



SUPERIOR COURT OF JUSTICE

**Consolidated Notice to the Profession for Family and Child Protection Matters
in the Ottawa Family Court
Effective as of January 25, 2021
(last updated on June 2, 2021)**

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A) GENERAL INTRODUCTION

The purpose of this notice is to summarize and replace the various notices and directives issued to the public and the profession by the Local Administrative Judges for Family and Child Protection in Ottawa during the COVID-19 pandemic, which impact counsel and litigants who appear before the Ottawa Family Court.

This notice is meant to supplement the Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media, effective May 19, 2020, issued by the Chief Justice of the Ontario Superior Court of Justice, as amended (“the Chief Justice’s Notice”) as well as the Notice to the Public and the Profession – Court Operations in the East Region as of March 1, 2021, issued by the Regional Senior Judge of the East Region (“the RSJ’s Notice”). To be clear, this notice does not replace the Chief Justice’s Notice or the RSJ’s Notice; it is to be read in conjunction with them, and it is meant to implement practices and procedures which are specific to the Ottawa Family Court.

This Notice to the Profession does not include practices and procedures relevant to the Divisional Court operations.

While in-court operations have been mostly suspended since March 17, 2020 in family and child protection matters, the Family Court in Ottawa did not close. At this time, the Family Court is in full operation with all matters, including trials, being heard virtually – in writing, by telephone or by video conferences. During the suspension of regular in-court operations, lawyers and parties are expected to take an active role in moving cases forward to final settlement or disposition, in accordance with the Family Law Rules, including scheduling and attending virtual court.

B) DIRECTIVES RELEVANT TO BOTH FAMILY AND CHILD PROTECTION MATTERS

1- Where to file court documents or request the scheduling of an event in a Family or Child Protection matter

There are three main points of entry through which court documents or requests for the scheduling of a family or child protection event may be filed/made:

- Through the Virtual Family Court Counter;
- Through the Trial Coordination Office, and;
- Through the Virtual Child Protection Court Counter.

Each of the above court departments is exclusively responsible to process specific requests and document filings. Therefore, to ensure the proper processing of your request/document filing, it is very important that they be sent to the correct court department, and in the manner identified below in paragraph 2.

It is also crucial that litigants and counsel not overload the various email accounts described below, and that they use them responsibly for the purposes identified. Counsel and litigants are also reminded of the very limited reasons for which they may communicate with the Trial Coordination Office or the Judiciary, as explained in the November 2019 Notice to Profession: Communications with the Judiciary.

While it is still possible to attend the Ottawa courthouse to file documents in person, counsel and parties continue to be discouraged from physically attending the courthouse and are strongly encouraged to file their court documents electronically.

a) The Virtual Family Court Counter

Any court filing or request for the scheduling of an event in a family matter that is NOT specifically within the responsibility of the Trial Coordination Office or the Child Protection Virtual Court Counter (as described below) must be filed/sent to the Virtual Family Court Counter.

There are two ways to file documents or communicate with the Virtual Family Court Counter; through the Ontario Justice Services Online Portal, called “ONe-key”, or by email at Ottawafamilycourt@ontario.ca. The table below indicates where each type of document or request should be filed/made:

Ontario Justice services Online Portal (JSO) called one-Key or email account	Email account only <u>Ottawafamilycourt@ontario.ca</u>
<p>The following documents can be sent to the Family Court Counter through the Ontario Justice Services Online Portal, called “<u>ONe-key</u>”, or by email at <u>Ottawafamilycourt@ontario.ca</u>:</p> <ul style="list-style-type: none"> ✓ The filing of any pleadings (Application, Answer, Reply, Motion to Change, Response to Motion to Change) in any family matter; ✓ Requests for a hearing in writing, documents in support of a 14B motion for a consent order, an uncontested divorce and an uncontested trial in a family matter; 	<p>The following documents and/or requests for the scheduling of the following family events must be sent to the Virtual Family Court Counter by email at <u>Ottawafamilycourt@ontario.ca</u>:</p> <ul style="list-style-type: none"> ✓ Any court filing or request for the scheduling of an event in a family matter that is NOT specifically within the responsibility of the Trial Coordination Office or the Child Protection Virtual Court Counter (as described below). It includes, but is not limited to: ✓ Requests for the scheduling of a case conference or a motion;

<ul style="list-style-type: none"> ✓ Draft orders to be signed by the Registrar or the judge who made the order, and related documents. 	<ul style="list-style-type: none"> ✓ Confirmation forms for motions and case conferences; ✓ Documents filed in support or for the purpose of the above family events; ✓ Requests for an oral hearing and documents in support of a procedural motion.
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Documents filed through the Virtual Family Court Counter’s e-mail account should be filed at least seven business days before any scheduled court appearance to ensure that they are available to the judicial officer on time for the hearing.

