

First Appearance Hearing Information Package

To the parties,

On July 6th, 2020, Court Services Division began the phased reopening of the courts in accordance with the recommendations of our Chief Medical Officer and the Ministry of Health. As part of this process we are beginning the resumption of family courts and will be working with parties and justice stakeholders to resume the operations of our family first appearance courts in Central East Region.

Your matter is now scheduled for a first appearance by teleconference. The call received will be from a Private Caller. **The Clerk of the Court will contact all parties between the hours of 10:00a.m. to 1:00p.m. on the date of your scheduled hearing.**

If your contact information has recently changed, please send an email ahead of time to NewmarketSCJFamily@ontario.ca.

At the first appearance date the Clerk of the Court will confirm that all the required documentation has been filed so your matter can proceed as required by the Family Law Rules.

Example: For the Applicant: Form 6B Affidavit of Service

For the Respondent: Form 10: Answer, Form 13 Financial Statement,

We kindly ask you file these documents **prior** to the First Appearance date noted above.

After the First Appearance Hearing has been conducted and all documents comply with the Family Law Rules, you may proceed to a Case Conference. This applies to Applications and to Motions to Change. If you started an Application you need to have a Case Conference before any other event can be scheduled with the court (except for emergency matters obtained by an Order of the court). To schedule a case conference you must complete the Request for a Family Conference and submit the form to Newmarket.SCJ.TC@ontario.ca.

If your matter is a Motion to Change the case conference will be heard by a Dispute Resolution Officer (DRO). You may can schedule a case conference before a DRO through Calendly. Calendly is a cloud-based scheduling tool that is accessed via web at the following link: <https://calendly.com/dro-newmarket/>. Through Calendly, parties can view the court's availability and schedule a DRO conference on their preferred date and time. Once a date and time is agreed upon, one party in the matter will use the Calendly link to schedule the conference with the

court. If both parties to an Application consent, they can also schedule a case conference event with a DRO using Calendly.

All parties **must** consent to the date and time of the conference before completing the scheduling process through Calendly. If parties have not consented to the date and time scheduled, the conference will be cancelled by the court. In addition, the party booking the DRO conference through Calendly **must** add the opposing party (or their lawyer if represented) using the “Add Guest” option by including the email address of the opposing party or the opposing party’s lawyer. Failure to include this information will result in your conference being cancelled by the court.

Please note that Calendly can only be used for scheduling a DRO conference. Parties are still expected to follow the appropriate timelines, practices, and notices for filing documents and confirming their appearance. The court will cancel any matter scheduled through Calendly if the matter is deemed ineligible to proceed.

If you do not have a lawyer and wish to speak to a lawyer provided by Legal Aid Ontario, please call (905) 967-0921 and leave your full name and a telephone number where you can be reached or send an email with your full name and telephone number to gendcfamnewmascj@lao.on.ca at least one day before your court date. A lawyer will call you from a private number that will show up on your phone as a private or unknown caller.

Due to the recent pandemic there may be delay in obtaining a court date. We recommend parties take advantage of 3 hours of free Mediation service Provided by York Hills Mediation Service. To access or get more information regarding mediation service, complete and email the Mediation Referral Form attached to the Information Referral Coordinator IRC at IRC@yorkhills.ca or call 905 853 4816.

Attached you will find the following resources for Family Law matters and instructions on how to proceed to Family Conference after your First Appearance hearing has been completed:

- **York Hills Mediation Services Brochure**
- **Mediation Referral**
- **Request for a Conference Date**
- **Case Conference Instructions (Superior Court of Justice)**
- **Settlement Conference Instructions (Superior Court of Justice)**
- **Resources for Family Law**

Effective September 13th, 2021 there has been a Province-wide Notice to the Profession released regarding Family Law Cases. A copy of the Notice to Profession can be found at [Province-wide Notice to the Profession Regarding Family Law Cases](#).

You can access all family court forms online by visiting www.ontariocourtforms.on.ca and selecting Family Law Rules forms. You may also wish to utilize the resources developed by Community Legal Education Ontario including Guided Pathways, a free online resource available to assist parties with the completion of their family court forms. You can access Guided Pathways by visiting: <https://stepstojustice.ca/family-law-guided-pathways/about>.

The Ministry of the Attorney General has prepared guides to procedures in the family court. The guides are available on the Ministry of the Attorney General website <https://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc/>.

We hope the information provided to you has been helpful.

Administration Office
Superior Court of Justice

WHY CHOOSE

Family Mediation?

Mediation helps people cooperatively problem solve their family separation /divorce issues.

It is a cost-effective and flexible alternative to starting court proceedings. Mediators are experts in financial matters and developing parenting plans. Mediators offer ideas and suggestions to establish common ground and facilitate negotiations to reach the best possible family arrangements for all concerned.

HOW LONG will mediation take?

Offsite Mediation takes three to eight hours for most families. The length of mediation depends on several factors such as, the number of decisions that must be worked out and the motivation of all parties to work cooperatively.

WHERE ARE sessions held?

Mediations occur at the Newmarket Courthouse on court dates or at a judge's request or after 4:30pm for offsite clients. Other locations include the York Hills' Aurora, and Richmond Hill offices.

WHAT DOES mediation cost?

The hourly fee is set by the Ministry of the Attorney General, based on income and the number of dependents. There is also a nonrefundable report writing fee.

FAMILY MEDIATION IS:

- Voluntary
- Confidential
- Affordable (sliding scale)
- Fast & Flexible
- Child-focused

MEDIATION CAN help resolve issues such as:

- Separation and Divorce
- Custody and Access
- Financial Support & Disclosure
- Property Division
- Assist with developing Parenting Plans and Communication

DO I need a lawyer?

Family mediation does not replace the protection that the legal system provides. Our staff will suggest you seek independent legal advice before you begin any mediation process. Any and all agreements reached in family mediation should always be reviewed by independent legal counsel. Family mediation agreements can form the basis of your final legal document. The mediator will not give you legal advice, and will strongly recommend you review any proposed agreement with a lawyer.

York Hills' Family Mediation and Information Services

At the Family Law Information Centre (FLIC)
50 Eagle Street in the Newmarket Court House
T: 905.853.4816
E: irc@yorkhills.ca
www.yorkhills.ca/familymediation

FAMILY MEDIATION IS AN Easy 5-Step Process

- 1 Mediation information and screening is available in person from the Information & Referral Coordinator (IRC) at the FLIC, by phone or email.
- 2 Both parties register and complete mediation application forms, are screened for suitability and a mediator is assigned.
- 3 The Mediator first meets individually with each party and will conduct joint meetings if safe and appropriate, both parties sign a Mediation Agreement and will meet regularly until issues are resolved. (There are a limited number of hours the service is permitted to provide on a subsidized basis.)
- 4 The mediator prepares a report for both parties.
- 5 Mediation clients are encouraged to seek independent legal advice before beginning mediation and always to seek legal advice before signing any agreement.



<p style="margin: 0;">Superior Court of Justice, Family Court <i>(Name of Court)</i></p> <p style="margin: 0;"><i>Address of the Court</i></p>	<p style="margin: 0;">ONTARIO</p> <p style="margin: 0;">Court File Number</p>				
<p>Request for a Dispute Resolution Hearing (all Case Conference on a Motion to Change)</p>					
<p>Applicant(s)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px; font-size: small;"> Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). </td> <td style="width: 50%; padding: 5px; font-size: small;"> Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). </td> </tr> <tr> <td style="height: 40px;"></td> <td style="height: 40px;"></td> </tr> </table>		Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).		
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<p>Respondent(s)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px; font-size: small;"> Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). </td> <td style="width: 50%; padding: 5px; font-size: small;"> Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). </td> </tr> <tr> <td style="height: 40px;"></td> <td style="height: 40px;"></td> </tr> </table>		Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).	Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).		
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<p>1. My name is (full legal name) _____ and I am <input type="checkbox"/> the lawyer for (name) _____ <input type="checkbox"/> the applicant in this case <input type="checkbox"/> the respondent in this case <input type="checkbox"/> other (specify) _____</p>					
<p>2. Is this form being submitted on behalf of all parties? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>					
<p>3. Date of First Appearance: _____</p>					
<p>4. Outstanding Issues: <input type="checkbox"/> Custody <input type="checkbox"/> Access <input type="checkbox"/> Child Support <input type="checkbox"/> Spousal Support <input type="checkbox"/> Section 7 <input type="checkbox"/> Travel <input type="checkbox"/> Restraining Order</p>					
<p>5. Please provide a list of consented available dates. <i>There is no guarantee you will obtain any of your requested dates however the court will consider your request. You must provide at least three different dates.</i></p> <p>1. _____ 2. _____ 3. _____</p>					
<p> </p>	<p>_____ Signature</p>				
<p>_____ Date of signature</p>					
<p style="font-size: x-small;">www.DIVORCEinfo.com</p>					

Case Conference Rules and Procedure

(For litigants and lawyers)

- [1] In a family law case there must be at least one meeting with the judge. This is called a conference. There are several different kinds of conferences. Each has a different, and important, purpose and takes place at a different stage in the case. The first conference is called a “Case Conference” and this takes place at the beginning of a case after the parties have exchanged their positions in writing (their “pleadings”). This guide provides an overview of the case conference process and what is expected of each party, as set out in the *Family Law Rules* (“the Rules”) which govern procedures in family cases.
- [2] The Chief Justice of Ontario issued a **Province-wide Notice to the Profession Regarding Family Law Cases** on September 1, 2021, effective September 13, 2021 (the “Family Notice”). It should be read in combination with an earlier **Notice to the Profession** (“the Notice”) for Central East Region effective January 4, 2020. Both notices can be found on the Superior Court of Justice website at www.ontariocourts.ca, the Family Notice under “Provincial Notices” and the Central East Region notice under “Regional Notices” (Home>>Notices and Orders-Covid-19>>Regional Notices (Central East-Family)). The website also contains additional information about family law rules and practice and can be accessed online by going to “A Guide to Process for Family Cases at the Superior Court of Justice” (Home>> Family Proceedings>> Resources-Family Proceedings) or you can contact the Family Law Information Centre (“FLIC”) at your local court. Additional guides can be found at <https://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc/>.

Purpose of a Case Conference

- [3] The purposes of a case conference are set in Rule 17(4) of the *Rules* and include,
- (a) exploring the chances of settling the case;
 - (b) identifying the issues that are in dispute and those that are not in dispute;
 - (c) exploring ways to resolve the issues that are in dispute;
 - (d) ensuring disclosure of the relevant evidence including the disclosure of financial information required to resolve any support or property issue;

- (d.1) identifying any issues relating to any expert evidence or reports on which the parties intend to rely at trial;
- (e) noting admissions that may simplify the case;
- (f) setting the date for the next step in the case;
- (g) setting a specific timetable for the steps to be taken in the case before it comes to trial;
- (h) organizing a settlement conference, or holding one if appropriate; and
- (i) giving directions with respect to any intended motion, including the preparation of a specific timetable for the exchange of material for the motion and ordering the filing of summaries of argument, if appropriate.

Orders at a Case Conference

- [4] There are many kinds of Orders that a case conference judge can make so it is important to know what the judge can (or cannot) order.

17(8) At a case conference...the judge may, if it is appropriate to do so,

- (a) make an order for document disclosure (rule 19), questioning (rule 20) or filing of summaries of argument on a motion, set the times for events in the case or give directions for the next step or steps in the case;
 - (a.1) make an order requiring the parties to file a trial management endorsement or trial scheduling endorsement in a form determined by the court
 - (a.0.1) make an order about expert evidence, including hiring an expert for one or more parties, the use of an expert opinion and how and when experts' reports are to be served, filed and the opinion admitted into evidence;
- (b) make an order requiring one or more parties to attend,
 - (i) a mandatory information program,
 - (ii) a...settlement conference conducted by a non-judge who is a current or former lawyer or retired judicial officer of the Ontario Superior Court of Justice approved for that purpose by the regional senior judge;
 - (iii) an intake meeting with a court-affiliated mediation service, or
 - (iv) a program offered through any other available community service or resource.
- (b.1) if notice has been served, make a final order or any temporary order, including any of the following temporary orders to facilitate the preservation of the rights of the parties until a further agreement or order is made:

- (i) an order relating to the designation of beneficiaries under a policy of insurance, registered retirement savings plan, trust, pension, annuity or a similar financial instrument;
- (ii) an order preserving assets generally or particularly;
- (iii) an order prohibiting the concealment or destruction of documents or property;
- (iv) an order requiring an accounting of funds under the control of one of the parties;
- (v) an order preserving the health and medical insurance coverage for one of the parties and the children of the relationship;
- (vi) an order continuing the payment of periodic amounts required to preserve an asset or a benefit to one of the parties and the children;
- (d) make an unopposed order or an order on consent;
- (e) on consent, refer any issue for alternative dispute resolution.

