

Madame Justice Heather Smith

Dear Madame Justice Smith,

Re: Expansion of the Unified Family Courts in Ontario

Please accept this letter on behalf of the Family Lawyers Association as a letter of support of the expansion of the Unified Family Court model across all judicial districts of Ontario.

In 1974, the Law Reform Commission of Canada recommended the establishment Unified Family Court model in order to address the shortcomings of the traditional approach used in family law. In order to address these shortcomings, it was recommended that there be a consolidation of jurisdiction over all family law proceedings (domestic and child protection) in the provincial Superior Court. It was anticipated that the UFCs would enhance the resolution of family law issues and provide auxiliary support services for families in crisis.

Such a model was visionary and in today's world of the increased cost of legal services and the rise of the self-represented litigant it is more important that such a model be established across Ontario with specialist family law judges who possess the necessary knowledge and skills to deal with the issues of family law litigants before our Courts in both domestic and child protection cases.

The UFC delivery model provided for an Intake entry point which would direct the family law litigants in domestic cases to the Family Justice Services or the Court. Services envisioned in the Family Justice Services sector were:

1. Screening, assessment and referrals;
2. Information services;
3. Legal Services;
4. Dispute Resolution;
5. Conciliation;
6. Counselling and other supports;
7. Maintenance support enforcement; and
8. Other support services.

On the Court side, Case Management was to be established with the focus on Case Conferencing for early resolution of cases before the Courts. It was also envisioned that one family law specialist judge would be assigned and follow the case to resolution or up to but not including trial of the matter.

Fast forward to 2017. In Ontario the UFC courts have been established in 17 Court jurisdictions. The other jurisdictions in Ontario are serviced by the Ontario Court of Justice and the Superior Court of Justice. The Family Justice Services model envisioned under the 1974 model has been established to some degree in all judicial jurisdictions but such models have not been consistent with what was recommended by the Law Reform Commission in 1974. Resources such as Dispute Resolution methods are fragmented and in some cases duplicated by different service providers and funders (i.e. the Court, Ministry of the Attorney-General and Legal Aid Ontario). The Family Lawyers Association supports the introduction of the UFC model in all Judicial jurisdictions in Ontario, with specialist family law justices assigned to each case up to the trial and family law specialist justices conducting the trials and appeals. In addition, the Family Lawyers Association supports the proper funding of all services envisioned in the Family Justice Services sector in each Court and such funding should be provided by the federal government as envisioned in the 1974 model.

Please do not hesitate to contact me with any questions on this letter of support.