion.

Motions without notice are the **exception to the basic rule** that the other party must know of any motions ahead of time and have a chance to respond. After a judge makes orders on a motion without notice, the other side must be notified immediately, and the case must be brought back to court within 14 days.

If you aren't sure whether you can bring a motion without notice and you don't have a lawyer, you can call the **Law Society of Ontario's urgent/emergency Family Law Referral telephone line at 1-800-268-7568 or 416-947-3310**. You can also speak to **duty counsel** if they are available at your courthouse or call **Legal Aid Ontario toll-free at 1-800-668-8258**.

---

### **Urgent motions**

Unless your situation is urgent, you **cannot** bring a motion until after a case conference has been held and there has been a discussion about the issues that are in dispute. You can only bring a motion before a case conference in very limited situations, of **urgency or hardship**, or where **justice** requires it. See rule 14(4.2).

If you are bringing an urgent motion, you must prepare, serve, and file all the documents listed below at Documents for your motion. The only difference with an urgent motion is that you must also ask the Court for permission to bring a motion before a case conference has been held and explain the reason for the urgency. You may also need to ask the Court for permission to shorten the timelines in rule 14(11) for serving the other party with your motion materials.

If the judge hearing the motion finds that your matter is not urgent, they may refuse to hear your motion and may, in some situations, order costs against you.

If you aren't sure whether you can bring a motion before a case conference and you don't have a lawyer. You can call the **Law Society of Ontario's urgent/emergency Family Law Referral telephone line at 1-800-268-7568 or 416-947-3310**. You can also speak to **duty counsel** if they are available at your courthouse or call **Legal Aid Ontario toll-free at 1-800-668-8258**.

---

### **Regular motions and long motions**

In most court locations, **regular motions** are motions that can be heard by the court in one hour or less. This means that you and the other party combined must make your submissions to the Court in an hour or less.

**Long motions** are generally scheduled through the Trial Coordinator at court. In some locations, you must get the judge's permission for a long motion before it will be scheduled.

---

### **Refraining motions (Family Responsibility Office)**

If you miss your support payments, the [Family Responsibility Office \(FRO\)](#) can ask the Registrar of Motor Vehicles to suspend your driver's licence. If this happens, the FRO will mail you a document called a First Notice of Driver's Licence Suspension. You then have 30 days to stop the FRO from seeking the suspension.

If you cannot pay the support amounts you owe or work out a payment plan with the FRO, you can bring a motion to stop the FRO from seeking to suspend your licence. This is called a **refraining motion**.

See **sections 34 and 35** of the [Family Responsibility and Support Arrears Enforcement Act](#)

You must act quickly to bring the refraining motion before the deadline on the notice. The court **cannot** extend this deadline.

For step by step information on how to bring a refraining motion, see [CLEO's Steps to Justice](#) at: <https://stepstojustice.ca/questions/family-law/i-havent-paid-child-support-how-do-i-get-refraining-order/>

### **Scheduling a motion**

If your motion is on notice, your first step is to check with the court directly, [or the Regional Practice Direction](#) where your case is being heard, to find out when you can schedule your motion. Some courts keep one or more days open each week to hear motions and you can bring your motion on any of those days. In other locations, you must book a specific time with the court for your motion to be heard. Make sure to check with the other party and their lawyer to see when they are available before you schedule your motion.

### **Documents for your motion**

You must serve and file the following documents to argue a motion for temporary orders.

---

## Form 14 Notice of Motion

The **Form 14 notice of motion** includes the date, time, and location of your motion and the orders you are asking the Court to make.

---

## Form 14A Affidavit

The **Form 14A Affidavit** is where you explain to the court why you are asking for the orders in your notice of motion, and you provide the Court with your evidence. It is a commissioned document, meaning you must sign it in front of a lawyer or commissioner of oaths to swear or affirm that what it says is true. You can swear or affirm your affidavit at the court office if you do not have a lawyer.

If you want the Court to review any evidence in support of your claim, you may attach documents to your affidavit as **exhibits** before you get it commissioned.

**Note: there are restrictions on the number of pages and attachments that can be filed in support of a motion.** There is a risk these your motion will not proceed if you do not follow these page restrictions.

It is important that you review the [Court's Provincial Family Practice Direction](#) for information about filing restrictions:

[https://www.ontariocourts.ca/scj/practice/consolidated-provincial-practice-direction-for-family-proceedings-at-the-superior-court-of-justice/#\\_Toc137468072](https://www.ontariocourts.ca/scj/practice/consolidated-provincial-practice-direction-for-family-proceedings-at-the-superior-court-of-justice/#_Toc137468072)

---

## Factum or summary of argument

You may also need to submit a **factum** or **summary of argument**. This is the written summary of the key facts from your affidavit, as well as the rules and the law that apply to your case.

In most courts, long motions require a Factum or Summary of argument and some locations require them for [regular motions \(1 hour or less\)](#).

Check the [Regional Practice Direction and the Notices](#) where your court is located to see when a Factum or Summary of Argument must be prepared: <https://www.ontariocourts.ca/scj/practice/regional-practice-directions/>

For more information about Factums, see the Superior Court of Justice [Provincial Family Practice Direction](#).

[https://www.ontariocourts.ca/scj/practice/consolidated-provincial-practice-direction-for-family-proceedings-at-the-superior-court-of-justice/#\\_Toc137468073](https://www.ontariocourts.ca/scj/practice/consolidated-provincial-practice-direction-for-family-proceedings-at-the-superior-court-of-justice/#_Toc137468073)

---

## **Responding affidavit**

If you have been served with a notice of motion and affidavit, you can respond by serving and filing your own **Form 14A: Affidavit** in which you tell the court why you agree or disagree with the orders the other party is asking for, and provide your evidence. You may also be required to submit a factum or summary of argument.

If you want the Court to make different orders at the motion, you can serve and file your own **14: Notice of Motion** and include evidence in your affidavit to support the orders you are asking for. This is called a **cross-motion**.

For more information about what documents to prepare and update for a motion, as well as free, online help filling out some of the forms, see CLEO's Steps to Justice and Guided Pathways.

---

## **Reply affidavit**

If you bring a motion, and the other side responds and raises new issues, you can file a **reply affidavit**. Your reply can only address the new issues raised in the other party's affidavit. It is **not** an opportunity for you to bring up any new issues of your own.

