



## Inside this Guide

- 1** Introduction to the Family Courts in Ontario
- 2** Applications
- 3** Answers
- 4** First Court Date and Case Conferences
- 5** Motions
- 6** General Information Sheets
  - Serving Documents
  - Filing Documents
  - Going to Court
- 7** Financial Statements

### Ontario Court of Justice

*Ce guide est également disponible en français*

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# A Guide to Family Procedures in the Ontario Court of Justice

Revised July 2004

*This guide does not provide legal advice.  
It is recommended that all parties in the  
Ontario Court of Justice seek legal advice  
where possible.*

# Part 4: First Court Date and Case Conferences

## Case Management

All cases in the Ontario Court of Justice are managed by a case management judge to ensure that issues are resolved as quickly and efficiently as possible.

## First Court Date

Court staff will schedule a first court date when the Application is filed. This first appearance date may be conducted in a courtroom or at a place specified by the clerk. On or before the first court date, the court clerk will confirm that all the necessary documents have been served and filed. Remember that it is *your* responsibility to ensure that all of the documents are in the continuing record properly.

**If an Answer has not been filed, and the respondent fails to appear on the court date**, an Affidavit for Uncontested Trial – Form 23C can be filled out. Affidavit – Form 14A may also be used. The judge may review the information in the Affidavit and make a decision on the same day. The decision would be based solely on the information provided by the applicant.

**If the respondent has not filed an Answer but shows up on the court date**, the respondent will have to get the applicant's consent or get an order from a judge to continue to participate in the case if the time for filing the Answer has elapsed.

**If an Answer has been filed**, the next step in the case will be a case conference. Check with court staff to see if and how a case conference can be scheduled on your first court date.

## Case Conference

A case conference is the first opportunity for all parties to discuss the case with a judge. If either or both of them have hired lawyers, the lawyers will attend as well.

At least one case conference must take place in all cases in which the respondent files an Answer.

## The Purpose

A case conference is a very important step toward resolving your dispute. There are a number of things that you can achieve at a case conference.

You can:

- Identify the issues that are in dispute and those that are not in dispute;
- Explore ways to resolve issues or to settle the whole case;
- Make sure that both parties exchange all relevant information needed to reach a fair result;
- Organize another meeting, if necessary, or agree on next steps in the case including a timetable;
- Ask the judge to make a temporary or final order.

Normally a case conference is held in person. However, if the judge agrees in advance, a case conference may be held

by telephone or video conference. The party who has obtained the judge's permission must make all the arrangements and notify the other party and the court of these arrangements.

## **Preparing for a Case Conference**

### **Step 1: Set the case conference date.**

You may be given a date for the case conference when you go to court for your first court date. However, you may wish to ask that your case conference be held at the same time as your first court date. That way, you can move your case along more quickly and efficiently.

### **Step 2: Pick up the following forms when you ask for a conference date.**

You will need the following documents for a case conference:

- A Conference Notice – Form 17 (except where the court sets a case conference on a first court date)
- A Case Conference Brief – Form 17A
- A copy of the Table of Contents from the Continuing Record
- A Confirmation of Attendance – Form 14C
- An Affidavit of Service – Form 6B

**If your case involves a claim for support** and it is more than 30 days since you made your last Financial Statement, you need:

- A Financial Statement (Support Claims) – Form 13 or an Affidavit – Form 14A indicating either that there is no change from your last filed financial

statement or that the changes are minor (include details of any changes).

*Refer to the Financial Statements Guide for more information.*

### **Step 3: Fill out the court documents.**

#### **The Conference Notice**

If you are asking for the case conference, you must fill out a Conference Notice – Form 17. This will let the respondent know that you have scheduled the case conference on a particular date and that he or she is expected to attend on that date.

#### **The Case Conference Brief**

The Case Conference Brief – Form 17A asks for detailed information. Taking the time to complete the form carefully is important as it can result in the case conference being more efficient and helpful in resolving your dispute.

If the case involves a claim for support, you must include an up-to-date Financial Statement (Support Claims) – Form 13.

