

Family court operations and services

A pandemic resource, August 2021

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Introduction

In March 2020, Ontario's family courts moved quickly and efficiently to ensure their operations were consistent with provincial public health protocols put in place to limit spread of the COVID-19 virus. During this process, many of those involved with the family court system – judges, lawyers, court staff and litigants – realized that some of the changes were long overdue and should be kept in place even after pandemic protocols were lifted.

Right now, the court system is in transition. We don't know what changes will become permanent and what operational processes will return to those in place before March 2020.

We have created this resource to provide you with information about how Ontario's family courts are operating now. **This information is current as of August 2021.**

Please see the final section of this resource links to websites where you can find up-to-date information about the operation of Ontario's family courts and the services connected with them.

We strongly recommend that you stay informed about how the court in your community is operating, as there are sometimes differences between the general information available about the province as a whole and how courts in a particular jurisdiction are operating.

Serving and filing documents

Serving Documents

The rules related to serving documents are set out in [Rule 6 of the *Family Law Rules*](https://www.canlii.org/en/on/laws/regu/o-reg-114-99/latest/o-reg-114-99.html#RULE_6_SERVICE_OF_DOCUMENTS_60967). ([https://www.canlii.org/en/on/laws/regu/o-reg-114-99/latest/o-reg-114-99.html#RULE 6 SERVICE OF DOCUMENTS 60967](https://www.canlii.org/en/on/laws/regu/o-reg-114-99/latest/o-reg-114-99.html#RULE_6_SERVICE_OF_DOCUMENTS_60967))

During the pandemic, you have the same options for serving documents as you did before the pandemic. You may serve documents personally or through mail, courier, fax and by email.

Despite what it says in the *Rules of Civil Procedure* and the *Family Law Rules* and subject to any court direction otherwise, it is not necessary to get consent or a court order to serve documents by email where email service is permitted.

You are still required to serve Applications (including divorce) as well as Motions to Change personally, either through a friend or family member or by using a process server.

Every time you serve document(s) on the opposing party in your case, you will have to provide the court with proof that they received the document by completing a [Form 6B Affidavit of Service](https://ontariocourtforms.on.ca/static/media/uploads/courtforms/family/06b/flr-6b-e-1016.pdf) (ontariocourtforms.on.ca/static/media/uploads/courtforms/family/06b/flr-6b-e-1016.pdf). You will need to file this form with your original documents at the court office or online before the applicable deadline.

During the pandemic, serving documents on the Crown, the Office of the Children's Lawyer and the Office of the Public Guardian and Trustee and the Director of the Family Responsibility Office can be done by email rather than in-person or through a mail or courier service.

Emails including any attachments are expected to be less than 10MB and must include the following information:

1. The sender's name, address, telephone number and email address
2. Date and time of transmission (this will automatically generate once you send your email)
3. A name and telephone number of the person to contact in the event of a transmission issue.

If your matter requires you to serve the Office of the Children's Lawyer, you can serve the documents to: OCL.LegalDocuments@ontario.ca

If your matter requires you to serve the Office of the Public Guardian and Trustee, you can serve the documents to: PGT-Legal-Documents@ontario.ca

If your matter requires you to serve the Director of the Family Responsibility Office, you can serve the documents to: FROlegalservice@ontario.ca

You can use this checklist to ensure you have completed your Form 6B Affidavit of Service correctly.

Form 6B Affidavit of Service Checklist

Step	Completed
Fill in the name of the court, court address, court file number, the details for all of the parties including lawyers if there are any.	
Indicate when, where and how the document(s) were served by checking the applicable boxes.	
List all of the documents you served on the opposing party and when the documents were either issued or sworn. For example, "Application", "Applicant" and "May 23, 2021"	
The person who served the document(s) must swear or affirm that the information in Form 6B is true. You must sign the form in front of a commissioner for taking affidavits. Note: you can commission your documents electronically with a commissioner via AdobeSign or DocuSign on a Zoom or video call with the commissioner present or you can go to your local courthouse and have a member of the court staff who is a commissioner sign with you.	
Once your document is commissioned, you will need to file the Form 6B. <ul style="list-style-type: none"> • If in person: you will need to file original copies of the document, you served along with the Form 6B before the applicable deadline. • If online: you will need to file PDF versions of your documents including the Form 6B using the Family Submissions Online portal. 	
Retain a copy of all documents you filed along with the confirmation number for online filing.	