[5] A judge **cannot** make an Order finally resolving the case, or any of its disputed issues, unless the parties agree beforehand or at the conference. A judge **can** make an Order for support and, for example, disclosure, if notice of that request has been made in the brief (see also 17(8)(b.1) above). This is more likely where there is no support being paid. Orders for more, or better, financial disclosure can be, and are often, made. The Family Notice requires that notice of what disclosure is missing or needed **must** be identified in the brief so that the court can make an Order if appropriate.

Combined Conference

[6] In addition to the Orders that the case conference judge can make, a judge can now make *at any time* an Order combining case conference and settlement conference events if there have been prior efforts by the parties to resolve one or more of the issues in the proceeding. *Rules* 17(7) and (7.1) are intended to encourage parties to participate in mediation. Certain pre-conditions must be met before such an Order will be granted.

COMBINED CONFERENCE

- (7) A judge may at any time order that part or all of a case conference, settlement conference and trial management conference be combined.

**COMBINED CASE AND SETTLEMENT CONFERENCE
FOLLOWING DISPUTE RESOLUTION**

- (7.1) A judge may at any time, on a motion in Form 14B or on the judge's own initiative, order that all or part of a case conference and settlement conference be combined **if**,
- (a) the parties have resolved or attempted to resolve one or more of the issues in the proceeding through participation in,
 - (i) a family mediation conducted by a person that the judge determines met the criteria established by the Ministry of the Attorney General to provide government-funded mediation services or was qualified to conduct family mediation by virtue of the person's knowledge and experience in family law, or
 - (ii) a legal aid settlement conference conducted by a facilitator;
 - (b) the family mediation or legal aid settlement conference referred to in clause (a) included screening for power imbalances and domestic violence;
 - (c) the financial disclosure required in the case under these rules has been provided;
 - (d) no motions for a temporary order in the case are pending or are contemplated by any of the parties; and
 - (e) each party files a certificate of dispute resolution (**Form 17G**).

[7] The Family Notice also permits parties to request an Order to proceed directly to a combined conference (on consent of the parties and if approved by the court) where they have already participated in another dispute resolution process (collaborative law, for example) *other than a hearing before a Dispute Resolution Officer*. While this procedure may be best suited to Motions to Change, there is no reason why it should not apply at any stage of an Application. The Certificate of Dispute Resolution should be filed with the 14B motion or by a deadline set by the judge.

Financial Disclosure

- [8] **Meaningful financial disclosure is required for every family law case involving property and support issues.** The Ontario Court of Appeal has emphasized this repeatedly (*Roberts v. Roberts*, 2015 ONCA 450 (CanLII)):

The most basic obligation in family law is the duty to disclose financial information. This requirement is immediate and ongoing.

Failure to abide by this fundamental principle impedes the progress of the action, causes delay and generally acts to the disadvantage of the opposite party. It also impacts on the administration of justice. Unnecessary judicial time is spent and the final adjudication is stalled.”

Financial disclosure is automatic. It should not require court orders – let alone three to obtain production.

- [9] The court expects that all reasonable efforts will have been made to provide full and frank disclosure **before the case conference**. *Rules* 13(3.1) to 13(3.2.1) require financial disclosure to be made not only when a case is started but also before scheduled events.

ADDITIONAL REQUIRED FINANCIAL DISCLOSURE, SUPPORT

13(3.1) A party who is required under subrules (1) to (3) to serve and file a financial statement in relation to a claim for support shall, before the deadline set out in subrule (3.2), serve with the financial statement the following information, unless the court orders otherwise:

1. The income and financial information referred to in subsection 21 (1) of the child support guidelines.
2. If the party became unemployed within the last three years,
 - i. a complete copy of the party’s Record of Employment, or other evidence of termination, and
 - ii. a statement of any benefits or income that the party is still entitled to receive from his or her former employer despite or as a result of the termination.
3. In the case of a claim for the support of a child, proof of the amount of any special or extraordinary expenses, within the meaning of section 7 of the child support guidelines. O. Reg. 69/15, s. 3 (2).

GIVING OF INFORMATION BEFORE CASE CONFERENCE

13(3.2.1) The party shall also give the information referred to in subrule (3.1) to the other party before any case conference in the case, unless the information has already been served on that party.

[10] If you believe that the financial disclosure from the other party is insufficient (such as missing pages, redacted documents or just ignored) you should make an immediate written request to the other party and be prepared to show to the court in your brief (see the next section) what you asked and what was not provided. This may entitle you to an Order for this information at the conference and an award of costs in your favour payable by the other party (see the section on **Costs Consequences** later in this guide). *Rule* 13(11) deals with insufficient information (see *Rule* 13(11.01) below in particular).

INSUFFICIENT FINANCIAL INFORMATION

13(11) If a party believes that the financial disclosure provided by another party under this rule, whether in a financial statement or otherwise, does not provide enough information for a full understanding of the other party's financial circumstances,

- (a) the party shall make a request in writing to the other party for the necessary additional information; and
- (b) if any requested information is not given within seven days of the request, the court may, on motion or at a case conference or settlement conference, order the other party to give the information or to serve and file a new financial statement.

SAME

13(11.0.1) In seeking an order under clause (11) (b), the party shall specify in the motion, case conference brief or settlement conference brief the information that was requested under clause (11)(a) but not given. (bolding added)

UPDATING FINANCIAL INFORMATION

13(12) Before a case conference, settlement conference, motion or trial, a party shall update their financial information by serving and filing the document specified in subrule (12.1) no later than the time specified in

subrule (12.2), if the information in the last financial statement provided by the party would be,

- (a) for a case conference...more than 60 days old by the time the conference is held;

DOCUMENT TO BE PROVIDED

13(12.1) For the purposes of subrule (12), a party shall serve and file the following document:

1. If the information in the last statement has not changed, an affidavit saying that the information in the last statement has not changed and is still true.
2. If the information in the last statement has changed, the following document:
 - i. If the changes are only minor, an affidavit with details of the changes.
 - ii. In any other case, a new financial statement.

TIMING REQUIREMENT

13(12.2) A party shall serve and file the document referred to in subrule (12.1) no later than the following time:

1. For a case conference...,
 - i. six days before the conference, in the case of the party requesting the conference or, if the conference is not requested by a party, the applicant or the party making the motion, as the case may be, and
 - ii. four days before the conference, in the case of the other party.

Case Conference Brief

[11] Each party must file a case conference brief before the date of the conference. This is called a **Form 17A**. Some sections only require basic information about family members or answering a checklist. Others require more details about the case and what the party filing the brief would like to see the conference accomplish, and the judge to order. If there are

portions of the Form that are inapplicable (such as the parenting sections where there are no parenting issues in dispute) those may be removed.

- [12] **A case conference should never be the first time for the parties or their lawyers to meet or to discuss the issues for the conference, or the case.** Paragraph 8 of Form 17A specifically asks whether the parties have explored before the case conference settlement of any outstanding issues still being disputed and, if so, to give details of those efforts (see **Costs Consequences** below about a judge's authority to order that a party pay costs where they don't comply with the *Rules*).
- [13] A case conference brief is **NOT** the place to simply repeat the party's pleadings or to ask for Orders on disputed or final issues that a judge cannot make (see above, **Orders at a Case Conference**). Keep in mind the purpose of the conference when preparing your brief. Lengthy briefs, briefs containing material irrelevant to the conference issues, baseless allegations and accusatory, inflammatory and unprofessional language are unacceptable and could result in an Order for costs being made against the offending party.
- [14] **Case conference briefs are not permitted to exceed 8 pages**, plus permissible documents (see immediately below what those are). The 8-page limit includes the brief itself (17A) and any additional facts/or arguments that are attached to the brief as an appendix or schedule.
- [15] Certain documents may accompany the brief and are not included in the 8-page limit. These include **relevant excerpts** from the following:
- a. Parenting assessments (pursuant to Section 30 of the *Children's Law Reform Act*), Office of the Children's Lawyer reports and Voice of the Child Reports;
 - b. Documents *that* establish a child's educational needs (for example, report cards or Individual Education Plans);
 - c. Lists of any disclosure that remains outstanding;
 - d. Income or business valuations, pension valuations or real estate appraisals (where the value of property is in dispute);
 - e. Proof of income for the relevant period(s) including pay stubs, confirmation of benefits received and/or Statement of Business or Professional Activities from a party's Income Tax Return; and,

- f. Domestic contracts, including separation agreements, marriage contracts or cohabitation agreements that are relevant to the issues in dispute.

In addition, the parties should include with their materials:

- a. Previous orders and/or endorsements **that are relevant to the issues that are to be addressed** at the event;
- b. Support calculations; and,
- c. Terms of recognizance, police reports or reports from the Children's Aid Society, where applicable.

These documents are also not included in the above page restrictions.

- [16] Voluminous texts, emails and/or social media postings must not be included but **relevant and necessary** excerpts may be referenced in the brief.
- [17] Briefs should be prepared with a view to a realistic agenda that can be fairly addressed by both sides in the time available with the court that day (typically no more than 45 minutes). Anything longer than the 8 page brief limit (with permitted attachments) or which includes unnecessary material may not be read and could expose the offending party to an Order for costs payable to the other side.

Certificate of Financial Disclosure

- [18] Each party to a case must file and serve documents of a financial nature relating to their case depending on whether their case only involves child and spousal support and/or property claims. Some documents must be served with the party's Financial Statement – these are identified in *Rule 13(3.1)* dealing with support claims and they involve certain income and proof of child expense documents. *Rule 13(3.2.1)* lists additional documents which must also be served on the other party before the case conference (if not already served).
- [19] Where property claims are involved, *Rule 13(3.3)* lists what must also be served on the other party “no later than 30 days” after the date by which the party's Financial Statement must be served. The list corresponds to many of the several Parts of the Financial Statement. There must accompany the listed documents being served what is known as a “**Certificate of Financial Disclosure**” (**Form 13A**). **This Certificate must be signed by the party, served on the other party and it must be filed with the court six days before the case conference**

(Rule 13(5.0.2)). If there have been Financial Statement changes or other documents discovered or whose service was overlooked, the Certificate must be updated (and the additional documents served) before the conference, also six days before the conference (Rule 13(13.1)). The other party has the same obligation.

[20] Appendix A sets out the mandatory disclosure and filing requirements.

Service and Filing of Briefs

[21] Be mindful that there are different rules for the applicant and respondent for serving their briefs: **the applicant must serve and file with the court** their brief on the respondent at least **six days** before the conference date, and **the respondent must serve and file with the court** their brief **four days** before the conference date.

<i>Serving & Filing of Briefs with the Court by the applicant (deadline for respondent in brackets)</i>	<i>For Conference date for the following week</i>
Monday (Wednesday)	Tuesday
Tuesday (Thursday)	Thursday
Wednesday (Friday)	Friday
Thursday (Monday)	Monday the second week afterwards
Conferences are not held on Wednesdays in Newmarket.	

[22] Where the deadline for filing falls on a statutory holiday, add a day. For example, if Monday would ordinarily be the deadline for filing briefs in time for a Tuesday Case Conference the next week, and the Monday is a statutory holiday, then the briefs must be filed with the court on the preceding Friday. **Remember to serve and file with the court your brief as soon after service on the other side as possible to ensure that you comply with the rule.**

[23] In Newmarket, the Court will accept a late brief if you have written consent by all the parties involved in the case. The brief must be served and filed with the court along with the consent by 2 pm no later than 2 days before your scheduled conference date.

[24] Appendix B sets out service and filing deadlines.

Mandatory Participatory/Attendance

[25] Rule 17(15), deals with the mandatory participation/attendance of parties and their lawyers,

(15) The following shall come to each conference:

1. The parties, unless the court orders otherwise.
2. For each represented party, the lawyer with full knowledge of and authority in the case.

[26] Until further notice from the Chief Justice conference events shall be held off-site during Covid-19 unless a judge should determine otherwise. A conference **will** proceed virtually by ZOOM or by ZOOM teleconference. Court administration will send out the details for the conference two days before its scheduled date.

[27] The lawyer, or lawyer's agent, who appears for a party must not only be familiar with the issues in the case but also have the authority to give recommendations to, and receive settlement instructions from, the client even if the issues are only procedural in nature or temporary in duration.

