

## **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 May 19, 2020)**

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The Superior Court of Justice is operating pursuant to the Notice to the Profession from Chief Justice Morawetz dated May 13, 2020. That Notice can be found at: <https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>. Please review the Notice carefully in conjunction with this document.

This Notice replaces the Notices to the Profession for Central East Region issued on March 15, 2020 and April 1, 2020.

#### **MATTERS BEING HEARD AT THIS TIME**

1. Chief Justice Morawetz's Notice to the Profession provides that only urgent matters are being heard at this time. In the Central East Region the matters that qualify to be heard are as follows:
  - (a) Urgent issues as set out in Chief Justice Morawetz's original Notice to the Profession.
  - (b) 14B Motions requesting consent Orders on issues such as support, changes to temporary support, parenting issues (primary residence, "access" time), disbursement of funds held in trust, appointment of OCL, Child Protection matters and other consent matters.

If the issue is support, a Support Deduction Information Sheet (SDIS) is required to assist in completion of a Support Deduction Order (SDO). If one or more than one party is represented, a draft Order is to be submitted with an SDO. For parties acting in person, access to advice counsel may be

available as reflected in the Notice to the Profession (see above). If parties acting in person are unable to retain counsel, the Court Administration will assist in the preparation of the Consent Order and SDO. If the appointment of OCL is granted, the parties shall be responsible for completion of Intake Forms.

<http://ontariocourtforms.on.ca/static/media/uploads/courtforms/ocl/ocl0050e-06-2018.pdf>

<http://ontariocourtforms.on.ca/static/media/uploads/courtforms/ocl/ocl-005-e-apr17.pdf>

(c) Consent Motions to Change (properly completed Form 15D). If a party is represented by legal counsel, the SDIS and the SDO are to be filed. If the parties are acting in person, the SDIS is required and the Court Administration will assist in the completion of the SDO.

(d) Since the last Notice to the Profession dated April 1, 2020, the Court has expanded the matters it is able to hear to include Case Conferences for pressing as opposed to strictly urgent issues, *upon first obtaining leave by 14B motion*. Such pressing issues could include COVID-19 concerns, child protection concerns, summer or other access issues, and support issues in both family and child protection cases.

(e) Urgent Openness Hearings in child protection matters.

2. For those matters that require leave, the determination of what will qualify to be heard will be made by the judge receiving a request for an urgent hearing or determination.
3. Judges are continuing to address cases remotely, only in writing or by teleconference. Judges do not have access to court files – either the physical file or scanned copies of court documents. Videoconferencing for family matters is not available at this time.
4. Matters that qualify to be heard will be addressed based only on the written record or after a hearing by teleconference.

5. Where a party regards a matter as urgent or pressing, that party must follow the process for obtaining leave set out below. If determined to be urgent or pressing, a judge will be assigned and a hearing by teleconference will be arranged by the Trial Coordinator.

## CHILD PROTECTION

6. Ontario has enacted a regulation pursuant to the *Civil Management and Emergency Protection Act* which provides as follows:

**Now therefore, an Order is made pursuant to subsection 7.1(2) of the Act, the terms of which Order are the following:**

1. Any provision of any statute, regulation, rule, by-law or Order of the government of Ontario establishing any limitation period shall be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020.
2. Any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario, including any intended proceeding, shall, subject to the discretion of the court, tribunal or other decision-maker responsible for the proceeding, be suspended for the duration of the emergency, and the suspension shall be retroactive to March 16, 2020.
7. On May 6, 2020, Chief Justice Morawetz made a blanket order dealing with adjournments of child protection matters.
8. All matters that have already been adjourned to the June 1, 2020, Return to Operations court are now deemed adjourned to July 6, 2020, except in the locations set out below, pending further direction on a return to operations. **There is no need for a fresh signed endorsement.** In the following centres, matters that were adjourned to June 1, 2020, are now adjourned to the following dates:

Collingwood Court: July 8, 2020  
Orillia Court: July 15, 2020  
Midland Court: July 14, 2020  
Bracebridge Court: July 13, 2020

9. Any matters that are adjourned on or after May 11, 2020, shall be adjourned to July 13, 2020, or to the dates specified above with respect to the specific centres above, pending further direction on a return to operations.

10. There is no change to any other fixed dates for child protection events that were set by the court on or after March 15, 2020.

