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COVID-19: Scheduling of Family Matters in the Ontario Court of Justice (January 4, 2022)

**This Notice replaces previously announced notices.*

- [1. INTRODUCTION:](#)
- [2. FAMILY COURT LOCATIONS:](#)
- [3. SCHEDULING OF FAMILY MATTERS IN THE ONTARIO COURT OF JUSTICE:](#)
 - [i. FIRST APPEARANCE COURT/FIRST COURT DATE – Family Law Rule 40\(4\):](#)
 - [ii. FAMILY RESPONSIBILITY OFFICE \(FRO\) MATTERS:](#)
 - [iii. FAMILY LAW RULES](#)
- [4. WITNESSES:](#)
- [5. FILING:](#)
- [6. PRE-COURT DISCUSSIONS:](#)
- [7. LEGAL RESOURCES:](#)
- [8. MEDIATION:](#)

1. INTRODUCTION:

This Notice sets out how family law proceedings in the Ontario Court of Justice are scheduled and conducted.

The Ontario Court of Justice has continued to provide meaningful access to justice during the COVID-19 pandemic while making the health and safety of all court users a top priority. In doing so, the Court has relied on, and benefited from, the expert advice of the Office of the Chief Medical Officer of Health.

In light of the recent increase in COVID-19 cases the Court the importance of limiting in-person attendance at courthouses. The Court is committed to facilitating the conduct of proceedings by remote technology (video or phone) 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 the Office of the Chief Medical Officer of Health, the Court will continue to accommodate in-person appearances where they are required to ensure meaningful access to justice. In consultation with public health officials, the Ministry of the Attorney General has implemented a broad range of health and safety measures at all courthouses open to the public. For information about the health and safety measures implemented at Ontario's courthouses, please see the Ministry of the Attorney General's webpage, "[COVID-19: Going to Court](#)".

It remains of critical importance that all persons attending courthouses vigilantly comply with the public health and safety protections in place at each court facility.

Some courthouses may need to implement additional measures or scheduling changes to address local personnel shortages or other pressures presented by the pandemic in their area. Where such operational changes are required, priority will be given to criminal proceedings involving in-custody accused and other urgent criminal, family and regulatory matters.

If you are unsure whether your case is being held by video or telephone or in person, please contact your lawyer or, if you do not have a lawyer, [contact the courthouse](#) where your case is being heard.

Court operations are subject to change as the pandemic continues to evolve. Please continue to check the Ontario Court of Justice website (<https://www.ontariocourts.ca/ocj/>) for any updates.

All participants should review [the Court's remote proceeding guidelines](#) prior to attending any virtual court proceeding.

2. 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](#).

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

i. 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.

ii. 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.

iii. 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;
- 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: [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:
 - a. LEVEL OF COURT (OCJ)
 - b. TYPE OF MATTER (Family, CYFSA)
 - c. FILE NUMBER (Indicate NEW if no court file number exists)
 - d. 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:
 - a. court file number (if it is an existing file)
 - b. short title of proceeding
 - c. list of documents attached (note: attachments cannot exceed 35MB)
 - d. type of request
 - e. confirmation of service, setting out when and how any other party was served.
 - f. 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**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 13, 2021, in Toronto, the Ontario Court of Justice began to use CaseLines. For more information on the CaseLines document sharing platform, please see: [Contact Us \(caselines.com\)](https://www.caselines.com). This platform will be rolled out regionally across the province. For more information, please see the OCJ's CaseLines Notice to the Profession: <https://www.ontariocourts.ca/ocj/caselines/>

Sworn Documents:

Parties continue to 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.

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 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 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 emergency family referral line

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

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. 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](#)