

NOTICE TO THE FAMILY BAR – STRATFORD
ONTARIO COURT OF JUSTICE (FAMILY)

September 28, 2020

Dear Colleagues:

Further to Notice to the Family Bar in Stratford dated June 19, 2020, I am providing the following update of new developments and procedures as a result of the Notice regarding Scheduling of Family Matters in the Ontario Court of Justice posted on September 2, 2020.

1. In-person court appearances at the Ontario Court of Justice in Stratford were delayed from the scheduled date of September 14, 2020. However, the Ministry of the Attorney General is satisfied that all of the necessary health and safety measures are now in place at 100 St. Patrick Street for in-person proceedings to resume as of **September 28, 2020**. At this time, only family/child protection trials will be conducted in-person (and other court appearances as directed by the presiding justice). Please bring your own water bottles if you are attending an in-person court appearance.

2. We continue to expand our remote court appearances to include ZOOM (by video conferencing and teleconference) as of **October 5, 2020**.

Many of you participated in the ZOOM testing on September 24, 2020. The information to participate in your ZOOM court appearance will be the same for all court appearances as follows:

Joining by video – Link: <https://zoom.us/join>

Joining by telephone – Call (toll-free): 1-855-703-8985

Meeting ID: 611 5948 5360 Passcode: 136631

The former teleconference number of 1-866-633-1033, conference code #1421240 for Stratford will no longer be monitored or in use as of October 5, 2020.

3. As of **September 28, 2020**, all new Applications, Motions to Change and Family Responsibility (FRO) matters will now be accepted to be issued by the court. Only **3 Applications/Motions to Change** per person will be accepted per day **if issuing these documents in person**. However, we continue to encourage persons not to attend courthouses in person unless required to do so. Applications/Motions to Change can also be issued using the **Family Submissions Online Portal**, as described below. To date in Stratford, we have been able to address all matters that were administratively adjourned due to the suspension of court operations since March 16, 2020.

4. From **September 28, 2020 to November 27, 2020**, all First Appearances that previously were scheduled before a clerk pursuant to Rule 40(4) of the *Family Law Rules* will be waived, and the matter will proceed remotely before a judge for an initial case conference. Parties must submit a waiver form with their Confirmation.



family-first-appear
ance-waiver-EN.docx

For the first court appearance, case conference briefs will not be required, but all pleadings must be filed. After **November 30, 2020** a First Appearance Court before a clerk will resume and will be held remotely.

5. All limitation and procedural time lines that were previously suspended pursuant to O.Reg. 73/20 resumed running as of **September 14, 2020**, and parties may be noted in default if pleadings are not filed within the required timelines.

6. Filing of Materials:

(a) The preferred method to file materials is electronically using the **Family Submissions Online**. (See: www.ontario.ca/familyclaims) A letter was circulated by Court Services to the profession on July 29, 2020 to explain this new platform. To access Justice Services Online, users are required to create an account using their Ontario ONe-Key ID. ONe-Key is a unique electronic credential that allows you to communicate securely with online government services. Setting up your ONe-Key ID is fast and simple. To learn more, visit <https://www.one-key.gov.on./iaalogin/overview/jsp>. Note the following rules about filing through the Family Submissions Online:

- When filing through the Family Submissions Online, court staff will review your documents and notify you within **5 business days** if your documents have been accepted or rejected for filing with the court.
- You will receive an email confirming that your documents have been filed, or if rejected, the reasons for the rejection.
- Keep copies of all your documents for your records.
- You will receive a confirmation that your documents have been submitted but not yet filed with the court.
- You **cannot** submit documents through Family Submissions Online:
 - To request an urgent hearing
 - For a court date that is five business days or less away
 - If you need to meet a deadline established by legislation or other court rules, court practice direction or a court order that is five business days or less away

(b) Documents that cannot be submitted through the Family Submissions Online will still be accepted by email at Stratford.Courthouse@ontario.ca.

(c) Documents can be accepted in-person at the courthouse. Entry to the courthouse will be controlled and subject to screening requirements. The court counters are only open between 9 a.m. to 11 a.m. and 2 p.m. to 4 p.m.

Additional notes for filing:

- when a document has been filed electronically, it is not necessary to file a paper copy.
 - Materials sent by email must indicate how and when served on any other party was made. A formal affidavit of service does not need to be filed but should be retained if the court requests that it be produced.
7. Where it is not possible to email a sworn affidavit, affidavits may be delivered unsworn, but the affiant must be available to participate in any telephone or videoconference hearing to swear or affirm the contents of the affidavit.
8. The **in-person** FLIC clinic continues to be suspended until further notice. MIP programs will be arranged by phone. A Pro Bono Ontario hotline will be posted to assist self-represented litigants. The number is 1-800-668-8258. Clients may contact the Legal Aid Ontario Stratford office at 519-273-8120 to set up a time during FLIC hours on Wednesdays of 9am-12pm and 1pm-3pm to speak with a lawyer with respect to Family Law and Child Protection cases. Local duty counsel, Mr. Warman may be contacted by email at warmanr@lao.on.ca.

For further details regarding the scheduling of family matters in the Ontario Court of Justice, please see the Notice regarding Scheduling of Court Matters in the Ontario Court of Justice effective September 18, 2020.

<https://www.ontariocourts.ca/ocj/covid-19/covid-19-family-matters/>

Once again, thank you all for your patience and cooperation.

Justice K. Stacy Neill