**NOTICE TO THE PROFESSION AND PUBLIC**

**PROTOCOL FOR ALL FAMILY MATTERS AT 311 JARVIS STREET, TORONTO**

MAY 7,2020

This protocol is subject to change from time to time as may be necessary and is intended to address issues only at the Ontario Court of Justice at 311 Jarvis Street, Toronto.

**Matters eligible for virtual hearings**

The court will continue to hear matters in writing and by virtual means as directed by the presiding judge for the following matters:

1. **URGENT MATTERS**

* Urgent Child Protection matters: place of safety hearings to be brought within 5 days after the removal of a child without the need for prior approval.
* Status Review Applications will be filed and scheduled to be heard at a later date. If there is an issue that requires urgent attention, permission may be sought from the Case Management Judge by 14 B to hear the matter as a conference or motion.
* Urgent Domestic matters: relief relating to the safety and well-being of a child, wrongful removal or retention of a child, parenting issues, COVID-19 related issues, dire support issues

1. **PRIORITY CONFERENCES**

* The Ontario Court of Justice has extended the limitations on court operations until July 6, 2020.
* All cases presently scheduled for return dates in June 2020 will now be adjourned to dates in July through October. For Child Protection and Domestic matters, if your case was previously scheduled to a June date due to the Covid-19 Court Protocol, this may be a factor for consideration in determining priority of any request for a case conference, after May 19th, in the months of May and June.
* Child protection matters that do not necessarily meet the stringent test of urgency may be considered, depending upon the degree of urgency, including factors such as length of time in care, child’s age or other relevant considerations.
* 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.
* In the event the matter is not considered, in the opinion of the Case Management judge, to be sufficiently urgent or worthy of a limited conference in the current COVID-19 climate, the matter will be dealt with at a later date once the court returns to normal business functioning.
* Form 14B for leave to bring a case conference or motion: all requests are to be faxed to the Family Law office at 416 327 6852. For those who may not have access to a fax machine, software is widely available that can be downloaded to your computer which will permit virtual faxing of documents directly from the computer.
* Form 14B consent motions; 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
* Form 14B for procedural issues
* Form 14B for in-chambers adoption orders
* Any consent matters can be submitted.

1. **Request for motions or case conferences TO BE BY FAX ONLY TO 416 327 6852**

To request a case conference or motion in Child Protection or Domestic matters, the Moving party shall serve and file the following 4 documents by fax only. (email requests will not be accepted by the court)

* 1. A 14B motion form
  2. An affidavit in support of the request for a case conference or motion. The affidavit shall not exceed 4 pages, including any exhibits.
  3. A copy of any prior order or endorsement that is relevant to the matter before the court
  4. Proof of service of the 14B request

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 four requirements as set out in ‘a.’ to ‘d.’ above.

The Moving party shall not be entitled to reply to the Responding party.

1. **PROCEDURAL AND FILINGS**

When considering what documents to file, the parties shall not assume that the judge hearing the matter will have access to the court file.

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

1. In both Domestic as well as 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 resolves.
2. In those cases where the judge has granted leave to proceed with a motion or case conference or other hearing (see #1, #2 and #3), the relevant documents such as briefs, Notices of Motion, supporting affidavits and draft orders shall be sent by email to the trial coordinator at **311jarvis.ocj.family.trialcoordinator@ontario.ca.**
3. All documents shall be in 12-point font. Spacing shall be 1.5 lines.
4. Each party who intends to file documents shall file one email only and the party shall attach his/her documents to that email.
5. All documents shall be in PDF format.
6. Each document shall be in a separate PDF attachment to the party’s email.
7. Affidavits shall be limited to 10 pages, inclusive of exhibits, unless authorized by the judge.
8. Any references to case law or statutes can be made by hyperlink to CanLII.
9. Case conference briefs shall be limited to 6 pages
10. The hearing shall be conducted by teleconference. Parties will be advised of dial-in details by court staff.

Justice Brian M. Scully

Local Administrative Judge

311 Jarvis Street