For more information about what documents to prepare and update for a motion, as well as free, online help filling out some of the forms, see CLEO's Steps to Justice and Guided Pathways.

---

## **Motion without notice - no service required**

A motion **without notice** uses the same documents as a motion with notice, except that you don't have to serve them on the other party before the motion. Your motion form should include a request for the motion to be heard without notice and your affidavit should explain why you cannot provide notice to the other party.

### **Form 14D: Order on Motion without Notice**

You should also prepare a draft order setting out what you want the Court to order and bring it with you to Court. If the judge makes an order, they may sign the draft order that you've prepared. The order must then be issued at the court office. After the order has been issued, you must serve the other party with a copy of the order immediately, along with all documents that were used in the motion. See *Family Law Rule 14(15)* for more information.

Review the [Regional Practice Direction and the Notices](#) or contact your court office for information about how to schedule a motion without notice.

---

## **14B motion - forms**

A [14B Motion](#) requires the following documents:

### **Form 14B - Motion Form**

The form 14B asks you to explain to the Court what orders you are asking for, as well as the law or rules you are relying on, and the reasons for your request.

This form allows you to ask for something that is “procedural, uncomplicated or unopposed”. A procedural or uncomplicated motion may be a motion to get more time to serve your documents or to change your court date. An unopposed motion is one where both parties agree.

If the other party doesn't respond to your 14B Motion within the timeline set out in the rules, the judge will make a decision based on your materials only.

### **Form 14A - Affidavit (General)**

In some cases, you may be asked to provide the Court with evidence to support your requests. If so, you must also complete a commissioned [Form 14A Affidavit \(General\)](#).

### **Form 6B - Affidavit of Service**

A [Form 6B: Affidavit of Service](#) confirms to the Court that you properly served the other party with your materials. It must be sworn or affirmed by the party who served the materials, which can be done by your lawyer or at the court office.

Depending on the circumstances, you may not need to serve your 14B motion materials on the other party. An example would be if you are asking the court for permission for an uncontested hearing because you cannot locate the other party.

## Serving and filing your motion materials - regular service

The person bringing the motion, called the moving party, can serve their motion materials on the other party by **regular service** (or personal service if you prefer) and then file it with the court along with the affidavit of service.

The only exception is for a contempt motion, which must be served personally (special service) by someone other than the moving party.

See CLEO's Steps to Justice for more information on contempt motions at: <https://stepstojustice.ca/steps/family-law/3-go-court-enforce-your-order/>

The responding party must then serve their materials on the moving party by regular or special service and file them with the court, along with an affidavit of service.

## Timelines for serving and filing your motion materials

The *Family Law Rules* set out the timelines for serving and filing your motion materials. They are:

---

### Motion with notice

- The moving party must serve their materials no later than **six business days before the motion**.
- If the other party is responding to the motion, they must serve their materials no later than **four business days before the motion**.
- Both parties must file their materials with the court **no later than four business days** before the motion, along with an affidavit of service.
- If required by your region's Practice Direction, each party must also serve their factum/summary of argument no later than **four business days before the motion**.

- The moving party may serve and file a reply affidavit, to respond to any new issues raised by the responding party, no later than **two business days before the motion**.
- Don't forget to include an [updated financial statement](#) and [35.1 parenting affidavit](#) if these forms are too old or inaccurate when you serve your motion materials.

These rules give you the **minimum timelines** that you must follow and have specific rules about how days are counted. See the section on [timelines](#) in part 3 of this guide for more information on counting days.

You and the other party (or your lawyers) should try to agree on a timetable before your motion, to provide each party with more time to prepare and serve their materials. This can help make sure that both parties are ready to proceed with the scheduled motion date.

See [rule 3](#) of the *Family Law Rules* for more information about counting days.

---

## Long motions

Timelines to serve and file materials for long motions should be arranged when the long motion is booked. See the [Practice Directions and Notices](#) that apply in your region for more guidance on long motions.

## Confirming your motion

The moving party is required to file a [Form 14C: Confirmation of Motion](#) with the court no later than 2:00 p.m. **three business days** before the motion is to be heard. If you don't confirm your motion, the judge may not hear your case.

The confirmation form asks you to list the issues you want the judge to deal with at the motion, the specific materials that the judge should read before hearing your motion, along with the estimated time it will take you and the other party to argue the motion.

Unless you aren't allowed to speak with each other by Court order, you and the other party, or your lawyers, should speak with each other before filling out your confirmation forms and try as much as possible to agree on the information.

Contact your local Court office for details of where to send your confirmation form.

## Offers to settle

You may make an offer to settle at any time during your court case. An offer to settle outlines what you are willing to accept to resolve the issues. Your offer to settle should be clear, reasonable, and fair. Offers to settle can help you come to an agreement with the other party, and they can also be used to request costs against the other party.

The trial judge can only see any offers to settle after they have made a decision on your motion.

## What to expect at your motion

The *Family Law Rules* require you or your lawyer to have contacted the other party before your motion is heard, to see which of the issues can be settled. (See **subrule 14(11)(c)**)

If your motion is being argued in person at the courthouse, you can find the courtroom where your motion will be heard by asking court staff, or you can look it up at the online Daily Court Lists: <https://www.ontariocourtdates.ca/>

Once you've found the courtroom, you may be required to sign in with the court registrar. The judge normally has a list of motions scheduled so you may have to wait for your turn. Some judges deal with the quickest motions first, so you should let the court registrar know if you and the other party have come to an agreement or if you don't expect the other party to attend the motion.

If your motion is being held virtually, zoom information will be provided to you either in your Case Center file or by the court's Trial Coordination Office.

Arrive at least 30 minutes before the time your conference is scheduled to begin. This will give you one more chance to discuss your case with the other party, which you are required to do under the *Family Law Rules* unless there is court order prohibiting contact (see **subrule 14(11)(c)**).

If the other party agrees, you can also see the [on-site mediator](#) to try working together to resolve the issues in your motion.

You should be ready to speak to the judge to explain what orders you are asking the Court to make, and the evidence that you are relying upon in support of your request. This is known as **making your submissions**. In your submissions, you can only refer to the evidence that you have included in your motion materials or evidence that has been filed by the other party. In other words, the judge cannot consider information that is not in any affidavit or sworn financial statement.

When hearing a motion, the judge will normally hear first from the moving party and then from the responding party. The judge may also have questions for you.