If you have filled out a Form 13 within the previous 30 days, you can use the existing form. If your Financial Statement is more than 30 days old but is still accurate or there are only minor changes, you do not need to fill out a new one, but you must fill out an Affidavit – Form 14A saying that the information in the last statement has not changed and is still true, or provide details of the minor changes. If the information is more than 30 days old and there are significant changes, you must complete a new Form 13.

*Need help completing the forms? Go to the end of this guide for samples.*

## The Table of Contents

You must update the Table of Contents for the Continuing Record. You should add to the Table of Contents the Case Conference Notice and any updated Financial Statements you will be serving and filing.

Do not file your Case Conference Brief in the Continuing Record, unless the court orders otherwise. If the court orders you to file your Case Conference Brief in the Continuing Record, make sure that any portions of the brief that discuss settlement are not visible.

Make **two** copies of all of the documents. Keep one copy for your files, keep a second copy to serve on the respondent (see *Step 4*). The originals will be filed in the Continuing Record (see *Step 5*).

## Step 4: Serve the other party with the documents and file them with the court.

If you are requesting the case conference, or if you are the applicant and the court has set the case conference, you must, **at least 7 days before the case conference**, serve the other party and file with the court:

- Your Conference Notice – Form 17;
- Your Case Conference Brief – Form 17A;
- An up-to-date Financial Statement (Support Claims) – Form 13 or an Affidavit – Form 14A (if applicable); and
- The updated Table of Contents.

You can serve the other party with these documents by regular mail.

*Refer to the General Information Sheet – "Serving Documents" for more information.*

Ensure that an Affidavit of Service – Form 6B is completed after the documents have been served.

File the Affidavit of Service and the Case Conference Brief in the court file, not in the Continuing Record. File all of the originals of the other documents you served on the other party in the Continuing Record. Update the Table of Contents at the front of the Continuing Record.

**Note: At least 4 days before the case conference**, the other party must serve and file:

- Their Case Conference Brief – Form 17A;
- An up-to-date Financial Statement (Support Claims) – Form 13 or an Affidavit – Form 14A (if applicable); and
- The updated Table of Contents.

## Step 5: File a Case Conference Confirmation – Form 14C

**No later than 2:00 p.m. two days before the case conference**, each party must file a Confirmation – Form 14C, confirming that he or she will attend the conference. You can do this either by taking the form to the court office or by faxing it to the court. It is a good idea to know the court's fax number.

**Note:** No brief or other document for use at the conference may be served on the other party or filed with the court after **2:00 p.m. two days before** the conference.

## At the Case Conference

At the case conference, the judge may:

- Make a temporary or final order if notice has been given to the other party.
- Give procedural directions to the parties prior to the next step in the case.
- Set a date for a motion and for the filing of materials for the motion.
- Set a settlement conference date.
- Refer parties to mediation or a parent education session.
- Turn a case conference into a settlement conference and give a view as to the likely outcome of the case.
- Set a trial date.

## What happens if you miss the case conference?

It is important that you attend any scheduled conferences. If you do not show up or if you have not served the required Brief containing the proper information, the judge can order that you pay for the other party's legal costs for attending the conference. The judge may also make an order in the case if notice has been given.

## Make sure to attend your case conference.

*Refer to the General Information Sheets – "Going to Court" for more information.*

## Other Conferences

Almost every case has a case conference as its first step. If the judge thinks that another conference is necessary, he or she can schedule another case conference, settlement conference or a trial management conference. Or, if you want a conference, you can use the Conference Notice – Form 17 to get a conference date and to notify the other parties.

The purposes of these conferences are similar to those of a case conference and your preparation steps are similar as well. For a settlement conference, each party must file a Settlement Conference Brief – Form 17C and for a trial management conference, each party must file a Trial Management Conference Brief – Form 17E. The time for serving and filing documents is the same for all of the conferences.

The settlement conference judge may express a view as to the likely outcome of the case.

The Confirmation – Form 14C is the same for all of the conferences and indicates that you will be attending the conference.