***** As per the pre-pandemic practice, cost submissions should always be directed to the Superior Court of Justice’s assistants generic email account (SCJ.Assistants@ontario.ca).**

b) The Trial Coordination Office

The following documents and/or requests for the scheduling of the following family events must be sent to the Trial Coordination Office by email at OttawaSCJ.TC.Office@ontario.ca:

- Requests for leave to bring an urgent motion, urgent motions and motion materials filed in support of the request/motion in a family law matter. *(If the request for leave to bring an urgent motion is made in a new matter in which the Application has not yet been issued, the signed Application **must** be included in the email and it will issued by the court on a priority basis);*
- Requests for a settlement conference in a family matter;
- Documents filed for the purpose of a settlement conference in a family matter;
- Requests for a case conference, a settlement conference, a trial management conference or a motion before the judge who is seized of a family or child protection matter;
- Confirmation forms for settlement conferences or trial management conferences.

Counsel and litigants are again reminded of the very limited reasons for which they may communicate with the Trial Coordination Office, as explained in the [November 2019 Notice to Profession: Communications with the Judiciary](#). In particular, counsel and litigants are reminded that the Trial Coordination Office does NOT provide legal advice or guidance. Its role is purely administrative and consists in scheduling family and child protection events.

c) *The Child Protection Virtual Court Counter*

All documents filed in relation to a child protection matter must be filed by email at OttawaCYFSA@ontario.ca. While it is possible to file documents in a child protection matter through One-Key, documents filed in this manner should be filed at least seven business days before the scheduled court appearance and by using the proper file extension to ensure that it is available to the judicial officer on time for the hearing.

2- How to request the scheduling of an event or to file court documents in a Family or Child Protection matter

To ensure that your request/documents are correctly processed, the following guidelines shall be adhered to:

- Requests or document filings must be made through only ONE of the three points of entry outlined in paragraph 1 above. Ensure that you have chosen the correct point of entry and DO NOT send your request or filings to more than one point of entry.
- Send your request in ONE email, as follows:
 - o The Re: line must concisely describe the purpose of your email and identify the matter for which the request is made, including the court file number and the names of the parties, as demonstrated in the following examples:
 - RE: FC-20-598 – Smith v. MacDonald – request for a case conference
 - RE: FC-20-CP999 – CAS v. Smith – Applicant’s Settlement Conference Brief
 - RE: FC-20-885 – Smith v. MacDonald – URGENT MOTION
 - o The body of your email should concisely explain the request you are making in only a few lines, as demonstrated in the following examples:
 - Please find enclosed the Applicant’s Case Conference Brief for the conference scheduled to proceed on March 21, 2021 at 2 p.m.
 - The Respondent in this matter wishes to schedule a Settlement Conference during the first three weeks of September. The (self-represented) Applicant opposes this request. Please note that the Respondent’s counsel is not available on the September 4 (p.m.), on September 9 (a.m.) or on September 14. A bilingual judge is needed.
- Provide organized materials, in PDF format, optimally in ONE single email (multiple emails, unless they cannot be avoided, are to be strongly discouraged). More specifically;

- The materials filed must be concise, focussed and relevant to allow for a fair, timely and summary disposition of the matters in dispute.
- Emailed filings cannot exceed 35MB. If the size of electronically filed material exceeds 35MB, further emails may be sent within the 35MB maximum. Every effort must be made, however, to limit filed materials to only those necessary for the hearing.
- Counsel and litigants should familiarize themselves with the document entitled *Best Practice for sending large electronic documents to the Court*, created by the Family Law Bench & Bar on June 1, 2020. Documents that contain attachments (such as affidavits which often contain several exhibits) must be bookmarked and each page must be numbered from first page to last (for example, the first page of an affidavit would be page 1 and each page would be numbered until the last page of the last exhibit).
- Do not “lock” your digital documents or make them password protected as court staff need to be able to put on the court’s seal and signature.
- Draft orders should always be provided as a separate document in both PDF and Word format.
- An affidavit of service on the other party must be attached with any documents filed virtually, as required by the Rules.

