NOTICE TO THE PROFESSION AND PUBLIC AS OF JUNE 25, 2020

FOR FAMILY MATTERS AT 311 JARVIS STREET

As of July 6, 2020, the Ontario Court of Justice will begin to expand its operations however, the number of courtrooms that are open, the nature of cases and the number of people who can attend inside the courthouse will remain restricted.

It is important to continue to read the public notices on the Ontario Court of Justice website. Attached is the most current notice with respect to the scheduling of family law matters in the Ontario Court of Justice.

As of July 6, 2020, three courtrooms - 1E, 6 and 10 - will be retrofitted to allow for in-person appearances. Signage, markers, hand sanitizers and plexiglass dividers will be installed to allow persons attending the courthouse to follow and adhere to Covid -19 protocols. The number of persons allowed into the courthouse and in the individual courts will be limited. The three in-person courts will be shared by the family and criminal jurisdictions of the court. The other courtrooms at 311 Jarvis Street will be in operation but will only allow hearings by telephone or video conferencing, at the direction of the case management judge.

As of July 6, 2020, the in-person courts for the family jurisdiction of child welfare and domestic proceedings, will be reserved for trials, settlement conferences and trial management conferences, at the direction of the Assignment Court judge or case management judge. For the initial two-week period through to July 20, 2020, all matters will continue to proceed by telephone conference, unless otherwise specifically allowed for by the case management judge. As of July 20, 2020, the expectation is that conferences shall continue to occur as telephone or video conferences. Upon review of the case file, a judge may direct the parties to attend in person for a settlement or trial management conference. Should a litigant wish an in-person attendance for a settlement conference or trial management conference, they may address a 14B motion to the case management judge setting out why an in-person appearance would be beneficial.

The Assignment Court scheduled for August 11, 2020, is adjourned to September 3, 2020, to allow for more time to complete trial management conferences in contemplation of trial in the weeks of September 28 – October 2, and October 5 – October 9, 2020. The expectation is that trials will be in person. Given the restriction in terms of the number of persons who may be in the building at any one time, litigants will be limited in the number of support person that will be able to attend court with them. As preparation is made for trial management conferences and actual attendance for trial, litigants must focus on this issue to avoid disappointment and frustration upon arrival at the courthouse.

To address these same limitations when matters are set for in-person settlement and trial management conferences, court appearances will be scheduled as follows:

A. First In-Person Attendees arrive at the courthouse by 9:00 am. to allow time to clear security and be available for their hour conference, 9:30 – 10:30 am. These Attendees must leave the courthouse between 10:30 am. and not later than 11:00 am.

B. Second In-Person Attendees arrive at 11:00 am. for their conference, 11:30 am. – 12:30 pm., and leave the courthouse between 12:30 pm. and not later than 1:00 pm.

C. Third In-Person Attendees arrive at 1:30 pm. for their conference, 2:00 pm – 3:00 pm., and leave the courthouse between 3:00 pm., and no later than 3:30 pm.

D. Fourth In-Person Attendees arrive at 3:00 pm. for their conference, 3:30 – 4:30 pm., and leave the courthouse between 4:30 pm. and not later than 5:00 pm.

Counsel who have a matter with an unrepresented party on the other side, shall provide a copy of this Directive to that party so that they are aware of this protocol.

All filings shall continue to be by email, except for those litigants with no access to email, as the court counter will continue to operate on restricted hours – 10 am. to 12:00 pm. and 2:00 pm. to 4:00 pm., and it is imperative that the number of people attending the courthouse be restricted.

Limitations with respect to case conference and settlement conference briefs shall continue. Briefs shall be in 12-point font, spacing shall be 1.5. lines. Briefs shall not be more than 6 pages, including all attachments, but not including any affidavit of service or copy of prior endorsements or orders. The narrative should be limited to only relevant matters.

Just as a very significant volume of family matters have been adjourned and postponed due to the pandemic, a large number of criminal cases involving very serious allegations have been deferred and require present attention. The sharing of just three in-person courts between the two jurisdictions at 311 Jarvis Street presents a daunting challenge to the scheduling of in-person appearances. We appreciate your patience to date and look forward to working co-operatively with litigants, counsel and court staff as we engage in this process of recovery.

Brian M. Scully
Local Administrative Judge
Ontario Court of Justice
311 Jarvis St., Toronto, ON

COVID-19: Scheduling of Family Matters in the Ontario Court of Justice (June 17, 2020)

This Notice supersedes previously announced notices.

Effective Date: June 17, 2020

1. INTRODUCTION

Additional family law matters in the Ontario Court of Justice are resuming as of July 6, 2020.

The Ministry of the Attorney General, which is responsible for courts administration and courthouse facilities, has established an incremental plan to prepare courthouses and courtrooms to facilitate the return to full court operations across Ontario. The Ministry has announced the first phase of the plan (Phase One) will be implemented Monday July 6, 2020, in a limited number of courthouses and courtrooms. Court operations will continue to expand with additional courthouses and courtrooms added as the Ministry continues to implement its plan, with a targeted completion date of November 1, 2020.