Confirmation

[28] Even though the court, or either or both of the parties, have scheduled a case conference date, **each party must still confirm with the other side** and file with the court a confirmation that the conference will proceed. *Rule 17(14)* states:

PARTIES TO CONFIRM ATTENDANCE

(14) Each party shall,

(a) confer or attempt to confer orally or in writing with every other party about the issues that are in dispute, subject to a party being prohibited from such communication by court order;

(b) before giving the clerk confirmation of the conference in Form 17F under clause (c), **give a copy of the confirmation of conference to every other party using mail, fax, email or any other method**, except in a child protection case; and

(c) not later than 2 p.m. **three** days before the conference date, give the clerk the confirmation of conference (Form 17F) by,

(i) delivering it to the court office, or

(ii) sending it by email or submitting it through the Justice Services Online website referred to in subrule 1.1(1). O. Reg.522/21, s. 6(3))

[29] See also "Service and Filing of Briefs" above (paragraphs [21] and [22]).

- [30] The Form 17F confirmation is a filing requirement **in addition to** the deadline for filing Briefs. **In other words, the filing of the Brief does not relieve a party from serving and filing their confirmation.**
- [31] The Family Notice confirms the court's expectation, and Form 17F requires, that the parties discuss with each other beforehand what are the specific issues for the conference and how much time each party expects will be needed to tell the judge what is needed for their case. **It is required that each party list what they think are the important issues for that conference.** This list is like an **Agenda** or checklist and will enable the judge, who will have read the briefs beforehand, to focus on the issues and consider how to handle them.
- [32] The court will also expect the parties to alert it to any areas of agreement when filing their confirmations or at the outset of the conference.
- [33] If no Confirmation is filed by either party (even though both parties are required to file one), the conference will be struck from the list and not heard unless the court orders otherwise. *Rule 17(14.1)* states:

EFFECT OF FAILURE TO CONFIRM

(14.1) Unless the court orders otherwise, a conference shall not be held if confirmation of the conference is not given to the clerk in accordance with clause (14) (c). O. Reg. 298/18, s. 12 (3).

- [34] If the conference is not confirmed, the file will be sent to a judge who may order that no further steps in the case may be taken without the parties obtaining from the court an Order pursuant to Form 14B supported by an affidavit satisfactorily explaining the reason why the conference was not confirmed.
- [35] If there should be any change to the information contained in the confirmation sent (such as certain issues being settled, or inadvertently omitted) the parties should let the court know right away.

PARTIES TO UPDATE CONFIRMATION

(14.1.1) If a party who has given a confirmation of conference determines at any time before the conference is held that the confirmation is no longer correct, the party shall, if possible, immediately,

(a) give a copy of the corrected confirmation of conference in Form 17F to every other party using a method listed in clause (14) (b) and subsequently give the clerk the corrected confirmation of conference by a method listed in clause (14) (c); or

(b) in a child protection case, give the clerk a corrected confirmation of conference in Form 17F by a method listed in clause (14) (c). O. Reg. 298/18, s. 12 (3).

The Conference

[36] The conference will proceed on the date and at the time scheduled. During this time of Covid-19, the Trial Coordinator will forward a ZOOM link to the parties and their lawyers in advance.

[37] Once all parties are present for the ZOOM conference, the judge will attend. If the parties have complied with the *Family Law Rules* and have properly identified the important issues, the judge will discuss with them what can, or should, be done. Sometimes the judge may direct the parties to breakout rooms to discuss the issues and then have them return to the ZOOM session for further discussions and/or an order. The judge can make any Order that is considered appropriate (see **Orders at a Case Conference** above) or the judge can make an Order to which the parties have consented in writing at the conference: this could include a final Order settling one or more of the disputed issues. If your case is one that may involve the valuation of assets, analysis of a party's income or any other matter that may require expert opinion evidence it is a good idea to make a request for that Order at the case conference because an expert's written opinion or report must be served and filed at least six days before the settlement conference, which is the next (mandatory) event in the case. This may avoid having to bring a motion for this relief later.

[38] When the conference has ended, the judge will make an endorsement in the court file that a case conference has been held and note whether any Orders are being made. A copy of that endorsement will be sent to the parties and their lawyers by the court Registrar or a Judicial Assistant afterwards. If an Order is made, it is the responsibility of the lawyers (if there are lawyers involved) to draft the formal version of the Order and to have it issued by the court. If the parties are representing themselves, court administration will prepare the Order and send an issued copy to each party.

- [39] If experts are going to be involved in the case then even if there are no reports at the conference it may be prudent to consider obtaining permission from the judge to either file the expert report(s) for the settlement conference or, better, a summary of the expert's opinion(s) because there are page limitations for that event and expert reports are not excluded from those limitations.
- [40] Briefs will be destroyed after the conference. The court can order that a case conference brief be filed as part of the Continuing Record maintained by the court (*Rule 17(22)*) but if there are references to settlement of the case that portion of the brief must be deleted (*Rule 17(22.1)*).
- [41] **Note:** Section 136 of the *Courts of Justice Act* prohibits any person from copying, recording, publishing, broadcasting or disseminating a court hearing or a portion of it, **including a hearing conducted over videoconference or teleconference**, without the court's permission. **This prohibition includes screenshots.**

Costs Consequences

- [42] The judge hearing the Case Conference may make an Order for costs in appropriate circumstances.

COSTS

17(18) Costs shall not be awarded at a conference unless a party to the conference was not prepared, did not serve a required brief, did not make any required disclosure, otherwise contributed to the conference being unproductive or otherwise did not follow these rules, in which case the judge shall, despite subrule 24 (10)¹,

- (a) order the party to pay the costs of the conference immediately;
- (b) decide the amount of the costs; and
- (c) give any directions that are needed. O. Reg. 114/99, r. 17 (18); O. Reg. 235/16, s. 3.

¹ *Rule 24(10)* provides that the court should deal with costs of each step in a case promptly.

COSTS MAY BE AWARDED LATER

17(18.1) Subrule (18) does not prevent the court from awarding costs in relation to the conference at a later stage in the case, if costs are not awarded at the conference. O. Reg. 298/18, s. 12 (5).

- [43] In addition to the provisions of *Rule* 17(18), the court also has the power to award costs pursuant to *Rule* 13(17) if a party has not served or filed a document required by the *Rules*. This can be requested in a party's brief, or the court may order costs on its own initiative. *Rule* 2(8) may also be used to reflect the court's displeasure with inflammatory language, irrelevant issues raised or rambling and incoherent briefs. Non-compliance with the Notice may also result in costs being ordered against an offending party.

Effective August 1, 2021 (Rule 17(7) and (7.1) Combined Conferences)
Effective September 1, 2021 (all other amendments)
Guide revised September 10, 2021

APPENDIX A

CERTIFICATE OF FINANCIAL DISCLOSURE

[1] Depending on whether a claim for support and/or a claim to property is being made each party must serve what is known as a Certificate of Financial Disclosure on the other party no later than 30 days after the date on which their Financial Statement must be served. The information listed in the Certificate must include the following,

(3.3) A party who is required to serve and file a financial statement in relation to a claim under Part I of the *Family Law Act* shall, no later than 30 days after the day by which the financial statement is required to be served, serve on the other party the following information, unless the court orders otherwise:

1. The statement issued closest to the valuation date for each bank account or other account in a financial institution, pension, registered retirement or other savings plan, and any other savings or investments in which the party had an interest on that date.
2. A copy of an application or request made by the party to obtain a valuation of his or her own pension benefits, deferred pension or pension, as the case may be, if any, as of the valuation date.
3. A copy of the Municipal Property Assessment Corporation's assessment of any real property in Ontario in which the party had a right or interest on the valuation date, for the year in which that date occurred.
4. If the party owned a life insurance policy on the valuation date, the statement issued closest to that date showing the face amount and cash surrender value, if any, of the policy, and the named beneficiary.
5. If the party had an interest in a sole proprietorship or was self-employed on the valuation date, for each of the three years preceding that date,
 - i. the financial statements of the party's business or professional practice, other than a partnership, and
 - ii. a copy of every personal income tax return filed by the party, including any materials that were filed with the return.
6. If the party was a partner in a partnership on the valuation date, a copy of the partnership agreement and, for each of the three years preceding the valuation date,

- i. a copy of every personal income tax return filed by the party, including any materials that were filed with the return, and
- ii. the financial statements of the partnership.

7. If the party had an interest in a corporation on the valuation date, documentation showing the number and types of shares of the corporation and any other interests in the corporation that were owned by the party on that date.

8. If the corporation in which a party had an interest was privately held, for each of the three years preceding the valuation date,

- i. the financial statements for the corporation and its subsidiaries, and
- ii. if the interest was a majority interest, a copy of every income tax return filed by the corporation.

9. If the party was a beneficiary under a trust on the valuation date, a copy of the trust settlement agreement and the trust's financial statements for each of the three years preceding that date.

10. Documentation showing the value, on the valuation date, of any property not referred to in paragraphs 1 to 9 in which the party had an interest on that date.

11. Documentation that supports a claim, if any, for an exclusion under subsection 4 (2) of the *Family Law Act*.

12. The statements or invoices issued closest to the valuation date in relation to any mortgage, line of credit, credit card balance or other debt owed by the party on that date.

13. Any available documentation showing the value, on the date of marriage, of property that the party owned or in which he or she had an interest on that date, and the amount of any debts owed by the party on that date.

[2] There are different Rules for serving the required documents and filing the Certificate of Financial Disclosure.

[3] Rule 13(5.0.2) requires a party who is required to serve these documents to serve them with the Certificate and to afterwards file the Certificate in the Continuing Record at least six days before the case conference, or a motion,

(5.0.2) A party who is required to serve documents under subrule (3.1), (3.3), (3.4) or (5.0.1) shall confirm service by,

(a) **serving a certificate of financial disclosure** (Form 13A) together **with the documents**; and

(b) **filing the certificate** no later than,

(i) six days before a case conference, in the case of the applicant or the party making the motion, as the case may be, and

(ii) four days before the case conference, in the case of the other party.

[4] The documents served with the Certificate are NOT to be filed with the court, only the Certificate is filed.

[5] There is no need to file another Certificate in the case unless there are new or additional documents disclosed or corrections are needed. In that situation, an updated Certificate must be served (with the documents, or corrections, noted) and that Certificate then filed in the Continuing Record six days before the next conference event,

(13.1) Before any settlement conference or trial management conference, a party who has served a corrected, updated or new version of a document referred to in subrule (3.1), (3.3), (3.4) or (5.0.1) in accordance with subrule (15), or additional documents in accordance with subrule (16), shall serve and file an updated certificate of financial disclosure (Form 13A), no later than,

(a) six days before the conference, in the case of the party requesting the conference or, if the conference is not requested by a party, the applicant or the party making the motion, as the case may be; and

(b) four days before the conference, in the case of the other party.

(16) As soon as a party discovers that he or she failed to serve a document required to be served under subrule (3.1), (3.3), (3.4) or (5.0.1), the party shall serve the document on the other party.

APPENDIX B

SERVICE AND FILING DEADLINES

Name of Document	Form	Service and Filing Deadlines (not later than)	Rule
Certificate of Financial Disclosure	13A	6 days before the conference (4 days for the other side)	13(5.0.2)(a) and (b)
Certificate of Dispute Resolution	17G	With 14B motion or by deadline ordered by a judge	17(7.1)
Updated Financial Statements [or affidavit confirming financial information is the same]	13 or 13.1 [14A]	6 days before the conference (4 days for the other side)	13(12.2) 1
Case Conference Brief	17A	6 days before the conference (4 days for the other side)	17(13.1)
Confirmation	17F	3 days before the conference (both parties) by 2:00 p.m.	17(14)

Settlement Conference Rules and Procedure

(For litigants and lawyers)

- [1] The Settlement Conference is the next to last step before a trial. It is a final opportunity for a judicial review and discussion about the disputed issues in the case, and to try to resolve them, in whole or in part to avoid or shorten a trial. It is a confidential process. The judge holding the conference will **not** be the trial judge. Everything that is said by anyone participating in the conference is confidential and cannot be repeated in court or later presented at trial. The settlement conference documents (briefs) which each party must file before the conference are returned or destroyed afterwards. In order for the judge to make meaningful settlement recommendations, the parties must prepare a number of important documents before the conference and file them with the court.
- [2] The *Family Law Rules* (“the *Rules*”) govern what is required and what happens at a settlement conference. There are consequences if these rules are not followed. What follows is a procedural guide (and some tips) to the settlement conference process. Be mindful that the Chief Justice of Ontario issued a **Province-wide Notice to the Profession Regarding Family Law Cases** on September 1, 2021 effective September 13, 2021 (the “Family Notice”). It should be read in combination with an earlier **Notice to the Profession** (“the Notice”) for Central East Region effective January 4, 2020. Both notices can be found on the Superior Court of Justice website at www.ontariocourts.ca, the Family Notice under “Provincial Notices” and the Central East Region notice under “Regional Notices” (Home>>Notices and Orders-Covid-19>>Regional Notices (Central East-Family)). The website contains additional information about family law rules and practice. This can be accessed online by going to “A Guide to Process for Family Cases at the Superior Court of Justice” (Home>> Family Proceedings>> Resources-Family) or you can contact the Family Law Information Centre (“FLIC”) at your local court. Additional guides can be found at <https://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc/>.

