

# A Guide for Self-represented Family Litigants During COVID-19

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**Getting Legal Advice**

You are not required to have a lawyer to bring a family case in the Ontario Court of Justice. However, you may find it helpful to get legal advice. If you want to get legal advice or hire a lawyer and don't know how to find one, here is information that might assist.

**Legal Aid Ontario**

If you are unable to afford a lawyer, you should know that Legal Aid is currently waiving financial eligibility requirements for summary legal advice. Contact:

**Toll-free: 1-800-668-8258**

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

If your matter is urgent, you may be able to get help from the emergency family referral line:

**Toll-free: 1-800-268-7568**

**Direct: 416-947-3310**

With this service, you can receive recommendations about other available legal services including referrals to lawyers.

**Law Society of Ontario Referral Service**

This 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: <http://www.findlegalhelp.ca/>

**Ontario’s Family Law Limited Scope Services Project**

This project provides an option to retain a lawyer for part but not all of your legal needs. <https://www.familylawlss.ca/clients/>

## **Mediation Services**

A professional mediator may be able to help you with your case. To find a mediator you may wish to contact:

### **Ontario Association for Family Mediation**

Find an accredited mediator: <https://www.oafm.on.ca/>

**Toll Free: 1-844-989-3026**

**Local: 416-740-6236**

**Ministry of the Attorney General** also provides mediation services. You can find them here: [Ministry of the Attorney General - Mediators by Court Location](#)

## **Helpful Legal Information Websites**

[Steps to Justice: Your Guide to Law in Ontario](#)

[Steps to Justice: Family Law](#)

[Justice for Children and Youth](#)

[Canadian Legal Information Institute](#)

[Guide for Self-represented Litigants in Family Court Trials](#)

## **Your Case is Scheduled to be Heard – What You Need to Know**

**Will your case be heard by teleconference, videoconference or will you have to come to the courthouse?**

If you have a court appearance soon, a judge may hear your case by telephone, by videoconference or you will be asked to come to the courthouse. Most cases will be heard by telephone or by videoconference. At this time, only a few cases will be heard in person. Please do not come to the courthouse unless you are told to come to the courthouse.

### **How do I file my documents with the court?**

You can file your documents by email. Do not come to the court to file your documents with the court unless you cannot file them by email. Instructions about filing documents can be found on the Ontario Court of Justice website:

[Ontario Court of Justice - Emailing Documents](#)

## **What should I do if I don't have a computer?**

Make sure that the court knows that you can only participate by phone or in person as soon as possible. You may email the court: [Courthouse Email Addresses](#) or phone the court [Courthouse Phone Numbers and Addresses](#)

## **I have a disability, what should I do?**

All Ontario courthouses have accessibility coordinators for people with disabilities. If you have any questions about a courthouse's accessibility features or if you or one of your witnesses needs accessible court services, contact the **Accessibility Coordinator** at the Courthouse. You should speak to the Accessibility Coordinator as soon as possible and as far ahead as possible before your case begins. You can find more information on the Ministry of the Attorney General's website: [Ministry of the Attorney General - Accessibility](#)

## **Be on time!**

It is very important that you are on time for your court appearance whether it is a teleconference, videoconference or an in-person hearing. Log onto the teleconference or video conference at least 10 minutes before it is to start. If you are told that you need to go to the courthouse, there are health and safety measures at each courthouse. Arrive at the courthouse at least 30 minutes before your scheduled appearance.

## **I have an underlying medical condition and am very worried about COVID-19. What should I do?**

Health and safety are priorities of the Ontario Court of Justice. If you have concerns about attending court in person, notify the court by email [Courthouse Email Addresses](#) or phone [Courthouse Phone Numbers and Addresses](#).

## **Appearing by Teleconference for a Family Hearing**

**You will receive instructions by the court on how to call into the teleconference and what day and time your hearing will be held.**

Although your case will be heard by teleconference, please remember that it is still a **formal court proceeding**.

### **Before the teleconference:**

- Make sure that the **documents** that you will be using for your teleconference have been **filed** with the court and **served** to the other party before the teleconference.
- **Make sure that you are prepared for the teleconference.** Think about what you want the judge to hear based on your evidence and documents.