**Note:** Settlement Conference Briefs are not filed in the Continuing Record.

## Sample Forms

This section contains sample forms that parties will need to fill out.

You may wish to visit the Family Law Information Centre to obtain information about completing court forms.

Some tips on completing all forms:

1. **Be neat.** These are court documents and the court will not take them if they are not neat or the court cannot read them. **All court forms must be typed or printed.**
2. Fill in the name and address of the court where the application was filed at the top of all court documents.
3. Make sure the **court file number** is on the upper right-hand corner of every page of **all** of your documents.
4. Make enough **copies** of your completed forms. In most cases you will need to make two copies: one to serve on the other party and one for your files. The original forms will be filed with the court in the Continuing Record.
5. When completing the forms, you are asked to fill in the address where documents can be served on you. If being served at your home address would put your physical safety at risk, speak to court or Family Law Information Centre staff about using an alternative address.

# Form 17: Conference Notice

This form should be completed by the party who requested or arranged for the conference. All conferences use the same notice form.

ONTARIO

Court File Number

\_\_\_\_\_  
*(Name of court)*

at \_\_\_\_\_  
*Court office address*

*Family Law Rules, O. Reg. 114/99*  
**Form 17:  
Conference  
Notice**

<b>Applicant(s)</b> <small>Full legal name &amp; address for service — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).</small>	<small>Lawyer's name &amp; address — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).</small>

<b>Respondent(s)</b> <small>Full legal name &amp; address for service — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).</small>	<small>Lawyer's name &amp; address — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).</small>

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)) and name of person represented.

**TO:** (name of party or parties or lawyer(s)) .....

**A**  CASE CONFERENCE     SETTLEMENT CONFERENCE     TRIAL MANAGEMENT CONFERENCE

**WILL BE HELD** at (place of conference) .....  
 at ..... **a.m./p.m. on** (date) .....

The conference has been arranged at the request of

the applicant                       the respondent  
 the case management judge     *(Other; specify.)* .....

to deal with the following issues:

You must participate at that time and date by

coming to court at the address set out above.  
 video-conference or telephone at (location of video terminal or telephone) .....  
 as agreed under arrangements already made by (name of person) .....  
 for video/telephone conferencing.

**IF YOU DO NOT PARTICIPATE AS SET OUT ABOVE, THE CASE MAY GO ON WITHOUT YOU OR THE COURT MAY DISMISS THE CASE.**

\_\_\_\_\_  
*Date of signature*

\_\_\_\_\_  
*Signature of clerk of the court*

**NOTE:** The party requesting the conference (or, if the conference is not requested by a party, the applicant) must serve and file a case conference brief (Form 17A or 17B), settlement conference brief (Form 17C or 17D) or trial management conference brief (Form 17E) not later than seven days before the date scheduled for the conference. The other party must serve and file a brief not later than four days before the conference date. Each party must also file a confirmation (Form 14C) not later than 2 p.m. two days before the conference.

FLR 17 (07/01) (Français au verso)

The location, date and time of the conference is provided by the court.

The clerk of the court must sign at the bottom of the form.

## Conference Briefs

These forms should be completed by both parties prior to any conference. The type of conference will determine the form to be completed:

Conference Type	Form to be Served and Filed
Case Conference	Form 17A
Settlement Conference	Form 17C
Trial Management Conference	Form 17E

A sample of the Case Conference Brief Form is set out below. The forms that are used for the settlement conference and trial management conference are similar.

