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### Ontario Court of Justice

*Ce guide est également disponible en français*

**ISBN 0-7794-6407-9**  
Published by the  
Ministry of the Attorney General

FLR0-A-SG-6(3)-En (REV 07/04)

# 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 6: General Information Sheets

## Going to Court

### Preparing to Attend Court

On or before the day of your court date, it is important that you give some consideration to the following practical matters:

#### Day Care for Your Children

Try not to bring your children to court. Day care cannot be provided for them and children in the courtroom are sometimes distracting. You should take all reasonable steps to provide alternative care for them when you are attending court.

#### Booking Off Time From Work

Your court attendance may take longer than you originally think. If you need to take time off work to come to court, make sure your employer is appropriately alerted.

#### Transportation to Court

It is important to attend court on time. Try to be early. Pre-court settlement discussions can often lead to agreements that will put an early end to your case. You should organize your transportation to court to ensure that you will not be late.

#### Get Your Bearings in the Court House

When you attend court, it is important that you get your bearings in the court house. Some court buildings may be very busy with various court lists, and not all of them may involve family law cases.

If your court house has an information desk, show your papers to the person

sitting at the desk and he or she will direct you to the right place.

### Who You Will See in the Courtroom

When you enter the courtroom, you may see all or some of the following persons:

#### The Judge

In a courtroom the judge will be sitting on the elevated platform called a “Bench”. His or her formal title is “Mr. Justice X” or “Madam Justice Y”, but you may refer to the judge as “Your Honour”.

#### The Court Clerk

Sitting near and below the Judge’s Bench is the Court Clerk. The Court Clerk hands material to the judge and keeps the records of the court organized. Any exhibits or documents to be given to the Judge are to be handed to the Court Clerk.

#### The Court Reporter

The person sitting opposite the Clerk is the Court Reporter or Monitor who is responsible for ensuring that all of the court proceedings are properly recorded. If you wish a transcript of all or part of your case, it will be provided to you by the Court Reporter or Monitor for a prescribed fee.

#### Duty Counsel

Duty Counsel from Legal Aid Ontario are assigned to assist people who cannot afford to hire lawyers. If you wish assistance from Duty Counsel, speak to the court staff.

## **Lawyers**

You may notice that, below the Judge's Bench, there is a bar that divides the courtroom. The public normally sits behind the bar and lawyers normally sit in front of it.

## **Courtroom Behaviour**

It is important that every person in the courtroom be respectful and courteous to everyone else. If the judge speaks to you or you are asked to speak to the judge, you should stand. Only one person should speak at a time. It is very difficult for a judge to administer justice if parties are angry or disrespectful towards each other or the court.

## **Representing Yourself**

It is strongly recommended that people who have cases in family court obtain legal representation. If you would like to have a lawyer represent you, but don't know how to find one, or feel you can't afford to hire one, ask court staff to assist you.

If you decide to represent yourself, you will be held to the same standard as parties who have lawyers acting for them. You will be responsible for informing yourself about the law and the rules of the family court.

At each step in the case, the judge may make an order for costs by setting out the amount that is to be paid and the party that is responsible for payment. If you are claiming costs, it is a good idea to provide information to the court that will help the judge decide the amount.

Normally, the judge will order the party who is not successful pay the costs of the party who is successful. Costs may include the expenses of carrying on the case, such as lawyer's fees.

The judge may also make an order for costs in cases if a party has behaved unreasonably. For example, when:

- A party fails to appear in court;
- A party is not properly prepared;
- A party has acted in bad faith; or
- A lawyer or agent has run up costs without reasonable cause.