3- Province-wide document naming protocol

Effective January 11, 2021, a single, province-wide Document Naming Protocol for all practice areas was implemented in the Ontario Superior Court of Justice. When documents are submitted to the court in electronic format, the document name must indicate the following information (in that specific order):

1. Document type (including the form number in family cases),
2. Type of party submitting the document,
3. Name of the party submitting the document (including initials if the name is not unique to the case), and
4. Date on which the document was created or signed, in the format DD-MMM-YYYY (e.g. 12-JAN-2021).

Here are a few examples:

Financial Statement Form 13.1 - Respondent - A. Wong - 21-NOV-2021
 Notice of Motion Form 14 – Applicant – T. Wong – 12-JAN-2021
 Expert Report – Applicant – T. Wong – 13-MAR-2021

4- Court filing fees.

Depending on the circumstances, court filing fees may have to be paid by courier, regular mail or by an undertaking to pay when the current restrictions on attending at the courthouse are lifted. For documents filed through JSO [One-Key](#), fees are collected as part of the filing process.

5- Court hearings via videoconferencing (Zoom)

All family and child protection events, including trials, are currently proceeding by videoconferencing on the Zoom platform, unless a judge or associate judge/master orders otherwise. At this time, the courthouse can provide in-person hearings only where extraordinary circumstances require it for the fair and just adjudication of the issues in dispute. A litigant seeking to have an in-person hearing must bring a motion with proper evidence supporting such request.

Counsel and litigants who do not have access to a computer or an internet connection can participate in videoconference hearings via telephone. The Zoom coordinates for any court hearing will be provided to the parties and counsel well in advance of the scheduled hearing.

Please remember that teleconferences and videoconferences are still formal court hearings that replace in-person attendances. Counsel and litigants are strongly encouraged to carefully review the Ontario Superior Court of Justice's [Best Practices and Etiquette for Remote Hearings](#) and [At-A-Glance Guide to Virtual Hearings](#), as well as the [Best Practices for Remote Hearings \(Second Edition\)](#) collaboratively developed by The Advocates' Society, OBA, Federation of Ontario Law Association, and Ontario Trial Lawyers Association. While there is no requirement that counsel be robed for virtual hearings, appropriate business attire is required. There is also a clear expectation that counsel will discuss with their clients proper court decorum during virtual court hearings.

Unless otherwise advised by the judge or associate judge/master, the court hearing will be recorded. The official record of a family or child protection conference is the endorsement prepared by the presiding judge or associate judge/master. Litigants are advised that it is the policy of the Superior Court of Justice that discussions taking place at conferences are otherwise privileged and confidential. Although a reporter was present and the proceeding was recorded, such recordings at conferences are for use of the presiding judicial official, similar to his or her own notes. As such it is the policy of the court that transcripts are not available. Any request for a transcript or access to an audio recording must be made by motion on notice and will be granted only in unusual and exceptional circumstances.

6- Interpretation (translation) services

Court proceedings in Ontario take place in English or French. The Ministry of the Attorney General provides court interpretation services in any language required in child protection matters and in English or French in family matters. The Ministry also provides sign language in

all court matters and interpretation services in any language when it is ordered by the court. Interpretation services may be provided consecutively or simultaneously, at the discretion of the presiding judicial officer.

It is the responsibility of litigants to arrange interpretation services at least two weeks before the court hearing. Counsel and litigants may do so by sending an email at INTER-CITS@ontario.ca, and court staff will support them in booking the proper services needed for interpretation.

If your matter is being heard virtually, simultaneous interpretation may be available as an option in Ottawa using the simultaneous translation feature in Zoom (please note that the interpretation cannot be recorded and as a result, a transcript of the translation cannot be produced using this feature). All virtual courtrooms are currently capable of offering simultaneous translation, subject to the directions of the presiding judicial officer. For this purpose, please consult the [Ottawa Local Participants' Guide to Simultaneous Interpretation for Virtual Hearings Using Zoom](#).