Filing Documents

Family submissions online

If you are unrepresented, you can submit most of your family court documents online. Before you file online, ensure that your documents are complete, signed and dated.

You must create a [ONE-Key](https://www.appenrol.one-key.gov.on.ca/UserMgmtWebApp/registration.iaa) (<https://www.appenrol.one-key.gov.on.ca/UserMgmtWebApp/registration.iaa>) username and password in order to be able to file documents online.

If your matter is urgent or you are filing documents for a court date or deadline that is fewer than 5 business days away, you must email your documents to the court office.

A list of court email addresses for the Ontario Court of Justice can be found on their website at: <https://www.ontariocourts.ca/ocj/covid-19/courthouse-email-addresses/> and a list of court email addresses for the Superior Court of Justice can be found on their website at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-cs-june2020/electronic-filing/>.

For documents that are filed through Family Submissions Online, you need to ensure that you have a ONE-key account, all of your documents are signed, dated and commissioned as required and saved as individual PDFs and that you have a Visa, Mastercard or Interac debit card if there are filing fees in your case. You will need a court file number if you are filing documents for an existing case.

Cost to file documents

If you are filing documents online or in person at a courthouse, there are no filing fees at the Ontario Court of Justice. However, there may be fees at the Superior Court of Justice (including the Family Court branch) depending on the claims in your case and the documents you are filing.

If you cannot afford to pay the fees in your case, you can apply for a fee waiver certificate by completing and submitting the [fee waiver certificate](http://ontariocourtforms.on.ca/en/court-fee-waiver-guide-and-forms/) (available at: <http://ontariocourtforms.on.ca/en/court-fee-waiver-guide-and-forms/>) along with your materials.

Email filing requirements

In order to ensure that your request is received and processed by the appropriate court office, the subject line of your email should include the following information:

1	Level of Court (i.e. OCJ or SCJ)
2	Type of matter (i.e. family law, CYFSA)
3	File number (put 'NEW' if no court file number exists)
4	Type of document (motion, application, case conference, focused hearing, other request, etc.)

The body of the email should include the following information, if applicable:

1	Court file number (if it is an existing file)
2	Short title of proceeding: (i.e., Lopez v. Lopez rather than Jasmine Lopez v. Julio Lopez)
3	List of documents attached
4	Type of request (i.e. date for a case conference or to initiate a new court matter)
5	Confirmation of service, setting out when and how any other party was served
6	Name, role (i.e. legal representative, party, etc.) and contact information of person submitting the request (email and phone number)

When a document has been filed electronically, it is not necessary to file a paper copy with the court. During the pandemic, courts no longer require paper filings except in very limited circumstances. Nevertheless, it is important to retain a copy of any documents you have filed with the court for your records.

After you submit your documents, you will receive an email from the court office within 5 business days advising whether your documents have been accepted for filing. Please note that depending on your court location, it may take a few days longer to hear back on whether your documents have been accepted.

Document naming protocol

Effective June 28, 2021, when documents are submitted to the court in electronic format, the document name must indicate the following information in the following order:

1	Date on which the document was created or signed, in the format YYYYMMDD (for example, 2021JUL12)
2	Document type (i.e. Application, case conference brief, financial statement)
3	Type of party submitting the document (Applicant – APP, Respondent – RESP or Other – O)

4	Name of party submitting the document (include initials if the parties have the same last name)
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Below are some examples of the document naming protocol:

2021JUL12 – Application – APP – J. Lopez
2021JUL12 – Financial Statement – APP – J. Lopez
2021JUL20 - Answer – RES – A. Lopez
2021JUL20 – Case Conference Brief – RES – A. Lopez

Sworn documents

Parties are permitted to file unsworn documents. Depending on what stage you are at in your court matter, you may be required by the judge or a first appearance clerk to swear to the truthfulness of the contents of your documents.

That said, a judge may not grant a requested order by a 14B motion unless the documents are sworn. To avoid issues with filing, it is best to have your documents commissioned by a lawyer or a notary public.

Going to court

Depending on what step you are at in your family law case, your court appearance may be done by way of teleconference, videoconference or in person at the courthouse. In-person appearances are very limited at this time due to Covid-19.

