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**Family Court of the
Superior Court of Justice**

*Ce guide est également
disponible en français.*

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A Guide to Procedures in Family Court

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

Part 4: First Court Date and Case Conferences

Case Management

All cases in the Family Court are managed by a case management judge to ensure that issues are resolved as quickly and efficiently as possible. Cases will be put on either a “fast track” or a “standard track”, depending on the issues in dispute.

Fast track cases: All cases that do not include claims for a divorce and/or claims involving property are put on the fast track.

Standard track cases: All cases in which there are claims for divorce and/or claims involving property are put on the standard track.

The main difference between the two tracks is that “fast track” cases are given a first court date as soon as the Application is filed.

In “standard track” cases, there is no first court date. The first step in the process will be a case conference, scheduled at the request of one of the parties.

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.

In **fast track** cases, 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.

In **standard track** cases, a case conference date will be set when either party requests one. It is a good idea to ask for a date early on in the process.

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 (but does not include a claim for property) and it is more than 30 days since you made your last Financial Statement, you need:

- A Financial Statement (Support Claims) – Form 13

If your case involves a claim for property (whether or not it also includes a claim for support) and it is more than 30 days since you made your last Financial Statement, you need:

- A Financial Statement (Property and Support Claims) – Form 13.1

In either case, you may need:

- An Affidavit – Form 14A, indicating either that there is no change from your last filed Financial Statement or that there are only minor changes (include details of the changes).

If your case involves a property claim you need:

- A Net Family Property Statement – Form 13B

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 (but does not involve a claim for property) you

must include an up-to-date Financial Statement (Support Claims) – Form 13. If the case involves a claim for property (whether or not it also involves a claim for support) you must include an up-to-date Financial Statement (Property and Support Claims) – Form 13.1.

If you have filled out a Form 13 or Form 13.1 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 or Form 13.1.

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 and 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 Financial Statement (Property and Support Claims) – Form 13.1 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 Financial Statement (Property and Support Claims) – Form 13.1 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 Sheet – “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 you 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.

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

PART 2: ISSUES

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

child custody spousal support ownership of property
 access same-sex partner support possession of home
 restraining order child support equalization of net family property
 Other (Specify) _____

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

child custody spousal support ownership of property
 access same-sex partner support possession of home
 restraining order child support equalization of net family property
(Attach Net Family Property Statement, Form 13B)
 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.

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 code, telephone & fax numbers &

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 code, telephone & fax numbers &

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone any) 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 contact 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.

FLR 14C (07/01)

Form 14C: Confirmation (page 2)

Court file number

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) (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.