C) DIRECTIVES SPECIFIC TO FAMILY MATTERS

1- Weekly schedule

Presently, the Ottawa Family Court has resumed its regular, pre-pandemic weekly schedule for all types of family events. More specifically;

- 14B motions, uncontested divorces and uncontested trials are processed weekly in writing;
- First Court Date Clerk Court (“FCDC Court”) for all fast-track cases is held two times per week on Mondays and Wednesdays, at 9 a.m., by teleconference (maximum of 10 cases per day). Please note that at this time, since Procedural Motion Court resumed on March 15, 2021 (see below), no matter may be transferred to Procedural Motion Court from the FCDC Court list;
- Procedural motions are heard every Tuesday and Thursday, usually by one of the Associate Judges/Masters, at 10 a.m.;
- Requests for leave to bring an urgent motion are heard every Tuesday and Thursday, usually by one of the Associate Judges/Masters at 2:00 p.m. or at such time and/or before another judicial officer as may be confirmed by the Trial Coordinator’s Office;
- Case conferences are heard every day, at 10 a.m., 11:30 a.m. and 2:00 p.m.;

- Regular motions (short and long) are generally (but not exclusively) heard on Tuesdays and Thursdays, commencing at 10 a.m.;
- Enforcement matters by the Family Responsibility Office are heard two days per week, on Tuesdays and Thursdays, beginning at 9 a.m. (maximum of 4 cases per day);
- Settlement and trial management conferences are heard weekly, based on need and judicial availability;
- Family trials are heard four times per year, during the three-week Family Trial Sittings of September/October, November/December, January/February and May each year.

2- Family Conferences

a) How to effectively request the scheduling of a conference

While it is preferable to obtain the other party/counsel's consent prior to scheduling a conference, consent is not required. Opposing party's date availabilities should always be canvassed before scheduling a conference. Failure to do so, which causes delays and/or leads to adjournments, may be sanctioned with costs.

A request to schedule a conference must be copied to opposing party/counsel and must indicate the following in the body of the email:

- whether it is scheduled on consent;
- the name of the judge who is seized of the event or case-managing the matter, if any;
- whether a bilingual judge is needed;
- the dates the parties and counsel are available or unavailable to appear for the conference;
- the estimated time for the hearing.

Please note that it is NOT the responsibility of counter staff or the Trial Coordination Office to canvass available dates with the opposing party/counsel. A party's objections to the scheduling of a conference will be directed to the Local Administrative Judge.

b) Materials for conferences

The documents that each party is required to serve and file in advance of any type of family conference are set out in Rule 17(13) of the *Family Law Rules*. As our court system is transitioning permanently to an electronically based (paperless) document system, litigants shall adhere to the following guidelines in relation to conference materials:

- Case conference briefs shall not exceed 10 pages, in addition to relevant attachments (court orders, relevant pages of a separation agreement, support calculations). The 10-

page limit includes the brief itself (Form 17A or B) and any “appendices” (additional pages of facts and/or arguments added to the brief as an “appendix” or “schedule”);

- Settlement conference briefs shall not exceed 15 pages, in addition to relevant attachments (court orders, relevant pages of a separation agreement, support calculations, net family property statements and comparative statements, relevant pages of expert reports, trial scheduling endorsement form, offers to settle, draft minutes). The 15-page limit includes the brief itself (Form 17C or D) and any “appendices” (additional pages of facts and/or arguments added to the brief as an “appendix” or “schedule”);
- Briefs should contain a concise summary of the facts, the issues and each party’s position on the disputed issues;
- Briefs and their attachments shall be submitted in one single PDF document properly bookmarked and page-numbered from first to last page;
- If child support (other than the table amount) or spousal support is an issue, updated sworn financial statements are required (and copy of same should also be filed in the continuing record);
- Caselaw and other source materials referenced in a brief should be hyperlinked. Where hyperlinks are provided, it is not necessary to attach the caselaw or source materials to the brief.

Briefs that do not respect the above guidelines may not be considered by the presiding judicial officer and/or may result in the adjournment of the conference.