At the end of the hearing, the judge usually makes a temporary order that stays in place while you and the other party continue to try to resolve your issues on a final basis. The judge may decide right away, or they may reserve their decision to a later time. The judge's written decision is called an **endorsement**.

If the judge reserves the decision, it means that they need more time to review the evidence and think about the orders you have asked for. You may need to come back to court for the decision or you may be sent the decision in writing.

If you have issues participating at your court event because of a disability, you can get assistance from the court's [Accessibility Coordinator](#).

## **Family Responsibility Office (FRO) and Support Deduction Orders (SDOs)**

If a support order has been made, the court will automatically send it to the [Family Responsibility Office \(FRO\)](#). This is a government agency that enforces support orders by collecting money directly from the person who has been ordered to pay support (support payor). The FRO keeps a record of the amounts paid, and then pays that amount to the person who is owed the support (support recipient).

For more information about the FRO, see the [Government of Ontario's website](#) at <https://www.ontario.ca/page/paying-and-receiving-child-and-spousal-support> and [CLEO's Steps to Justice](#)

When making a support order, the judge will also sign a **Support Deduction Order (SDO)** and attach a **Support Deduction Order Information Form** with details of the

order for support. These are then sent to the FRO. You will be asked for information to help complete these forms.

## Draft court orders

There are different court order forms depending on the type of hearing it is. The general form for court orders, and the one most commonly used, is the **Form 25 (Order (General))**.

It is the responsibility of the lawyers in the case to have an order prepared. If neither of you have lawyers, court staff at the filing office will prepare the order for you.

See **Rule 25** of the Family Law Rules for more information about how orders are prepared.

For free online help preparing a draft order, see CLEO's Guided Pathways: <https://stepstojustice.ca/guided-pathways/family-law-draft-form-25/>.

## Costs

Under the *Family Law Rules*, the successful party on a motion is usually allowed to have a portion of their legal costs paid by the other side. You may be asked to tell the judge why you are asking for costs either verbally or in writing and to provide the judge with a summary of your expenses.

The judge considers several factors in deciding what costs should be paid, including how reasonable the party was during the motion and whether the party made reasonable offers to settle.

More information about how costs are decided can be found at **rule 18** and **24** of the *Family Law Rules*

## 15. Trials

Most family cases eventually settle by agreement, but sometimes a case will go to trial for a final resolution.

### Before your trial

---

#### Trial record

At least 30 days before the start of your trial, the applicant must serve the other party with a trial record and then file it with the court. See [rule 23\(1\)](#) for a list of the required documents.

The respondent may add required documents to the trial record up to **seven days** before the start of the trial. See [rule 23\(2\)](#).

The completed [Trial Scheduling Endorsement](#) form must also be included in the trial record.

---

#### Financial statements

If support or property is an issue at trial, you must continue to [update your Financial Statement](#) before trial in accordance with [rule 13](#) unless your Trial Scheduling Endorsement Form does not require this. Your updated Financial Statement must be included in your Trial Record.

---

#### Offers to settle

You may make an offer to settle at any time during your court case. An offer to settle outlines what you are willing to accept to resolve your case. Your offer to settle should be clear, reasonable, and fair. Offers to settle can help you come to an agreement with the other party, and they can also be used to request costs against the other party, if your case goes to trial.

The trial judge can only see any offers to settle after they have made a decision about your case.

More information about offers to settle can be found at [rule 18](#) and [rule 24](#) and CLEO's [Steps to Justice: https://stepstojustice.ca/questions/family-law/what-offer-settle-family-court-case/](https://stepstojustice.ca/questions/family-law/what-offer-settle-family-court-case/)

---

## Your witnesses at trial

You should only call witnesses whose evidence can help prove your case.

Your witnesses should be notified about testifying according to the following procedure:

- Fill out **Form 23: Summons to a Witness** and list any documents that you want them to bring.
- Serve the form on the witness and file it with the court.
- Provide the necessary witness fee set out in **rule 23(4)**

Remind your witnesses to bring any documents they have which you want to provide as evidence. These documents must be shared with the other party in advance of the trial, according to the timelines set out in the *trial scheduling endorsement form*. If your trial is taking place in person, the witness should bring the original document along with four copies.

It is your responsibility to make sure your witnesses are available when needed so that the trial is not delayed.

---

## Documents as evidence

Documents can be submitted as exhibits during the trial if they are **admissible**. A document is admissible if it is relevant to your case and genuine.

You can use admissible documents as evidence either when you testify or when you are questioning a witness who can testify about the document. If anyone disagrees about whether a document is admissible, the judge hears submissions from both parties and decides whether it is admissible.

You should prepare a file of all the documents that you plan to rely on at trial. This is called a **document brief**. Each party must exchange document briefs well in advance of your trial and according to the dates set out in the [Trial Scheduling Endorsement Form](#).

**Note:** before the trial, you must inform the other party of all the documents that you plan to use at trial. If you haven't done this, you may not be allowed to use the

documents at trial; the trial could be postponed; or you could be ordered to pay costs. See [rule 19](#).

## How to behave in court

1. Turn off all electronic devices that aren't being used in the hearing.
2. Stand up when the judge enters or leaves the hearing room and when you are speaking to the judge.
3. Refer to the judge as "Your Honour" and ask the judge for permission to speak before you begin speaking.
4. Always speak directly to the judge, not to the other party, except when you are examining a witness.
5. During the trial, don't interrupt other people except to object to an inappropriate question.
6. Don't argue with the other party or the judge.
7. Pay careful attention to what is being said. You can take notes while you are in court and you can also ask court staff for a copy of the digital recording that is being made.
8. If you want to use your own recording device, you must get permission from the court first.
9. Don't eat food or chew gum. Only water is allowed in the courtroom.
10. Refer to any witness by their title (such as Doctor or Professor) or by their identified pronouns. Don't use their first name.
11. Any documents you wish to give to the judge must be handed to the court Registrar.
12. If your hearing is being held by [videoconference](#), the same guidelines apply, although you do not need to stand when the judge joins the online session.

For information about virtual courtroom etiquette see [the guide on the Superior Court of Justice website at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/virtual-courtroom-etiquette-rules/>](#)

If you have issues participating at your court event because of a disability, you can get assistance from the court's [Accessibility Coordinator](#).