Purpose of a Settlement Conference

[3] The purposes of a settlement conference are set out in *Rule 17(5)* of the *Family Law Rules*,

PURPOSES OF SETTLEMENT CONFERENCE

17(5) The purposes of a settlement conference include,

- (a) exploring the chances of settling the case;
- (b) settling or narrowing the issues in dispute;
- (c) ensuring disclosure of the relevant evidence;
- (c.1) settling or narrowing any issues relating to any expert evidence or reports on which the parties intend to rely at trial;
- (d) noting admissions that may simplify the case;
- (e) if possible, obtaining a view of how the court might decide the case;
- (f) considering any other matter that may help in a quick and just conclusion of the case;
- (g) if the case is not settled, identifying the witnesses and other evidence to be presented at trial, estimating the time needed for trial and scheduling the case for trial; and
- (h) organizing a trial management conference or holding one if appropriate.

[4] It is important to note what the settlement conference is not – it is **NOT** a repetition, or **duplication, of the case conference. It is not the place to reargue what may have happened, or been ordered, at earlier steps in the court proceeding like a case conference or a motion.**

Required Documents

[5] These are the documents that **must** be prepared, served and filed with the court before a settlement conference can proceed:

- (a) a **Net Family Property statement**, if the parties are married and there are property issues involved;
- (b) a **Comparison of Net Family Property** statements (if (a) applies);
- (c) a **Certificate of Financial Disclosure**;

- (d) an **updated Financial Statement, or an affidavit** saying that the information in a previous financial statement sworn more than 60 days before the conference has not changed and is still true;
- (e) an **Expert Report**;
- (f) a **Settlement Conference Brief**;
- (g) an **Offer to Settle**, either in the settlement conference brief (where noted) or separately attached.

[6] Appendix A sets out when these documents must be served on the other party and filed with the court, along with the governing Rule. Some of these documents, such as (a) to (e) above, are filed in the court record (this is called the “Continuing Record”). A settlement conference brief and any Offer to Settle **do not** form part of the Continuing Record and are returned or destroyed after the conference (see **Confidentiality** below).

[7] Failure to comply with the *Rules* wastes the time of the parties and the court. Non-compliance will usually result in costs being awarded against the offending party (see **Cost Consequences** below).

Orders at a Settlement Conference

[8] *Rule 17(8)* sets out the kind of Orders that the judge can make at a settlement conference.

ORDERS AT CONFERENCE

- (8) At a ... settlement conference ... the judge may, if it is appropriate to do so,
 - (a) make an order for document disclosure (rule 19), questioning (rule 20) or filing of summaries of argument on a motion, set the times for events in the case or give directions for the next step or steps in the case;
 - (a.0.1) make an order about expert evidence, including hiring an expert for one or more parties, the use of an expert opinion and how and when experts’ reports are to be served, filed and the opinion admitted into evidence;
 - (a.1) make an order requiring the parties to file a trial management endorsement or trial scheduling endorsement in a form determined by the court;
 - (b) make an order requiring one or more parties to attend,
 - (i) a mandatory information program,

- (ii) a ... settlement conference conducted by a non-judge who is a current or retired lawyer or a retired judicial officer of the Ontario Superior Court approved for that purpose by the regional senior judge;
 - (iii) an intake meeting with a court-affiliated mediation service, or
 - (iv) a program offered through any other available community service or resource;
- (b.1) if notice has been served, make a final order or any temporary order, including any of the following temporary orders to facilitate the preservation of the rights of the parties until a further agreement or order is made:
- (i) an order relating to the designation of beneficiaries under a policy of life insurance, registered retirement savings plan, trust, pension, annuity or a similar financial instrument,
 - (ii) an order preserving assets generally or particularly,
 - (iii) an order prohibiting the concealment or destruction of documents or property,
 - (iv) an order requiring an accounting of funds under the control of one of the parties,
 - (v) an order preserving the health and medical insurance coverage for one of the parties and the children of the relationship, and
 - (vi) an order continuing the payment of periodic amounts required to preserve an asset or a benefit to one of the parties and the children;
- (c) make an unopposed order or an order on consent; and
- (d) on consent, refer any issue for alternative dispute resolution.

[9] While the *Rule* is worded to include case and trial management conferences, each of those has a different purpose than the settlement conference, although there will be some overlap. Some of the *Rule*'s provisions, like sub-paragraphs (a), (a.0.1), (b) and (b.1) above, should have already been ordered at the case conference, or even motion – **a settlement conference is not the place to raise for the first time, for example, issues about disclosure or questioning.** If you have a complaint about failure by the other party to comply with an Order made at the case conference for disclosure or if you think that the disclosure provided is inadequate, then consider bringing a motion well before the settlement conference.

Settlement Conference Briefs

[10] There is a group of *Rules* that governs what documents must be served and filed by each party before a settlement conference can be held, and when those must be served and filed (see **Required Documents** above). These *Rules* include expert opinion evidence (see **Expert Evidence** below). There is a prescribed **Form 17C** for a settlement conference brief not involving protection of children. The Family Notice limits the contents of your settlement conference brief and any additional pages of facts and/or documents that are attached as an appendix or schedule to 12 pages.

[11] Certain documents may accompany the brief and are **not** included in the 12-page limit. These include **relevant excerpts** from the following:

- a. Parenting assessments (pursuant to Section 30 of the *Children's Law Reform Act*), Office of the Children's Lawyer reports and Voice of the Child Reports;
- b. Documents *that* establish a child's educational needs (for example, report cards or Individual Education Plans);
- c. Lists of any disclosure that remains outstanding;
- d. Income or business valuations, pension valuations or real estate appraisals (where the value of property is in dispute);
- e. Proof of income for the relevant period(s) including pay stubs, confirmation of benefits received and/or Statement of Business or Professional Activities from a party's Income Tax Return; and,
- f. Domestic contracts, including separation agreements, marriage contracts or cohabitation agreements that are relevant to the issues in dispute.

In addition, the parties should include with their materials:

- g. Previous orders and/or endorsements **that are relevant to the issues that are to be addressed** at the event;
- h. Support calculations; and,
- i. Terms of recognizance, police reports or reports from the Children's Aid Society, where applicable.

These documents are also not included in the above page restrictions.

[12] Voluminous texts, emails and/or social media postings must not be included but **relevant and necessary** excerpts may be referenced in the brief.

[13] Note that Expert Reports are not exempted from these page limitations because they are required to be filed in the Continuing Record **before** the conference (see *Rules* 20.2(2) and (14)). A summary of the expert(s) opinion(s) can be included in the brief so long as the page limitations are obeyed: if a party believes it necessary to exceed the page limit, the Notice [37] requires that leave of the court by 14B motion in advance of the conference be obtained before the brief is filed.

[14] *Rules* 17(13), (13.1) and (14.2) set out the requirements for service and filing of settlement conference briefs.

PARTIES TO SERVE BRIEFS

(13) ...[E]ach party shall serve and file a ... settlement conference brief (Form 17C)

TIME FOR SERVICE OF BRIEFS

(13.1) **The party requesting the conference** (or, if the conference is not requested by a party, the applicant or party making the motion) **shall serve and file a brief not later than six days before the date scheduled for the conference and the other party shall do so not later than four days before that date.**

REQUIREMENT TO BRING DOCUMENTS TO SETTLEMENT CONFERENCE

(14.2) The following documents shall be brought to a settlement conference:

1. Any document that supports a party's position in respect of a dispute regarding the value of property or regarding the amount of a debt, in the case of a property claim under Part I of the *Family Law Act*.
2. Any document required to be served under rule 13 (financial disclosure), if there is a dispute as to whether it was served.

[15] An Offer to Settle must be included in, or accompany, the brief (see **Offers to Settle** below). It is prudent to consider having the Offer accompany the brief (rather than being included in it) because that may have later cost implications. The Offer should comply with *Rule* 18.

[16] Above all, briefs should be prepared with a view to a realistic agenda that can be fairly addressed by both sides in the time available with the court that day. Anything longer than the 12-page brief limit (with permitted attachments) or which includes unnecessary material

may not be read and could expose the offending party to an Order for costs payable to the other side.

Expert Evidence

[17] *Rule 20.2* deals with expert opinion evidence. A party can hire their own expert or the court can make an Order that an expert be hired by or for one or more of the parties. There are several kinds of experts described in *Rule 20.2(1)*. Whether the expert is hired by a party or a court Order has been made, the expert report must be served and filed with the court **at least 6 days before the settlement conference**. There are minimum requirements that must be met if you want to call an expert as a witness at trial (a “litigation” or “joint litigation” expert) or if you only want to file an expert’s written opinion (a “participation expert”). These requirements include listing the documents or other sources of information relied on by the expert and serving copies of the documents on the other party or parties unless they have already been served.

[18] **It is usually a good idea to serve and file a copy of the expert report well in advance of the conference.**

Financial Disclosure

[19] Financial disclosure already made must be updated for the settlement conference. *Rules 13(12), (12.1) and (12.2) 1. and 2.* provide as follows:

UPDATING FINANCIAL STATEMENT

(12) Before a ...settlement conference, motion or trial, a party shall update their financial information by serving and filing the document specified in subrule (12.1) no later than the time specified in subrule (12.2), if the information in the last financial statement provided by the party would be,

(b) for a case conference...more than 60 days old by the time the conference is held;

DOCUMENT TO BE PROVIDED

(12.1) For the purposes of subrule (12), a party shall serve and file the following document:

3. If the information in the last statement has not changed, an affidavit saying that the information in the last statement has not changed and is still true.
4. If the information in the last statement has changed, the following document:
 - iii. If the changes are only minor, an affidavit with details of the changes.
 - iv. In any other case, a new financial statement.

TIMING REQUIREMENT

(12.2) A party shall serve and file the document referred to in subrule (12.1) no later than the following time:

2. For a ...settlement conference,
 - iii. six days before the conference, in the case of the party requesting the conference or, if the conference is not requested by a party, the applicant or the party making the motion, as the case may be, and
 - iv. four days before the conference, in the case of the other party.

[20] If there is any document earlier served as required by the *Rules* which has been corrected, updated or is a new version, an updated Certificate of Financial Disclosure must be served and filed in the Continuing Record. *Rule* 13(13.1) governs this,

UPDATING CERTIFICATE OF FINANCIAL DISCLOSURE

(13.1) Before any settlement conference ... a party who has served a corrected, updated or new version of a document referred to in subrule (3.1), (3.3), (3.4) or (5.0.1) in accordance with subrule (15), or additional documents in accordance with subrule (16), shall serve and file an updated certificate of financial disclosure (Form 13A), no later than,

(a) six days before the conference, in the case of the party requesting the conference or, if the conference is not requested by a party, the applicant or the party making the motion, as the case may be; and

(b) four days before the conference, in the case of the other party.

[21] *Rule* 13(16) provides,

DUTY TO ADDRESS OMISSIONS IN FINANCIAL DISCLOSURE

(16) As soon as a party discovers that he or she failed to serve a document required to be served under subrule (3.1), (3.3), (3.4) or (5.0.1), the party shall serve the document on the other party.

Property Claims

[22] Where the case involves property claims between married (not common law) spouses, two important documents must be prepared. The first is a **Net Family Property statement** (Form 13B) and the other is a **Comparison of Net Family Property Statements** (Form 13C) both of which must be prepared and filed **six** days before the settlement conference.

[23] *Rules* 13(14), (14.0.1), (14.02), (14.2) and (14.3) are the applicable rules.

NET FAMILY PROPERTY STATEMENT

(14) Before a settlement conference...each party to a property claim under Part 1 of the Family Law Act shall, no later than the time specified in subrule (14.0.1), serve and file,

- (a) a net family property statement (Form 13B);
- (b) if the party has already served a net family property statement and the information in that statement has not changed, an affidavit saying that the information in the statement has not changed and is still true.