As of June 2, 2021, confirmation forms are required for all motions and for all conferences (including for case conferences), in accordance with the Family Law Rules.

3- Procedural motions and urgent motions

Procedural motions and requests for leave to bring an urgent motion will be heard on Tuesdays and Thursday, usually by one of the Associate Judges/Masters, in accordance with the following.

a) Procedural motions

Procedural motions pursuant to subrule 14(10) of the *Family Law Rules* will be heard on Tuesdays and Thursdays at 10 a.m., by one of the Associate Judges/Masters. There will be a maximum of eight (8) procedural motions heard on each day. Requests for procedural motions are to be sent to the Virtual Family Court Counter (ottawafamilycourt@ontario.ca). The re-line of the email must clearly indicate that the request is for a procedural motion to be heard orally and include the court file number and the names of the parties (as per section B) 2- above).

The request for a procedural motion and the motion materials must be filed no later than 5 p.m. three (3) business days prior to the date of the motion. You must file your material by 5 p.m. on Monday for a motion to be heard on Thursday, and by 5 p.m. on Thursday for your motion to be heard the following Tuesdays. If the limit of eight (8) motions is reached for any given day, counsel for the party bringing the motion will be notified by the Virtual Family Court Counter and an alternative date will be provided.

Consent orders will not be dealt with on procedural motions days. They must be submitted to the court as 14B motions in writing, unless they are time sensitive.

Procedural motions are intended to be short motions, with a duration of no longer than 10 minutes, and dealing with procedural matters only. Materials in support of procedural motions are limited to the following:

- a notice of motion (form 14) and a brief affidavit, double spaced, in twelve-point font, not exceeding five pages (plus a copy of any existing court order or the relevant portions of any existing agreement or other document necessary for the motion), OR a 14B motion form;
- proof of service on the other party (unless the motion seeks an order for substituted, or dispensing with, service);
- a draft order, in PDF and Word format.

Materials submitted in support of a procedural motion which deviates from the above guidelines may not be considered by the presiding judicial officer and/or may be returned to the sender by the Virtual Family Court Counter/presiding judicial officer.

b) Requests for leave to bring an urgent motion and urgent motions

Requests for leave to bring urgent motions will be heard on Tuesdays and Thursdays at 2:00 p.m. or at such time as confirmed by the Trial Coordinator's Office . The test to determine whether a motion is "urgent" within the meaning of subrule 14(4.2) of the *Family Law Rules* is the test established by the authoritative caselaw in effect before the pandemic. See *Rosen v. Rosen*, 2005 CanLII 480 (ON SC), *Rooney v. Rooney*, 2004 ONCJ 26, and related cases. The list of family law matters deemed urgent during the suspension of the court's regular operations, as set out in the Chief Justice's Notice, is no longer being used by the Ottawa Family Court.

A request for leave to bring an urgent motion is a procedural motion and, therefore, the materials in support of such requests are restricted to those permissible for a procedural motion (see above). The request for leave to bring an urgent motion and the motion materials filed in support of the request shall be sent in ONE email to the Trial Coordination Office at OttawaSCJ.TC.Office@ontario.ca, with proof of service on the other party (unless the moving party seeks leave to be heard without notice to the other party). The Re line of the email must indicate that it is a request for a determination of urgency and contain both the court file number and the case name (as per section B) 2- above).

If the request for an urgent motion concerns financial urgency or hardship, a sworn financial statement must be provided.

Materials submitted in support of a request for leave to bring an urgent motion which deviate from the above guidelines may not be expeditiously processed by the Trial Coordination Office.

In the event that the matter is deemed urgent by the presiding judicial officer and it is determined that the motion should be heard the same day or the following day, counsel and/or the litigant will be provided with the time for the motion immediately. If the matter is deemed urgent but can be heard on another day, the presiding judicial officer will endorse the record accordingly, provide directions for the filing of motion materials, and counsel or the party bringing the motion will be directed to e-mail the Trial Coordination Office (at OttawaSCJ.TC.Office@ontario.ca) to schedule a date for the urgent motion to be heard.

4- Motions

While there is no limit imposed on the length and volume of materials that can be filed in support of motions, counsel and litigants are reminded of the importance of only submitting materials that are necessary for the fair, timely and summary disposition of the matters raised in the motion. As such, materials that are deemed excessive, irrelevant and/or that are disorganized may not be considered by the presiding judicial officer and may lead to the adjournment of part, or all, of the motion to a future date.