Teleconferences

What to expect during a teleconference

1. When you call into the teleconference, slowly state your name and who you are in the case.
 - For example, you are either the "Applicant" or the "Respondent".
 - You may need to slowly spell your name out for the court reporter and judge.
2. The court clerk will confirm that all the parties in your case are present. The judge will join the teleconference after everyone is present.
3. When you address the judge, use terms such as "Your Honour" or "Justice" along with the judge's last name. For example, you can say, "Justice Lopez" or "Your Honour".
4. If there is anyone in the room with you, let the judge and the court reporter know. Identify them and their relationship to you.
5. The judge will let you know when you can speak. Do not interrupt anyone when they are speaking.
6. When the judge is speaking, you must stop talking.
7. Mute your phone when you are not speaking. This will help reduce background noise.
8. If you are using an interpreter, keep your statements short so that they are able to translate easily and information does not get missed.
9. Do not chew gum, eat food, or respond to text messages while you are on your teleconference.
10. If at any time you missed something that was said, let the judge know so that the statement may be repeated.

11. At the end of your teleconference, provide the court clerk with your email address (if they do not already have it) as they will provide you with your next court date and the judge's endorsement from the teleconference.

Videoconferences

Videoconferences are like teleconferences with the exception that you will see all the parties to your court case and the judge, and all of them will be able to see you. It is important to take your time and speak slowly so that the judge can understand your case and provide you with guidance on how to move forward on some of your legal issues.

You will receive instructions in advance from the court by email if your hearing is being held by way of videoconference.

- If your matter is at the Superior Court of Justice, the trial coordinator will send you a link – it is not unusual for you to receive a link on the same day as your matter is heard. That said, if you have not received a videoconference link two days before your matter, consider contacting your local trial coordinator's office to ensure you will be sent the link. Each region's directory can be found the [regional court schedule](https://www.ontariocourts.ca/scj/practice/schedules/):
<https://www.ontariocourts.ca/scj/practice/schedules/>
- If your matter is at the Ontario Court of Justice, when your Application is issued, you will be given a list of Zoom coordinates for different online courtrooms. If you did not receive a list of Zoom coordinates when your Application was issued, contact your local courthouse (visit: https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/) and provide them with your email address as soon as possible and in advance of your court matter.

The email you receive from the court will provide you with instructions on how to join the videoconference and what day or time your hearing will be held. Many family court hearings are done using [Zoom.us](https://zoom.us). You do not need to download Zoom or have a Zoom account to participate in the hearings. If you want to familiarize yourself with Zoom before the videoconference, try this [Zoom tutorial](https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials) (<https://support.zoom.us/hc/en-us/articles/206618765-Zoom-Video-Tutorials>).

Checklist for virtual court appearances

Going to court – whether in person or remotely – is stressful. Because teleconference and videoconference court hearings are here at least for the foreseeable future, we have created a checklist to help you prepare so you can feel as safe, comfortable and focused as possible. Your Family Court Support Worker or legal support workers can assist you to work through this checklist as you plan for your remote court hearing.

Preparation

Issue	Activity	Status
My case	I know what day and time the hearing will be held	
	I understand what this hearing is about and what the possible outcomes are	
	I have prepared notes of what I want to say/what questions I have for the hearing	
	I know what my role is during the hearing and am ready for it. My role is:	
	I have met with my lawyer to review my case and the hearing. (If you do not have a lawyer, visit LukesPlace.ca to learn about our Virtual Legal Clinic.)	
	I have the contact information for all the parties and lawyers in the case and they have my and/or my lawyer's information	
	Other:	
Documents	All documents related to this hearing are complete	
	All documents related to this hearing have been served and filed	
	If it is safe to do so: I have tried to narrow the issues to be discussed at the hearing by speaking with the lawyer for the opposing party or with the opposing party (if they do not have a lawyer) in advance	
	I have a copy of all documents to use during the hearing	
	I know what I want the judge to know based on my evidence and documents	
	I have saved electronic versions of the documents and communications in two safe locations that the abuser and the children cannot access (e.g. password protected, 2-step verification)	
	I have saved paper versions of the documents and communications in a safe location that the abuser and the children cannot access	
	Other:	

Support	If I need an interpreter: I have arranged one in advance through the court's filing office.	
	I am working with a legal support worker/Family Court Support Worker to prepare for my hearing	
	My worker will be attending the hearing with me	
	We have made arrangements so she can join the hearing	
	We have discussed her role during the meeting, which is:	
	I am meeting with my worker before the hearing to review our plan	
	We have a system in place so we can communicate privately with one another during the hearing	
	I have made plans for my self-care before, during and after the hearing, that include:	
	I have set a time to debrief with my worker about the hearing. It is:	
	Other:	
Personal	I have made arrangements so my children won't overhear or interrupt me during the hearing*	
	I have booked time off work for the day of my hearing	
	I have someone in addition to my legal support worker/Family Court Support Worker to provide me with support before and after the hearing. This is:	
	Other:	

* If you cannot make alternative childcare arrangements and have an infant or a toddler, it is understandable that leaving them in another room or away from you is not possible. If this applies to you, consider letting the court clerk know before your matter proceeds. Most judges understand that you may have childcare responsibilities or cannot make alternative arrangements for childcare.