## Overview of the trial process

### Excluding witnesses

When the trial begins, if you or the other party asks the trial judge for an order excluding witnesses, the judge will likely grant the order. In that case, all witnesses except for you and the other party will be asked to stay outside the courtroom until it is time to give their evidence. This is done to make sure that a witness doesn't change their evidence in response to hearing another witness' evidence.

If an order is made excluding witnesses, you must not discuss any of the evidence given at the trial with any of your witnesses. You must also make sure that your witnesses are aware of this order and know they can't discuss their evidence with anyone until after the trial is over.

### Opening statement

The applicant goes first in a trial and they generally start with an **opening statement**. In their opening statement they summarize what they expect their evidence will be and let the judge know the specific orders they're asking for. The respondent may then give an opening statement right away if they wish, or they may wait until after the applicant has finished calling all their evidence.

### Evidence

After the opening statements, the parties introduce their evidence. Evidence can include testimony from witnesses, including the applicant, or the introduction of documents. Documents submitted at trial are called **Exhibits**.

The applicant's witnesses go first. When a party questions their own witnesses, it is called the **examination in chief**. After their examination in chief, those witnesses can be questioned by the respondent party, which is called a **cross-examination**. If a witness has been cross-examined by the respondent, they can be **re-examined** by the applicant only to clarify issues that were raised during the cross-examination. After the Applicant's last witness has been called, he or she **closes their case**.

The trial then continues with the examination of the respondent's witnesses. First there is an **examination in chief**, then the witness are **cross-examined** by the applicant, and then the respondent can **re-examine** them if necessary. After all the respondent's witnesses have been called, the applicant may bring **reply evidence** that relates to any **new** issue that the respondent has raised.

---

## Closing statement

After all the witnesses have been called, both parties can make submissions, called a **closing statement** about what they think the judge's decision should be, based on:

- what the witnesses have said,
- the documents that have been submitted as evidence, and
- the laws that apply.

The closing statement should go through the testimony that the witnesses have given, and the documents that have been accepted as exhibits, to show why the judge should agree with your position. You should **only** refer to evidence or issues in your closing if they were raised during the trial.

If you make your closing statement orally, the applicant goes first, followed by the respondent. The applicant then has a limited opportunity to reply to the respondent's statement. The judge may ask for closing statements to be delivered in writing.

## Examining witnesses

---

### Examination in chief

When you are examining your witnesses in chief, you give them a chance to give their evidence on the issues that you and the other party don't agree on. To prepare, make a list of questions that you plan to raise with each of your witnesses in advance.

You are **not** allowed to ask **leading questions** during examination in chief, except to establish basic facts (name, age, profession). A leading question is a question that suggests the answer to the witness. For example, you should not ask your witnesses the following question: "She is always late in picking up the children, right?"

If you ask questions that start with "who", "what", "where", "when", "why", "how" or "please describe", it will help you avoid asking a leading question.

**If you decide to testify on your own behalf, please note the following:**

- You will be asked to swear an oath or promise that you will tell the truth.
- The judge may ask you questions.
- You can use a written outline of your evidence if you agree to show it to the trial judge and the other party first.
- If you made notes at the time something happened, you must ask the judge for permission to look at those notes and explain why you need to look at them. For example, you may need to review your notes to refresh your memory. You will also have to show the other party your notes first to see if they have any objections.
- This is your opportunity to give evidence, not make arguments. You must only say what you personally saw, heard, did or received. You cannot give evidence on what another person told you that they saw, heard, did or received. Information you heard from other people is referred to as **hearsay**.
- Once your evidence as a witness is finished and you leave the witness stand, you can no longer give evidence without permission from the judge.

---

**Cross-examination**

You will be able to cross-examine each of the other party's witnesses in order to test if they are telling the truth and to bring out evidence that is helpful to your case. Unlike the examination in chief, you *can* ask leading questions in cross-examination.

During cross-examination, it may be helpful for you to ask a witness about:

- their ability and opportunity to observe the things that they told the Court.
- their ability to give an accurate account of what they saw or heard whether they have any interest in the case or any other reason to be biased.

Never argue with your witness or try to give evidence through your questions. Instead, you should put your view of the facts to the witness in the form of a question. For example, you could ask, "Do you agree that I did not see the children during the month of July?"

---

## Prior statements

If a witness has made a sworn or unsworn statement before trial that is important to your case and then the witness says something different at trial, you can cross-examine them about the statement they made. You can also cross-examine a witness about a statement they made earlier that was helpful to your case. This can include things like an older affidavit. To do so, you must:

- first ask the witness if they remember making the statement
- then read the prior statement
- then ask the witness to confirm that the statement was made, and if it was true

If the witness says the earlier statement was true, it is evidence that the statement is true. If the witness says it isn't true, it can only be used to question whether the witness is telling the truth now. This is sometimes called the **witness's credibility**.

If you plan to contradict a witness with specific evidence that you intend to give or have one of your witnesses give, you must ask the witness about that intended evidence when you cross-examine them. This gives the witness an opportunity to give their version of the facts. If you don't do this, the judge may not allow you to present that evidence, or they may give it less weight.

---

## Hearsay

Normally, the only evidence a witness can give is what they personally saw or heard. When a witness testifies about what another person said it is called **hearsay**. Hearsay is generally not allowed to show that the statement was true, but can be allowed to show that a statement or observation was made.

There are limited situations when hearsay may be admitted because it is accepted as necessary and reliable. Statements are seen to be **reliable** when they are trustworthy because of the situation under which they were made. Statements are **necessary** when there is no alternative way to bring that piece of information before the court.

---

## Objections

At any time during the questioning of a witness by the other party, you have the right to object to questions that are being asked, or documents that are being introduced, before they are submitted as evidence. You can only object to something if you can

show that there is a reason why it is not proper for the judge to hear or receive the evidence.

Some common objections include questions that are irrelevant, leading, confusing, vague or argumentative, or testimony that is beyond the witness's personal knowledge or expertise.

If you want to make an objection, you should stand up and wait for the judge to ask you to speak. When the judge is ready, you should state the reason for your objection. After hearing the other side's response, the judge will decide whether your objection is valid.

## Expert witnesses

Expert evidence is usually brought in when the expert can give the Court information that is outside of the experience and knowledge of the judge, and which can help to determine the issues. There are two types of experts:

---

### Litigation experts

A litigation expert is hired to provide an opinion for the purpose of the court case. A litigation expert normally does not have any other professional involvement with the family.

