

Scheduling of Family Matters

Information

Last updated: August 29, 2023

**This Notice replaces previously announced notices.*

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1. INTRODUCTION

This Notice sets out how family law proceedings in the Ontario Court of Justice are scheduled and conducted as of October 10, 2023, and until further notice.


Family matters are to be heard in-person, by virtual technology (video or telephone) or a combination of in-person and virtual technology, according to the chart below.

If a party and/or lawyer wish to request a different mode of appearance, use Form 17F or 14B to request the change, according to local practice.

Except for First Appearance Court or First Court Date, if your case was scheduled for a hearing prior to October 10, 2023 and



is different from the modes of appearance outlined below, the hearing will proceed as originally scheduled. For example, if a virtual hearing was scheduled prior to October 10, 2023, but the mode of appearance is now an in-person hearing, the appearance will continue as a virtual hearing, unless otherwise directed by a judge.

If you are unsure whether your case is being held in-person, by video or telephone or a combination of in person and remote, please contact your lawyer or, if you do not have a lawyer, contact the courthouse where your case is being heard. Contact information can be found here: [Ontario court locations, service hours and contacts | Ontario.ca](#) .

All participants should review the [Remote Appearances Code of Conduct](#) prior to attending any virtual court proceeding.

Family Law Act, Children's Law Reform Act and other domestic family proceedings:

Hearings: Appearance:	Mode of
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First Appearance Court/First Court Date by a Clerk or Judge for the <u>North East and North West regions only.</u>	Parties and their lawyers may attend the First Appearance Court virtually, if technology is available, unless otherwise directed by a judge.
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First Appearance Court/First Court Date by a Clerk or Judge <u>for the Toronto, Central West and West regions only.</u>	Parties and their lawyers will be required to attend First Appearance Court in person, unless
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otherwise directed by a judge.

Initial Case Conference	Virtual, if technology is available, and unless otherwise directed by a judge
Continuing Case Conference	Virtual, if technology is available, and unless otherwise directed by a judge
Settlement Conference	In-person, unless otherwise directed by a judge
Trial Management Conference	Virtual, if technology is available, and unless otherwise directed by a judge
Combined Conferences if combined with settlement conference	In-person, unless otherwise directed by the judge
Motions	Virtual if technology is available, and unless

otherwise directed by the judge

Trial Audit/Assignment Court

Virtual if technology is available, and unless otherwise directed by the judge

Trials/ Summary Judgment Motions/Focused Hearings

In-person, with discretion for witnesses to appear virtually (hybrid), unless otherwise directed by the judge

Hague and Non-Hague Jurisdictional Motions

In-person, unless otherwise directed by the judge

Family Responsibility Office (FRO), Interjurisdictional Support Orders Act (ISOA) and Hague and non-Hague Jurisdictional Proceedings:

Hearings:

Mode of Appearance:

FRO Default Hearings (first appearances)

In-person, unless otherwise directed by the judge.

FRO To Be Spoken To

Virtual, unless otherwise directed by the judge, if technology is available.

FRO Default Hearings where temporary or final orders being sought (if seeking imprisonment)	In-person, unless otherwise directed by the judge for interim appearances
FRO Motion for a Warrant of Committal	In-person, unless otherwise directed by the judge.
FRO Refraining Orders	Virtual, if technology is available and unless otherwise directed by the judge.
ISOA Motion to Set Aside the Registration of an Order	In-person, unless otherwise directed by the judge
Oral Hearings on ISOA applications	Virtual, if technology is available, and unless otherwise directed by the judge
<i>Child Youth and Family Services Act (CYFSA) (including adoption and openness) Proceedings</i>	
Appearance	Mode of
Appearance	
First Hearing, if child has been brought to a place of safety	In-person, unless otherwise directed by the judge

First Appearance on a Protection Application if child has not been brought to a place of safety; and Status Review Application	In-person, unless otherwise directed by the judge
Case Conference	Virtual, if technology is available and unless otherwise directed by judge
Settlement Conference	In-person, unless otherwise directed by the judge
Trial Management Conference	Virtual, if technology is available and unless otherwise directed by the judge
Combined Conferences	In-person, unless otherwise directed by the judge
Motions (including Place of Safety hearing)	In-person, unless otherwise directed by the judge
Trial Audit/Assignment Court	Virtual, if technology is available and unless

otherwise ordered by
the judge

Trials

In-person with
discretion for witnesses
to appear virtually
(hybrid), and unless
otherwise directed by
the judge


Adoptions


In-person, if parties
seek an appearance,
and unless otherwise
directed by the judge.

