

UPDATE NOTICE TO THE PROFESSION AND THE PUBLIC

PROTOCOL FOR ALL FAMILY MATTERS ONTARIO COURT OF JUSTICE

491 STEELES AVENUE EAST, MILTON

September 25, 2020

1. This Notice and Local Practice Direction provides an update to the August 24, 2020 Notice issued by the Milton Family Court, Ontario Court of Justice. That Notice and this one are companion notices and must be read together.
2. This Update to the Notice and Local Practice Direction should also be read in conjunction with:
 - (a) Halton OCJ Family Practice Directive - Adjournments by 17F (Amended November 12, 2019 to include 17F) found at <https://haltoncountylaw.ca/covid-19/>
 - (b) COVID-19: Scheduling of Family Matters in the Ontario Court of Justice (September 18, 2020) found at <https://www.ontariocourts.ca/ocj/covid-19/covid-19-family-matters/>;
 - (c) Notice to the Legal Profession and the Public regarding the process of electronically submitting documents at the Ontario Court of Justice (updated August 10, 2020) at <https://www.ontariocourts.ca/ocj/covid-19/emailing-urgent-documents/>;
 - (d) Protocol and Practices for Remote Hearings Milton Ontario Court of Justice, May 25, 2020, found at <https://haltoncountylaw.ca/covid-19/>; and,
3. This Notice and Local Practice Direction is intended to provide an update with respect to the scope of matters that will, or may proceed in the Milton Family Court, Ontario Court of Justice, and, to give additional direction with respect to certain matters that will or may now proceed.
4. This Notice and Local Practice Direction is subject to change from time to time as may be necessary and is intended to address issues only at the Milton Family Court, Ontario Court of Justice.

ATTENDING THE COURTHOUSE AND APPEARANCES BEFORE A FAMILY JUDGE

5. Except where a judge has ordered otherwise, attendances before a family judge of the Ontario Court of Justice in Milton will continue to be held virtually (primarily by

teleconference and in limited instances, by videoconference using the Zoom platform). This is due to the fact that while Milton Ontario Court of Justice has the capacity to hear in-person matters, a limited number of courtrooms have been refurbished to meet the COVID-19 health and safety guidelines. In-person attendances, unless a judge orders otherwise, are limited in family and child welfare proceedings to the conduct of trials and *CYFSA* summary judgment motions that the court schedules to proceed.

6. In order to protect the health and safety of all court users and to help contain the spread of COVID-19, we continue to ask members of the legal profession and the public to NOT attend courthouses in person at this time unless a court has ordered that parties attend in person, or if you are unable to electronically file family court documents relating to a scheduled family law matter.
7. **Under no circumstances should you come into a courthouse if you have been advised by public health officials, your doctor or the Ontario Ministry of Health (MOH) website (<https://www.ontario.ca/page/2019-novel-coronavirus>) to self-isolate.** If you are required to attend court in person but are unable to come to court because you have been told to self-isolate, contact the courthouse by email to Milton.OCJ.courts@ontario.ca or by telephone 905-878-7281.

ALL MATTERS WILL NOW PROCEED - REMOTELY

8. Beginning October 1, 2020, all matters in the Milton Family Court will proceed and there will be no more administrative adjournments because of COVID-19. Therefore, parties and counsel whose matters have been administratively adjourned and have not proceeded to a hearing before a judge since March 16, 2020 must participate remotely in the next scheduled appearance date set by the court unless otherwise ordered by a judge.
9. If a party and/or counsel do not participate in the remote scheduled hearing or do not seek an adjournment by way of 17F and in accordance with the Milton OCJ Family court's policy directive regarding adjournments by 17F, or, do not seek an order granting a further adjournment of the matter by way of 14B motion made on notice in writing, the case/matter may be dismissed without further notice. In considering such an order, you must be mindful that the government has announced that all limitation and procedural time periods that were previously suspended pursuant to [O. Reg. 73/20](#) have resumed running on Monday, September 14, 2020.

CHILD WELFARE / CAS MATTERS – CHANGE TO DIAL-IN NUMBER

10. Beginning immediately, we will no longer be using the teleconference number previously in use for child welfare matters. Instead, we will be using the teleconference line specifically assigned to the judge presiding over the matter. This will assist us to lock the call, thus, preventing unrelated persons from calling in while

a matter is in session. The numbers and dial-in instructions for Justice Sullivan and Justice Starr are set out below under the heading: Important Numbers and Dial-in Instructions for Remote Hearings / Teleconferences.

11. If you call in for a matter and are told the call is locked and to call back later, call back at the actual time of your appearance or if that has passed, keep trying. The court will be making every effort to stay on schedule.
12. Duty counsel will be available for those who qualify, however, as time will be very tight, the Court asks those who may need duty counsel to contact Legal Aid's direct phone line a few days prior to the attendance. Documentation should be available electronically for review by Duty Counsel. Duty counsel may be contacted as set out below under the heading: Duty Counsel Assistance – CAS, FRO, Domestic matters and First Appearance Court.

RESUMPTION OF FIRST APPEARANCE COURT

13. Starting on October 1, 2020 and until further notice, matters scheduled for First Appearance Court will proceed. While the First Appearance Court clerk will be in attendance to assist, First Appearance Courts will proceed before a visiting judge.
14. Note that the date and time will not be the same as that indicated in the last administrative adjournment endorsement. Counsel and self represented litigants will be contacted by Court services and given a new date and time.
15. Parties and counsel will be asked to file the new waiver form (attached) with their confirmation form to ensure that all documents have been served and filed and that they are aware of the mediation services available to parties.
16. The first appearance in court will be held remotely via teleconference. Do not attend the courthouse. The dial-in number and instructions are set out below under the heading: Important Numbers and Dial-in Instructions for Remote Hearings/Teleconferences.
17. Please note that this is a short-term measure only. First Appearance Court/First Court Date Before a clerk will resume November 30, 2020.

