

Meeting Information			
Subject/Title:	Ontario Court of Justice, Family Bench and Bar Meeting Minutes		
Date/Time:	October 25, 2019	Location:	County of Wellington Lounge: 74B Woolwich St. Guelph

Meeting Participants	
Chair:	Justice Caspers
Attendees:	Justice Caspers, Tony Circelli, Nazifa Islam, Michelle Douglas-Cummings, Marilyn Krist, Mathew Poole, Jacquie Rodden Yetman, Colin Thurston, Angela Vincenzo, Luke Weiler, Patricia Woodhatch, Christopher Unruh, Olivia Rebeiro, Elizabeth Renfrew, Tamara Bodnaruk-Wide
Regrets:	Ashley Henbrey, Gerald Punnett, David Cameletti, Michael Purves-Smith, Judith Stoffman, Ian Brown
Notes Taken By:	Marilyn Krist

Meeting Minutes				
Item No.	Discussion Points/ Issues Raised/ Decisions Made	Action Items	Speaker	Notes
1	Review of the Agenda.		Justice Caspers	
2	<p>Review of the Minutes from the meeting held on March 25, 2019.</p> <p>Update: The following announcement was made in August of 2019: Finance Minister Bill Morneau announced the Government of Canada's intention to propose an amendment to the Income Tax Act to clarify eligibility for the CTB. This clarification will ensure that benefits paid to families in shared-parenting arrangements are not stopped or interrupted. The Government intends to introduce in Parliament the legislative proposal accompanying this news release at the earliest opportunity.</p>		Justice Caspers	This was a point of discussion from the previous meeting regarding Child Support offsetting
3	<p>Updates from the Trial Office: Marilyn Krist is the acting OCJ Family Trial Coordinator, since Varsha Pasal vacated the position. The position has now been posted with a closing date of December 3, 2019</p> <p>Beginning in 2020, matters that are assigned to trial, will be assigned to the running trial list on the week assigned by the Justice. Any matters in the back up positions, should be ready to proceed on a half days' notice.</p> <p>The trial coordinator will communicate by letter your ranking on the trial list.</p>		Marilyn Krist	(Attachment

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	<p>Please keep the trial coordinator up to date if the status of your matter changes.</p> <p>Urgent Motions: Reminder that urgent motions must be accompanied by an Application or Motion to Change. In certain situations, Counsel can canvass with the trial coordinator for an urgent Case Conference date which could be made available within a reasonably short amount of time. What constitutes “urgency” is highlighted in a guide that was provided to duty counsel at the Walkerton Courthouse. A copy is attached. Copies will be made available to duty counsel.</p>			Provided)
4	<p>Indigenous Status Presentation: by Olivia Rebeiro, legal counsel for of Family and Children’s Services of Guelph and Wellington County. The issues for discussion included: how to identify children with First Nation, Inuit or Metis (“FNIM”) status, at what point that determination ought to be made and what criteria is to be used for such determination.</p>		Olivia Rebeiro	(Attachment Provided)
5	<p>Reference Material written by Justice John Kukurin from November 2018 entitled <i>How to Identify a FNIM Child</i> was discussed. Relevant cases were also provided. It is suggested that the society should bring a motion in the first instance to address the issue of FNIM status.</p>		Justice Caspers	(Attachment Provided) (FNIM Cases of Interest attachment provided)
6	<p>The suggested process is to employ a stamp on the inside of the Endorsement Record to reflect that a finding has or has not been made with respect to FNIM status of a child who is the subject of the protection proceeding.</p>	<p>CAS to advise of the process put in place by the agency to identify the status of the child so that the details can be filled in on the Template at the time the protection findings are made.</p>	Justice Caspers	Further discussions are required.
7	<p>Statements of Agreed Facts: Justice Caspers requested that any Statements of Agreed Facts be circulated at least 7 days in advance of the next court date. This will afford counsel and/or the unrepresented parents to view and comment on the Statement of Agreed Facts in advance of the matter returning to court. This should avoid unnecessary delay and afford the unrepresented litigant an opportunity to</p>	<p>CAS Counsel agrees this would be beneficial and will continue to</p>	Justice Caspers	

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	carefully consider the document and to seek legal advice if they wish to do so.	look for a better way to get them to the litigants sooner. This will be monitored.		
8	<p>Legal Aid: Funding has been cut significantly. As a result, it has become more difficult for litigants to qualify for Legal Aid certificates or to obtain duty counsel assistance to assist with the litigation process, to receive summary advice, to review draft Minutes of Settlement or review Mediation Agreements and convert them to Minutes of Settlement.</p> <p>Of significance to our family court is that duty counsel services have been reduced to two days per week. Beginning in December 2019, duty counsel will only be available to on Tuesdays and Thursdays.</p> <p>Tamara Bodnaruk-Wide is to look at the possibility of rescheduling the days for on site mediation.</p> <p>Elizabeth Renfrew advised that there will be no change to Certificates issued for CAS clients.</p>	Tamara Bodnaruk-Wiebe to consider on site Mediation day rescheduling to align with duty counsel days.	Justice Caspers	
9	<p>OCL: The Office of the Children’s Lawyer has become more selective about the cases it is prepared to issue. VOC and Section 112 reports are being declined more frequently. So far, counsel continue to be provided in child protection matters.</p>		Justice Caspers	
10	<p>Parenting Capacity Assessments: Stricter terms will be in place going forward verifying the credentials of assessors, considering the Ruling of Justice Penny Jones with respect to psychologist Nicole Walton- Allen. [<i>Children’s Aid Society of the Region of Halton v. J.B. [2018] O.J. No. 6760</i>].</p>		Justice Caspers	
11	<p>FRO: Michelle Douglas-Cummings will no longer be attending in Guelph as Counsel for FRO. She introduced her replacement Ms. Nazifa Islam, who will be attending the Guelph Court beginning in November 2019. Justice Caspers asked if the FRO office would check with the Guelph family staff before adding matters to our FRO lists to prevent overcrowding and to make sure older files have been called back from records in advance of the court attendance.</p> <p>There have been many changes to the region team, Michelle will make sure that any new contact names are provided.</p>	Contact information to be provided by Michelle Douglas-Cummings.	Michelle Douglas-Cummings	
12	<p>Courtroom Attire: Justice Caspers would like Counsel to remind their clients about proper courtroom attire.</p>		Justice Caspers	
13	<p>Cases of Interest: Attached are some further cases of interest.</p>		Justice Caspers	(Attachment provided)
	Next Meeting Date: TBD			

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