- Make certain you have **copies of your documents** in front of you and organized in advance. This will help you focus on the important issues in your case and help tell the judge how the information in your documents is relevant to those issues.
- **Organize your documents** to minimize the shuffling of papers which can be distracting and affect the sound quality of the call.
- Try to **find a place in your home that is quiet** and where you can speak openly without distraction.
- Use a **landline**, if possible. If you use a cell phone and you have headphones with a built-in microphone and mute button, this may reduce echo and allow better sound quality.
- If you are using a cell phone, put it on **silent mode** so that notification sounds do not disrupt the hearing.
- **Do not put the phone on speaker** because it will be difficult to hear you.
- Have **paper and a pen** with you to make notes.
- As much as possible, make sure that **your children** are not able to hear you during your teleconference. If you can, be in a room with a door.
- **Log onto the teleconference 10 minutes before it is to start.**
- Make sure that you have a **phone charger** nearby in case you need it.
- Make sure that you have the **phone numbers and email addresses** of the court and any of the lawyers participating in the teleconference. Make sure that you give them your phone number and email address, too.

#### **During the teleconference:**

- **Always** be **respectful and polite** to everyone in the teleconference, including the other party.
- When you **address the judge**, use either “your Honour” or “Justice” before the judge’s last name. For example, you can say, “Justice Smith” or “Your Honour”.
- You are not allowed to record the teleconference unless you have been given permission by the judge to record it.
- When you begin the teleconference hearing, the judge will ask you for **your name**. You should **spell it**, as well, at the beginning of the teleconference for the judge and the court reporter.
- Let the judge know **who else is in the room** with you. Identify them by name and spell the names.

- When you are speaking, you should **speak slowly and clearly**.
- The judge will let you know **when you can speak**. **Do not interrupt** anyone when they are speaking. If you have a question or would like to respond to something, wait for the judge to tell you that you can speak.
- Every time that you begin to speak, **repeat your name** so that the judge, the court reporter and other parties know who is speaking.
- When the **judge starts speaking**, you must stop talking.
- When the **other party or lawyer starts talking**, you must also stop talking.
- **Mute your phone** when you not speaking. This reduces background noise (e.g. from other persons in your household).
- **Never put the teleconference on hold**.
- **Do not eat food or chew gum** during the teleconference.
- If at any time you miss something that was said, let the judge know so that the statement can be repeated.

#### **Problems with the teleconference connection:**

If there is a problem with the teleconference connection or you cannot hear the judge or the other party, let the judge know. If you get disconnected, you should call into the teleconference again using the numbers you received from the court. If there is another lawyer on the teleconference, you can email or phone them, too.

#### **I need an interpreter for my teleconference. What should I do?**

Interpreters are arranged through the court's filing office. You should ask the court office for this service if you do not have a lawyer at [Courthouse Phone Numbers and Addresses](#).

When working with an interpreter for a teleconference, you need to keep in mind that when you are speaking, you need to keep your statements short, then you need to stop to allow the interpreter to speak. Be patient as this takes time and it will not work if people talk over each other.

#### **What if I cannot attend a teleconference because of an emergency?**

If there is an emergency that prevents you from participating in the teleconference, contact the courthouse as soon as possible so that the court staff can tell the judge that there is an emergency and that you are asking for an adjournment.

## **Appearing by Videoconference for a Family Hearing**

**You will receive instructions from the court if your hearing is being held by videoconference on how to join the videoconference and what day and time your hearing will be held.** Although your case will be heard by videoconference, please remember that it is still a **formal court proceeding**.

### **Zoom**

Many family hearings will be done using Zoom. You do not have to have a Zoom account to participate in Zoom hearings. You can download Zoom at <https://zoom.us/> free of charge. User tutorials for Zoom are available at: <https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>.

### **Before the videoconference:**

- Make sure that the **documents** that you will be using for your court appearance have been **filed** with the court and **served** on the other party before the hearing.
- **Make sure that you are prepared** for the videoconference. Think about what you want the judge to hear based on your evidence and documents. Try to narrow the issues by speaking with the lawyer for the other party, or with the other party if they do not have a lawyer, before the videoconference.
- Make certain that you have **copies of your documents** in front of you and they are organized in advance of the hearing. This will help you focus on the important issues in your case and help tell the judge how the information in your documents is relevant to those issues.
- **Organize your documents** to minimize the shuffling of papers, which can be distracting and affect sound quality.
- **The court is not able to provide you with technical support.** Make sure that you are familiar with your computer, microphone, camera and speakers. **Practice setting up your computer camera** at the right angle so that you can be fully seen during the videoconference. Also, make sure that there is **plenty of light** so that the judge can see you during the videoconference. Preferably, your computer should be plugged into an outlet.
- Set up your computer so that you are comfortable. If you have **headphones** that will work with your computer, please use them. **Close all the other applications** on your screen.
- Test your speaker and headphones if you are using them.

