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COVID-19: Scheduling of Family Matters in the Ontario Court of Justice (January 14, 2021)

**This Notice supersedes previously announced notices.*

Effective Date: January 14, 2021

- 1. JANUARY 12, 2021 ONTARIO'S SECOND STAGE OF EMERGENCY ANNOUNCEMENT:
- 2. INTRODUCTION:
- 3. FAMILY COURT LOCATIONS:
- 4. SCHEDULING OF FAMILY MATTERS IN THE ONTARIO COURT OF JUSTICE:
 - i. VIRTUAL COURTS
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1. JANUARY 12, 2021 ONTARIO'S SECOND STAGE OF EMERGENCY ANNOUNCEMENT:

In light of the government's January 12, 2021 announcement declaring a second state of emergency, the Court stresses the importance of limiting in-person attendance at courthouses. The Court is committed to facilitating the conduct of proceedings by remote technology wherever possible and urges all judicial officials, parties and counsel to use remote proceedings unless an in-person appearance is required to ensure meaningful access to justice.

The Court has encouraged all judicial officials, when exercising their authority, to be flexible and to respect why an individual may not be able to attend a court hearing in person, and to consider all reasonable alternatives to conducting a proceeding in person. Similarly, the Court encourages counsel

and parties to be accommodating when requests for virtual hearings or other arrangements are made by opposing counsel or parties.

Based on expert advice from Public Health Ontario, the Court will continue to accommodate in-person appearances where they are required to ensure meaningful access to justice. In consultation with Public Health Ontario, the Ministry of the Attorney General has implemented a broad range of health and safety measures at all courthouses open to the public. **It remains of critical importance that all who attend a courthouse in person be vigilant in maintaining the public health and safety protections in place at each court facility.** For information about the health and safety measures implemented at Ontario's courthouses, please see the Ministry of the Attorney General website.

2. INTRODUCTION:

This Notice sets out how family law proceedings in the Ontario Court of Justice are scheduled and conducted, as of January 14, 2021.

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

The health and safety measures include screening of all persons entering the courthouse. You can complete the online screening before going to court: <https://covid-19.ontario.ca/courthouse-screening>. You must show the result as you enter. If you cannot complete the screening online, other screening options are available at the courthouse.

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, the health and safety of all court users remains our paramount concern.

3. FAMILY COURT LOCATIONS:

All base locations of the Ontario Court of Justice and some satellite locations are hearing family law matters under the court's jurisdiction. Please continue to check the Ministry of the Attorney General's website for information: COVID-19: Reopening courtrooms.

The Government of Ontario, through the Ministry of the Attorney General, is responsible for all facility retrofitting and all health and safety measures required to ensure the safe resumption of court operations including the reopening of all satellite courts for in-person appearances. The Ontario Court of Justice has responsibility for the scheduling of all court matters in those courthouses and will do so when the Ministry advises that it safe to resume operations.

4. SCHEDULING OF FAMILY MATTERS IN THE ONTARIO COURT OF JUSTICE:

The Ontario Court of Justice continues to hear all matters under its jurisdiction.

i. VIRTUAL COURTS

Virtual courts (by teleconference or videoconference) remain essential to the operation of the Ontario Court of Justice. Matters may be heard either by teleconference or videoconference (virtual courts), a combination of in-person and virtual court appearances or in-person appearances. A judge will determine how a matter will be heard to ensure meaningful access to justice.

ii. FIRST APPEARANCE COURT/FIRST COURT DATE – Family Law Rule 40(4):

First Appearance Court/First Court Date before a clerk or before a judge continue to be held remotely.

iii. FAMILY RESPONSIBILITY OFFICE (FRO) MATTERS:

FRO matters continue to be heard remotely unless otherwise directed by a judge. The scheduling of FRO matters will be determined by individual court locations.

iv. 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.

5. WITNESSES:

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

6. FILING OPTIONS:

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 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:
 1. 1. LEVEL OF COURT (OCJ)
 2. 2. TYPE OF MATTER (Family, CYFSA)
 3. 3. FILE NUMBER (Indicate NEW if no court file number exists)
 4. 4. 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.

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/

Important Information Regarding Electronic Filing

Sworn Documents:

In light of the government's declaration of a second state of emergency, beginning January 14, 2021, parties will be permitted to file unsworn documents. Parties may be required by a judge to swear to the truthfulness of the contents of the documents. This requirement applies until further notice.

Please note that a judge may not grant a requested order by a 14B motion unless the documents are sworn.

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 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:

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.

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

These instructions are subject to direction from a judicial official.

7. 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.

8. 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](#)

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>

9. 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](#)

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