**11. Existing orders to continue.**

12. The July 6, 2020, and July 13, 2020, dates are place holder dates; it is not expected that all child protection matters will be called in those days. The court will be setting up a Return to Operations (RO) Scheduling Court to triage and set new dates for child protection matters.

13. Any **filing deadlines** previously set for scheduled matters are no longer in effect. New filing deadlines will be set at the applicable Return to Operations Scheduling Court.

14. All **5-day** hearings after the removal of a child, and first returns of status review applications, **shall continue to be treated as urgent matters** in accordance with this Notice to the Profession. (<https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>). Advance leave is not required for these matters and a date can be set through the trial coordinator.

15. **Any other child protection matter** may be brought to court even if already adjourned to July 6, 2020, or July 13, 2020, upon a judge granting leave on the basis of urgency.

## **FAMILY MATTERS**

16. All family matters are adjourned *sine die* including matters that were adjourned on or after March 16, 2020, to a fixed date. **Existing Orders to continue.**
17. Teleconference hearings on urgent matters set up under the suspension protocol on or after March 16, 2020, shall continue as scheduled.
18. The court will be setting up a Return to Operations (RO) Scheduling Court to triage and set new dates for all family matters. The date for the RO Scheduling Court is to be determined following direction from the Chief Justice.

## **OBTAINING LEAVE (FAMILY AND CHILD PROTECTION)**

19. If you believe that a matter meets the test for being urgent or qualifies as a pressing issue for a Case Conference, you must submit a request for a hearing to the court by 14B motion on notice to all parties.
20. The 14B motion requesting an urgent hearing or a Case Conference should be brief. Any affidavit filed in support of a 14B motion requesting a Case Conference or Motion shall not exceed four pages in length inclusive of exhibits. You should identify who the case management judge was (if you know) and/or if a specific judge has more familiarity with your matter. The 14B motion for leave to obtain a Case Conference date shall include a description of efforts to resolve the issue prior to the request for the conference (details of the without prejudice positions should not be provided). A copy of any prior Order or Endorsement that was issued and that is relevant to the urgent matter should be filed. The requesting party shall file proof of service of the 14B motion requesting a Case Conference or Motion and the supporting affidavit unless service would likely have serious consequences, in which case the basis for no service shall be set out in the affidavit.

21. The responding party shall have four days within which to serve and file a responding affidavit, which shall not exceed four pages in length inclusive of exhibits. If responding materials are not filed within that time, the 14B request will be decided based upon the applicant's materials alone.
22. No other materials should be filed by any party on the 14B request to bring the urgent Case Conference or Motion, so that there can be a fair, timely and summary disposition of the request.
23. Materials in support of the proposed urgent Case Conference or Motion shall NOT be served and filed unless and until permission for the Case Conference or Motion is granted by the Court.
24. The e-mail box cannot accept attachments in excess of 10 MB.
25. Please ensure that the documents are clearly labelled. The subject line of the email must contain the file number and parties' names. Example: FC-20-00000503-0000 DOE vs. DOE.
- 26. Requests for a hearing and any other documents in relation to a request shall be filed by e-mail by sending them to the following Court Services Division e-mail addresses:**

Centre	CSD Mailbox
Barrie	<a href="mailto:Barrie.SCJ.courts@ontario.ca">Barrie.SCJ.courts@ontario.ca</a>
Bracebridge	<a href="mailto:Bracebridge.courts@ontario.ca">Bracebridge.courts@ontario.ca</a>
Orillia	<a href="mailto:Orillia.courts@ontario.ca">Orillia.courts@ontario.ca</a>
Newmarket	<a href="mailto:Newmarket.SCJ.courts@ontario.ca">Newmarket.SCJ.courts@ontario.ca</a>
Oshawa	<a href="mailto:Durham.SCJ.courts@ontario.ca">Durham.SCJ.courts@ontario.ca</a>
Cobourg	<a href="mailto:Cobourg.court@ontario.ca">Cobourg.court@ontario.ca</a>
Peterborough	<a href="mailto:Peterborough.SCJ.courts@ontario.ca">Peterborough.SCJ.courts@ontario.ca</a>
Lindsay	<a href="mailto:Lindsay.courts@ontario.ca">Lindsay.courts@ontario.ca</a>

27. The e-mail box will be checked regularly by court staff who will forward your request to the duty judge who will determine whether the matter qualifies for a hearing or a case conference. If the matter qualifies, a hearing or Case

Conference will be scheduled. The hearing may be in writing or by teleconference as the judge may determine.

