

Guelph OCJ Family Bench and Bar Meeting Minutes

Friday, March 22, 2019 at 9:00 a.m. – County of Wellington Lounge

Present: Justice Caspers, Tonya Brock, Ian Brown, Tony Circelli, Michelle-Douglas-Cummings, Varsha Pasel, Wanda Post Koeslag, Michael Purves-Smith, Olivia Rebeiro, Elizabeth Renfrew, Judith Stoffman, Jacquie Rodden Yetman, Christopher Unruh, Angela Vincenzo, Luke Weiler

Regrets: Tamara Bodnaruk-Wide, Jonathan Krashinsky, Jen McMahon, Wes Philp, Mathew Poole, Gayle Porcellato, Mary Ellen Seftel, Colin Thurston

1. Review and Approval of September 28, 2018 Minutes

- United Family Court (UFC) - transition is well underway – roll out date scheduled for May 13, 2019 in Kitchener and the remaining 7 sites across the Province;
Restraining Orders - Court staff has provided Justice Caspers with outstanding Restraining Order files and the CPIC backlog is being addressed;
- Police Assist Orders: excerpt from Dec 11, 2015 Bench & Bar Minutes: *“Ms. Stoffman has indicated that the position of the Guelph Police Service (GPS) is the organization must be served with motion material when there is a request for the police assist clause. When counsel is retained, this material is to be served care of the legal department at fax: 519-822-0949. For unrepresented parties, the fax number is: 519-763-0516. In the situation where the police assist clause is sought as part of an application/ motion to change, the material does not need to be served until such time that the issue is actually being dealt with, i.e. at an uncontested hearing, if a specific motion date is scheduled or at trial. Justice Caspers also noted that if GPS chooses to attend and files a factum, counsel will need to serve and file the same.”*
Procedure for unrepresented parties seeking police assistance orders (**see separate attachment**);
- Duty Counsel - Counsel are requested to try and refrain from scheduling personal files on days assigned as Duty counsel, however, it is understood that there is a shortage of lawyers who appear regularly in family court. Many thanks to all those who do provide duty counsel services. Their commitment and diligence is very much appreciated.

2. Child Protection Information Network (CPIN) – Olivia Rebeiro

- Commencing April 1, 2019, CAS in Ontario will be migrating old records to a single information system – CPIN;
- CPIN is a *provincial* database housing Ontario's child welfare information and records and stores relevant data, making it easier to access and enhance overall efficiency and security;
- During this transition period, there may be delays in providing disclosure for the month of April;
- **Please refer to separate attachment for further CPIN details.**

3. Trial Weeks and adjournments – Varsha Pasel

- Please note there have been some changes to the scheduled trial weeks for 2019. The trial sittings are as follows:
June 17 – 20 (4 days)
October 29 – November 1 (4 days)
December 17 – 20 (4 days)
- Detailed letters requesting an adjournment of an appearance are required well in advance of the return date, for judicial approval. Please note, confirmations stating the matter is adjourned on consent with a new return date will not be accepted.

4. Clerk/ Staff Concerns – Varsha Pasel/ Justice Caspers

- *Service of documents in the courtroom:*
 - If service of documents is accepted in the courtroom, acknowledgement of service should be written on the back of the original document
 - The document should then be filed in the continuing record as per the *Rules* to maintain continuity and ensure that the contents are up to date.
- *Child Support Offsetting:*
 - If the calculation for the offset amount is not determined and noted in the Consent or Minutes of Settlement, then two Support Deduction Orders (SDO's) will be issued. The court staff has asked that counsel be sure to include the offset amount going forward. Mr. Unruh voiced concerns regarding the CRA and taxes if an SDO is not issued for one of the parties.
- *Restraining Orders:*

- Should a Restraining Order be requested under Section 35 of *The Children's Law Reform Act* or Section 46 of *the Family Law Act*, a pink Judges' Endorsement Form must be provided with the matter in the Endorsement Record. Counsel may tombstone the party information on the form.
- A CPIC form should be completed by the client and left in the file;
- These Restraining Orders are issued on an order template that is separate from the substantive order dealing with issues of Custody/Access and Child Support – and then served on the appropriate Police Department;
- Counsel are encouraged to prepare a Draft Restraining Order using the template found on the Court forms website.

5. Justice Caspers:

- **CAPP** availability – **see separate attachment** for availability. It is hoped that up to date information with respect to availability will be maintained in the courtroom to assist in expediting supervision orders;
- **Rules Committee Changes**
 - It is under consideration by the *Rules* committee that CYFSA Appeals will be approached in a different way. It is proposed that litigants must seek leave to have the matter heard by the Court of Appeal.
 - Motion to Change. The *Rules* committee is working on a redrafting of the Motion to Change Forms.
- **Cannabis Act, S.C. 2018, C.1-** be mindful of parameters and express the same to clients when addressing substance abuse issues in domestic and child protection cases;
- **Mediation:** Duty Counsel are referring individuals to Mediation. Axis Mediation has been renewed for another term and will be the designated mediation service in the courthouse. If there is no existing court proceeding, duty counsel is encouraged to use the off-site mediation services.
- **OCL Funding:** The OCL has experienced cut backs. It is understood that at this time counsel will continue to be appointed as a matter of course on

child welfare matters. However, the OCL must more carefully consider the appointment of counsel or s. 112 assessments in domestic matters due to funding cuts. VOC Reports are still being prepared when requested.

Justice Caspers Case Citations:

Dakota Ojibway Child and Family Services v. KRF et al 2018 MBCA 104 – safety trumps heritage.

Albert v. Albert [2007] O.J. No 2964 – perpetual students and child support beyond the first degree.

Kunuthur v. Govindareddigari, 2018 NCA 730 – Hague and best interests.

Perenboom v. Peerenboom 2018 ONSC5118 – Interim Costs.

Danso v. Bartley [2018] O.J. No. 4276 – Sealing orders and reputation.

Hutchison v. Gretzinger [2007] O.J. NO 5058 – Video gaming and its impact on support.

Next meeting date: October 25, 2019 @ 9:00 a.m.