As part of the return to operations plan, the Ministry is implementing health and safety measures in each courthouse.

In Phase One and by July 6, 2020, the Court has been advised that site assessments of 93 OCJ courtrooms will be complete, and that all necessary health and safety precautions, based on public health expert advice, will be implemented for the protection of all court users, including judicial officers, lawyers, litigants, witnesses, staff and members of the public. The Ministry will not re-open a Phase One site on July 6, 2020 if it concludes that the health and safety of courthouse participants cannot be adequately protected on this date.

Persons attending court must ensure that they arrive for court early because of the extra screening requirements in order to be in court for their scheduled appearance. Because of the restrictions on the number of people who may be in the courthouse, unless essential, family members or supporters should not attend court with people who have scheduled appearances in court.

The Court is continuing to have discussions to consider gradually expanding the range of matters that it is hearing beyond July 6, 2020. This Notice sets out how family law proceedings in the Ontario Court of Justice will be scheduled and conducted as of July 6, 2020.

In order to protect the health and safety of all court users and to help contain the spread of COVID-19, **we continue to ask members of the legal profession and the public to NOT attend courthouses in person at this time unless you have been scheduled to appear in court or if you are unable to email family court documents relating to a scheduled family law matter.**
Under no circumstances should you come into a courthouse if you have been advised by public health officials, your doctor or the Ontario Ministry of Health (MOH) website (https://www.ontario.ca/page/2019-novel-coronavirus) to self-isolate. If you are unable to come to court because you have been told to self-isolate, contact the courthouse by email: Courthouse email addresses or by telephone: Court Addresses and Phone Numbers
Please continue to check the court's website for updates (https://www.ontariocourts.ca/ocj/). The Court will provide additional information about the scheduling and conduct of all court proceedings, including the Court's ongoing work to make more services available using remote technology. Court operations will continue to expand as the Ministry facilitates the opening of additional courthouses and courtrooms in accordance with its recovery plan. The Court will continue working actively with all justice partners to implement a fair and orderly return to operations. As we do so, with the health and safety of all court users remains our paramount concern.

2. SCHEDULING OF FAMILY MATTERS IN THE ONTARIO COURT OF JUSTICE (June 17, 2020)

This Notice replaces the May 7, 2020 Scheduling of Family Matters in the Ontario Court of Justice.

The Ministry of the Attorney General has determined the following court locations are part of their Phase 1 plan for re-opening of in-person family matters, unless ordered otherwise:

Ontario Court of Justice Courthouses Phase 1 (July 6, 2020)	
Region	**Courthouses**
Central West	Brampton, Brantford, Milton, Orangeville

Northeast	North Bay, Sault Ste Marie, Sudbury
Northwest	Thunder Bay
Toronto	311 Jarvis Street, 47 Sheppard Avenue East
West	Chatham, Guelph, Owen Sound, Sarnia, Windsor

Virtual courts (by teleconference or videoconference) remain essential to the reopening of courts and will continue as currently scheduled. Matters may be heard either in-person, by teleconference or videoconference (virtual courts) or a combination of in-person and virtual court appearances. A judge will determine how a matter will be heard.

As of July 6, 2020, **only** the following matters will be heard at the above specified court locations by **in-person attendances**, unless ordered otherwise:

a. ***Child, Youth and Family Services Act (CYFSA)*** **trials and summary judgment motions;**
b. ***Family Law Act (FLA) and/or Children's Law Reform Act (CLRA)*** **urgent trials and focused hearings**, as determined by the judiciary;
c. ***Child, Youth and Family Services Act (CYFSA)*** **Settlement Conferences, Trial Management Conferences and/or combined Settlement/Trial Management Conferences;**
d. ***Family Law Act (FLA) and/or Children's Law Reform Act (CLRA)*** **Settlement Conferences and/or Trial Management Conferences.**

Only a judge will decide if a matter is ready to proceed. This may require a remote court appearance before a judge. If a remote court appearance is necessary, you will receive notice of this by the court.

While court operations are expanding as part of Phase 1, the number of courtrooms that are open, and the number of people who can attend inside the courtroom or courthouse, remains restricted.

Because of the restrictions on courthouse and courtroom attendance and considering the ongoing public health guidelines and other restrictions, it is essential that all parties and counsel take reasonable steps to ensure that matters scheduled for a court appearance are ready to proceed.

3. WITNESSES

All witnesses subpoenaed or ordered to attend court for a hearing scheduled on or after July 6, 2020 must attend court on the scheduled date, unless there is a court order that permits the witness to attend remotely.