28. Please do not e-mail the Trial Coordinator directly about requests for urgent hearings. If you have questions that are not answered by this Notice or by the Chief Justice's Notice to the Profession, please send an e-mail to the applicable CSD address above.

## EX PARTE MOTIONS

29. Urgent *ex parte* motions should be submitted directly to the Trial Coordinators who are working remotely. The motion will be forwarded to the duty judge. The e-mail addresses of the Trial Coordinators are set out below:

Centre	Trial Coordinator Filing Mailbox
Barrie, Bracebridge, Orillia	<a href="mailto:Barrie.scj.tc@ontario.ca">Barrie.scj.tc@ontario.ca</a>
Newmarket	Newmarket.scj.tc@ontario.ca
Oshawa	<a href="mailto:Oshawa.scj.tc@ontario.ca">Oshawa.scj.tc@ontario.ca</a>
Peterborough, Lindsay, Cobourg	<a href="mailto:Peterborough.scj.tc@ontario.ca">Peterborough.scj.tc@ontario.ca</a>

30. The endorsement will be delivered to the moving party by email. The judge who determines the matter will also determine how the order should be served on the other party. Court staff are available to serve restraining orders at this time. You should not assume that the court administration is available for service of other orders and you should make proposals as to how the order and materials should be served.
31. A date will also be set by the Trial Coordinator to have the order reviewed within 14 days per Rule 14(14) of the Family Law Rules. All new materials in relation to the review shall be filed by email to the applicable generic e-mail address. The review shall take place by teleconference.

## **MATERIALS TO BE FILED FOR A CASE CONFERENCE**

32.If leave is granted, the Case Conference is limited to 30 minutes duration (unless otherwise permitted by the triage judge, in advance). Briefs shall be strictly limited to a 3-page narrative of relevant information attached to the Brief in lieu of Part 3 of the standard Brief. The Brief is to include all relevant background material in Parts 1 and 2. On consent, Orders shall be granted.

## **TELECONFERENCES**

33.If a hearing by teleconference is required, the Trial Coordinator will provide all parties and counsel with a dial-in number and a pin code to use. The judge shall be the host/moderator of the conference.

34.Available conference call lines are being used for hearings in all lines of business: family, criminal and civil. The time currently available for teleconferences will be necessarily abbreviated.

35.You are asked not to phone in more than 5 minutes in advance. There have been some difficulties in accessing the phone lines; if you cannot connect initially, please make several attempts before notifying the Trial Coordinator.

36.Unless otherwise advised by the judge, the conference call will be recorded.

37.Please remember that this teleconference is still a formal court event that replaces an in-person attendance.

## **NON-URGENT MATTERS**

38. The filing office is not encouraging non-urgent matters at this time but remains open on a reduced schedule with reductions in staff on site.

39. Uncontested divorce applications filed prior to March 17, 2020, cannot be processed at this time. If there is a pressing need for such an application to

be addressed, the party should submit an email request along with documentation that confirms the pressing need, to the CSD mailbox below.

40. Contact information in Central East Region for filing 14B motions and non-urgent matters is set out below:

Centre	CSD Mailbox
Barrie	<a href="mailto:Barrie.SCJ.courts@ontario.ca">Barrie.SCJ.courts@ontario.ca</a>
Bracebridge	<a href="mailto:Bracebridge.courts@ontario.ca">Bracebridge.courts@ontario.ca</a>
Orillia	<a href="mailto:Orillia.courts@ontario.ca">Orillia.courts@ontario.ca</a>
Newmarket	<a href="mailto:Newmarket.SCJ.courts@ontario.ca">Newmarket.SCJ.courts@ontario.ca</a>
Oshawa	<a href="mailto:Durham.SCJ.courts@ontario.ca">Durham.SCJ.courts@ontario.ca</a>
Cobourg	<a href="mailto:Cobourg.court@ontario.ca">Cobourg.court@ontario.ca</a>
Peterborough	<a href="mailto:Peterborough.SCJ.courts@ontario.ca">Peterborough.SCJ.courts@ontario.ca</a>
Lindsay	<a href="mailto:Lindsay.courts@ontario.ca">Lindsay.courts@ontario.ca</a>

### MATTERS ON A TRIAL LIST

41. There are no trials until further notice.
42. New trial dates will be addressed at the Return to Operations Scheduling Court.