The most common litigation experts in family law cases are parenting assessors or financial experts.

If you want to give evidence from a litigation expert, you must follow **rule 20.2** by serving a written expert report at least six days before your settlement conference, and any supplementary reports at least 30 days before your trial. Unless the other party agrees to the introduction of the expert report at trial, you must call the expert as a witness.

---

### Participant experts

A participant expert can provide an opinion based on their involvement with the family outside of the court case, such as a family doctor.

If you want to give evidence from a participant expert, you must also give notice to the other party at least 6 days before your settlement conference. If you choose to

rely on the expert's written opinion, you must also serve it on the other side by that date. See **subrule 20.2 (14)**.

---

## **Qualifying the expert**

The judge must decide whether to accept a person as an expert. This is called **qualifying the expert**. They do this based on the expert's education, experience, and any special knowledge of the issue. You should tell the judge if you wish to object to the qualification of the other party's expert witness.

If qualified, the expert will be permitted to give their opinions in the field of their expertise.

## **The judge's decision**

After the parties make their closing statements, the judge may make a decision right away and tell you what it is. They can also *reserve* their decision which means that they will take more time and you will hear from the Court later, in writing.

Once a decision is made, the judge may schedule a separate hearing to deal with costs or may ask you to file written arguments about who should pay costs and how much they should pay.

## **Costs**

Under the *Family Law Rules*, the successful party is usually allowed to have a portion of their legal costs paid by the other side. You may be asked to tell the judge why you are asking for costs either verbally or in writing and to provide the judge with a summary of your expenses. The judge considers several factors in deciding what costs should be paid, including how reasonable the party was during the trial and whether the party made reasonable offers to settle.

More information about how costs are decided can be found at **rule 18** and **24** of the *Family Law Rules*

## 16. Changing a Final Order (Motions to Change)

After your case has ended, there may be times when your situation has changed, and you need to request a change to some of the terms in your final court order. For example, you may need to change:

- the amount of child or spousal support payments
- parenting arrangements, including parenting schedules and decision-making

To change a final order, you must file a **Motion to Change**. The process for these court proceedings is set out in **rule 15** of the *Family Law Rules*.

### Starting your case in the right court

You must start your case at the level of court that made the final order. If the order you want to change was made at the Superior Court of Justice, including the Family Court branch, you must start your case in either of those courts. If you are trying to change an order from the Ontario Court of Justice, you must bring your case to that court.

If your case involves parenting issues such as decision making or parenting time, you need to start the case in the municipality where the child lives.

**Rule 5** of the *Family Law Rules* tells you more about where you should start your case.

### The parties on a motion to change

If you are changing a final court order, you must include all the parties who participated in the initial court application. You must indicate on the form the names and information of the applicant and the respondent. These continue to be the same as on the initial application no matter who is starting this new court proceeding. In other words, the applicant remains the applicant and the respondent remains the respondent.

The party who starts the motion to change - whether the applicant or the respondent - is called the **moving party**.

## Preparing your motion to change

---

### If all parties agree with the change, Forms 15C and 15D

If the other party consents to the requested change, you should prepare and file a **Form 15C: Consent to Motion to Change**.

If the requested change is only about child support, prepare a **Form 15D: Consent to Motion to Change Child Support**.

---

### If parties do not agree with the change, Form 15

If parties do not agree on the requested change, you start your case by preparing a **Form 15: Motion to Change**. This form must be commissioned, which means you must sign the Form 15 Motion to Change in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your motion to change if you do not have a lawyer.

All the forms that you need to prepare for a motion to change are available at the [Ontario Court Services website](https://ontariocourtforms.on.ca/en/family-law-rules-forms/) at <https://ontariocourtforms.on.ca/en/family-law-rules-forms/>

For more information about changing a final court order, see CLEO's [Steps to Justice](#) and [Guided Pathways](#).

You must **always** include a copy of the original order with your motion to change.

There are different forms you may need to prepare with your motion to change if it is not being brought on consent, depending on what you want to change.

See [Part 8, Step 3](#) of this guide for more information on the documents listed below.

---

### Changing parenting orders - Form 35.1: Affidavit

If you are requesting to change decision-making responsibility or parenting time, you will need to complete a **Form 31.5 Affidavit (Decision making, parenting time and contact)**

If a children's aid society has been involved with your family, you must also serve and file a **Form 35.1A Affidavit** (child protection information).

---

## Changing support orders - Form 13: Financial Statement

If you are trying to change child or spousal support, you must also serve and file a [Form 13: Financial Statement](#).

If you are requesting [special or extraordinary expenses](#) for a child, you must provide proof of these expenses, such as receipts.

---

## Confirmation of Assignment

If the person receiving support has received social assistance (Ontario Works (OW) or Ontario Disability Support Program (ODSP)), they may have assigned their support payments to the Ministry of Community and Social Services (“Ministry”) or a municipality. This means that your unpaid support may be owed to Ministry or the municipality (the assignee) and not the other party.

When you are preparing your motion to change, you must also complete a [Confirmation of Assignment](#) form and send it to the Confirmation of Assignment Unit. This form will be returned to you with the name of every assignee in your case and must be filed along with your Motion to Change.

You **must also** serve your motion to change on these assignees, since they have an interest in the support debt you are trying to reduce or erase, and they have the right to participate in the case.

The form can be found at your local courthouse or online at the [Central Forms Repository](#): <https://forms.mgcs.gov.on.ca/dataset/006-3006>.

---

## Family Responsibility Office (FRO) Statement of Arrears

If your support arrangement is registered with the [Family Responsibility Office \(FRO\)](#), you will also need the most recent copy of the Director’s **Statement of Arrears**. This is a record of everything you have paid to FRO under the current order, and how much you owe.

To request your statement, you must send the FRO a request form, available on Ontario’s [Central Forms Repository website](#):  
<https://forms.mgcs.gov.on.ca/dataset/006-3006>

---

## Form 13A: Certificate of Financial Disclosure

You must also serve and file a **Form 13A: Certificate of Financial Disclosure**, which must be updated, served and filed with the Court before your conferences.

See **subrules 13(5.0.2) and 13(13.1)** about updating your certificate of financial disclosure before court attendances.

If you do not provide your financial disclosure, you may also be held responsible for costs that the other party has spent on the case.