Openness Applications

Virtual, unless
otherwise directed by
the judge

2. FAMILY COURT LOCATIONS

Court locations with contact information may be found here:
[Ontario court locations, service hours and contacts | Ontario.ca](#)



Daily court lists for family matters at the Ontario Court of
Justice may be found here: [Daily Court Lists](#) 

3. FAMILY LAW RULES

The times prescribed in the Family Law Rules to take any step in
a family law proceeding continue to be enforced. If you do not

take the steps needed in your case, your case may go ahead without you.

4. WITNESSES

If you are a witness and have any questions or concerns about your summons or about an upcoming court date, please contact the person listed on the summons or on the correspondence you received with your summons. If there is no contact information on your summons, contact the courthouse by email: [Courthouse email addresses](#) or by telephone: [Court Addresses and Phone Numbers](#) 

5. FILING

Please see below for the Naming Protocol of Documents when submitted electronically.

Documents may be submitted in three ways:

1) electronically using the Family Submissions Online; or


2) in-person at the courthouse; or

3) electronically using email to file documents only in the following circumstances:

- For documents for a court attendance that is 5 business days or less away
- For urgent matters, including requests for an urgent hearing
- If you have a court order requiring you to file by email

Family Submissions Online:

The Family Submissions Online portal provides a simple method to electronically submit court documents, at every step in a case, in any new or existing family proceeding in the Ontario Court of Justice. Note, however, that there are

limitations to documents that may be filed at this time. Please check www.ontario.ca/familyclaims  to ensure that your documents may be filed using the portal.

If the court clerk accepts the document for filing or issuance, they are considered filed as per the date indicated on the document.

Counsel and parties must keep any document that was originally signed, certified or commissioned in paper format until the court finally disposes of the matter or if a notice of appeal is not served in the case, the time for serving the notice has expired.

When a document has been filed electronically, it is not necessary to file a paper copy.

In-person Filing:

If you are unable to file documents in a family court matter by the Family Submissions Online portal or by email,

contact your local courthouse to determine the other options that are available or attend your local courthouse. Contact information for all courts in Ontario is available on the Ministry of the Attorney General

website: <https://www.ontario.ca/locations/courts> 

Email Filing:

If you cannot file a document using Family Submissions Online or in-person, documents and requests may be emailed to the appropriate courthouse only in the following circumstances:

- For documents for a court attendance that is 5 business days or less away
- For urgent matters, including requests for an urgent hearing
- If you have a court order requiring you to file by email

Email filing requirements continue to include the following:

1. The list of email addresses for each court may be found here: [Courthouse email addresses](#)
2. In order to ensure your request is received and processed by the appropriate court office, the **subject line** should include the following information:
 - i. LEVEL OF COURT (OCJ)
 - ii. TYPE OF MATTER (Family, CYFSA)
 - iii. FILE NUMBER (Indicate NEW if no court file number exists)
 - iv. TYPE OF DOCUMENT (Motion, Application, Case Conference, Settlement Conference, Trial Management Conference, Combined Conference, Trial Record, Focused Hearing, Other Request)
3. The **body of the email** should include the following information if applicable:
 - i. court file number (if it is an existing file)
 - ii. short title of proceeding
 - iii. list of documents attached (note: attachments cannot exceed 35MB)
 - iv. type of request
 - v. confirmation of service, setting out when and how any other party was served.
 - vi. name, role (i.e. legal representative, party, etc.,) and contact information of person submitting the request (email and phone number)

When a document has been filed electronically, it is not necessary to file a paper copy.

Important Information Regarding Electronic Filing

Naming Protocol for Documents:

NOTE: The Naming Protocol below replaces previous Naming Protocols.

When documents are submitted to the court in electronic format, the document name must indicate the following

information in the following order:

1. Document type, including the form number (For example, Application, Form 8),
2. Type of party submitting the document (For example, Applicant, Respondent or Third Party)
3. Name of the party submitting the document, including initials if the name is not unique to the case (For example: P. Smith and B. Smith – initials must be used if the parties share a last name; Smith and Thomas – initials are not required if the parties do not share a last name), and
4. Date on which the document was created or signed, in the format DD-MMM-YYYY (For example: 12-JAN-2021).

