

**This Notice has been superseded or replaced by subsequent directives published on the Ontario Court of Justice website. This is an archived version provided for reference only.**

## **COVID-19: Scheduling of Family Matters in the Ontario Court of Justice (August 10, 2020)**

*\*This Notice supersedes previously announced notices.*

**Effective Date: August 10, 2020**

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### **1. INTRODUCTION**

Additional family law matters in the Ontario Court of Justice began to be heard as of July 6, 2020.

The Ministry of the Attorney General, which is responsible for courts administration and courthouse facilities, established an incremental plan to prepare courthouses and courtrooms to facilitate the return to full court operations across Ontario. The Ministry announced the first phase of the plan (Phase One) was to be implemented on Monday July 6, 2020, in a limited number of courthouses and courtrooms. Court operations will continue to expand with additional courthouses and courtrooms added as the Ministry continues to implement its plan, with a targeted completion date of November 1, 2020.

As part of the return to operations plan, the Ministry is implementing health and safety measures in each courthouse.

During Phase One on July 6, 2020, the Court was advised that site assessments of 93 OCJ courtrooms will be complete, and that all necessary health and safety precautions, based on public health expert advice,

will be implemented for the protection of all court users, including judicial officers, lawyers, litigants, witnesses, staff and members of the public. The Ministry committed to not re-opening a Phase One site on July 6, 2020 if it concluded that the health and safety of courthouse participants could not be adequately protected as of this date.

Persons attending court must ensure that they arrive for court early because of the extra screening requirements in order to be in court for their scheduled appearance. Because of the restrictions on the number of people who may be in the courthouse, unless essential, family members or supporters should not attend court with people who have scheduled appearances in court.

This Notice sets out how family law proceedings in the Ontario Court of Justice continue to be scheduled and conducted. At this time, there is no change in the scheduling of family matters that is being heard at the Ontario Court of Justice since the last Notice to the Profession and Public, dated June 17, 2020. The Court is continuing to have discussions to consider gradually expanding the range of family matters to be heard.

In order to protect the health and safety of all court users and to help contain the spread of COVID-19, **we continue to ask members of the legal profession and the public to NOT attend courthouses in person at this time unless you have been scheduled to appear in court or if you are unable to electronically file family court documents relating to a scheduled family law matter.**

**Under no circumstances should you come into a courthouse if you have been advised by public health officials, your doctor or the Ontario Ministry of Health (MOH) website**

**(<https://www.ontario.ca/page/2019-novel-coronavirus>) to self-isolate.** If you are unable to come to court because you have been told to self-isolate, contact the courthouse by email: [Courthouse email addresses](#) or by telephone: [Court Addresses and Phone Numbers](#)

Please continue to check the court's website for updates (<https://www.ontariocourts.ca/ocj/>). The Court will provide additional information about the scheduling and conduct of all court proceedings, including the Court's ongoing work to make more services available using remote technology. Court operations will continue to expand as the Ministry facilitates the opening of additional courthouses and courtrooms in accordance with its recovery plan. The Court will continue working actively with all

justice partners to implement a fair and orderly return to operations. As we do so, with the health and safety of all court users remains our paramount concern.

## **2. SCHEDULING OF FAMILY MATTERS IN THE ONTARIO COURT OF JUSTICE**

The existing *Scheduling of Family Matters in the Ontario Court of Justice* remains unchanged by this Notice.

On July 6, 2020, the Ministry of the Attorney General determined that the following court locations are part of their Phase 1 plan for re-opening of in-person family matters, unless ordered otherwise:

### **Ontario Court of Justice Courthouses Phase 1 (July 6, 2020)**

<b>Region</b>	<b>Courthouses</b>
Central West	Brampton, Brantford, Milton, Orangeville
Northeast	North Bay, Sault Ste Marie, Sudbury
Northwest	Thunder Bay
Toronto	311 Jarvis Street, 47 Sheppard Avenue East
West	Chatham, Guelph, Owen Sound, Sarnia, Windsor

Virtual courts (by teleconference or videoconference) remain essential to the reopening of courts and will continue as currently scheduled. Matters may be heard either in-person, by teleconference or videoconference (virtual courts) or a combination of in-person and virtual court appearances. A judge will determine how a matter will be heard.

Since July 6, 2020, **only** the following matters will be heard at the above specified court locations by **in-person attendances**, unless ordered otherwise:

- a. ***Child, Youth and Family Services Act (CYFSA)* trials and summary judgment motions;**
- b. ***Family Law Act (FLA)* and/or *Children's Law Reform Act (CLRA)* urgent trials and focused hearings, as determined by the judiciary;**
- c. ***Child, Youth and Family Services Act (CYFSA)* Settlement Conferences, Trial Management Conferences and/or combined Settlement/Trial Management Conferences;**

d. ***Family Law Act (FLA) and/or Children's Law Reform Act (CLRA) Settlement Conferences and/or Trial Management Conferences.***

Only a judge will decide if a matter is ready to proceed. This may require a remote court appearance before a judge. If a remote court appearance is necessary, you will receive notice of this by the court.

