

**NOTICE TO THE PROFESSION  
REGARDING FAMILY AND CHILD PROTECTION MATTERS**

From: Justice Michelle Fuerst  
Regional Senior Judge – Central East Region

Date: **March 26, 2020**

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The Superior Court is operating pursuant to the Notice to the Profession from Chief Justice Morawetz dated March 15, 2020. That Notice can be found at: <https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>. Please review the Notice carefully in conjunction with this document.

**MATTERS BEING HEARD AT THIS TIME**

1. Chief Justice Morawetz' Notice to the Profession provides that only urgent matters are being heard at this time. The list of matters that qualify as urgent is very narrow.
2. The determination of "urgency" will be made by the judge receiving a request for an urgent hearing or determination.
3. Judges are presently addressing cases remotely, in writing or by teleconference. Judges do not have access to court files – either the physical file or scanned copies of court documents.
4. Matters deemed urgent will only be addressed based on the written record or after a hearing by teleconference.
5. Counsel could consider the test for bringing a motion prior to a case conference per r. 14(4.2) of the *Family Law Rules* as a guide to what might qualify as urgent in these circumstances.
6. **The Court will be available to address urgent matters related to the safety of any child.**

**CHILD PROTECTION**

7. Ontario has enacted a new regulation pursuant to the *Civil Management and Emergency Protection Act* which provides as follows:

**Now therefore, an Order is made pursuant to subsection 7.1(2) of the Act, the terms of which Order are the following:**

1. Any provision of any statute, regulation, rule, by-law or Order of the government of Ontario establishing any limitation period shall be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020.
2. Any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario, including any intended proceeding, shall, subject to the discretion of the court, tribunal or other decision-maker responsible for the proceeding, be suspended for the duration of the emergency, and the suspension shall be retroactive to March 16, 2020.
8. All child protection matters are adjourned to June 1, 2020 except for those matters that have already been adjourned to a date after June 1, 2020. **Existing Orders to continue.**
9. Teleconference hearings set up under the suspension protocol on or after March 16, 2020 shall continue as scheduled.
10. The June 1, 2020 date is a place holder date; it is not expected that all child protection matters will be called in that day or on the other dates fixed thereafter. The court will be setting up a Return to Operations (RO) Scheduling Court to triage and set new dates for child protection matters; the date for the RO Scheduling Court is to be determined following direction from the Chief Justice.
11. The Children’s Aid Society is requested to prepare a draft endorsement regarding the above adjournments. The draft endorsement can be sent to with the court without a 14B motion by e-mailing a copy of the endorsement to applicable generic e-mail box set out below. The signed endorsements will then be forwarded to the applicable local Children’s Aid Society and counsel; if a party does not have counsel, the CAS is requested to provide the endorsement to those parties.

<b>Centre</b>	<b>Generic Mailbox</b>
Oshawa	<a href="mailto:Oshawa.scj.tc@ontario.ca">Oshawa.scj.tc@ontario.ca</a>
Newmarket	<a href="mailto:Newmarket.scj.tc@ontario.ca">Newmarket.scj.tc@ontario.ca</a>
Barrie & Bracebridge	<a href="mailto:Barrie.scj.tc@ontario.ca">Barrie.scj.tc@ontario.ca</a>
Peterborough, Lindsay, Cobourg	<a href="mailto:Peterborough.scj.tc@ontario.ca">Peterborough.scj.tc@ontario.ca</a>

12. Any **filing deadlines** previously set for scheduled matters are no longer in effect. New filing deadlines will be set at the applicable Return to Operations Scheduling Court.
13. All **5-day** hearings after the removal of a child, and first returns of status review applications, **shall be treated as urgent matters** in accordance with this Notice to the

Profession. (<https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>). Advance leave is not required for these matters and a date can be set through the trial coordinator.