### Issuing your motion to change

Once you have prepared the documents you need, the motion to change must be issued by the Court. This means a court clerk will check the documents to make sure they are properly completed, and then signs and stamps them and gives you a file number.

You are encouraged to issue and file all your court documents using the Justice Services Online portal, although in-person filing is still available at all courthouses.

### Serving your motion to change

Next you need to serve the motion to change and all the related documents personally on the other party (special service). You must also give the other party blank copies of forms **15B: Response to Motion to Change** and **15C: Consent Motion to Change** or **15D: Consent Motion to Change Child Support** which they can use to respond to the motion to change.

Because this is the first step in the case, your motion to change must be served by someone other than you. You may have a friend or family member who is 18 or older serve your documents or you can hire a process server to do this for you.

See **subrules 6(3) and 6(4.1)** of the *Family Law Rules* for more information about special service.

For information on serving documents, see the Ministry's website at: <https://www.ontario.ca/document/guide-procedures-family-court/serving-your-documents>

## Filing your motion to change

All the documents you intend to use in your court case must be filed with the court after they are served on the other party. By filing the documents with the court, you put them in the court's official case file, called a **continuing record**.

You must always file a form **Form 6B: Affidavit of Service** when you file your documents to prove that they were given to the other party. Because this form is an affidavit, the person who served the documents must sign it in front of a lawyer or commissioner of oaths to affirm or swear that what it says is true. A clerk at the courthouse can commission your affidavit if you do not have a lawyer.

See part 9 of this guide for information on [electronic filing and using Case Center](#) to view your court documents at court.

## Responding to a motion to change

If you have been served a motion to change and you agree with the changes, you can complete the relevant portions of **Form 15C: Consent Motion to Change** or **15D: Consent Motion to Change Child Support**.

If you don't agree, you must serve and file a **Form 15B: Response to Motion to Change** with all the required documents. You have 30 days to respond to the case, (or 60 days if you are outside Canada or the United States).

For more information about changing a final court order, see CLEO's [Steps to Justice](#). For free online help to fill out your court forms, see CLEO's [Guided Pathways](#).

You, or any other person over 18 years old, can serve your answer by either regular service or [special service](#). **Regular service** means that you can give the other party, or their lawyer, your documents by e-mail, mail, or courier. Service by mail must be mailed 5 business days before the normal deadlines.

See [subrule 6\(2\)](#) for more information about regular service. For more information on serving documents, see the [Ministry's website](#) at: <https://www.ontario.ca/document/guide-procedures-family-court/serving-your-documents>

See part 9 of this guide for information on [electronic filing and using Case Center](#) to view your court documents at court.

## Case or settlement conference

Your [First Appearance](#) court date may be automatically scheduled if your case is in the Family Court Branch. The next step will normally be a [case conference](#) with a judge or a [Dispute Resolution Officer](#).

**Subrule 15(24.1)** of the [Family Law Rules](#) requires the judge at the first appearance to determine the best process for reaching a quick and just conclusion of your motion to change.

## Dispute Resolution Officer (DRO)

Some courts have Dispute Resolution Officers (DROs) who conduct the first case conferences on Motions to Change and certain court applications. **A DRO is not a judge**; a DRO is an experienced family lawyer that has been approved by the Regional Senior Judge.

DROs try to identify, resolve, or settle issues you do not agree on by:

- helping the parties come to an agreement on the issues in dispute,
- helping you get a consent order from the Court if the parties have reached an agreement on any issues in the case, including financial disclosure and other procedural issues,
- helping the parties organize the issues and exchange financial documents so that the case is “judge ready”

The DRO program currently operates in the following locations: Toronto, Barrie, Brampton, Durham, Milton, Newmarket, Hamilton, London, St. Catharines, Kitchener, Kingston and Welland.

For more information about the Dispute Resolution Officer program, see the [Superior Court of Justice Provincial Family Practice Directions](#).

## A final decision on a motion to change

If the issues are not settled at the conference, the motion to change can be dealt with at a motion where a judge makes a decision based on the written evidence that has

been filed by the parties. In some cases, it may be necessary to schedule a trial or a focused hearing to have the case resolved.

## 17. Online (Virtual) Court Attendances

Many court attendances are now being held virtually instead of in-person. The court has provincial guidelines setting out which events will happen virtually by default.

The provincial guidelines are available on the Superior Court of Justice Website, [Consolidated Provincial Practice Directions for Family Proceedings](#).

When your event is scheduled, you will be told how it will be heard. If the event is proceeding on Zoom, check your [Case Center](#) file for the log in information.

You will need to make arrangements so that you can participate in any virtual court events just like you would arrange to attend court in-person. That means you must have the ability to connect into the event.

Here are some suggestions to help make your participation in the event go as smoothly as possible:

1. Try to find a quiet, private space with minimal disruptions.
2. If the hearing is a videoconference, it is best if you can join online with a video camera. If you can't, you can call into the event from a landline (preferable) or cellphone. Call-in details are included with every zoom invitation.
3. If you are participating by videoconference, make sure you have enough bandwidth (minimum 1 Mbps; for best connection, you need 3 Mbps). If you have low bandwidth, it is best to connect to the internet using an ethernet cable and not the WIFI.
4. Make sure your phone or device is charged in advance or connected to power so it does not run out of battery during the hearing - videoconferences can use up battery quickly.
5. Close any apps and windows on your device that you are not using for the hearing and turn off other devices in your vicinity. This will reduce interruptions to your internet connection.
6. If you lose the connection to the hearing, you should immediately try to rejoin. Keep the joining instructions (meeting information and passcodes) nearby so that you know where to find them if you are disconnected.

7. If you are struggling to follow the hearing, you should let the Court know right away. If you are participating by videoconference, you can do this by speaking, putting your hand up, or (on the Zoom platform) pressing a button to raise a 'virtual' hand. If you are joining a Zoom hearing by telephone, you can put your hand up by pressing \*9.
8. Use your first and last name as your screen name on zoom so that all participants know who is in the videoconference. If you are participating by telephone you will need to identify yourself verbally.
9. You may need to wait for your case to be called, particularly if you have been scheduled on a motions list. Until your case is addressed by the court, please mute your microphone.
10. It is important to wait your turn to speak and unmute yourself when it is your turn. Otherwise, it becomes very difficult for participants to follow the discussion.
11. Just as you would attend court in person, you should not plan to eat or drink anything but water during the court attendance.
12. You will want to have the important documents related to your case with you so that you can refer to them during the hearing. These materials must be uploaded into your Case Center file (in the appropriate bundle for the event) once they have been accepted for filing.