Below are sample document names:

Application Form 8 – Applicant – P. Smith – 12-JAN-2021

Notice of Motion Form 14 – Respondent – J. Brown – 21-DEC-2021

Affidavit General Form 14A – OCL – 01-JUL-2021

Document names shall not include firm-specific naming conventions or court file numbers.

Abbreviations may only be used as follows:

APP for Applicant

RESP for Respondent

O for Other

For institutional litigants:

CAS for Children's Aid Societies

FRO for Family Responsibility Office

OCL for Office of the Children's Lawyer

CaseLines:

As of December 2021, the Ontario Court of Justice began to use CaseLines. This platform has been rolled out regionally across the province. For more information on the CaseLines document sharing platform, please see: [Thomson Reuters CaseLines User Support](#). For additional information, please see the OCJ's CaseLines Notice to the Profession: <https://www.ontariocourts.ca/ocj/caselines/>

Sworn Documents:

Parties must file sworn documents.

Litigants and counsel may file affidavits that have been virtually/ remotely commissioned, as permitted by [O.Reg. 431/20: Administering Oath or Declaration Remotely](#), under the *Commissioners for Taking Affidavits Act*.

Signed Documents:

The Ontario Court of Justice will continue to accept electronically signed documents where a signature is required. An electronic signature consists of electronic information that identifies the signatory and the date and place of signing.

Other Important Information Regarding Filing:

As per previous Notices regarding the Scheduling of Family Matters in the Ontario Court of Justice, the following expectations continue to be in place:

By submitting documents by Family Submissions Online or email to the court, the party/legal representative agrees to accept email communication from the court with respect to the proceeding.

The materials should also include any relevant prior orders or endorsements that were issued.

These instructions are subject to direction from a judicial official.

6. PRE-COURT DISCUSSIONS

As per previous Notices regarding the *Scheduling of Family Matters in the Ontario Court of Justice*, the following expectations continue to be in place:


Parties should make reasonable efforts to communicate prior to a hearing to attempt to resolve the issues. If a contested hearing is necessary, parties should determine the issues that remain in dispute. The parties should make efforts to narrow the issues as much as possible and discuss the nature of any evidence to be heard and how it will be presented.

7. LEGAL RESOURCES

Legal Aid Ontario

If you do not have a lawyer and you have a family law case before the Ontario Court of Justice and/or a scheduled family hearing, contact Legal Aid Ontario at **1-800-668-8258** to inquire about assistance.

Law Society of Ontario (LSO) Referral Service


The Law Society of Ontario's Referral Service will give you the name of a lawyer within or near your community, who will provide a free consultation of up to 30 minutes to help you determine your rights and options. You can start the online process of obtaining a lawyer referral at <http://www.findlegalhelp.ca/> , 24 hours per day.

A Guide for Self-represented Family Litigants


The Ontario Court of Justice has information for self-represented family litigants. You may find the information

here: <https://www.ontariocourts.ca/ocj/family-court/>.

Law Society of Ontario's (LSO) Pilot Project for Articling and LPP/PPD student appearances in OCJ Family Matters

To help facilitate the delivery of affordable family law services, starting on January 17, 2022, articling and LPP/PPD students may appear on certain events in a family law case without needing advance permission from the Court as required by Family Law Rule 4(1)(c). The list of these attendances will be available shortly on the Law Society of Ontario's website: <https://lso.ca/home> . Students who are authorized to appear on these attendances as part of this pilot must be prepared with full instructions for matters that are expected to be addressed and appropriately supervised by a lawyer in their firm. Moreover, the supervising lawyer with knowledge of the matter must be available on-call to assist with the matter at the request of the presiding judge. More details about the requirements of this pilot will also be available shortly on the LSO's website.

Pro Bono Students Canada Family Justice Centre:

Pro Bono Students Canada will be hosting virtual legal clinics for Ontarians dealing with family law issues who are unable to afford a lawyer, but do not necessarily meet the threshold to qualify for legal aid services. At the virtual clinics, private bar family law lawyers will supervise law students in the delivery of unbundled legal services to self-represented litigants in Ontario. For more information, please see: <https://www.probonostudents.ca/family-justice-centre> 


8. MEDIATION

The Ministry of the Attorney General provides mediation services. You may wish to contact the mediation services for information about resources that are available in your location.

You can find them here: [Ministry of the Attorney General – Mediators by Court Location](#) 

Ontario Court of Justice

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