

NOTICE TO THE PROFESSION
PROTOCOL FOR FAMILY MATTERS IN THE SUPERIOR COURT OF JUSTICE,
CENTRAL EAST REGION (Amended April 17, 2020)

Introduction

This Protocol applies to family matters in the Superior Court of Justice in the Central East Region, until further notice.

The Protocol is subject to change from time to time as may be necessary.

Notice to the Profession

This Protocol is to be read in conjunction with and supplements the Central East Region Notice to the Profession released on March 25, 2020. It is intended to address the expansion of services in family law matters in the Central East Region, effective April 6, 2020.



Amended Notice to
the Profession - Cen

Expansion of Matters to be Heard

The Superior Court of Justice plans to expand virtual courts effective April 6, 2020.

New Matters Eligible for Virtual Hearing

Effective April 6, 2020, the following additional matters will be eligible for hearing in writing or by virtual means as directed by a judge of the Court:

1. 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 a 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>

2. 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.
3. Case Conferences upon request by 14B, on the basis of **urgency**. If granted, the conference is limited to 30 minutes duration (unless otherwise permitted by the triage judge, in advance). Only one or two pressing issues may be conferenced (as may be determined by the triage judge), such as issues of parenting, Covid-19 concerns, financial issues, or Child Protection matters that do not necessarily meet the stringent test of urgency in addition to **urgent** matters of a similar nature. 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.
4. CAS: Apart from 5-day Hearings after the removal of a child and first review of Status Review Applications, Adoption Applications (with draft Orders) may be scheduled. **Urgent** Openness Hearings may be scheduled if permitted in advance, upon 14B request. A Case Conference on the basis of **urgency** may

be requested by 14B, and if so determined by the triage judge, will be scheduled accordingly. Consent Orders shall be granted by 14B.

5. Reference should be made to the March 15, 2020, Notice to the Profession found at <https://www.ontariocourts.ca/scj/covid-19-suspension-fam/> and <https://www.ontariocourts.ca/scj/notice-to-the-profession-the-public-and-the-media-regarding-civil-and-family-proceedings-update/> in relation to the bringing of permitted Urgent Case Conferences and Motions.

Materials Permitted on Request to Bring Urgent Case Conference or Motion

Any affidavit filed in support of a 14B motion requesting an urgent Case Conference or Motion shall **not** exceed four pages in length inclusive of exhibits. 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 an urgent 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.

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.

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.

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.

Non-Urgent Matters

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. Please note the following with respect to Mandatory Information Sessions (MIPS) and Rule 39 First Appearances:



Memo-Scheduling
Hearing for Family L

Information from the Office of the Children's Lawyer

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.

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

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.



Contact Information for Each Centre in Central East for Urgent Motions

Centre	Generic Mailbox	
Oshawa	Oshawa.scj.tc@ontario.ca	
Newmarket	Newmarket.scj.tc@ontario.ca	
Barrie & Bracebridge	Barrie.scj.tc@ontario.ca	
Peterborough, Lindsay, Cobourg	Peterborough.scj.tc@ontario.ca	

Contact Information for Each Centre in Central East for Filing of 14Bs and Non-Urgent Matters

Barrie Barrie.SCJ.courts@ontario.ca

Bracebridge Bracebridge.courts@ontario.ca

Orillia Orillia.courts@ontario.ca

Cobourg Cobourg.courts@ontario.ca

Durham (Oshawa) Durham.SCJ.courts@ontario.ca

Lindsay Lindsay.courts@ontario.ca

As at April 17, 2020

Newmarket Newmarket.SCJ.courts@ontario.ca

Peterborough Peterborough.SCJ.courts@ontario.ca

Dated April 17, 2020



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