

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** Uncontested Divorce
 - Simple Application
 - General Application
 - Joint Application

- 7** General Information Sheets
 - Serving Documents
 - Filing Documents
 - ✓ Going to Court

- 8** Financial Statements

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 7: 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 the Family 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. If there is no information desk and you are uncertain as to where you should go, find the Family Law Information Centre and assistance will be given to you.

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 (or a motions room), 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 judge will be wearing a black gown with a red sash.

The Court Registrar

Sitting near and below the Judge's Bench is the Court Registrar. He or she wears a black gown. The Court Registrar 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 Registrar.

The Court Reporter

The person sitting opposite the Registrar 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.

Court Service Officers

Judges are assisted by Court Service Officers, often referred to as “CSOs.” The CSO will be wearing a uniform that includes a dark blue blazer with the Ontario Coat of Arms on the pocket. You should advise him or her that you are present and are ready to have your case heard. CSOs are available to answer your questions about when your case might be heard, whether the other parties to your case have arrived, where to find duty counsel, etc.

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, ask either the CSO or court staff at the Family Law Information Centre where they can be located.

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. Lawyers will be wearing black gowns.

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 the 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 staff in the Family Law Information Centre 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 lawyers’ 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.