

ONTARIO COURT OF JUSTICE (FAMILY)

74B WOOLWICH STREET, GUELPH

LOCAL PRACTICE MEMORANDUM

August 17, 2023

This Local Practice Memorandum replaces all previous Notices regarding filing and mode of appearances.

MODE OF APPEARANCES

1. **First Appearance Court** in family matters scheduled on Thursdays at 9:00 a.m. will be held in-person.
2. **Children's Aid Society List Days** scheduled on Tuesdays will be held in-person.
3. **Family Responsibility Matters** scheduled on Thursdays will be held in-person. Motions for refraining orders are considered urgent family matters and will proceed via zoom on the date and time set out in the notice of motion. To obtain a date, contact the Trial Coordinator at GuelphOCJFamily@ontario.ca. The moving party must serve FRO, and all service of documents on FRO must be effected by electronic means. The current email address for FRO is: FROLEGALSERVICE@ontario.ca.
4. **Mixed list family days**, including case management lists, to be spoken to appearances, case conferences, trial management conferences, motions, ISOA matters will be held virtually unless a specific appearance is ordered to be heard in-person.
5. **Trials, focused hearings, motions for summary judgment and settlement conferences** will be held in-person. The presiding justice may order that the hearing or a specific witness may appear virtually.
6. In-person adoptions will be offered if the parties request an appearance.

7. Duty counsel will be available for those who qualify for first appearance court, CAS list days and FRO days.
8. The mode of appearance may be changed to virtual or in-person as directed by the presiding justice at the time that the court date is set.
9. Requests for virtual appearances may be made by serving and filing a Form 14B motion with efforts to be made to obtain the consent of other parties and proof of consent to be filed with the motion. All counsel and self-represented litigants are encouraged to request virtual court appearances if there are health concerns or access to justice issues. These motions shall be filed through the Family Submissions Online Portal.

ADJOURNMENT REQUESTS:

First Adjournment Request:

1. If there is an agreement to adjourn the court date, the adjournment requests may be made by email to the Trial Coordinator at GuelphOCJFamily@ontario.ca to obtain a new court date.

Only one adjournment is permitted per court appearance is permitted through the Trial Coordinator if on consent.

No consent or second/multiple adjournments

2. If consent for an adjournment cannot be obtained and for second/multiple adjournments, a Form 14B is required. If the second/multiple adjournment request is made on consent, an affidavit is not required but the Form 14B shall set out the reason for the adjournment and proof of consent. If consent to the adjournment is not obtained, then a 14B motion with notice must be filed along with a supporting affidavit **that is no more than 2 pages in length**. If the adjournment is granted, the Trial Coordinator will contact the parties with a list of available dates.
3. Matters where both parties are self-represented and there is a second/multiple adjournment request, the requests shall be done in court on the scheduled court date.

CASE CONFERENCES:

1. A case conference shall be held prior to any motion being scheduled except for urgent motions and motions brought without notice.

Requests for Priority Case Conferences:

2. Priority case conferences will only be considered in matters which do not necessarily meet the stringent test of urgency, if there is a possibility of resolution, or if there are pressing issues that require a conference on a priority basis.
3. To request a priority case conference:
 - a. Make efforts to obtain the consent of the opposing party.
 - b. Serve and file a 14B Motion, indicating whether the opposing party has agreed, summarize the issues that are identified as priorities and provide sufficient facts to support the nature of the priority claimed.
 - c. The Form 14B motion shall not exceed 2 pages and need not be accompanied by an affidavit.
 - d. If the Responding party does not agree with a priority case conference, they shall have 4 business days to respond from the date of the service of the moving party's 14B motion.
 - e. If the priority case conference is granted, the Trial Coordinator will contact the parties to arrange a date.

MANDATORY INFORMATION PROGRAM:

1. Each party to a family law case must complete a Mandatory Information Program prior to their case conference. This is a required step in the court process.
2. MIP Notices and instructions on how to attend live on-line (with on-line registration directions) are provided when applications or Motions to Change are filed.
3. Upon completion, MIP Certificates are filed in the Continuing Record. Questions regarding MIPs may be directed to MIP@axisfamilymediation.com.

MOTIONS:

1. Motions shall be scheduled in court after the first case conference has been held.
2. Should a motion date be required between court appearances, or a request for an urgent motion, contact the trial coordinator. Prior to requesting an urgent motion, the parties shall request a priority case conference as set out above.
3. Contact the Trial Coordinator to schedule a contempt motion or motion for a refraining order.
4. Urgent motions without notice may be brought if they strictly comply with the test pursuant to rule 14(12). Either contact the Trial Coordinator or file the documents in-person.

FILING OPTIONS

There are now two filing options:

1. Electronic filing using the *Family Submissions Online Portal*.
2. *In person* filings.

NOTE: The court will no longer accept filing by email.

Electronic Filing using the *Family Submissions Online Portal*:

1. The *Family Submissions Online Portal* is now the primary method of electronic filing of documents.
2. When filing the document through the portal an e-mail confirmation will be sent to advise that the court has received the document. Within 5 business days, once the document has been processed, an additional e-mail will be sent to advise if the documents have been accepted for filing or rejected.
3. As the documents filed in this portal may not be accepted for filing until 5 days have passed, the *Family Submissions Online Portal* cannot be used if the hearing date is sooner than 5 days.