If you have issues participating at your court event because of a disability, you can get assistance from the court's [Accessibility Coordinator](#).

## 18. Additional Information and Resources

\*Note: this is not a comprehensive list of all resources available for family litigants, and it should not be seen as an endorsement of any of the specific content. It is only offered as a starting point for your own research.

### Family Law - General

- **Steps to Justice** (Community Legal Education Ontario - CLEO) – Public legal information about family law and the court process.  
<https://stepstojustice.ca/legal-topic/family-law>
- **Family Law information Centres** (FLIC) – (Ministry of the Attorney General)  
<https://www.ontario.ca/page/family-law-information-centres>
- **What You Should Know About Family Law in Ontario** (Ministry of the Attorney General)  
<http://www.attorneygeneral.jus.gov.on.ca/english/family/famlawbro.asp>
- **Family Law Services** (Ministry of the Attorney General)  
<https://www.ontario.ca/page/family-law-services>
- **Family Court Services** (Superior Court of Justice)  
<https://www.ontariocourts.ca/scj/family/court-services/>
- **Guided Pathways** (CLEO) Free online tool to help prepare many family court documents <https://stepstojustice.ca/guided-pathways/family-law-about/>
- **Family Law Handbook** – Guide for self represented litigants (Canadian Judicial Council, 2021) <https://cjc-ccm.ca/en/what-we-do/initiatives/representing-yourself-court>
- **Corollary Relief Matrimonial Website** – Links to court decisions, practice directions, legislation, useful apps and other services and resources.  
[www.protopage.com/corollaryrelief](http://www.protopage.com/corollaryrelief)

### Family Law Court Procedures

- **Family Law Rules**  
[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_990114\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_990114_e.htm)

- **Ontario Court Family Forms**  
<http://ontariocourtforms.on.ca/en/family-law-rules-forms/>
- **Superior Court of Justice Practice Directions and Notices**  
<http://www.ontariocourts.ca/scj/practice/>
- **Guide to procedures in a family case** (Ministry of the Attorney General)  
<https://www.ontario.ca/document/guide-procedures-family-court>
- **Questions About Going to Court** (Community Legal Education Ontario)  
<https://stepstojustice.ca/legal-topic/family-law/going-family-court>
- **Steps in a Family Law Case** (Community Legal Education Ontario)  
<https://familycourt.cleo.on.ca/en/about-flowcharts>
- **Family cases at the Superior Court of Justice** - (Superior Court of Justice)  
<https://www.ontariocourts.ca/scj/family/>

## Parenting

- **Tools to help create a parenting plan** (Department of Justice Canada)  
<http://www.justice.gc.ca/eng/fl-df/parent/plan.html>
- **Parenting Plan Guide and Template** (Association of Family and Conciliatory Courts (AFCC) Ontario) <https://afccontario.ca/parenting-plan-guide-and-template/>
- **Steps to Justice** (CLEO) How to make an agreement the court can enforce.  
<https://stepstojustice.ca/steps/family-law/2-make-agreement-court-can-enforce>
- **Parenting Scheduling and Communications Tools** (recommended by the Association of Family and Conciliatory Courts (AFCC) Ontario)  
<https://afccontario.ca/resources/parenting-plan-communication-tools/>
- **Information about supervised access services in Ontario** (Government of Ontario) <https://www.ontario.ca/page/supervised-access-centres>

## Child and Spousal Support

- **General information regarding child support and spousal support** (Community Legal Education Ontario). <https://stepstojustice.ca/legal-topic/family-law/child-support/> - <https://stepstojustice.ca/legal-topic/family-law/spousal-support/>
- **How to determine child support** (Government of Canada) <http://www.justice.gc.ca/eng/fl-df/child-enfant/ft-tf.html>
- **Spousal Support Advisory Guidelines (SSAG)** Guidelines for calculating spousal support. [www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html](http://www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html)
- **Information about spousal support** (Ministry of the Attorney General) <https://www.ontario.ca/page/spousal-support>
- **My Support Calculator** - online support calculation tool. [www.mysupportcalculator.ca](http://www.mysupportcalculator.ca)
- **Information about enforcement by the Family Responsibility Office** <http://www.ontario.ca/page/paying-and-receiving-child-and-spousal-support>

## Property

- **General information regarding property division** (MAG, includes information about pensions and the matrimonial home). [www.attorneygeneral.jus.gov.on.ca/english/family/divorce/division\\_of\\_property/](http://www.attorneygeneral.jus.gov.on.ca/english/family/divorce/division_of_property/)
- **Separation and Divorce: Property Division for Common-law couples and Married couples** (Community Legal Education Ontario). Common law couples: <https://www.cleo.on.ca/en/publications/property-division-common-law-couples> and <https://www.cleo.on.ca/en/publications/property-division-married-couples>
- **Matrimonial Real Property on Reserves** (Indigenous Services Canada) <https://www.sac-isc.gc.ca/eng/1100100032553/1581773144281>

## Mediation

- **Court-Connected Family Mediation Programs in Ontario** (Ministry of the Attorney General Ontario) <http://www.attorneygeneral.jus.gov.on.ca/english/family/mediation.asp>

- Locate an accredited private mediator through the **Ontario Association for Family Mediation, Family Dispute Resolution Institute of Ontario (FDRIO)** or the **Alternative Dispute Resolution (ADR) Institute of Ontario**

[www.oafm.on.ca/](http://www.oafm.on.ca/) <http://www.fdr.io.ca> <https://adric.ca/>

