|  |  |  |
| --- | --- | --- |
|       |       |       |
| **Court Name and Address** |  |       |
|       |  | Court File No. |
|       |
| Judge |
|       |
| Date |
| Re: |       |
| Order sought: |       |
| **Parties/counsel in court:** |
| CAS counsel: |       |
| CAS worker: |       |
| Mother: |       |
| Mother’s Counsel: |       |
| Father: |       |
| Father’s Counsel: |       |
| Children’s Lawyer: |       |
| Other: |       |
| TRIAL SCHEDULING ENDORSEMENT FORM |
| Type of application: [ ]  protection [ ]  status review |
| 1. | Are all parties participating? [ ]  Yes [ ]  No |
|  | If no, who is not participating? |       |
| 2. | Has any party been noted in default? [ ]  Yes [ ]  No |
|  | Who? |       |
| 3. | Do all parties have counsel? [ ]  Yes [ ]  No |
| 4. | Who does not have counsel? |       |
| 5. | Does anyone plan to retain or change counsel? [ ]  Yes [ ]  No |
|  | Who? |       |
| 6. | Are all counsel intending to represent their clients at trial? [ ]  Yes [ ]  No |
| 7. | If not, what is the plan for getting off the record? |  |
|  |       |
| 8. | Is any judicial direction required? [ ]  Yes [ ]  No |
|  | Details: |
|  |       |
|  |
| **Preliminary Issues** |
| 9. | Is service complete? [ ]  Yes [ ]  No |
|  | If no, who has to be served? |       |
|  | Details of plan for service: |
|  |       |

|  |  |
| --- | --- |
| 10. | Are disclosure issues outstanding? [ ]  Yes [ ]  No |
|  | a. | If yes, what are they and how will they be addressed? |
|  |  |       |
| 11. | Is anyone planning to bring a motion for records? [ ]  Yes [ ]  No |
|  | a. | If yes, who? |       |
|  | b. | Name of record keeper(s) |       |
|  | c. | Timing for bringing motion |       |
|  | d. | Is a *Wagg*/s. 74/rule 19 motion necessary? [ ]  Yes [ ]  No |
|  |  | Details: |
|  |  |       |
|  |
| **Assessments** |
| 12. | Are all assessments completed? [ ]  Yes [ ]  No |
| 13. | Have they been shared with all parties? [ ]  Yes [ ]  No |
| 14. | If assessments are not completed, when will they be completed? |
|  |       |
| 15. | Timelines for completion and disclosure of reports: |
|  |       |
|  |
| **Finding (if not already made)** |
| 16. | Is there a dispute about finding? [ ]  Yes [ ]  No |
| 17. | Can the issue of finding be settled? [ ]  Yes [ ]  No |
| 18. | If no, is this an issue that could be dealt with by way of: |
|  | [ ]  motion for summary judgment? |
|  | [ ]  short hearing focused on finding? |
|  | Details: |
|  |       |
|  |
| **Disposition** |
| 19. | What are the issues in dispute? |
|  |       |
|  |
| **Pleadings** |
| 20. | Do the pleadings accurately reflect the parties’ positions? [ ]  Yes [ ]  No |
| 21. | Are all plans of care up to date? [ ]  Yes [ ]  No |
|  | Details: |
|  |       |

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| **Admissions/Statement of Agreed Facts** |
| 22. | Has a request to admit been served? [ ]  Yes [ ]  No |
| 23. | Has anyone filed a response to a request to admit? [ ]  Yes [ ]  No |
| 24. | Have the parties prepared a statement of agreed facts? [ ]  Yes [ ]  No |
| 25. | Will they? [ ]  Yes [ ]  No |
|  | Directions for producing and filing statement of agreed facts: |
|  |       |
|  |
| **Exhibits** |
| 26. | All documentary evidence to be relied upon at trial will be served by the following dates: |
|  | Applicant: |       | Respondent: |       |
| 27. | Are any parties intending to rely on reports or business records? [ ]  Yes [ ]  No |
|  | If yes, can they be introduced without calling the record keeper? [ ]  Yes [ ]  No |
|  | Details: |
|  |       |
| 28. | Has notice of intention to rely on medical reports been served? [ ]  Yes [ ]  No |
| 29. | Has notice of intention to rely on business records been served? [ ]  Yes [ ]  No |
|  | Directions for filing notices: |
|  |       |
|  |
| **Expert Witness (note qualification of witness as an expert is subject to trial judge’s approval)** |
| **Expert witnesses to be called by CAS** |
| **Expert’s name** | **Report and CV served?** | **Area of expertise** | **Qualifications admitted?** | **Time Estimate** |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |

|  |
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| **Expert witnesses to be called by parent(s)** |
| **Expert’s name** | **Report and CV served?** | **Area of expertise** | **Qualifications admitted?** | **Time Estimate** |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       |  | Advise by: |       |  |
| **Expert witnesses to be called by children’s lawyer** |
| **Expert’s name** | **Report and CV served?** | **Area of expertise** | **Qualifications admitted?** | **Time Estimate** |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       | Advise by: |       |
|       | [ ]  Yes [ ]  No |       | [ ]  Yes [ ]  No |       |
| Date: |       |  | Advise by: |       |  |
|  |
| **Children’s Evidence** |
| 30. | Is there any evidence being sought from a child? [ ]  Yes [ ]  No | Age: |       |  |
| 31. | How will the evidence be introduced? |
|  | [ ]  Statement of Agreed Facts |
|  | [ ]  Through Children’s Lawyer |
|  | [ ]  *Khan voir dire* |
|  | [ ]  Other (specify) |       |
|  |
| **Witnesses** |
| 32. | Is voir dire evidence anticipated? [ ]  Yes [ ]  No |
|  | If yes, what directions are necessary? |
|  |       |