Technology

Issue	Activity	Status
Privacy and safety during hearing	I have a safe and secure location for the hearing	
	The location is quiet and I can speak without distractions or concerns about my privacy	
	If the hearing is by videoconference: Nothing will be visible that is personal or could identify my location or my home's security (e.g. window catches, locks, security system)	
	At the time of the hearing: I have left devices I am not using for the hearing outside the room so that the abuser cannot intimidate me with texts/calls/messaging	
	If going to different location: I turned off GPS on my device so the abuser cannot locate me	
	Other:	
Equipment	I know whether my hearing is taking place by teleconference or by videoconference	
	I have instructions from the court on how to join the meeting	
	I have access to the technology I need for my hearing	
	I have a charger for my device	
	I have tested my technology (phone for teleconference, with earbuds if possible; computer/laptop/smartphone, web cam/camera and mic/earbuds/headphone for videoconference) in the place where I will be participating in the hearing	
	On the day of the hearing: I have closed all programs and turned off any notifications on my device	
	On the day of the hearing: I have a pen and paper handy for taking notes	
	Other:	

Safety online and on your phone

Abusers often use social media or technology such as emails and text messages to control and intimidate. It is not unusual for an ex-partner to use technology to monitor, stalk or threaten you. For tips and information, see the Safety section of the Family Court and Beyond workbook and the Luke's Place Tech Safety Toolkit at LukesPlace.ca/Tech-Abuse.

Etiquette tips for virtual court appearances

Being involved in a family court proceeding can be overwhelming and intimidating. Conducting the hearing by teleconference or videoconference can add to the stress. Use these tips as a guide for this new environment.

- If the hearing is by videoconference:
 - Wear clean and tidy clothes.
 - Make sure your location is well lit so that you are visible to the judge.
 - Log in 15 minutes before the hearing begins.
 - Make sure the name that will appear on the screen is yours.
 - When you need to make a comment (e.g. when you do not agree with what the opposing party is saying), raise your hand so the judge can see it.
- If the hearing is by teleconference:
 - If you have a landline, use it for the hearing.
 - When you need to make a comment, respectfully interrupt the conversation and ask the judge if you may speak. Where possible, try to wait for a pause in the conversation to interrupt.
 - Every time you speak, start by saying my name.
- Be courteous and respectful to all participants, even if you feel frustrated or angry. If the judge determines that you are behaving in a disruptive or abusive manner, they may mute you or remove you from the meeting.
- Speak slowly and clearly.
- If you require an interpreter: Break down what you say into smaller sentences so that the interpreter may translate more efficiently.
- Do not have your phone/microphone on "speaker".
- Mute your phone/microphone when not speaking.
- Do not eat food, chew gum, answer phone calls or send text messages during the hearing.
- Do not record or take photos or screen captures/shots during the proceedings. Unauthorized recordings of court matters may be an offence under section 136 of the *Courts of Justice Act*, which makes it a criminal offence to publish or broadcast certain information referred to during a court hearing.
- When the meeting is over, make sure you disconnect from the meeting. If you are unsure you are disconnected, turn off your device.

In-person appearance

If for some reason you have an in-person appearance scheduled at your local courthouse and you have any of the symptoms associated with Covid-19, **do not attend court**. There are strict health and safety precautions in place at each courthouse in the province.

If you do not have any Covid-19 symptoms, arrive early to allow time for security and the health and safety protocols. Only a limited number of people are allowed in the courthouse and courtroom at a time. For this reason, you are generally not able to bring a friend, family member or support person to court with you unless they are a witness. In some circumstances, you will be able to have a Family Court Support Worker present, but you should make this arrangement ahead of time.

You and your witness (if applicable) must be wearing a mask or face covering such as a shield while in attendance at court. While you are in the courtroom you may remove the face covering in order to speak. In the courtroom, follow the plexiglass divisions in the courtroom to maintain physical distancing. Always keep at least 2 metres or 6 feet from the other people in the hearing.

