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COVID-19: Scheduling of Family Matters in the Ontario Court of Justice (May 7, 2020)

**This Notice supersedes previously announced notices.*

Effective Date: May 7, 2020

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1. INTRODUCTION

To help prevent the spread of COVID-19, the Province of Ontario has extended the Declaration of Emergency until May 19, 2020 and has indicated that the declaration may be further extended beyond this date. In light of the continued uncertainty about the duration of the state of emergency in Ontario, the Ontario Court of Justice will not be returning to full operations on May 29, 2020. No trials will be conducted until July 6, 2020 at the earliest, unless a judge seized with a continuing matter orders otherwise.

The Court will continue discussions to consider gradually expanding the range of matters that it is hearing.

The Court is working closely with its justice partners, including the Ministry of the Attorney General, to adopt technology that will increase participants' ability to access courthouse services using remote means, such as by the electronic filing of court material, remote scheduling processes, and remote hearings. The Court is also working with stakeholders to plan for the eventual resumption of in-person attendances in a way that protects the health and safety of all participants based on the best available public health information.

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 a judge orders otherwise or if you are unable to email family court documents relating to an urgent family 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.

Please continue to check the Ontario Court of Justice website for updates (<https://www.ontariocourts.ca/ocj/>).

2. SCHEDULING OF FAMILY MATTERS IN THE ONTARIO COURT OF JUSTICE (MAY 7, 2020)

This Notice replaces the March 28, 2020 Scheduling of Family Matters in the Ontario Court of Justice.

The OCJ will continue to hear urgent matters. Starting on May 19, 2020, **cases conferences in previously adjourned matters and, subject to local direction, other matters** will be permitted to be heard in the Ontario Court of Justice. In addition to these matters, each local courthouse will continue to hear certain in-chambers requests.

New proceedings, unless urgent, will not be heard at this time.

The scheduling and document filings requirements for case conferences and other matters will be determined locally by the Local Administrative Judge, keeping in mind the limited on-site court staff resources.

All other family court matters not addressed by this Notice (for example, trials) and previously scheduled between March 28, 2020 to May 29, 2020 will be now be adjourned until **July 6, 2020**.

Urgent Family Matters, Case Conferences and In-Chambers Requests as Determined by a Judge:

Hearings will be held by conference call, unless a judge orders otherwise.

Where an in-court attendance must occur, your local courthouse will make arrangements for your appearance.

Family court matters will proceed on a prioritized basis. These 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).
- Case Conferences
- Other Matters and in-chamber requests determined by a judge.

3. FILING

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, 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 urgent 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/

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

Additional Important Information:

Parties shall not assume that the judge hearing the 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/ 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 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.

4. TRIALS

Trials will continue to be adjourned for 8-12 weeks. Parties with a trial between March 28, 2020 and July 6, 2020 should request an adjournment, preferably by a 17F confirmation form or 14B motion by emailing or faxing the trial coordinator. 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/

Court services will be limited. If a judge declares that your matter can wait until the court resumes full operations, your documents and/or requests will be processed until regular court operations resume.

The Court will continue to monitor public health advisories and will issue further direction in late-May regarding the scheduling of trials.

Note that new applications, unless declared to be urgent by a judge, will not be heard at this time. The Court will only hear matters that have been adjourned since March 28, 2020.

5. PRE-COURT DISCUSSIONS

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.

6. 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 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 has launched a telephone line to provide assistance to people who are self-represented (SRLs) and who are 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.

7. MEDIA

The Ontario Court of Justice recognizes the critical importance of the open courts principle, including during the COVID-19 pandemic.

Attendance in courtrooms will be restricted to the judicial official, essential court staff, and those attending for urgent and/or essential intake court functions, with physical distancing measures to be strictly enforced in the courtrooms and throughout the courthouse. Accredited media who wish to make a request to have access to a court proceeding, other than an in-camera proceeding, should contact the local courthouse for more information about obtaining remote access to a proceeding.

Accredited media may also attend at the courthouse to obtain access to court records and related material.