SAME, TIMING REQUIREMENT

(14.0.1) A party shall serve and file the document referred to in subrule (14) no later than,

(a) for a settlement conference,

- (i) six days before the conference, in the case of the party requesting the conference or, if the conference is not

requested by a party, the applicant or the party making the motion, as the case may be, and

(ii) four days before the conference, in the case of the other party; and

(b) for a trial, 30 days before the earlier of the start of the trial and of the trial sitting, as applicable.

COMPARISON OF NET FAMILY PROPERTIES, JOINT

(14.2) Parties who have served and filed net family property statements in accordance with subrule (14) shall file a joint comparison of net family property statements (Form 13C) no later six days before a settlement conference, subject to subrule (14.3).

COMPARISON OF NET FAMILY PROPERTIES, SEPARATE

(14.3) If the parties fail to agree on a joint comparison of net family properties, each party shall serve and file the party's own comparison of net family property statements (Form 13C) no later than,

(a) **six days before a settlement conference**, in the case of the party requesting the conference or, if the settlement conference is not requested by a party, the applicant or the party making the motion, as the case may be; and

(b) **four days before the settlement conference**, in the case of the other party.

[24] These documents must be filed in the Continuing Record.

Service and Filing of Briefs

[25] Be mindful that there are different rules for the applicant and respondent for serving their briefs: the applicant must **serve and file** their brief on the respondent at least **six days** before the conference date, and the respondent **must serve and file** their brief **four days** before the conference date.

<i>Serving & Filing of Briefs with the Court by the applicant (deadline for respondent in brackets)</i>	<i>For Conference date for the following week</i>
Monday (Wednesday)	Tuesday
Tuesday (Thursday)	Thursday
Wednesday (Friday)	Friday
Thursday (Monday)	Monday the second week afterwards

Conferences are not held on Wednesdays in Newmarket.
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- [26] Where the deadline for filing falls on a statutory holiday, add a day. For example, if Monday would ordinarily be the deadline for filing briefs in time for a Tuesday Settlement Conference the next week, and the Monday is a statutory holiday, then the briefs must be filed with the court on the preceding Friday. **Always remember to serve and file your brief as soon after service on the other side as possible to ensure that you comply with this rule.**
- [27] In Newmarket, the Court will accept a late brief if you have written consent from all the parties involved in the case. The brief must be served and filed with the court along with the consent by 2 pm no later than 2 days before the scheduled conference date.
- [28] See Appendix A for service and filing deadlines.

Offers to Settle

- [29] An Offer to Settle must be made as part of the settlement conference process. Its terms are confidential and **cannot** be mentioned in any document filed in the Continuing Record or until after a judge has made a decision dealing with the subject matter of the Offer (i.e. after a trial or other hearing). *Rule 18* deals with offers to settle, who must sign them, the consequences of withdrawing an offer, and accepting or failing to accept an offer.
- [30] The settlement conference brief requires (at paragraph 19) that a party include the terms of their offer to settle. Please remember that while the Form requires each party to set out the terms on which they are prepared to settle the issues in the case, the settlement conference process and all associated documents associated are considered confidential. In other words, the offer referenced in the settlement conference brief will **not** qualify as a *Rule 18* Offer that a party will be allowed to mention after a trial when dealing with the issue of costs. The best practice is to refer to the terms of an offer in the brief or separately attach it. **In every case an Offer to Settle must be served and accompanied by an affidavit proving its service on the other party.** These documents are **never** filed with the court until after a trial has finished and then only as directed by the judge.

Confirmation

[31] Even though the court, or either or both of the parties, have scheduled a settlement conference date, **each** party must still confirm with the other side and file with the court a confirmation that the conference will proceed. *Rule 17(14)* states:

PARTIES TO CONFIRM ATTENDANCE

(14) Each party shall,

(a) confer or attempt to confer orally or in writing with every other party about the issues that are in dispute, subject to a party being prohibited from such communication by court order;

(b) before giving the clerk confirmation of the conference in Form 17F under clause (c), **give a copy of the confirmation of conference to every other party using mail, fax, email or any other method**, except in a child protection case; and

(c) not later than 2 p.m. **three days before the conference date**, give the clerk the confirmation of conference (Form 17F) by,

(i) delivering it to the court office, or

(ii) sending it by email or submitting it through the Justice Services Online website referred to in subrule 1.1(1)

[32] See also “Service and Filing of Briefs” above (paragraphs [25] and [26]).

[33] The Form 17F confirmation is a filing requirement **in addition to** the deadline for filing briefs. **In other words, the filing of the brief does not relieve a party from serving and filing their confirmation.**

[34] The Family Notice confirms the court’s expectation, and Form 17F requires, that the parties discuss with each other beforehand what are the specific issues for the conference and how much time each party expects will be needed to tell the judge how they think that the case can be settled. **It is required that each party list what they think are the specific issues for the conference.** This list is like an **Agenda** and will enable the judge, who will have read the briefs beforehand, to focus on the issues, consider how to handle them and make settlement recommendations.

[35] The court will also expect the parties to alert it to any areas of agreement when filing their confirmations or at the outset of the conference.

[36] If no Confirmation is filed by either party (both parties are required to file one), the conference will be struck from the list and not heard unless the court orders otherwise. *Rule 17(14.1)* states:

EFFECT OF FAILURE TO CONFIRM

(14.1) Unless the court orders otherwise, a conference shall not be held if confirmation of the conference is not given to the clerk in accordance with clause (14) (c). O. Reg. 298/18, s. 12 (3).

[37] If the conference is not confirmed, the Registrar may endorse the Record that no further steps in the case may be taken without the parties obtaining from the court an Order pursuant to Form 14B supported by an affidavit satisfactorily explaining the reason why the conference was not confirmed.

[38] If there is any change to the confirmation sent (such as certain issues being settled, or inadvertently omitted) the parties should let the court know right away.

PARTIES TO UPDATE CONFIRMATION

(14.1.1) If a party who has given a confirmation of conference determines at any time before the conference is held that the confirmation is no longer correct, the party shall, if possible, immediately,

(a) give a copy of the corrected confirmation of conference in Form 17F to every other party using a method listed in clause (14) (b) and subsequently give the clerk the corrected confirmation of conference by a method listed in clause (14) (c); or

(b) in a child protection case, give the clerk a corrected confirmation of conference in Form 17F by a method listed in clause (14) (c). O. Reg. 298/18, s. 12 (3).

Participation/Attendance

[39] *Rule 17(15)* deals with the mandatory participation/attendance of parties and their lawyers at the settlement conference,

(15) The following shall come to each conference:

1. The parties, unless the court orders otherwise.
2. For each represented party, the lawyer with full knowledge of and authority in the case.

[40] The lawyer, or lawyer's agent, who appears for a party must not only be familiar with the issues in the case but also have the authority to give recommendations to, and receive settlement instructions from, the client.

[41] **Note:** Section 136 of the *Courts of Justice Act* prohibits any person from copying, recording, publishing, broadcasting or disseminating a court hearing or a portion of it, **including a hearing conducted over videoconference or teleconference**, without the court's permission. **This prohibition includes screenshots.**

Confidentiality

[42] The settlement conference is confidential. These are the rules that were mentioned at the beginning of this summary,

CONTINUING RECORD, SETTLEMENT CONFERENCE BRIEFS

17(22.2) Settlement conference briefs do not form part of the continuing record and shall be returned at the end of the conference to the parties who filed them or be destroyed by the court staff immediately after the conference.

CONFIDENTIALITY OF SETTLEMENT CONFERENCE

17(23) No brief or evidence prepared for a settlement conference and no statement made at a settlement conference shall be disclosed to any other judge, except in,

- (a) an agreement reached at a settlement conference; or
- (b) an order.

SETTLEMENT CONFERENCE JUDGE CANNOT HEAR ISSUE

17(24) A judge who conducts a settlement conference about an issue shall not hear the issue, except as subrule (25) provides.²

² Subrule (25) deals with child protection cases.

The Conference

- [43] The Conference will proceed on the date and at the time scheduled. During this time of Covid-19, the Trial Coordinator will forward a ZOOM link to the parties and their lawyers in advance.
- [44] Once all parties are present for the ZOOM conference, the judge will attend. If the parties have complied with the *Rules* and have properly identified the specific issues, the judge will explore with the parties their settlement options and try to narrow the issues in dispute. Recommendations will be given. Sometimes the judge may direct the parties to breakout rooms to discuss the issues and then have them return to the ZOOM session for further discussions and/or an Order. The judge can make any Order that is considered appropriate (see **Orders at a Settlement Conference** above) or the judge can make an Order to which the parties have consented in writing: this could include a final Order settling one or more of the disputed issues.
- [45] If there are experts involved in the case, it is worthwhile that the party planning to use that expert's opinion evidence to have the expert available on a stand-by basis in case the court (or the parties) have questions touching on the expert's qualifications or opinion.
- [46] When the conference has ended, the judge will make an endorsement in the court file that the settlement conference has been held and note whether any Orders are being made. A copy of that endorsement will be sent to the parties and their lawyers by the court Registrar or a Judicial Assistant.

Costs Consequences

- [47] There are cost consequences where a party fails to obey the settlement conference rules. These can apply before, or at, the conference.

ORDER, IF DOCUMENT NOT PROVIDED

13(17) If a party has not served or filed a document in accordance with the requirements of this rule or an Act or regulation, the court may on motion order the party to serve or file the document and, if the court makes that order, it shall also order the party to pay costs.

[48] If a settlement conference must be adjourned because a party has not complied with the rules, a judge is required to order that party pay costs. *Rule 17(18)* provides as follows,

COSTS OF ADJOURNED CONFERENCE

(18) Costs shall not be awarded at a conference unless a party to the conference was not prepared, did not serve a required brief, did not make any required disclosure, otherwise contributed to the conference being unproductive or otherwise did not follow these rules, in which case the judge shall, despite subrule 24 (10),³

(a) order the party to pay the costs of the conference immediately;

(b) decide the amount of the costs; and

(c) give any directions that are needed. O. Reg. 114/99, r. 17 (18); O. Reg. 235/16, s. 3.

COSTS MAY BE AWARDED LATER

(18.1) Subrule (18) does not prevent the court from awarding costs in relation to the conference at a later stage in the case, if costs are not awarded at the conference. O. Reg. 298/18, s. 12 (5).

[49] This rule emphasizes the importance of the settlement conference. Parties who have not followed the preceding rules can be held financially responsible to the other party by an award of costs immediately payable or payable by them at some later time or event as the settlement conference judge thinks appropriate.

Summary

[50] The settlement conference is the best, and likely the last, chance to get a judge's opinion about each party's case before trial. Settlement options are discussed: recommendations will be given. Compliance with the settlement conference rules and preparation of the documents required are essential. As already noted, some or all the disputed issues can be finally settled and made into a final Order. An expensive trial can be avoided or shortened, along with its costs to the parties, by complying with the *Rules*.

Effective September 1 and 13, 2021
Guide revised September 10, 2021

³ Rule 24(10) provides that the court should deal with costs of each step in a case promptly.

