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## **COVID-19: Scheduling of Family Matters in the Ontario Court of Justice (June 17, 2020)**

*\*This Notice supersedes previously announced notices.*

**Effective Date: June 17, 2020**

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### **1. INTRODUCTION**

Additional family law matters in the Ontario Court of Justice are resuming as of July 6, 2020.

The Ministry of the Attorney General, which is responsible for courts administration and courthouse facilities, has established an incremental plan to prepare courthouses and courtrooms to facilitate the return to full court operations across Ontario. The Ministry has announced the first phase of the plan (Phase One) will be implemented 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.

In Phase One and by July 6, 2020, the Court has been 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 will not re-open a Phase One site on July 6, 2020 if it concludes that the health and safety of courthouse participants cannot be adequately protected on 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.

The Court is continuing to have discussions to consider gradually expanding the range of matters that it is hearing beyond July 6, 2020. This Notice sets out how family law proceedings in the Ontario Court of Justice will be scheduled and conducted as of July 6, 2020.

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 email 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 (June 17, 2020)**

This Notice replaces the May 7, 2020 Scheduling of Family Matters in the Ontario Court of Justice.

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

<b>Ontario Court of Justice Courthouses Phase 1 (July 6, 2020)</b>	
<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.

As of 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 are expanding 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 on or after July 6, 2020 must 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**

As per the May 7, 2020 Scheduling of Family Matters in the Ontario Court of Justice, the OCJ will continue to hear urgent matters, case conferences in previously adjourned matters and, subject to local direction, other family law matters, including certain in-chambers requests as described in the former [Scheduling of Family Matters in the Ontario Court of Justice \(May 7, 2020\)](#).

### **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. FILING: Filing requirements continue to include the following:**

1. Documents and requests shall be sent by email to the appropriate courthouse. 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:
  - 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:
  - 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)

**If you are unable to file documents in a family court matter 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 10 a.m. to 12:00 p.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/)

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

**Important Information:** 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 via 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/party 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 email 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.

## **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 provide assistance to 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.