Form 17A: Case Conference Brief - General (page 2) Court File Number \_\_\_\_\_

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**PART 2: ISSUES**

5. What are the issues in this case that **HAVE** been settled: ←

<input type="checkbox"/> child custody	<input type="checkbox"/> spousal support	<input type="checkbox"/> ownership of property
<input type="checkbox"/> access	<input type="checkbox"/> same-sex partner support	<input type="checkbox"/> possession of home
<input type="checkbox"/> restraining order	<input type="checkbox"/> child support	<input type="checkbox"/> equalization of net family property
<input type="checkbox"/> Other (Specify) _____		

6. What are the issues in this case that have **NOT** yet been settled: ←

<input type="checkbox"/> child custody	<input type="checkbox"/> spousal support	<input type="checkbox"/> ownership of property
<input type="checkbox"/> access	<input type="checkbox"/> same-sex partner support	<input type="checkbox"/> possession of home
<input type="checkbox"/> restraining order	<input type="checkbox"/> child support	<input type="checkbox"/> equalization of net family property <i>(Attach Net Family Property Statement, Form 13B)</i>
<input type="checkbox"/> Other (Specify) _____		

7. If child or spousal or same-sex partner support is an issue, give the income of the parties:  
 Applicant: \$ \_\_\_\_\_ per year for the year 20 \_\_\_\_\_  
 Respondent: \$ \_\_\_\_\_ per year for the year 20 \_\_\_\_\_

8. Have you explored any ways to settle the issues that are still in dispute in this case?  
 No.  Yes. (Give details.) \_\_\_\_\_

9. Have any of the issues that have been settled been turned into a court order or a written agreement? ←

No.  
 Yes.  an order dated \_\_\_\_\_  
 a written agreement that is attached.

10. Have the parents attended a family law or parenting education session?  
 No. (Should they attend one? \_\_\_\_\_ )  
 Yes. (Give details.) \_\_\_\_\_

**PART 3: ISSUES FOR THIS CASE CONFERENCE**

11. What are the issues for this case conference? What are the important facts for this case conference?

FLR 17A (Rev. 04/03) Continued on next sheet →  
(Français au verso)

Indicate the issues that have been settled.

Indicate the issues that have not yet been settled.

Indicate any previous orders or agreements.

**Note:** The person requesting the conference or the applicant, if none of the parties has requested the conference, must serve and file their documents at least **7 days** before the conference. The other party must serve and file their documents at least **4 days** before the conference. No documents may be served or filed **after 2:00 p.m. 2 days** before the conference.



## Form 14C: Confirmation of Attendance

This form should be completed by the applicant **and** the respondent prior to any conference.

**Each party** must file confirmation of attendance no later than **2:00 p.m. two days** prior to the scheduled court date.

The confirmation can be faxed to the court office.

**ONTARIO**

Court File Number

Family Law Rules, O. Reg. 114/99

**Form 14C: Confirmation**

(Name of court)

at Court office address

**Applicant(s)**  
Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street, telephone & fax numbers & e-mail address (if any).

**Respondent(s)**  
Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street, telephone & fax numbers & e-mail address (if any).

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone number) and name of person represented.

1. My name is (full legal name) .....  
and I am  the lawyer for (name) .....  
 (Other, Specify) .....

2. I have  not been able to contact the opposing lawyer or party in this case to complete paragraphs 3 to 7 below because: (Give reason for inability to contact other side) .....  
 contacted the opposing lawyer or party and have confirmed the matter below.

3. The scheduled date and time for this  
 motion  case conference  settlement conference  trial  
is (date) ..... at ..... am/pm.  
(complete only if motion is being confirmed)  
 A case conference was held on the issues in this motion before Justice .....  
 A case conference has not been held on the issues in this motion.

4. This matter is going ahead  
 on all the issues.  
 on only the following issues: (Specify) .....  
 for a consent order regarding: (Specify) .....  
 for an adjournment on consent to (date) ..... because  
(Give reason) .....  
 for a contested adjournment to (date) ..... asked for  
by (name of person asking for adjournment) ..... because  
(Give reason) .....

5. The judge should read pages/tabs ..... of the continuing record.

6. Total time estimate: applicant: ..... minutes; respondent ..... minutes; for a total of ..... minutes.

7. The case management judge for this case is Justice .....

Date of signature

Lawyer's or party's signature

FLR 14C (07/01)

FLR 14C (07/01)

(Français au verso)

This is to be completed by both the applicant and the respondent.

You must indicate the type of conference.

Indicate the documents in the Continuing Record you would like the Judge to consider.