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| **CAS Witnesses** |
| **Name of witness** | **How will evidence be presented?** | **Is witness’s presence required?** | **Time Estimate** |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
| **Parents’ Witnesses** |
| **Name of witness** | **How will evidence be presented?** | **Is witness’s presence required?** | **Time Estimate** |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |

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| **Children’s Lawyer’s Witnesses** |
| **Name of witness** | **How will evidence be presented?** | **Is witness’s presence required?** | **Time Estimate** |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
|       | [ ]  viva voce |  |       |
| [ ]  affidavit | [ ]  Yes [ ]  No |
| [ ]  report |  |
| 33. | Order for affidavit evidence? [ ]  Yes [ ]  No |
|  | Details: |
|  |       |
| 34. | Affidavits to be served by applicant by |       |
|  | Applicant’s affidavits to be vetted by respondent(s) by |       |
| 35. | Affidavits to be served by respondent by |       |
|  | Respondent(s)’ affidavits to be vetted by applicant(s) by |       |
| 36. | Any dates when witnesses unavailable? |
|  |       |
| 37. | Have the parties produced a witness schedule? [ ]  Yes [ ]  No |
|  | Details: |
|  |       |
| 38. | Do any parties, witnesses or counsel require special accommodations such as: |
|  | [ ]  Amplification devices: |       |
|  | [ ]  Interpreters – language(s): |       |
|  | [ ]  Accommodations for child witness(es) – Details: |
|  |       |

|  |  |
| --- | --- |
|  | [ ]  Wheel chair access |
|  | [ ]  Captioning equipment |
|  | [ ]  Support persons |
|  | [ ]  Environmental accommodations |
|  | [ ]  Judge’s order to have an incarcerated witness/party brought to court |
|  | [ ]  Other: |
|  |       |
|  | If any participant requires accommodation, s/he can contact the accessibility coordinator at |
|  |       |
|  |
| **Trial Directions** |
| 39. | In what order will the parties present their evidence? |
|  | i. |       |
|  | ii. |       |
|  | iii. |       |
|  | iv. |       |
| 40. | Opening statements: [ ]  Written [ ]  Oral |
|  | a. | If written, to be served by: | Applicant |       |
|  |  |  | Respondent |       |
| 41. | Will written opening statements be put into the trial record? [ ]  Yes [ ]  No |
| 42. | If not, when will they be provided to the judge? |       |
| 43. | Has the trial record been produced? [ ]  Yes [ ]  No |
| 44. | Are the parties in agreement about what will be included in the trial record? [ ]  Yes [ ]  No |
| 45. | Will the parties produce a joint trial brief? [ ]  Yes [ ]  No |
| 46. | Directions re joint trial brief (timelines for delivery of documents, indicating objections to content etc. and method for resolving disputes): |
|  |       |
| 47. | Number of copies of briefs etc. needed: |       |
| 48. | Date for service of trial record |       |  |
| 49. | Directions re trial (start times, how long breaks will be, accommodations necessary, expectations regarding time court will end for the day, etc.) |
|  |       |
| 50. | Will any special equipment (audio visual, screens, real time reporting etc.) be needed? [ ]  Yes [ ]  No |
|  |       |

|  |  |
| --- | --- |
| 51. | Would a further settlement conference be useful? [ ]  Yes [ ]  No |
|  | Date for further settlement conference |       |  |
| 52. | Should there be a further trial management conference? [ ]  Yes [ ]  No |
|  | Date for trial management conference |       |  |
| 53. | Are there any possible issues to be flagged for the trial judge? |
|  | Evidentiary issues |       |
|  | Legal issues |       |
|  | Other |       |
| 54. | Total trial time necessary? |       |
| 55. | Are there any issues that must be heard urgently? [ ]  Yes [ ]  No |
|  | Why are they urgent? |
|  |       |
|  | Follow-up conference (if necessary): |       |
|  | [ ]  in person [ ]  by teleconference |
|  | Trial dates: |       |
|  |
| **Orders** |
| 56. | It is ordered that: |
|  | [ ]  The parties shall comply with the directions and dates set out above. Consent changes may be requested by Form 14B: Motion form. |
|  | [ ]  There shall be no further motions without permission from |
|  |       |
|  | [ ]  No exhibits may be relied on at the trial other than those described above **without a court order** obtained from |
|  |       |
|  | [ ]  No witnesses shall be called other than the witnesses on the witness list as outlined above unless a court order is obtained from |
|  |       |
|  | [ ]  Any requests regarding the scheduling of the trial or an increased allocation of trial time shall be made as follows: |
|  |       |
|  | [ ]  A copy of this endorsement shall be included in the trial record (rule 23 (1) par. 6). |
|  | [ ]  The following endorsements shall also be included in the trial record: |
|  |       |
| [ ]  The parties are aware that: |
| * They must inform the trial coordinator and each other of any changes in address, telephone number(s) or representation;
* If a party does not attend the trial, an order may be made in his or her absence; and
* Failure to comply with the terms of this endorsement could result in cost consequences.
 |
|       |  |       |
| Date |  | Judge’s Signature |
|  |  |       |