

## NOTICE TO THE PROFESSION AND THE PUBLIC

### PROTOCOL FOR ALL FAMILY MATTERS ONTARIO COURT OF JUSTICE

491 STEELES AVENUE EAST, MILTON

April 23, 2021

1. This Notice and Local Practice Direction contains an update. The prior local practice directions dated August 24, 2020 and September 25, 2020 remain in place. As such, this notice should be read in conjunction with the following:
  - a. The 2020 08 24 Notice issued by the Milton Family Court, Ontario Court of Justice, which can be found at <https://haltoncountylaw.ca/covid-19/>;
  - b. The 2020 09 25 Notice issued by the Milton Family Court, Ontario Court of Justice, which can be found at <https://haltoncountylaw.ca/covid-19/>; and
  - c. The latest COVID-19: Scheduling of Family Matters in the Ontario Court of Justice issued by the Office of the Chief Justice for the Ontario Court of Justice, found at <https://www.ontariocourts.ca/ocj/covid-19/covid-19-family-matters/> and <https://haltoncountylaw.ca/covid-19/>.

#### **All Family Trials Suspended Until May 7, 2021**

2. From April 26, 2021 to May 7, 2021, all family and *Child, Youth and Family Services Act* trials, including in-person, hybrid or remote trials will be adjourned regardless of what stage they are (i.e. scheduled to start or already in progress). For trials that fall within this period, unless you receive notice directly from the Court to do otherwise, you are to attend virtually by teleconference on the day presently set for your trial to speak to the matter. **No one is to attend the courthouse in person.**
3. All other appearances (i.e. conferences, motions and to be spoken to attendances) will be proceeding as scheduled. The Milton OCJ Family Court will continue to hear all matters, except for trials, virtually.

#### **Sworn Documents**

4. In light of the government's state of emergency declaration, parties will be permitted to file unsworn documents. Parties may be required by a judge to swear/affirm the truthfulness of the contents of the documents. This requirement applies until further notice.
5. Please note that a judge will not grant a requested order by way of a 14B motion unless the documents are sworn.

6. Litigants and counsel may file affidavits that have been virtually/ remotely commissioned, as permitted by [O.Reg. 431/20: Administering Oath or Declaration Remotely](#), under the *Commissioners for Taking Affidavits Act*.

### **Signed Documents**

7. The Ontario Court of Justice will accept electronically signed documents where a signature is required. An electronic signature consists of electronic information that identifies the signatory and the date and place of signing.

### **Filing Documents**

8. In addition to the directions set out in the Milton OCJ Family Court's Notices to the Profession and Public dated August 24, 2020 and September 25, 2020, we draw your attention to these new directions regarding filing of court documents:
  - a. **Do not use multiple methods** for filing; just file once using one method. Contrary to what you may think, using multiple methods actually reduces the chances of your documents getting in front of a judge in time because it doubles or triples the work for the staff processing filings;
  - b. When a document has been accepted for electronic filing, it is not necessary to file a paper copy. However, originals of all documents filed electronically must be retained so that a paper copy can be filed with the court when ordinary court operations resume; and
  - c. **If you file a document by e-mail in contravention of the direction regarding e-mail filing set out below, it will be rejected.**

### **E-mail Filing**

9. Please note that unless a judge has ordered otherwise, the Court will **only** accept filings by e-mail in the following circumstances:
  - a. For matters where a judge has ordered that the documents are to be filed by e-mail;
  - b. For matters that are urgent, including requests for an urgent hearing;
  - c. Documents that must be filed for a court date that is less than 5 business days away;
  - d. Documents that must be filed for a deadline that is less than 5 business days away; and

- e. Where alternate filing requirements are required due to an accessibility request.

### **Page Limits**

10. There are some slight changes to the page limit restrictions set out in the previous local practice directions for OCJ Family. They are as follows:

- a. Financial Statements are not subject to any page limits;
- b. All affidavits (except Form 23C Affidavits for Uncontested Trials) shall be limited to ten (10) pages total, including exhibits but excluding DivorceMate calculations, endorsements, orders, and separation agreements, unless leave of the court to file a lengthier affidavit has been obtained in advance;
- c. Form 23C Affidavits for Uncontested Trial shall be limited to ten (10) pages total, excluding exhibits, DivorceMate calculations, endorsements, orders, and separation agreements, unless leave of the court to file a lengthier affidavit has been obtained in advance;
- d. Case Conference Briefs shall be limited to (10) pages in total, including all attachments but excluding DivorceMate calculations, endorsements, orders, and separation agreements. The only exception is where the party has obtained an order in advance permitting a lengthier brief to be served and filed;
- e. Settlement Conference Briefs shall be limited to ten (10) pages in total, including all attachments but excluding DivorceMate calculations, endorsements, orders, separation agreements, draft or signed Minutes of Settlement, draft or signed Consents, Offers to Settle, draft or signed Statements of Agreed Facts, and draft proposed final orders. The only exception is where the party has obtained an order in advance permitting a lengthier brief to be served and filed; and
- f. Trial Management Conference Briefs shall be limited to ten (10) pages in total, excluding Trial Scheduling Endorsement Form, signed Minutes of Settlement, signed Consents, signed Statements of Agreed Facts, and draft proposed final orders. The only exception is where the party has obtained an order in advance permitting a lengthier brief to be served and filed.

**Justice Victoria Starr**  
**Local Administrative Judge, Family**