

## **NOTICE TO THE PROFESSION AND THE PUBLIC**

### **PROTOCOL FOR ALL FAMILY MATTERS ONTARIO COURT OF JUSTICE 47 SHEPPARD AVENUE EAST, TORONTO**

**7 May 2020**

1. This protocol updates the Notice to the Profession and Public sent March 18, 2020 and pertains to family law cases at the 47 Sheppard East Courthouse, Toronto only.
2. The Ontario Court of Justice has extended the limitations on court operations from May 19, 2020 until July 6, 2020.
3. This protocol is subject to change from time to time as may be necessary.
4. The court will continue to hear matters in writing and by virtual means as directed by the presiding judge.
5. Parties need to obtain leave for a court date for urgent matters (the most serious) or priority matters (important, but less urgent).

#### **URGENT MATTERS**

6. These matters are eligible for virtual hearings:
  - (a) Urgent Child Protection matters: place of safety hearings to be brought within 5 days after the removal of a child, and Status Review Applications will be scheduled without the need for prior approval.
  - (b) Urgent domestic matters: relief relating to the safety and well-being of a child, wrongful removal or retention of a child, COVID-19 related issues, and dire support issues.

#### **REQUESTS FOR URGENT MOTIONS**

7. To request an urgent motion in child protection or domestic matters, the Moving party shall serve and file the following 4 documents by fax only to **416-326-1154**. For those who may not have access to a fax machine, software is widely available, that can be downloaded to the computer, which will permit virtual faxing of documents directly from the computer.
  - (a) A 14B motion form.

- (b) An affidavit in support of the request for an urgent motion. The affidavit shall not exceed 4 pages, including any exhibits. The affidavit shall succinctly summarize the relevant facts which give rise to the urgent issue.
  - (c) A copy of any prior order or endorsement that is relevant to the urgent matter before the court.
  - (d) Proof of service of the 14B request.
8. The Responding party shall have 4 business days to respond from the date of service of the Moving party's 14B. The Responding party's response shall be subject to the same filing requirements as set above ((a) to (d)). No Reply is permitted.

### **REQUESTS FOR PRIORITY CASE CONFERENCES**

9. All cases currently set for June 2020 return dates are now being adjourned to later dates (in August, September and October). For both Child Protection and Domestic matters, if your case was previously adjourned to a June 2020 date due to the COVID-19 Directive of the court, this may be a factor for consideration in determining the priority of your request for a case conference after May 19<sup>th</sup>, for either May or June 2020 dates.
10. Child protection matters that do not necessarily meet the stringent test of urgency may be considered, depending upon the degree of urgency, and the level of priority, including factors such as length of time in care, child's age or other relevant considerations.
11. Domestic matters that do not necessarily meet the stringent test of urgency may be considered for conferencing of up to two issues, if there is a possibility of resolution, or if there are pressing issues that require a conference on a priority basis.
12. In the event the Case Management Judge does not consider the matter to be urgent or a priority in the current COVID-19 climate, the matter will be dealt with at a later date, once the court returns to normal business functioning.
13. Form 14B for leave for a priority case conference after May 19, 2020:
- (a) All requests are to be faxed to the trial coordinator's office at **416-326-1154**.
  - (b) The 14B request is to succinctly summarize up to two issues identified as priorities, with sufficient facts to indicate the nature of the priority. The 14B shall not exceed 2 pages. No affidavit or other attachments are to accompany the 14B request, other than an affidavit of service (which shall be filed along with the 14B request).

- (c) If the priority request is not on consent, any 14B Response is to be served and filed within 4 business days, and shall not exceed 2 pages in length, with no affidavit or other attachment other than an affidavit of service, (which shall accompany the Response). No Reply is permitted.
- (d) If no Response is filed within 4 days the request shall be deemed to be unopposed and the court shall deal with it accordingly.

### **OTHER MATTERS**

14. These matters and requests may also be submitted on Form 14B:

- (a) procedural issues (such as service, disclosure).
- (b) in-chambers adoption orders.
- (c) any consent matters. If the consent is with respect to support a Support Deduction Information Sheet should be submitted to assist in the preparation of a Support Deduction Order. A draft order can be submitted

### **PROCEDURAL AND FILING PROTOCOL**

15. Subject to the discretion of the judge hearing the matter, the following procedures shall be adhered to by all parties regarding all filings:

- (a) In both Domestic and Child Protection matters, Respondents shall serve their Answers as required by the Rules. However, subject to the discretion of the Case Management Judge, no party shall file their Answer until the COVID-19 pandemic restrictions on the filing office are eased.
- (b) Parties should not assume that the judge has access to the court file.
- (c) In those cases where the judge has granted leave to proceed with a motion or case conference or other hearing, the relevant documents (such as briefs, Notices of Motion, supporting affidavits) shall be sent by e-mail to the trial coordinator at **47Sheppard.ocj.family.trialcoordinator@ontario.ca**.
- (d) All documents shall be in 12-point font. Spacing shall be 1.5 lines.
- (e) The documents to be filed by each party are to be attached to one email only.
- (f) All documents shall be in PDF format.

- (g) Each document shall be in a separate PDF attachment to the party's email.
- (h) Affidavits shall be limited to 10 pages, inclusive of exhibits.
- (i) Case conference briefs shall be limited to 6 pages.
- (j) The hearing shall be conducted by teleconference. Parties will be advised of dial-in details by court staff.

Justice Zisman  
Local Administrative Judge  
7 May 2020