- Try to find a **place in your home that is quiet** and where you can speak openly without distraction.
- **Other people in your home** should not use the internet while you are on the videoconference. This may interrupt your hearing.
- **Turn off your notifications** on your computer.
- **Make sure that the background visible on your screen is appropriate for a court hearing.**
- As much as possible, make sure that your **children are not able to hear you** during your appearance. If you can, be in a room with a door so that it can be closed.
- Have **paper and a pen** to make notes. Try not to make notes using your computer because the sound of typing is distracting.
- **Dress** as if you are actually in court.
- **Log onto the videoconference 10 minutes before it is to start.** You will be admitted when the hearing is about to begin.
- Your **screen name** should be your given or first name and your surname or last name.
- If you are using a tablet or phone for the video conference, make sure that you have a **charger** nearby in case you need it.
- Make sure that you have the **phone numbers and email addresses** of the court and any of the lawyers participating in the videoconference. Make sure that you give your phone number and email address to any lawyer who is participating in the conference.

#### **During the videoconference:**

- Always **be respectful and polite** to everyone in the videoconference, including the other party.
- When you **address the judge**, use either “your Honour” or “Justice” before the judge’s last name. For example, you can say, “Justice Smith” or “Your Honour”.
- You are **not allowed to record the videoconference** unless you have been given permission by the judge to record it before the videoconference begins. You are also **not allowed to photograph or publish** the videoconference.
- When you begin the hearing, you will be asked for **your name**. You should spell it, as well, for the judge and court reporter.

- Let the judge know **who else is in the room** with you. Identify them by name and spell the names.
- When the **judge starts speaking**, you must stop talking.
- If the **other lawyer or party starts speaking**, you must stop talking.
- The judge will let you know **when you can speak**. Repeat your name each time you begin speaking. Do not interrupt anyone when they are speaking. If you have a question or would like to respond to something, raise your hand.
- **When you are speaking**, you should speak slowly and clearly and look into your camera lens at eye level or slightly above.
- **Mute your microphone** when you are not speaking.
- **Do not eat or drink anything** other than water during the videoconference.

### **Problems with the videoconference connection:**

If there is a problem with the videoconference connection or you cannot hear the judge or the other party, raise your hand to let the judge know. If you get disconnected, follow the instructions you received from the court on joining the videoconference. If there is another lawyer on the videoconference, you can email or phone them, too.

### **I need an interpreter for my videoconference. What should I do?**

Interpreters are arranged through the court's filing office. You should ask the court office for this service if you do not have a lawyer at [Courthouse Phone Numbers and Addresses](#).

When working with an interpreter for a videoconference, remember that when you are speaking, you need to keep your statements short, then you need to stop to allow the interpreter to speak. Be patient as this takes time and it will not work if people talk over each other.

### **What if I cannot attend a videoconference because of an emergency?**

If there is an emergency that prevents you from participating in the videoconference, contact the courthouse as soon as possible so that the court staff can tell the judge that there is an emergency and that you are asking for an adjournment. You can contact the courthouse by email: [Courthouse Email Addresses](#) or by phone: [Courthouse Phone Numbers and Addresses](#).

## **Appearing In Person at the Ontario Court of Justice for a Family Hearing**

**If you have an in-person appearance scheduled at the court and if you have any of the symptoms that may be associated with COVID-19, do not attend court.**

To take a self-assessment, see [Ontario - COVID-19 Symptoms.](#)

There will be strict health and safety precautions in place in each courthouse.

### **Arrive early**

There is security at the front door of the courthouse. It will take longer to get into the courthouse because of the health and safety precautions that are in place. Make sure that you arrive early, at least 30 minutes before you are scheduled to see the judge.

You will be allowed into the courthouse shortly before the time of your hearing before a judge.

### **Family members and supporters**

There are a limited number of people who will be allowed in the courthouse and courtrooms at a time. This is for everyone's safety. For this reason, you are discouraged from bringing family members or supporters to court with you unless they will be testifying in the court proceeding as a witness.

### **Health and safety**

You and your witnesses must wear a mask or face covering when you are coming into the courthouse – this is mandatory. While you are in the courtroom, you may remove the face covering in order to speak. Be aware that the judge and other people may be wearing a mask or face covering.

Make sure that you and your witnesses report directly to the courtroom and do not go to other places in the building except the washrooms. In the courtroom, there are plexiglass divisions in the courtroom to maintain physical distancing.

The courtrooms are being set up so that physical distancing is possible. Please keep at least 2 metres or 6 feet from the other people in the hearing. Courthouse and courtrooms will be cleaned daily. Hand sanitizer will be available for people – please use the sanitizer often.

### **Bring your documents and paper and pens**

Bring enough copies of your documents with you as the court will not be able to photocopy documents. Also bring paper and pens as these will not be provided to you.