APPENDIX A

**DOCUMENTS THAT HAVE TO BE
SERVED AND FILED WITH THE COURT
BEFORE A SETTLEMENT CONFERENCE (AND WHICH WILL FORM PART OF
THE CONTINUING RECORD, EXCEPTING THE BRIEF AND CONFIRMATION)**

Name of Document	Form	Deadline (not later than)	Rule
Net Family Property Statement	13B	6 days before the conference	13(14.0.1)
Comparison of Net Family Property Statements	13C	6 days before the conference	13(14.2) and 13(14.3)(a)
Updated Financial Statements [or affidavit confirming financial information is the same]	13 or 13.1 [14A]	6 days before the conference (4 days for the other side)	13(12.2)
Updated Certificate of Financial Disclosure	13A	6 days before the conference (4 days for the other side)	13(13.1)
Settlement Conference Brief (with enclosed or attached Offer to Settle)	17C	6 days before the conference (4 days for the other side)	17(13.1)
Expert report	Report must comply with Rule 20.2(2)	6 days before the conference	20.2(2)
Confirmation	17F	3 days before the conference (both parties) by 2:00 p.m.	17(14)(c)

RESOURCES FOR LITIGANTS IN FAMILY CASES

October 2021, Ontario Superior Court of Justice (Newmarket)

Note: this is not a comprehensive list of all resources available for Family Law issues, and the provision of this list should not be seen as an endorsement of any of the respective content, but rather a starting point for your own research

GENERAL RESOURCES

Finding Community Services

Visit your local Family Law Information Centre

www.attorneygeneral.jus.gov.on.ca/english/family/family_justice_services.php#flic

Listings at 211.ca

<https://211ontario.ca/211-for-help/looking-for-help/>

Finding Legal Services

Legal Aid Ontario Toll Free: 1-800-668-8258

<https://www.legalaid.on.ca/services/family-legal-issues/>

LEGAL AID/ADVICE LAWYER

Legal Aid has also created a new line for clients who are seeking to get legal advice (up to 20 min) they can access that service for **Duty Counsel (for your court date)** or **Legal advice (any other time)** by calling **905-967-0921 or 1-888-616-0119, ext. 18** It is a call back service, so please leave a message and then wait for a call back

You will get a quicker response for Duty Counsel and Legal Advice via EMAIL
gendcfamnewmascj@lao.on.ca

To apply or learn more about Legal Aid Certificates the alternative is to contact the Client Service Centre (Summary Legal Advice – Family) at **1-800-668-8258**

York Law Society:

<https://yorklaw.ca/family>

Law Society of Ontario

Law Society Referral Service:

<https://lsrs.lso.ca/lsrs/redefineLocale.action?currentLang=en>, or email lsrs@lso.ca

Law Society Referral Service 1-855-947-5255

Law Society Lawyer and Paralegal Directory:

<https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/lawyer-and-paralegal-directory>

Ontario Bar Association Directory of Lawyers:

<http://www.oba.org/for-the-public/find-a-lawyer>

Unbundled Services in family law and Ontario’s Family Law Limited Scope Services Project where you can hire a lawyer on an as-needed basis called “unbundled services”

<https://www.familylawlss.ca/>

Advice and Settlement Counsel - One hour of legal assistance at an affordable rate. No appointment needed. Virtual services

www.ascfamily.com

Family Justice Centre – Legal advice and assistance with court forms

www.probonostudents.ca (commences early 2021)

URGENT/EMERGENCY FAMILY LAW REFERRAL TELEPHONE LINE – 1-800-268-7568 OR 416-947-3310

- to provide assistance to people who are self-represented (SRLs)
- to determine whether or not their family court matter meets the criteria to be heard by the Court on an “urgent” basis
- if so, how to proceed in making their request

This emergency service will connect SRLs with a family lawyer, 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 will provide referrals to other available legal services.

Family Law Mediation Services

MEDIATION SERVICES via York Hills Family Mediation and Information Services – 905-853-4816

- If you would like to try to settle your family matter outside of court, mediation may be appropriate for you.
- Visit their website for more information: <https://www.yorkhills.ca/services/family-mediation/>
- To start the mediation process, call the Information and Referral Coordinators at **905-853-4816**. It is a callback service, please leave a message and wait for a call back.

Court-Connected Family Mediation Programs in Ontario, Ministry of the Attorney General
<http://www.attorneygeneral.jus.gov.on.ca/english/family/mediation.php>

Locate an accredited family mediator through, Ontario Association for Family Mediation, Family Dispute Resolution Institute of Ontario or ADR Institute of Ontario

www.oafm.on.ca/

www.fdrio.ca/members/

<http://adric.ca/>

Family Law: General

Steps to Justice, Community Legal Education Ontario
<https://stepstojustice.ca/legal-topic/family-law>

Family Law Information Program, Legal Aid Ontario
<http://www.legalaid.on.ca/en/getting/flip.asp>

Family law legislation, rules and forms
www.ontariocourts.ca/scj/family/legislation-forms/

Family Law Court Procedures and Forms

Guide to Process, Superior Court of Justice
<http://www.ontariocourts.ca/scj/news/publications/guide-family/>

Family Court Forms, Ministry of the Attorney General
<http://ontariocourtforms.on.ca/en/>

Assistance Completing Your Court Forms, Community Legal Education Ontario (Guided Pathways)
<https://stepstojustice.ca/guided-pathways>

Guide to Procedures at Family Court, Ministry of the Attorney General (court filings)
<http://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc/>

Family Law Rules
<http://www.ontario.ca/laws/regulation/990114>

Family law flowchart (Community Legal Education Ontario)
<https://familycourt.cleo.on.ca/en/about-flowcharts>

Procedures in the Superior Court of Justice

Practice Directions of the Superior Court of Justice
www.ontariocourts.ca/scj/practice/

List of Often Cited Family Law Cases
www.ontariocourts.ca/scj/practice/practice-directions/list/

Domestic Violence

Assaulted Women's Helpline
<https://www.awhl.org/home>

Services for Women Experiencing Domestic Violence, www.settlement.org

<https://settlement.org/ontario/health/family-health/domestic-abuse/where-can-i-get-help-for-domestic-abuse/>

Information about Violence in the Family, Ministry of the Attorney General
www.attorneygeneral.jus.gov.on.ca/english/family/violence.php

Family Court Support Worker Program, Ministry of the Attorney General
www.attorneygeneral.jus.gov.on.ca/english/ovss/family_court_support_worker_program/service_providers.php

Legal Aid Ontario Domestic Violence Legal Advice Certificates
<https://www.legalaid.on.ca/services/domestic-abuse/>

Court Support with Yellow Brick House

Urgent matters such as accessing our shelter or having any safety concerns, please call the **24-hour crisis-line at 1-800-263-3247**. A crisis counsellor will be able to provide immediate assistance.

Court Support with Yellow Brick House

For other **non-emergency inquiries**, please call our outreach intake screening at **1-877-222-8438 Ext. 5004**

A worker will triage and direct caller to receive appropriate services. Messages will be checked during business hours on a daily basis except holidays and weekends.

If need be (especially for D.V. cases) individuals can contact Florence via email at **florencet@yellowbrickhouse.org** **OR IF YOU ARE IN DANGER CALL 911**

Parenting Issues

Steps to Justice – Community Legal Education Ontario
<https://stepstojustice.ca/legal-topic/family-law>

Decision-making, parenting time and parenting plans (Community Legal Education Ontario)
<https://yourlegalrights.on.ca/resource/separation-and-divorce-child-custody-access-and-parenting-plans>

Guides, checklists and tools to help create a parenting plan

Department of Justice Canada
<https://www.justice.gc.ca/eng/fl-df/parent/plan.html>

Association of Family and Conciliation Courts (AFCC-Ontario)
<https://afccontario.ca/parenting-plan-guide-and-template/>

Steps to Justice, Community Legal Education Ontario
<https://stepstojustice.ca/steps/family-law/2-make-agreement-court-can-enforce>

Parenting Scheduling and Communications Tools

<https://www.ourfamilywizard.com/> (subsidies may be available)

<http://coparently.com/>

<https://coparenter.com/>

<https://talkingparents.com/home>

<https://www.2houses.com/en/>

<https://truece.com/>

<https://appclose.com/>

<http://kidganizer.com/>

<https://www.custodyjunction.com>

<http://www.parentingtime.net>

Information about child custody assessments, including hiring a private assessor and services that are available through the Office of the Children's Lawyer

<https://stepstojustice.ca/questions/family-law/what-child-custody-and-access-assessment-why-would-i-want-one>

<http://www.attorneygeneral.jus.gov.on.ca/english/family/ocl/custody.php>

www.attorneygeneral.jus.gov.on.ca/english/family/ocl/

Intake materials for the Office of the Children's Lawyer

<http://www.attorneygeneral.jus.gov.on.ca/english/family/ocl/intakeform.php>

Information about supervised access services in Ontario

<http://www.attorneygeneral.jus.gov.on.ca/english/family/supaccess.php>

Child Protection Issues

Information about child protection cases, Ministry of the Attorney General

www.attorneygeneral.jus.gov.on.ca/english/family/divorce/child_protection/

Steps to Justice – Community Legal Education Ontario

<https://stepstojustice.ca/legal-topic/family-law/child-protection>

Let's Talk Child Witness Program (run by sand house & Sandgate Women's Shelter)

To help children 4-18 years old) throughout York Region understand the cycle of abuse and deal with their feelings as witnesses or victims of domestic violence. The program aims to provide children with a safe and supportive environment where they can talk about their experiences and participate in a variety of activities aimed at assisting them in working through their feelings.

Yellow Brick House 1-877-222-8438 www.yellowbrickhouse.org

Sandgate 1-800-661-8294 www.sandgate.ca

Support Issues

Steps to Justice, Community Legal Education Ontario

<https://stepstojustice.ca/legal-topic/family-law>

General information regarding child support and spousal support,

Community Legal Education Ontario

<https://yourlegalrights.on.ca/legal-topic/family-law/child-support>

<https://yourlegalrights.on.ca/resource/separation-and-divorce-spousal-support>

How to determine child support

<https://www.justice.gc.ca/eng/fl-df/child-enfant/index.html>

<https://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/>

<https://www.justice.gc.ca/eng/fl-df/child-enfant/ft-tf.html>

How to determine spousal support

<http://www.attorneygeneral.jus.gov.on.ca/english/family/divorce/support/spousal.php>

<https://www.justice.gc.ca/eng/fl-df/spousal-epoux/index.html>

<https://www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html>

Spousal Support Advisory Guidelines

<https://www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html>

Set up or Update child support online and support calculation tools

[Set up or update child support online | Ontario.ca](https://www.mysupportcalculator.ca/)

<https://www.mysupportcalculator.ca/>

Information about enforcement of support orders

<https://stepstojustice.ca/questions/family-law/how-does-family-responsibility-office-enforce-child-support>

<https://www.ontario.ca/page/paying-and-receiving-child-and-spousal-support>

<https://www.justice.gc.ca/eng/fl-df/enforce-execution/index.html>

Family Responsibility Office, re: support enforcement: www.thefro.ca

Property Issues

General information regarding division of property for married spouses (includes information about pensions and the matrimonial home)

http://www.attorneygeneral.jus.gov.on.ca/english/family/divorce/division_of_property/

Steps to Justice – Community Legal Education Ontario

<https://stepstojustice.ca/legal-topic/family-law/property-and-debts-married-couples>

Property Division, Community Legal Education Ontario

www.cleo.on.ca/en/publications/propertydiv

Matrimonial Real Property on Reserves: Indigenous and Northern Affairs Canada

www.aadnc.gc.ca/MRP

Restraining Orders

Ministry of the Attorney General: Self-Help Guide to Applying for a Restraining Order

http://www.attorneygeneral.jus.gov.on.ca/english/family/guides/restraining_order/

Consolidated Web Page with Various Links and Case Summaries

Links to court decisions, practice directions, legislation, legal links, a financial disclosure program, useful apps and other services/resources

[twitter.com protopage.com/corollaryrelief](https://twitter.com/protopage.com/corollaryrelief)

ZOOM Trouble Shooting

<https://support.zoom.us/hc/en-us/articles/206175806-Frequently-asked-questions>

Current Directions for Attendances, Materials and Filing

Conferences and Motions are scheduled for one hour and are set by the trial coordinator.

Cross-motions that are not scheduled by the trial coordinator will not proceed.

Page limitations must be followed.

Case Conference and Settlement Conference Briefs

Case Conference Briefs should be limited to the four-page form set out in the *Family Law Rules* with a maximum of four additional pages of narrative and proposals, other than supporting material such as lists of outstanding disclosure or professional reports. Settlement Conference Briefs should be limited to twelve pages inclusive of the form as well as permissible attachments. Briefs that exceed the maximum may be returned to the parties, and the matter may be placed at the bottom of the list. Lengthy or unduly adversarial case or settlement conference briefs may not be read. The matter may also be placed at the bottom of the list and costs may be

awarded. For additional information please review the NEW Notice to Profession effective September 13, 2021.

Motion Materials

There shall be a strict page limit for affidavits in support of motions. Affidavits shall not exceed twelve pages of narrative and the total number of pages of exhibits shall not exceed ten pages. Reply affidavits and/or third party affidavits shall not exceed 5 pages including exhibits. Copies of relevant court orders are excluded from the page limit and should be included. Materials may reference exhibits that can be made available to the judge upon request. Moving party's motion materials due 30 days in advance of the motion. Responding party's motion materials due 14 days before the motion. Reply due 10 days before the motion. All pages must be single sided and double spaced with a 12 point font. The parties must file a 14B motion requesting an extension to the filing page limits 30 days prior to the filing deadlines to account for the lag time between filing and disposition. The request should include the approximate number of pages for the affidavit and the exhibits, and the necessity of same . For additional information please review the Notices to Profession effective September 13, 2021 (Ontario-wide) and January 4, 2021 (Central East Region).