## Legal services

- **Law Society Referral Service** (Law Society of Ontario) - referrals to lawyers and a 30- minute free consultation. [www.findlegalhelp.ca](http://www.findlegalhelp.ca) or 1-855-947-5255
- **Law Society Lawyer and Paralegal Directory:** <https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/lawyer-and-paralegal-directory>
- **Ontario Bar Association Directory of Lawyers**  
<https://www.oba.org/For-the-Public/Find-a-Lawyer>
- **Legal Aid Ontario** - free advice, duty counsel and counsel for low income parties. [www.legalaid.on.ca/services/family-legal-issues/](http://www.legalaid.on.ca/services/family-legal-issues/) toll free 1-800-668-8258
- **Limited Scope Services Project** - family lawyers who provide unbundled (pay per service) legal services. [www.familylawlss.ca/](http://www.familylawlss.ca/)
- **Ontario Legal Information Centre** - bilingual legal information and referral services to anyone in Ontario with a legal problem. 1 (844) 343-7462 - [info@centreinfojuridique.ca](mailto:info@centreinfojuridique.ca) - <https://centreinfojuridique.ca/>
- **Advice and Settlement Counsel project** - summary legal advice and assistance at court for fee. <https://ascfamily.com/>
- **Justice Net** - sliding scale legal rates based on income. <https://www.justicenet.ca/>
- **Family Justice Centre** (Pro Bono Students Canada) - free, supervised student drafting assistance for those who qualify financially. <https://www.probonostudents.ca/family-justice-centre> - 647-952-3354
- **Urgent/Emergency Family Law Referral Telephone Line** (Law Society of Ontario) - free advice for people who do not have a lawyer and who believe they have an urgent or emergency family law matter. 1-800-268-7568 or 416-947-3310

## Family Violence

- **If you are dealing with family violence** and you need counselling, safety planning or resources, you can receive **emergency, 24-hour a day telephone support at:**
  - **The Assaulted Women's Helpline**, (200+ languages) at 1-888-938-1613 or dial #SAFE(7233) [www.awhl.org](http://www.awhl.org)
  - **Talk4Healing**, if you are an Indigenous woman living in Northern Ontario and speak English, Ojibway, Oji-Cree, or Cree, at 1-855-554-4325 <https://www.beendigen.com/programs/talk4healing/>
  - **Fem'aide**, if you speak French, at 1-877-336-2433 <https://femaide.ca>
  - **Ganohkwasra Family Assault Support Services**, if you are part of the Six Nations of the Grand River community, at 519-445-4324 <https://ganohkwasra.com>
- **Self-Help Guide to Applying for a Restraining Order** (Ministry of the Attorney General)  
[http://www.attorneygeneral.jus.gov.on.ca/english/family/guides/restraining\\_order/](http://www.attorneygeneral.jus.gov.on.ca/english/family/guides/restraining_order/)
- **Violence in the family** - What to do if you or a child is being abused by someone in your family. (Government of Ontario)  
<https://www.ontario.ca/page/violence-family>
- **Family Court Support Worker Program** - assistance for victims of domestic violence and going through the family court process (Ministry of the Attorney General Ontario) [www.ontario.ca/page/family-court-support-workers](http://www.ontario.ca/page/family-court-support-workers)
- **Luke's Place** - Legal Information Sessions <https://lukesplace.ca/for-women/group-sessions/> 905.728.0978 ext. 221
- **Luke's Place** - The family court survival workbook for women leaving abusive relationships. <https://familycourtandbeyond.ca/>
- **Barbra Schlifer Commemorative Clinic** - support for women who have survived violence <https://www.schliferclinic.com/> email - [intake@schliferclinic.com](mailto:intake@schliferclinic.com) 416-323-9149 (press 1 and then 1 again when prompted)
- **Services for Women Experiencing Domestic Violence** (Office of Women's Social and Economic Opportunity)

<https://www.ontario.ca/page/womens-social-and-economic-opportunity>

- **Oasis Centre Des Femmes** counselling and support services to French-speaking women survivors of violence living in the Greater Toronto and the region of Halton-Peel. [services@oasisfemmes.org](mailto:services@oasisfemmes.org) - 416-591-6565 - <https://www.oasisfemmes.org/english>
- **Changing Ways** - group sessions to learn non-abusive ways of resolving conflict. <https://www.changingways.on.ca/mens-programs>
- **Canadian Centre for Men and Families** - services for men have experienced Abuse or Violence in an intimate relationship <https://menandfamilies.org/> 1-844-900-2263

## Information and Services for Children

- **Talking to children about divorce and separation** - (Ministry of the Attorney General Ontario) <https://www.ontario.ca/page/talking-children-about-divorce-and-separation>
- **What Happens Next?** Information for Kids about Separation and Divorce (Department of Justice Canada). [www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/index.html](http://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/index.html)
- **Families Change** - A Kid's Guide to Separation and Divorce (Justice Education, Society British Columbia) <https://on.familieschange.ca/>
- **Little Children, Big Challenges - Divorce** (Sesame Street) <https://sesamestreetincommunities.org/topics/divorce/>

## Emotional and Mental Health

- **eMentalHealth.ca** - Finding mental health services in your community, separation and divorce. <https://www.ementalhealth.ca/Ontario/Separation-and-Divorce/index.php?m=heading&ID=42>

- **Canadian Mental Health Association** - Services that aid in long-term wellness including housing, employment, community connections and more.  
<https://cmhato.org/understanding-mental-health/>
- **Child and Youth Mental Health** (Canadian Mental Health Association)  
<https://ontario.cmha.ca/mental-health/child-and-youth-mental-health/>
- **Children’s Mental Health - the Basics** (Children’s Mental Health Ontario)  
[http://www.kidsmentalhealth.ca/children\\_youth/introduction.php](http://www.kidsmentalhealth.ca/children_youth/introduction.php)

## E-filing, Case Center and Videoconferencing

- **File family court documents online** (Government of Ontario) Learn how to file family court documents online - without having to go to court. You can file for a divorce, parenting orders, support, division of property and other family court orders. <https://www.ontario.ca/page/file-family-court-documents-online>
- **Filing Materials Electronically, Provincial Family Practice Direction, Part 1A** (Superior Court of Justice) Information about how filing online, the Standard Document Naming rules, filing fees and technical support.  
<https://www.ontariocourts.ca/scj/practice/consolidated-provincial-practice-direction-for-family-proceedings-at-the-superior-court-of-justice/>
- **Family Submissions Online Portal - Terms of Use** (Government of Ontario)
- **Case Center in the Superior Court of Justice: Guide and Technical Supports** (Ontario Superior Court of Justice)  
<https://www.ontariocourts.ca/scj/casecenter/cl-guide/>
- **Zoom Troubleshooting and Frequently Asked Questions**  
[https://support.zoom.com/hc/en/article?id=zm\\_kb&sysparm\\_article=KB0063407](https://support.zoom.com/hc/en/article?id=zm_kb&sysparm_article=KB0063407)