14. **Any other child protection matter** may be brought to court even if already adjourned to June 1, 2020 upon a judge granting leave on the basis of urgency. Where a party regards a matter as urgent, that party must follow the process for urgent matters set out below. If determined to be urgent, a judge will be assigned and a hearing by teleconference will be arranged by the Trial Coordinator.

## **FAMILY MATTERS**

1. All family matters are adjourned *sine die* including matters that were adjourned on or after March 16, 2020 to a fixed date. **Existing Orders to continue.**
2. Teleconference hearings on urgent matters set up under the suspension protocol on or after March 16, 2020 shall continue as scheduled.
3. The court will be setting up a Return to Operations (RO) Scheduling Court to triage and set new dates for all family matters; the date for the RO Scheduling Court is to be determined following direction from the Chief Justice.

## **URGENT MATTERS (FAMILY AND CHILD PROTECTION)**

4. If you believe that a matter meets the threshold for urgency, you must submit a request for a hearing to the court by 14B motion on notice to all parties. You should identify who the case management judge was (if you know) and/or if a specific judge has more familiarity with your matter.
5. **Requests for an urgent hearing and any other court documents in relation thereto shall be filed by e-mail by sending them to the following generic e-mail:**

<b>Centre</b>	<b>Generic Mailbox</b>
Oshawa	<a href="mailto:Oshawa.scj.tc@ontario.ca">Oshawa.scj.tc@ontario.ca</a>
Newmarket	<a href="mailto:Newmarket.scj.tc@ontario.ca">Newmarket.scj.tc@ontario.ca</a>
Barrie & Bracebridge	<a href="mailto:Barrie.scj.tc@ontario.ca">Barrie.scj.tc@ontario.ca</a>
Peterborough, Lindsay, Cobourg	<a href="mailto:Peterborough.scj.tc@ontario.ca">Peterborough.scj.tc@ontario.ca</a>

6. The e-mail box will be checked regularly by the Trial Coordinator who is also working remotely. The TC will forward your request to the duty judge who will determine whether the matter is urgent. If the matter is urgent a teleconference hearing will be scheduled. The hearing may be in writing or by teleconference as the judge may determine.
7. All materials both for the 14B request for urgency and for the hearing itself must be brief (10MB in total in accordance with the Notice of the Chief Justice) unless otherwise ordered by the judge. If the judge requires more information, he or she will request same.

8. Please do not e-mail the Trial Coordinator directly about requests for urgent hearings. If you have questions that are not answered by this Notice or by the Chief Justice's Notice to the Profession, please send an e-mail to the applicable generic e-mail address above.

### **EX PARTE MOTIONS**

9. Urgent *ex parte* motions should be submitted to the applicable generic e-mail address set out above. The motion will be forwarded to the duty judge.
10. The Trial Coordinator will then deliver the endorsement to the moving party by email. The judge who determines the matter will also determine how the order should be served on the other party. Court staff are available to serve restraining orders at this time. You should not assume that the court administration is available for service of other orders and you should make proposals as to how the order and materials should be served.
11. A date will also be set by the Trial Coordinator to have the order reviewed within 14 days per Rule 14(14) of the Family Law Rules. All new materials in relation to the review shall be filed by email to the applicable generic e-mail address. The review shall take place by teleconference.

### **MATERIALS**

12. Only materials that are filed in support of a request for an urgent hearing or for an urgent hearing that has been scheduled should be sent to the generic e-mail box. These e-mail addresses are not for general filings.
13. The e-mail box cannot accept attachments in excess of 10 MB.
14. Please ensure that the documents are clearly labelled. The subject line of the email must contain the file number and parties' names. Example: FC-20-00000503-0000 DOE vs. DOE.
15. As the judge will not have access to the court file, you should include copies of the previous, relevant court orders.

### **TELECONFERENCES**

16. If a hearing by teleconference is required, the Trial Coordinator will provide all parties and counsel with a dial in number and a pin code to use. The judge shall be the host/moderator of the conference.
17. The number of conference call lines available is very limited and the lines are being used for hearings in all lines of business: family, criminal and civil. Efforts are being made to

arrange for more phone lines. However, the time currently available for teleconferences will be necessarily abbreviated.