[Province-wide Notice to the Profession Regarding Family Law Cases | Superior Court of Justice \(ontariocourts.ca\)](https://www.ontariocourts.ca/notice-to-the-profession-regarding-family-law-cases)

[Notice to the Profession and Family Law Litigants – Protocol for Family and Child Protection Matters in the Superior Court of Justice, Central East Region \(Effective January 4, 2021\) | Superior Court of Justice \(ontariocourts.ca\)](https://www.ontariocourts.ca/notice-to-the-profession-and-family-law-litigants-protocol-for-family-and-child-protection-matters-in-the-superior-court-of-justice-central-east-region-effective-january-4-2021)

Court materials should be filed in accordance with the *Family Law Rules* and the Central East Practice Directions through the Family Submissions Online portal - [Ontario.ca/familyclaims](https://www.ontario.ca/familyclaims) and Caselines

<https://www.ontario.ca/page/file-family-court-documents-online>

The file naming protocol can be found at:

[Consolidated Notice to the Profession, Litigants, Accused Persons, Public and the Media | Superior Court of Justice \(ontariocourts.ca\)](https://www.ontariocourts.ca/consolidated-notice-to-the-profession-litigants-accused-persons-public-and-the-media)

Court materials filed late (even with the consent of the other party) may not be available to the judge on the hearing date. Early filing is recommended.

If at any time you need to contact the family section of the Newmarket filing office, the best way to reach them is via email at:

newmarketscfamily@ontario.ca

50 Eagle Street West, Newmarket, Ontario, L3Y 6B1
Tel: (905) 853-4809 Fax: (905) 853-4864

Newmarket Administration Email Address General Inquires: NewmarketSCJadmin@ontario.ca
Family Urgent Matters: Newmarketscjfamily@ontario.ca
Civil Urgent Matters: Newmarket.scj.courts@ontario.ca
Estates Urgent Matters Newmarketestates@ontario.ca
Small Claims Urgent Matters Newmarket SCCourts@ontario.ca
Newmarket Enforcement Office NewmarketEnforcement@ontario.ca
Newmarket Trial Coordinators Email Address: Newmarket.SCJ.TC@ontario.ca
Law Society Referral Service Tel: 1-855-947-5255 www.findlegalhelp.ca

Attorney General Website

<https://www.attorneygeneral.jus.gov.on.ca/>

Court Forms

www.ontariocourtforms.on.ca

Information about Family Law

Guide to Procedures in Family Court

<https://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc/>

Mandatory Information Program Contact Information

Family Law Information Centre (905) 853-4816 Email: IRC@yorkhills.ca

Family Law in Ontario

<https://stepstojustice.ca/>

JusticeNet

<https://www.justicenet.ca/>

CLEO-Steps IN A FAMILY LAW CASE

<https://cleoconnect.ca/legal-topic/familylaw>

<https://www.cleo.on.ca/en/family-flowchart/steps-family-law-case>

Child Support Online

<https://www.ontario.ca/page/set-up-or-update-child-support-online>

Divorce Online

<https://www.ontario.ca/page/file-divorce-application-online>

Information about Civil, Small Claims Estates & Divisional

Small Claims Court Online

<https://www.ontario.ca/page/file-small-claims-online>

Small Claims Court Guides

<https://www.attorneygeneral.jus.gov.on.ca/english/courts/guides/>

Civil Claims Online

<https://www.ontario.ca/page/file-civil-claim-online>

Divisional Court Guides

https://www.attorneygeneral.jus.gov.on.ca/english/courts/divisional/What_is_Divisional_Court_EN.html

Estate Matters

https://www.attorneygeneral.jus.gov.on.ca/english/justice-ont/estate_planning.php

**Ministry of the
Attorney General**

Court Services Division
Central East Region

Superior Court of Justice
50 Eagle Street West,
Newmarket, Ontario
L3Y 6B1

**Ministère du
Procureur général**

Division des services aux tribunaux
Région du Centre-Est

Cour de justice de l'Ontario
50, rue Égale Ouest
Newmarket, Ontario
L3Y 6B1



Mandatory Information Program (MIP'S)

To the Parties,

On July 6th, 2020, Court Service Division began the phased reopening of the courts in accordance with the recommendations of our Chief Medical Officer and the Ministry of Health. As part of this process we are beginning the resumption of family courts and will be working with parties and justice stake holders to resume the operations of the Mandatory Information Program (MIP's) in Central East Region. Please be advised, in order for your case to proceed you must attend the Mandatory Information Program.

To schedule your Mandatory Information Program, please contact YorkHills Mediation Services by email at IRC@yorkhills.ca or by calling (905) 853-4816.

Once you have completed the program, YorkHills Mediation Services will provide you with a certificate of completion. This Certificate is required to be filed with the court. You may wish to email the completed certificate to Newmarketscfamily@ontario.ca.

Thank you,
Administration Office
Superior Court of Justice

Justice Services Online Filing Portal

We are encouraging the Legal Profession to use the Justice Service Online Filing Portal **rather than email**. Court hearings are currently being held virtually. **To assist the Judiciary in reviewing the documents prior to the hearing, the judiciary requires electronic documents that can be accessed offsite.**

On August 5, 2020, the Justice Services Online platform (ontario.ca/familyclaims and ontario.ca/page/file-civil-claim-online) was expanded to enable the online submission of close to 400 more types of civil and family court documents.

The new services, “Civil Submissions Online” and “Family Submissions Online,” will provide simple and quick ways to electronically submit court documents, at every step in a case, in any new or existing:

- civil action or application in the Superior Court of Justice (SCJ); and
- family proceeding in the SCJ

Users can pay court filing fees online securely by debit or credit card. Individuals can also use the system to request a fee waiver certificate or submit documents with an existing fee waiver certificate.

By making it possible to submit most civil and family court documents online, the Ministry is increasing efforts to protect the health and safety of Ontarians by reducing the need to attend a courthouse in person.

The new services complement Civil Claims Online and Family Claims Online as reflected in the prior Notice to the Profession and **REPLACES** email filing processes established in response to COVID-19

The Benefits of Justice Services Online Filing Portal

- Original Documents are not required to be filed in person
- Payments are processed Online as the document has been accepted for filing.
- When filing the documents through the Portal, an email confirmation will be sent to advise the court has received the document through the Online Portal.
- Once the documents have been processed, an additional email will be sent to advise if the documents have been accepted or rejected for filing.

Getting Access to Justice Services Online Filing Portal

To access Justice Services Online Filing Portal, users are required to create an account using their Ontario ONe-Key ID. ONe-key is a unique electronic credential that allows you to communicate securely with online government services. Setting up your ONe-Key ID is fast and simple. To learn more, visit <https://www.one-key.gov.on.ca/iaalogin/overview.jsp>.

Providing Feed back for Justice Services Online Filing Portal

The Ministry will enhance the service based on user feedback. If you have any questions or would like to provide feedback about the service, please contact Alexey Togunov, Director, Project Implementation Branch at Alexey.Togunov@ontario.ca.

Filing Documents by Email

The Administration Office has been receiving multiple duplications of filings. Documents are being emailed **AND** sent through the Justice Service Online Portal. This causes a duplication of work for the Administration Office and the Judiciary.

The Newmarket Court is asking **that** documents are **ONLY** to be emailed if the matter is urgent and requires to be processed prior to five business days and a court date has been set and, pursuant to the rules which may indicate that documents are to be filed less than five business days.

Example of Urgent Matters:

- **MOTION WITHOUT NOTICE. (RULE 14. 12.A motion may be made without notice if,**
 - (a) the nature or circumstances of the motion make notice unnecessary or not reasonably possible;
 - (b) there is an immediate danger of a child's removal from Ontario, and the delay involved in serving a notice of motion would probably have serious consequences;
 - (c) there is an immediate danger to the health or safety of a child or of the party making the motion, and the delay involved in serving a notice of motion would probably have serious consequences; or
 - (d) service of a notice of motion would probably have serious consequences. O. Reg. 114/99, r. 14 (12). **EXPAMPLE: Restraining Order,**
- **RESPONSES TO RESPONSE TO NOTICE OF MOTION.** (Rule 14.11.3 A response by a person to a motion made using a notice of motion (Form 14) shall be served and filed not later than four days before the motion date. O. Reg. 298/18, s. 10 (2).)
- **RESPONSE TO MOTION FORM.** (Rule 14.11.4 A response by a person to a motion made using a motion form (Form 14B) shall be served and filed not later than four days after the motion form is served on the person. O. Reg. 298/18, s. 10 (2).)

- **REPLY TO RESPONSE PERMITTED, NOTICE OF MOTION.** (Rule 14.11.5 A party who uses a notice of motion (Form 14) and who is served with a response to it may serve and file a reply not later than 2 p.m. three days before the motion date. O. Reg. 298/18, s. 10 (2).
- **RESPONDING CONFERENCE/SETTLEMENT BRIEFS.** (Rule 17.13.1)

Documents filed electronically should only be sent to the Administration Office for processing and shall be sent to **ONLY ONE** following email address. **Please do not send documents to multiple email box or CC the Trial Coordinators email.** All filings must be filed with the Administration Office **ONLY** for processing.

Due to the high number of calls the Administration Office receives daily, we request inquiries and procedural questions to be submitted by email.

Materials and procedural inquiries shall be sent to **ONE** of the following applicable email addresses:

Civil, Estates and Small Claims matters

Newmarket.scj.courts@ontario.ca

Family Matters

Newmarketscjfamily@ontario.ca

Email Subject Line

All documents filed must be clearly labelled. The subject line of the email must contain the file number and parties' names and the name of the document as follows.

Example: FC-20-00000503-0000 – DOE vs. DOE – Affidavit of Jane Doe sworn June 23, 2020

FC-20-000000520-0000 Brown vs. Brown- Case Conference Brief- September 30, 2020.

Documents that are not properly named may be rejected by the filing office and may not be forwarded to the presiding judge until properly named.

If a document has been filed by email, kindly do not send the same documents through the Justice Services Online Portal.

If a party files a document by email the party **must** file the original documents in person. Please ensure the material is tabbed and in order when filing.

Province-wide Notice to the Profession Regarding Family Law Cases (effective September 13th, 2021)

This Notice to the Profession introduces a number of changes to facilitate more timely, efficient and affordable access to justice in family law cases. These initiatives focus on the need to streamline processes for family cases, consistent with the primary objective of the Family Law Rules to deal with cases justly including (i) ensuring that the procedure is fair to all parties, (ii) saving expense and time, (iii) dealing with the case in ways that are appropriate to its importance and complexity, and (iv) giving appropriate court resources to the case while taking account of the need to give resources to other cases. These considerations are particularly important in light of current COVID-related backlogs. This Notice provides direction regarding:

1. Restrictions on materials filed;
2. The Use of CaseLines;
3. Financial disclosure;
4. Requirements for parties to confer in advance of a conference;
5. Confirmation forms;
6. Early judicial intervention and procedural direction;
7. Restrictions on adjournments;
8. Straight to a combined case/settlement conference pathway;
9. Early organization of long motions; and,
10. Use of Mediation and Community Based Services

1. Restrictions on Materials Filed

Focused materials help facilitate a focused hearing. Unfortunately, many filings include unfocused material with unnecessarily voluminous attachments. Litigants are directed to prepare material that is focused and includes only the supplementary documents that are needed to facilitate a resolution of the outstanding issues.