### INFORMATION FROM THE OFFICE OF THE CHILDREN'S LAWYER

43. The Office of the Children's Lawyer will continue to respond to urgent family matters where there has been an appointment to provide legal or clinical services for a child(ren), including matters that have been designated as urgent by both the Ontario Court of Justice and the Ontario Superior Court of Justice.
44. Please note that, given the current Covid-19 pandemic, the Office of the Children's Lawyer will **not** be able to accept any Voice of the Child requests from the courts until further notice. The Office of the Children's Lawyer will

also need to prioritize limited resources to urgent, high conflict and complicated custody and access matters only. Acceptances of custody and access files will be on the condition that the usual timelines for delivery of a s. 112 report will not apply and that best efforts will be made to provide these reports to the court in a timely and efficient manner. Similarly, assignment of legal representation of children in urgent, high conflict or complicated matters will be done on a priority basis.

### **INFORMATION FROM THE FAMILY RESPONSIBILITY OFFICE**

45. The Family Responsibility Office has confirmed that they are not sending any new notices of driver's licence suspensions and that they are in the process of cancelling notices that were previously sent. This will hopefully avoid the need for urgent refraining motions and the related motions to change.

### **RESOURCES FOR SELF-REPRESENTED PARTIES**

46. On-site duty counsel and advice lawyer services are not available at this time.
47. Self-represented parties can be directed to Legal Aid Ontario: 1-800-668-8258 for assistance.
48. Legal Aid Ontario has recently advised that summary legal advice services will be available through their telephone lines regardless of financial eligibility, but still subject to subject matter restrictions. Information about access to these services is available at:

<https://www.legalaid.on.ca/news/changes-to-summary-legal-advice-services-at-legal-aid-ontario-due-to-covid-19-pandemic/>

<https://www.legalaid.on.ca/fr/news/annonce-a-lintention-des-intervenants/>

49. The Law Society of Ontario in conjunction with others is offering an emergency service to connect self-represented litigants with family lawyers, working on a pro bono basis, who will provide 30 minutes of legal advice specific to determining whether or not their family court matter is urgent and referrals to other available legal services. Self-represented parties can call:

Toll-free: 1-800-268-7568  
General: 416-947-3310

### **MEDIATION/ Information and Resource Coordinators**

50. Off-site mediation services may continue to be available with strict protocols for sanitizing and social distancing, and strict cancellation policies in the event of symptoms. On-site mediation has been suspended until further notice.

51. Information and Referral Coordinators (IRC's) from each court location in the region continue to be available to assist the public remotely. Contact information is set out below:

<b>Centre</b>	<b>IRC Contact</b>
Oshawa	Durham Mediation Centre 905-579-1988 <a href="mailto:Info@durhammediationcentre.org">Info@durhammediationcentre.org</a>
Newmarket	York Hills Centre for Children, Youth and Families 905-853-4816 <a href="mailto:IRC@yorkhills.ca">IRC@yorkhills.ca</a>
Barrie & Bracebridge	The Mediation Centre of Simcoe County Inc. 705-739-6446 <a href="mailto:Barrieflic@gmail.com">Barrieflic@gmail.com</a>

Peterborough	Kawartha Family Court Assessment Service 705-876-6915 <a href="mailto:Audrey.lea@flic.kfcas.ca">Audrey.lea@flic.kfcas.ca</a> <a href="mailto:Brenda.kotras@flic.kfcas.ca">Brenda.kotras@flic.kfcas.ca</a> <a href="mailto:Alicia.thibadeau@kfcas.ca">Alicia.thibadeau@kfcas.ca</a>
Lindsay	Kawartha Family Court Assessment Service 705-324-1400 x413 <a href="mailto:claudette.riley@flic.kfcas.ca">claudette.riley@flic.kfcas.ca</a> <a href="mailto:kathy.dunne@flic.kfcas.ca">kathy.dunne@flic.kfcas.ca</a> <a href="mailto:alicia.thibadeau@kfcas.ca">alicia.thibadeau@kfcas.ca</a>
Cobourg	Kawartha Family Court Assessment Service 905-372-3751 x128 <a href="mailto:Alicia.thibadeau@kfcas.ca">Alicia.thibadeau@kfcas.ca</a> <a href="mailto:Monica.walsh@flic.kfcas.ca">Monica.walsh@flic.kfcas.ca</a>

Dated May 19, 2020



Justice Michelle Fuerst  
Regional Senior Judge,  
Superior Court of Justice, Central East Region

May 19, 2020