NEW APPLICATIONS AND MOTIONS TO CHANGE MAY NOW BE ISSUED AND WILL BE HEARD

18. Starting September 28, 2020, the court will begin to hear new applications and new motions to change. Issuing and filing of such material shall be done electronically in the same way the filing of other materials has been handled (email or through the Family Submissions Online Portal). See the 2020 08 24 Milton OCJ Family Notice to the Profession and Public for further details and to ensure that you know and

follow the proper document naming and filing protocols.

19. Service of new applications and motions to change must be done in strict compliance with the *Family Law Rules*.

FAMILY RESPONSIBILITY OFFICE (FRO) MATTERS

20. Starting October 1, 2020, the court will begin to hear all matters involving the Director (Family Responsibility Office) - FRO matters. Unless the Court or the FRO advises otherwise at or after the first return date, these attendances will be via teleconference. Do not come to the courthouse for your first attendance. The number to call will depend on who is assigned as the case management judge for the matter. Please refer to the information set out below under the heading: Important Numbers and Dial-in Instructions for Remote Hearings / Teleconferences.
21. The time for all attendances in such matters is not likely to be the same as that indicated in the last administrative adjournment endorsement. Counsel and self-represented litigants will be contacted by a representative of the FRO and given the specific time for the attendance as well as the name of the case management judge and specific dial-in instructions. The first appearance in such matters will be a to be spoken to attendance only.
22. Duty counsel will be available for those who qualify, however, as time will be very tight, the Court asks those who may need duty counsel to contact Legal Aid's direct phone line a few days prior to the attendance. Documentation should be available electronically for review by Duty Counsel. Duty counsel may be contacted as set out below under the heading: Duty Counsel Assistance – CAS, FRO, Domestic matters and First Appearance Court.
23. A Warrant of Arrest issued when each matter was administratively adjourned, however, they are being held with discretion. For all support payors who fail to attend/participate in their scheduled remote / virtual hearing, the Director is likely to request, and the Court may very well order, that the Warrants of Arrest be enforced. This means that those payors who failed to attend will be arrested for the purpose of compelling them to appear before the court. To avoid being arrested support payors would be wise to appear at their next remote / virtual court date and at the scheduled time.
24. Motions for refraining orders are considered urgent family matters and will proceed via teleconference on the date and time set out in the notice of motion. The moving party must serve FRO. Pursuant to O.Reg. 76-20, all service of documents on FRO must be effected by electronic means. The current email address for service on FRO is: FROLEGALSERVICE@ontario.ca. For such hearings, the moving party and counsel for the FRO shall participate via teleconference. As such motions are filed, dial-in instructions will be given to the party making the motion along with any

other directions the court determines need to be provided.

25. FRO's general contact information (during business hours) is:

Toronto: 416-326-1817

Toll-free: 1-800-267-4330

TTY (service for people who are Deaf, deafened or hard of hearing): 1-866-545-0083

26. Also, automated information is available 24 hours a day for Parties enrolled in FRO's Public Secure Online system for case specific information and for general information at www.thefro.ca

IMPORTANT NUMBERS AND DIAL-IN INSTRUCTIONS FOR REMOTE HEARINGS/TELECONFERENCES

27. **Justice Susan Sullivan**: For all matters (including FRO and Child Welfare/CAS matters) proceeding before Justice Sullivan the dial-in instructions are:

Dial: 1 (866) 633-0848

Enter Conference ID: 6820098#

Follow the prompts

28. **Justice Victoria Starr**: For all matters (including FRO and Child Welfare/CAS matters) proceeding before Justice Victoria Starr:

Dial: 1 (866) 633-0848

Enter Conference ID: 6749054#

Follow the prompts

29. **First Appearance Court**: For all First Appearance Court matters the dial-in instructions are as follows:

Dial: 416-212-8012 local, 1-866-633-0848 toll free

Enter the conference ID: 4326359#

Follow the prompts

DUTY COUNSEL ASSISTANCE – CAS, FRO, DOMESTIC MATTERS AND FIRST APPEARANCE COURT

30. If you need duty counsel assistance for a FRO, Child welfare/CAS, or domestic matter, including for a First Appearance Court attendance, proceeding in the Milton OCJ Family Court, call:

(905) 878-7281 ext. 3447

31. Here are some tips:

- a) You do not need to wait until the day of court to call. You can, and should, call a few days ahead of time. At this time local Duty Counsel cannot guarantee same day assistance if calling in on the day of Court. Calling ahead of your scheduled court date will ensure assistance if available for you;
- b) If you call and get voicemail, leave your name, number, your court date and reason for call. Someone will call you back. Calls will be returned within 24 hours. Return calls from Duty Counsel will be listed as “No Caller ID” and voicemail messages will not be left. This is to protect your privacy;
- c) IF you have not received a call back, try again;
- d) Make sure you have an electronic copy of the court documents so that you can send a copy to the duty counsel who will be assisting you.

32. If you would like general legal advice, or if you want to apply for legal aid, please call the central Legal Aid Duty Counsel number at 1-800-668-8258.

FURTHER UPDATES

33. Please continue to check the Ontario Court of Justice’s website (<https://www.ontariocourts.ca/ocj/>) and the Halton County Law Association’s website (<https://haltoncountylaw.ca/covid-19/>) for general and courthouse specific updates. The Court will provide additional information about the scheduling and conduct of all court proceedings, including the Court’s ongoing work to make more services available using remote technology.

Justice Victoria Starr
Local Administrative Judge, Family