Conferences

Conference materials must comply with the following requirements:

1. Case conference briefs shall not exceed 8 pages, **plus** permissible attachments (as defined below) and additional documents that are required below or by the Family Law Rules. This 8 page limit only includes the brief itself (Form 17A or B) **and** any additional pages of facts and/or arguments that are attached to the brief as an appendix or schedule;
2. Settlement conference briefs shall not exceed 12 pages, **plus** permissible attachments (as defined below) and additional documents that are required below or by the Family Law Rules. This 12 page limit only includes the brief itself (Form 17C or D) **and** any additional pages of facts and/or arguments that are attached to the brief as an appendix or schedule;

3. Pursuant to subrule 17(13)(4), trial management conference briefs should not be filed in advance of a trial management conference. Instead, litigants must file the completed trial scheduling endorsement form and additional documents in accordance with this rule;
4. In preparing conference briefs, litigants may remove portions of the form that are not applicable to their situation (for example, the parenting sections where there are no parenting issues in dispute);
5. Permissible attachments should only include **relevant excerpts** from the following documents, which are not included in the above page restrictions:
 - a. Parenting assessments (pursuant to Section 30 of the *Children's Law Reform Act*), Office of the Children's Lawyer reports and Voice of the Child Reports;
 - b. Documents that establish a child's educational needs (for example, report cards or Individual Education Plans);
 - c. Lists of any disclosure that remains outstanding;
 - d. Income or business valuations, pension valuations or real estate appraisals (where the value of property is in dispute);
 - e. Proof of income for the relevant period(s) including pay stubs, confirmation of benefits received and/or Statement of Business or Professional Activities from a party's Income Tax Return; and,
 - f. Domestic contracts, including separation agreements, marriage contracts or cohabitation agreements that are relevant to the issues in dispute.
6. In addition, the parties should include with their materials:
 - a. Previous orders and/or endorsements **that are relevant to the issues that are to be addressed** at the event;
 - b. Support calculations; and,
 - c. Terms of recognizance, police reports or reports from the Children's Aid Society, where applicable.These documents are also not included in the above page restrictions.
7. Litigants **must not** include as attachments voluminous texts, emails and/or social media postings. Instead, only the **relevant and necessary excerpts** from these communications should be referred to in the conference brief itself;
8. Litigants must also file additional documents that are required by the Rules, including Financial Statements, Net Family Property Statements/ Comparative Net Family Property Statements, litigation expert reports and Offers to Settle.

Motions

For short or regular motions, each party is restricted to one primary affidavit in support of their position on the motion and cross-motion (if applicable) which shall not exceed 12 pages of narrative. If a party also intends to rely on an affidavit that has been previously filed with the Court, the length of that affidavit is included in the 12 page limit. This limit

does not include third party and reply affidavits, where required, which shall not exceed 5 pages each, or affidavits relating to a party's financial statement in accordance with Rule 13(12)(b).

In addition, exhibits to each party's affidavit shall be limited to only the **necessary and relevant** evidence and are generally expected not to exceed 10 pages. Litigants **shall not** include voluminous texts, emails and/or social media postings. Instead, only the relevant and necessary **excerpts** from these communications should be attached as exhibits. The documents that are referred to in paragraph 5 above should also be filed (where applicable) and are **not** counted in these page limits.

Parties should also file the documents referred to in paragraphs 6 and 8 above for all regular motions, if applicable (with the exception of Offers to Settle which should not be included with motion materials). If attached as an exhibit to an affidavit, these documents are also not counted in the page limits above.

Pursuant to a regional Notice, additional restrictions may apply to the length of a factum or summary of argument, where required.

These restrictions do not apply to long motions, motions for summary judgment or hearings with respect to the wrongful removal or retention of a child. Additional direction regarding the materials that may be filed for these events may be included in the applicable regional Notice to the Profession.

In addition, **without exception**, all documents filed for a family conference or motion must be prepared using a font size of no less than **12 point** and **double spacing**.

Leave is required to file material beyond what is permitted above which will only be granted in exceptional circumstances. For motion materials, leave should be sought at the case conference. Unless approval has been obtained in advance or a regional Notice to the Profession permits otherwise, material that is filed in excess of these restrictions will not be reviewed by the presiding judge and may result in an adjournment.

To assist the Court in finalizing family orders more quickly, litigants should also provide a draft order that lists the specific relief that they are seeking with reference to the appropriate legislative authority in accordance with the new [Form 25 Order \(General\)](#). References to legislation that do not apply can be removed. Sample order clauses that can be used in the preparation of draft orders are available at: <http://ontariocourtforms.on.ca/en/family-law-rules-forms/standard-clauses/>.

2. CaseLines

CaseLines is a cloud-based document storage e-hearing platform that is used by the Court and the parties to access filed material for remote and in-person court proceedings.

Once litigants have been invited to a CaseLines file, all material that has been accepted for filing by the Court must also be uploaded to CaseLines immediately after receipt of confirmation that the filing has been accepted.

If the material has not been uploaded to CaseLines in accordance with the timelines for filing, it may not be reviewed by the judge in advance. If a self-represented litigant is not able to use CaseLines because of lack of access to technology, they can obtain help at the filing office. Assistance with CaseLines is available through Justice Systems Ontario by contacting 1-800-980-4962 or by email at info.CaseLines@ontario.ca

Litigants are asked to use CaseLines to facilitate the Court's access to the entire court file, including relevant documents from the Continuing Record. In addition to uploading event specific documents after they have been filed, this means uploading the pleadings and Form 35.1 affidavits into the CaseLines pleadings bundle and the relevant orders and endorsements into the CaseLines orders/endorsements bundle. Litigants should also upload into the CaseLines bundle for the event any additional documents that have been previously filed and will be relied upon at the event (e.g. financial statements that have been updated by affidavit).

If a party has improperly uploaded a document into CaseLines, it can be noted on the confirmation form and in the notes section of the CaseLines file.

Additional information and direction regarding the use of CaseLines, including training and other resources, is available at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/supplementary-notice-september-2-2020/>.

3. Financial Disclosure

Family litigants are expected to exchange full and frank financial disclosure as early as possible in the case to avoid unnecessary delay and expense. It is the Court's expectation that all reasonable efforts will be made to provide this disclosure to the other party **in advance of the case conference**.

If disclosure cannot be resolved despite these efforts, the party seeking that disclosure **must** include in their materials a list of the outstanding disclosure in accordance with Rule 13(11.01).

Costs may be awarded pursuant to Rules 17(18) or 24(7) where a party has failed to comply with their disclosure obligations in accordance with the applicable legislation or the Family Law Rules.

Disclosure issues should be addressed in advance of the settlement conference. Any necessary motions for disclosure must be heard in advance of the settlement conference.

4. Requirements to Confer in Advance of a Conference:

To ensure that each conference is as productive as possible, in advance of each conference, each party shall confer or, if unable to do so, make best efforts to confer with every other party about (i) each party's outstanding requests for financial disclosure, (ii) any other procedural matters that need to be addressed; and (iii) a resolution of the outstanding issues, unless the parties are

prohibited from such communication by court order or terms of recognizance, or there are concerns about family violence and the alleged abusive party is not represented by counsel. It is expected that the parties will be able to identify any areas of agreement arising from these discussions at the outset of each conference.

It is recommended that self-represented litigants seek legal advice in advance of court attendances to help understand the law and how it applies to their circumstances. For litigants with modest incomes, assistance may be available from Legal Aid Ontario (1-800-668-8258 or www.legalaid.on.ca/services/family-legal-issues/) or the virtual Family Justice Centre (Pro Bono Students Canada). Legal assistance may also be available at reduced rates through lawyers that are associated with JusticeNet (www.justicenet.ca/how-to-find-a-professional/). Family law services are also available on an unbundled basis from lawyers across Ontario through the Family Law Limited Scope Service project (www.familylawlssp.ca).

In Unified Family Court locations, assistance may also be available on the day of court from Duty Counsel. Litigants who may qualify financially are encouraged to contact Legal Aid Ontario (1-800-668-8258 or www.legalaid.on.ca/services/family-legal-issues/) in advance to request these services.

5. Confirmation Forms

It is the Court's expectation that parties will communicate with each other in advance of completion of the confirmation form, unless the parties are prohibited from such communication by court order or terms of recognizance, or there are concerns about family violence and the alleged abusive party is not represented by counsel, with respect to:

- The event itself, in terms of the time needed, and the material that should be reviewed by the judge;
- Any outstanding procedural issues including disclosure requests; and,
- The issues that are to be addressed at the upcoming event, including a potential resolution of those issues on a temporary or final basis.

When completing the confirmation form for a motion or conference, parties shall list the **specific** issues that need to be addressed at the event.

6. Early Judicial Intervention and Procedural Direction

In many family cases, access to an early attendance before a judge can help the parties to (i) attempt to put temporary arrangements in place to avoid the need for a motion or other urgent attendance; and, (ii) obtain procedural directions including determining what the next step should be and whether any part of the case needs to be expedited. In many centres in Ontario, these issues can be canvassed at a case conference within a month and a half of the start of the case. Where caseload pressures and backlogs do not allow the Court to provide early access to a case conference, several regions will be providing an opportunity for litigants to seek the Court's assistance to address these limited issues at an early, brief attendance (e.g. 15-20 minutes). Notices to the Profession in these regions will provide further direction regarding:

- The availability of these attendances;
- The limited materials that can be filed for these attendances;

- Limits that apply to the number of issues that can be raised at these attendances, if any; and,
- How these attendances should be scheduled.

The Court, counsel and the parties must take a more proactive approach to controlling the trajectory of family cases. Counsel and the parties are encouraged to seek procedural direction at any subsequent attendances pursuant to rules 1(7.2) and 17(8), which authorities should be used to address specific roadblocks (e.g. financial disclosure) and also to ensure the most proportionate process for the case. In some circumstances, where resolution efforts are proving unsuccessful, this can include requests to move the matter to conclusion by way of a trial or other hearing.

7. Restrictions on Adjournments

In several regions, events in family cases are routinely being adjourned on short notice. This limits the Court's ability to use the available time and, as a result, its ability to offer timely events.

For this reason, a few regions have specific policies that require permission for adjournments, even on consent. Even where such regional policies do not exist, it is the Court's expectation that matters will not need to be adjourned because counsel and/or litigants have not spoken ahead of time and/or taken the necessary steps for the matter to be able to proceed as scheduled. Where a matter is adjourned because a party is not prepared, the Court may make a costs order against that party pursuant to subrules 17(18) or 24(7).

8. Straight to a combined Case/Settlement Conference pathway

Recognizing that many separating families will attempt another form of dispute resolution prior to seeking relief from the Court, requests can now be made to obtain the Court's permission to move directly to a combined case conference/settlement conference as the first step in the case. Rule 17(7.1) allows parties to make this request after they have tried to resolve the issues that are in dispute through mediation or Legal Aid Ontario settlement conference provided they are able to confirm that:

- There are no outstanding temporary issues; and,
- Neither party is seeking disclosure from the other party.

These requests can be made by filing a 14B Motion Form along with the Form 17G: Certificate of Dispute Resolution from each party that addresses the above requirements.

If permission is granted, the parties will be expected to comply with all requirements relating to a settlement conference, including the filing of a Form 17C: Settlement Conference Brief and any additional documentation (for example, a Net Family Property Statement/Comparative Net Family Statement/litigation expert reports/Offers to Settle).

In addition to requests that are made pursuant to Rule 17(7.1), pursuant to this Notice, where both parties consent to this process, they can request the Court's permission to proceed directly to a combined case conference/settlement conference where they have participated in another dispute resolution process (for example collaborative family law) and also (i) there are no outstanding temporary issues and (ii) neither party is seeking disclosure from the other party. These requests should be made by filing Form 14B and a Form 17G from each party with any necessary revisions.

9. Early Organization of Long Motions

Last minute adjournments of long motions must be avoided so that court time is not wasted.

Parties are **strongly** encouraged to file materials for long motions in advance of the regular timelines under the Family Law Rules so that these motions can proceed as scheduled. Where possible, these timelines should be addressed at the case conference. Regional Notices to the Profession may also include timelines for the filing of materials and confirmation of a long motion.

Regions that do not yet have protocols in place to ensure that these events can proceed at the scheduled time have been encouraged to introduce them in their Notices to the Profession.

10. Mediation and Other Court-Connected and Community Resources

Court supports and processes that facilitate early resolution of parenting and financial disputes creates earlier and better outcomes for families and allows for a more efficient use of court resources for the family cases that require more extensive judicial intervention. These include:

- **Local family law, separation and divorce resources:** Litigants are encouraged to access parenting education programs, counselling services, [supervised contact/parenting time](#), [parenting coordination](#) and other related services. Information about these services is available through the Family Law Information Centres.
- **Mandatory Information Programs (MIP):** Parties are required to attend a MIP at an early stage of the proceeding with limited exceptions. Virtual MIPs are available in centres across Ontario. Information about how to register for the MIP is available through the Family Law Information Centre or [here](#).
- **Mediation:** Affordable, [court-connected mediation services](#) are available in connection with all SCJ centres. Contact information for local mediation service providers is available [here](#). Referrals to private family mediation services are also available through professional organizations like [OAFM](#) and [FDRIO](#).
- **Family Court Support Workers:** [Family Court Support Workers](#) provide direct support to victims of domestic violence who are involved in the family court process.

Litigants and the bar should also be familiar with the applicable regional Notices to the Profession and Practice Directions.



Geoffrey B. Morawetz
Chief Justice
Ontario Superior Court of Justice

September 1st, 2021