While court operations expanded as part of Phase 1, the number of courtrooms that are open, and the number of people who can attend inside the courtroom or courthouse, remains restricted.

Because of the restrictions on courthouse and courtroom attendance and considering the ongoing public health guidelines and other restrictions, it is essential that all parties and counsel take reasonable steps to ensure that matters scheduled for a court appearance are ready to proceed.

### **3. WITNESSES**

All witnesses subpoenaed or ordered to attend court for a hearing scheduled after July 6, 2020 must continue to attend court on the scheduled date, unless there is a court order that permits the witness to attend remotely.

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

### **4. URGENT MATTERS, CASE CONFERENCES AND OTHER FAMILY LAW MATTERS**

The OCJ continues to hear urgent matters, case conferences in previously adjourned matters and, subject to local direction, other family law matters, including certain in-chambers requests.

Urgent matters include:

- *Child, Youth and Family Services Act*: place of safety hearings (s. 90); temporary care and custody hearings (s. 94), restraining orders (s. 137), status review hearings (s. 113), and secure treatment orders (s. 161);

- Domestic matters: urgent custody/access motions; motions for restraining orders; Hague applications and non-Hague abduction cases; and
- *Family Responsibility and Support Arrears Enforcement Act*: refraining motions (s. 35).

Family court matters will proceed on a prioritized basis.

## **5. NEW APPLICATIONS**

**New applications, unless urgent, will not be heard at this time.** An announcement will be made shortly regarding the resumption of other in-person appearances in family matters.

## **6. OTHER FAMILY LAW MATTERS NOT INCLUDED IN THIS NOTICE**

All matters not included in this Notice will be adjourned 8 to 12 weeks, unless permitted to proceed in chambers or a judge has ordered that the matter proceed either remotely or in person.

## **7. FILING OPTIONS**

Effective August 6, 2020, documents and requests may be submitted in three ways:

- 1) electronically using the Family Submissions Online;
- 2) electronically using email to the appropriate courthouse; or
- 3) in-person at the courthouse.

### **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](http://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.

**Email Filing:**

If you cannot file a document using Family Submissions Online, documents and requests may be emailed to the appropriate courthouse.

**Email filing requirements continue to include the following:**

1. The list of email addresses for each court may be found here <https://www.ontariocourts.ca/ocj/covid-19/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 ((Case Conference, Settlement Conference, Trial Management Conference, Combined Conference, Focused Hearing, Motion, Urgent Application, Trial, 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.

**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. Note that entry into the courthouse will be controlled and court counters are only open between 9 a.m. to 11:00 a.m. and 2:00 p.m. to 4:00 p.m. Contact information for all courts in Ontario is available on the Ministry of the Attorney General website: [https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court\\_Addresses/](https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/)

**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:

Parties shall not assume that the judge hearing a matter will have access to the entire court file.

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.

A formal affidavit of service does not need to be filed. However, members of the legal profession/parties should retain a copy of any relevant affidavit(s) of service and/or related documents (e.g. email confirmations) and be prepared to produce it to the Court on request.

Materials sent by email must indicate when and how service on any other party was made. Legal representatives or parties should retain a copy of the relevant affidavit of service and/or related documents (e.g. email confirmations) and be prepared to produce it to the Court on request.

The materials should also include any prior orders or endorsements that were issued and that are relevant to the matter.

Where it is not possible to electronically file a sworn affidavit, affidavits may be delivered unsworn but the affiant must be available to participate in any telephone or videoconference hearing to swear or affirm the contents of the affidavit.

Requests for other family matters will be determined by a judge. Where a court attendance is required, contact your local courthouses to make arrangements for your attendance.

If a judge declared that your matter will be held after the court fully reopens, the documents which you submitted to the court may not be processed until regular court operations resume.

These instructions are subject to direction from a judicial official.

## **8. 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.

## **9. LEGAL RESOURCES**

### ***Legal Aid Ontario***

People who would have received in-person legal aid services through the Family Law Information Centres will be able to continue to get help from LAO over the phone by calling **1-800-668-8258**.

### ***Law Society of Ontario emergency family referral line during COVID-19***

The Law Society of Ontario continues to support a telephone line to assist people who are self-represented (SRLs) and trying to determine whether or not their family court matter meets the criteria to be heard by the court on an 'urgent' basis and, if so, how to proceed in making their request. The emergency service will connect SRLs with family lawyers, working on a pro bono basis, who will provide 30 minutes of legal advice specific to determining whether or not their family court matter is urgent and referrals to other available legal services.

SRLs may contact the law society by phone at the following numbers to access the service: Toll-free: 1-800-268-7568; General: 416-947-3310.

### ***Law Society of Ontario 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 during COVID-19***

The Ontario Court of Justice has prepared a guide for self-represented family litigants during COVID-19. You may find it here: [Guide for Self-represented Family Litigants during COVID-19](#)

**10. MEDIATION SERVICES**

The Ministry of the Attorney General provides mediation services. Free online mediation is available for anyone at first appearance, on a conference, motion or trial. Free intakes for 6-hour mediations are also by Zoom, along with the subsidized mediations. You may also wish to contact the mediation services for information about resources that are available in your location, including virtual mandatory information sessions.

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