4. In general, when a document has been accepted for electronic filing, it is not necessary to file a paper copy. Original documents filed electronically must be kept by the parties or their counsel, to be provided if the presiding judge requests the original. However, if a party is filing a **lengthy document with the court's permission**, (for example – a document brief or book of authorities) these documents should be tabbed and indexed and set to the court by mail, courier or hand delivered.
5. When filing electronically, all documents must be clearly labelled. The subject line of the email shall including the following information:
 - i. The type of matter (Family/CYFSA)
 - ii. The file number (indicate “NEW” if no court file number exists)
 - iii. The parties’ names
 - iv. The type of the document being filed. (14B motion, case conference, settlement conference, trial management conference, urgent motion, trial, other request)

In person filings:

Court counters continue to be open between 9:00 a.m. to 11:00 a.m. and 2:00 p.m. to 4:00 p.m. Counsel are required to update their files regularly.

Late Filing:

1. Briefs and affidavits should be filed within the timelines set out in the *Family Law Rules*.
2. Consent to late filing may be used but this practice may not permit court staff sufficient time to process the briefs and forward them to the case management judge.

Page Limits/Form of Documents:

1. All documents shall be in PDF or WORD format. All documents shall be in 12-point font. Spacing shall be 1.5 lines. Normal margins shall be used.
2. Financial Statements are not subject to any page limits.

3. All affidavits shall be limited to ten (10) pages, exclusive of exhibits, unless leave of the court to file lengthier affidavit have been obtained in advance. The length of affidavits for specific court appearances such as lengthy motions, motions for summary judgment, focused hearings and trials shall be determined by the presiding justice when the motion/hearing is scheduled.
4. **Case Conference Briefs, Settlement Conference Briefs and Trial Management Conference Briefs** shall be limited to ten (10) pages, exclusive of exhibits, unless a party has obtained an order in advance permitting a lengthier brief to be served and filed.

3. LEGAL RESOURCES

Legal Aid Ontario

People who would have received in-person legal aid services through the Family Law Information Centres will be able to continue to get help from LAO over the phone by calling **1-800-668-8258**.

Law Society of Ontario emergency family referral line

The Law Society of Ontario continues to support a telephone line to assist people who are self-represented (SRLs) and trying to determine whether or not their family court matter meets the criteria to be heard by the court on an ‘urgent’ basis and, if so, how to proceed in making their request. The emergency service will connect SRLs with family lawyers, working on a pro bono basis, who will provide 30 minutes of legal advice specific to determining whether or not their family court matter is urgent and referrals to other available legal services.

SRLs may contact the law society by phone at the following numbers to access the service: Toll-free: 1-800-268-7568; General: 416-947-3310.

Law Society of Ontario Referral Service

The Law Society of Ontario’s Referral Service will give you the name of a lawyer within or near your community, who will provide a free consultation of up to 30 minutes to help you determine your rights and options. You can start the online process of obtaining a lawyer referral at <http://www.findlegalhelp.ca/> 24 hours per day.

Local Legal Aid Contact Information

Email; GenDCFamguelphocj@lao.on.ca

Phone: (519) 767-1514

A Guide for Self-represented Family Litigants

The Ontario Court of Justice has prepared a guide for self represented family litigants for assistance. You may find it here:

<https://www.ontariocourts.ca/oci/covid-19/sfl-guide-family/>

Information and Referral Coordinator (IRC) at the Family Law Information Centre (FLIC)

The IRC provides information issues related to family law, such as separation, divorce, and child protection matters, alternative dispute resolution, and community resources (but they do not provide legal advice). The IRC can help parties determine needs and provide information and referrals to the appropriate resources.

The Information & Referral Coordinators act as bridges between family court and services in the community by obtaining and distributing information about local services. The IRC's maintain current publications in the FLICs that are available to the public free of charge, and also keeps an up-to-date list of programs and services in the community that may be accessed by the Court, lawyers, court staff, or anyone living in the areas surrounding the courthouse.

IRCs triage mediation referrals and also facilitate the Mandatory Information Programs.

An IRC is available in person at the Guelph court on Mondays and Thursdays from 9 am – 2 pm, and can also be accessed anytime via e-mail, telephone. IRC services are administered by AXIS Family Mediation Inc., For more information visit the website at www.axisfamilymediation.com, e-mail info@axisfamilymediation.com or call (Guelph local) 519-824-4100 x218 or (toll-free) 1-888-988-AXIS (2947).

MEDIATION SERVICES

1) Off-Site Mediation –

Comprehensive off-site mediation is available to all, either virtually or in-person, using the Ministry roster of court-connected approved mediators.

Fees are on a sliding scale, subsidized by the Ministry, and there are no eligibility restrictions. Intake sessions and the first joint sessions are free of charge.

Referrals can be made through the IRC by e-mail or telephone, or through the website.

2) On-Site Mediation –

It is anticipated that on-site mediation will recommence being offered at the Guelph court in late 2023, both virtually and in-person.

On-site mediation is available for narrow issues before the court, on the same day the matter is being heard, and is free of charge.

In the interim, until the on-site services re-commence, all on-site referrals continue to be redirected to off-site mediation.

All court-connected mediation services (both on-site and off-site) are administered by AXIS Family Mediation Inc., For more information visit the website at www.axisfamilymediation.com, e-mail info@axisfamilymediation.com or call (Guelph local) 519-824-4100 x218 or (toll-free) 1-888-988-AXIS (2947).

Thank you all for your cooperation.

Justice K. Stacy Neill,

Interim Local Administrative Justice, Ontario Court of Justice -Family, Guelph, Ontario.