If you are a witness and have any questions or concerns about your subpoena or about an upcoming court date, please contact the person listed on the subpoena or on the correspondence you received with your subpoena. If there is no contact information on your subpoena, contact the courthouse by email: Courthouse email addresses or by telephone: Court Addresses and Phone Numbers

4. URGENT MATTERS, CASE CONFERENCES AND OTHER FAMILY LAW MATTERS

As per the May 7, 2020 Scheduling of Family Matters in the Ontario Court of Justice, the OCJ will continue to hear urgent matters, case conferences in previously adjourned matters and, subject to local direction, other family law matters, including certain in-chambers requests as described in the former Scheduling of Family Matters in the Ontario Court of Justice (May 7, 2020).

5. NEW APPLICATIONS

New applications, unless urgent, will not be heard at this time. An announcement will be made shortly regarding the resumption of other in-person appearances in family matters.

6. FILING: Filing requirements continue to include the following:

1. Documents and requests shall be sent by email to the appropriate courthouse. The list of email addresses for each court may be found here https://www.ontariocourts.ca/ocj/covid-19/courthouse-email-addresses/.
2. In order to ensure your request is received and processed by the appropriate court office, the **subject line** should include the following information:
    a. LEVEL OF COURT (OCJ)
    b. TYPE OF MATTER (Family, CYFSA)
    c. FILE NUMBER (Indicate NEW if no court file number exists)
    d. TYPE OF DOCUMENT (Motion, Application, Case Conference, Settlement Conference, Trial Management Conference, Combined Conference, Trial Record, Focused Hearing, Other Request)
3. The **body of the email** should include the following information if applicable:
    i. court file number (if it is an existing file)

ii. short title of proceeding

iii. list of documents attached (note: attachments cannot exceed 35MB)

iv. type of request

v. confirmation of service, setting out when and how any other party was served.

vi. name, role (i.e. legal representative, party, etc.,) and contact information of person submitting the request (email and phone number)

If you are unable to file documents in a family court matter by email, contact your local courthouse to determine the other options that are available or attend your local courthouse. Note that entry into the courthouse will be controlled and court counters are only open between 10 a.m. to 12:00 p.m. and 2:00 p.m. to 4:00 p.m. Contact information for all courts in Ontario is available on the Ministry of the Attorney General
website: https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/

When a document has been filed electronically, it is not necessary to file a paper copy.

Important Information: As per previous Notices regarding the Scheduling of Family Matters in the Ontario Court of Justice, the following expectations continue to be in place:

Parties shall not assume that the judge hearing a matter will have access to the entire court file.

By submitting documents via email to the court, the party/legal representative agrees to accept email communication from the court with respect to the proceeding.

A formal affidavit of service does not need to be filed. However, members of the legal profession/ parties should retain a copy of any relevant affidavit(s) of service and/or related documents (e.g. email confirmations) and be prepared to produce it to the Court on request.

Materials sent by email must indicate when and how service on any other party was made. Legal representatives or parties should retain a copy of the relevant affidavit of service and/or related documents (e.g. email confirmations) and be prepared to produce it to the Court on request.

The materials should also include any prior orders or endorsements that were issued and that are relevant to the matter.

Where it is not possible to email a sworn affidavit, affidavits may be delivered unsworn but the affiant must be available to participate in any telephone or videoconference hearing to swear or affirm the contents of the affidavit.

Requests for other family matters will be determined by a judge. Where a court attendance is required, contact your local courthouses to make arrangements for your attendance.

If a judge declared that your matter will be held after the court fully reopens, the documents which you submitted to the court may not be processed until regular court operations resume.

These instructions are subject to direction from a judicial official.

7. PRE-COURT DISCUSSIONS

As per previous Notices regarding the *Scheduling of Family Matters in the Ontario Court of Justice*, the following expectations continue to be in place:

Parties should make reasonable efforts to communicate prior to a hearing to attempt to resolve the issues. If a contested hearing is necessary, parties should determine the issues that remain in dispute. The parties should make efforts to narrow the issues as much as possible and discuss the nature of any evidence to be heard and how it will be presented.

8. LEGAL RESOURCES

Legal Aid Ontario

People who would have received in-person legal aid services through the Family Law Information Centres will be able to continue to get help from LAO over the phone by calling **1-800-668-8258**.

Law Society of Ontario emergency family referral line during COVID-19

The Law Society of Ontario continues to support a telephone line to provide assistance to people who are self-represented (SRLs) and trying to determine whether or not their family court matter meets the criteria to be heard by the court on an 'urgent' basis and, if so, how to proceed in making their request. The emergency service will connect SRLs 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.

SRLs may contact the law society by phone at the following numbers to access the service: Toll-free: 1-800-268-7568; General: 416-947-3310.

Law Society of Ontario Referral Service

The Law Society of Ontario's Referral Service will give you the name of a lawyer within or near your community, who will provide a free consultation of up to 30 minutes to help you determine your rights and options. You can start the online process of obtaining a lawyer referral at http://www.findlegalhelp.ca/, 24 hours per day.

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