Requisitions and confirmation forms are required for all motions. Factums continue to be required for motions of one hour or more. Motions not confirmed in accordance with the Rules by at least one party will be struck from the list. Motions requiring factums will be struck from the list unless at least one factum is filed.

Draft orders are required from both parties, to be filed as separate documents in PDF and Word format.

5- Trials

In Ottawa, a [Sample Endorsement for Remote Trials](#) has been created for use by litigants, counsel and judges in the context of trial management conferences held in anticipation of virtual trials. The template is intended to be used as a guide for all procedural and evidentiary matters needing to be addressed in preparation for a virtual trial, including the following:

- The management of documents and exhibits to be used/adduced at trial;
- Naming conventions for exhibits;
- Witnesses and testimony;
- Various technological issues.

Litigants and counsel who are set to proceed to trial should familiarize themselves with the [Sample Endorsement for Remote Trials](#) as well as with the [Ontario Superior Court of Justice's Best Practices and Etiquette for Remote Hearings and At-A-Glance Guide to Virtual Hearings](#), as well as the [Best Practices for Remote Hearings \(Second Edition\)](#).

Self-represented litigants are strongly encouraged to review and familiarize themselves with the [Superior Court of Justice, Family Court's Memorandum to Self-Represented Litigant \(Virtual Trials\)](#) prepared for that purpose.

6- CaseLines

The Ministry of the Attorney General has procured Thomson Reuters CaseLines for the Ontario Superior Court of Justice. [After materials are filed with the court in accordance with the applicable rules of court and Notices to the Profession](#), CaseLines provides a platform for parties to upload electronic copies of their documents for review by all participants before and during a court hearing.

CaseLines has now been implemented in Ottawa for long motions, settlement conferences and trials in family matters (not child protection matters). For more detailed information on CaseLines, see the [Supplementary Notice to the Profession and Litigants in Civil and Family Matters Regarding the Caselines Pilot, E-Filing, and Fee Payment](#) issued by the Chief Justice of the Ontario Superior Court of Justice, and the [CaseLines Hearings – Tips for Counsel and Self-represented Parties](#) available on the Superior Court of Justice's website. The use of CaseLines for those matters is mandatory.

D) DIRECTIVES SPECIFIC TO CHILD PROTECTION MATTERS

The procedures and directives set out in sections A) and B) 2 (conferences), 4 (motions) and 5 (trials) above apply to child protection matters as well.

1- Weekly schedule

Child Protection Court runs from Monday to Thursday each week, with dockets at 10 a.m. and motions and settlement conferences in the afternoon, starting at 2 p.m. Bilingual matters are heard on Wednesdays, unless there is an emergency. Adoptions are heard in chambers and openness applications are heard via Zoom on Friday afternoons every two weeks. Trials are scheduled as needed, at set dates throughout the year. It is advisable for parties and counsel to join the Zoom call 15 minutes early so the Registrar can confirm the parties' presence and canvass the list.

2- How to effectively schedule a child protection event

As was the practice prior to the pandemic, the scheduling of the next child protection event in any given case is done in the courtroom, at the end of each event.

Requests for a special appearance before a particular judge who is case managing a child protection case or who is seized of a particular event must be sent to the Trial Coordination Office (at OttawaSCJ.TC.Office@ontario.ca). The re-line of the email must clearly indicate what the request is for and include the court file number and the names of the parties (as per section B) 2- above). A request to schedule a child protection event must be copied to opposing party/counsel and must indicate the following in the body of the email:

- whether it is scheduled on consent;
- the name of the judge who is seized of the event or case-managing the matter, if any;
- the dates the parties and counsel are available or unavailable to appear for the event;
- the estimated time for the hearing, and;
- whether it is a bilingual matter.

Justice Julie Audet
Local Administrative Judge, Family
Unified Family Court
Ontario Superior Court of Justice
January 22, 2021
(As amended on June 2, 2021)

Justice Tracy Engelking
Local Administrative Judge, Child Protection
Unified Family Court
Ontario Superior Court of Justice
January 22, 2021
(As amended on June 2, 2021)