18. You are asked not to phone in more than 5 minutes in advance. There have been some difficulties in accessing the phone lines; if you cannot connect initially, please make several attempts before notifying the Trial Coordinator.
19. Unless otherwise advised by the judge, the conference call will be recorded.
20. Please remember that this teleconference is still a formal court event that replaces an in-person attendance.

### **MATTERS ON A TRIAL LIST**

21. There are no trials until further notice.
22. New trial dates will be set at the Return to Operations Scheduling Court.

### **RESOURCES FOR SELF-REPRESENTED PARTIES**

23. On-site duty counsel and advice lawyer services are not available at this time.
24. Self-represented parties can be directed to Legal Aid Ontario: 1-800-668-8258 for assistance.
25. Legal Aid Ontario has recently advised that summary legal advice services will be available through their telephone lines regardless of financial eligibility, but still subject to subject matter restrictions. Information about access to these services is available at:

<https://www.legalaid.on.ca/news/changes-to-summary-legal-advice-services-at-legal-aid-ontario-due-to-covid-19-pandemic/>

<https://www.legalaid.on.ca/fr/news/annonce-a-lintention-des-intervenants/>

26. The Law Society of Ontario in conjunction with others is offering an emergency service to connect self-represented litigants 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. Self-represented parties can call:

Toll-free: 1-800-268-7568

General: 416-947-3310

### **MEDIATION/ Information and Resource Coordinators**

27. Off-site mediation services may continue to be available with strict protocols for sanitizing and social distancing, and strict cancellation policies in the event of symptoms. On-site mediation has been suspended until further notice.

28. Information and Referral Coordinators (IRC's) from each court location in the region continue to be available to assist the public remotely. Contact information is set out below:

<b>Centre</b>	<b>IRC Contact</b>
Oshawa	Durham Mediation Centre 905-579-1988 <a href="mailto:Info@durhammediationcentre.org">Info@durhammediationcentre.org</a>
Newmarket	York Hills Centre for Children, Youth and Families 905-853-4816 <a href="mailto:IRC@yorkhills.ca">IRC@yorkhills.ca</a>
Barrie & Bracebridge	The Mediation Centre of Simcoe County Inc. 705-739-6446 <a href="mailto:Barrieflic@gmail.com">Barrieflic@gmail.com</a>
Peterborough	Kawartha Family Court Assessment Service 705-876-6915 <a href="mailto:Audrey.lea@flic.kfcas.ca">Audrey.lea@flic.kfcas.ca</a> <a href="mailto:Brenda.kotras@flic.kfcas.ca">Brenda.kotras@flic.kfcas.ca</a> <a href="mailto:Alicia.thibadeau@kfcas.ca">Alicia.thibadeau@kfcas.ca</a>
Lindsay	Kawartha Family Court Assessment Service 705-324-1400 x413 <a href="mailto:claudette.riley@flic.kfcas.ca">claudette.riley@flic.kfcas.ca</a> <a href="mailto:kathy.dunne@flic.kfcas.ca">kathy.dunne@flic.kfcas.ca</a> <a href="mailto:alicia.thibadeau@kfcas.ca">alicia.thibadeau@kfcas.ca</a>
Cobourg	Kawartha Family Court Assessment Service 905-372-3751 x128 <a href="mailto:Alicia.thibadeau@kfcas.ca">Alicia.thibadeau@kfcas.ca</a> <a href="mailto:Monica.walsh@flic.kfcas.ca">Monica.walsh@flic.kfcas.ca</a>

## THANK YOU

29. Thank you for the work you are doing to assist your clients during this difficult time.

30. The health and safety of everyone accessing the court and working within the court is of the utmost importance. The judiciary is committed to maintaining access to justice. We ask that members of the bar to support us in this endeavour.