Bring as many copies of your documents as you will need, as the court will not be able to photocopy documents.

Mediation

Mediation is free for anyone "in court" for a motion, case conference, pre-trial, trial or Dispute Resolution Officer appearance. During the Covid-19 emergency, many court-affiliated mediation services have shifted to offering their services online.

Your mediation will occur on Zoom where you will be able to see all the parties including the opposing party and the mediator. You may also meet privately with the mediator on Zoom using a "breakout room". Zoom mediations cannot be recorded.

A list of courthouse mediators who are currently providing Zoom mediation services can be found on the [Ministry of the Attorney General website](https://www.attorneygeneral.jus.gov.on.ca/english/family/service_provider_by_family_court_location.php):
https://www.attorneygeneral.jus.gov.on.ca/english/family/service_provider_by_family_court_location.php.

Finding and using legal help and court services

Luke's Place Virtual Legal Clinic

The Virtual Legal Clinic provides free summary legal advice to women in Ontario who have experienced intimate partner violence. To access the clinic, you must have been subjected to violence or abuse in your relationship and have a family law legal issue for which you wish to receive summary legal advice. The lawyers on Luke's Place roster are experienced and trained on the issues women deal with when they leave an abusive partner. If you do not have access to a legal support worker in your community, Luke's Place staff will assist you and connect you with services in your community for you to have ongoing support.

To book an appointment, call 1-866-516-3116 ext. 235 or email intake@lukesplace.ca.

Mandatory Information Program (MIP)

During the pandemic, the MIP in-person program has shifted to an online program, which has the same content and information as the in-person program. The online program typically takes about an hour and a half to two hours to complete. You will get a certificate of completion at the end, which you will need as proof to send to the court for your first appearance court date.

Family Law Information Center (FLIC)

FLIC services are available at all court locations where family cases are heard to provide information about separation and divorce, family justice services, community resources, information on mediation and general court processes. However, during the pandemic, FLICs are not open. If you do require the assistance of duty counsel, you can ask the court clerk ahead of time to have a duty counsel present. There is no fee for having a duty counsel assist you.

LAO summary legal advice

During the pandemic, Legal Aid Ontario (LAO) is increasing the availability of summary legal advice on the phone for family and criminal law matters. Anyone can use this service to get legal advice and information. Income is not a requirement to access this service. It may take up to 48 hours to get a response from a lawyer on your family law matter.

To use this service call 1-800-668-8258.

LSO Emergency Family Law Referral Telephone Line

The Law Society of Ontario (LSO) has set up a temporary emergency family law referral telephone line. You can access this service if you have a family law issue and you do not have a lawyer, are unsure if your issue is urgent enough for the court to deal with or are unsure of what the next step is in your family law matter. This referral service allows you to get 30 minutes of free legal advice and information from a family law lawyer.

To use this service, call 416-947-3310 or 1-800-268-7568.

Court operations and services for related legal issues

In addition to your family law case, you may be involved with a criminal law issue because of violence in your relationship or an immigration law issue if you do not have status in Canada or are in the process of obtaining status.

Criminal Law

If your partner/ex-partner was charged with a criminal offence during the pandemic:

During the pandemic, if your partner/ex-partner was charged with a criminal offence, most of their court dates will happen by phone (teleconference) or video (videoconference via Zoom).

The Ontario Court of Justice has implemented Virtual Criminal Case Management Appearances, where appearances will be conducted by videoconference or teleconference. Case management appearances include a "first appearance" and matters scheduled "to be spoken to" or to "set a date". Case management appearances do not include trials, preliminary hearings, guilty pleas or sentences.

Bail hearings during the pandemic:

Bail, bail review and detention reviews will be held remotely. If your partner/ex-partner is in custody, audio and video technology will be used wherever possible. If your partner/ex-partner is granted bail, an electronic bail release is signed by the judge, the release will then be sent to the institution where your ex-partner is in custody.

Immigration Law

During the pandemic, immigration applications are not being processed in the usual way. Immigration, Refugees and Citizenship Canada ("IRCC") are processing some applications in priority to others such as those from vulnerable individuals and people who perform or support essential services.

If you have temporary status and cannot leave because of the pandemic:

If you have temporary status to study, visit or work in Canada and your status is about to expire, you can apply to extend your temporary status. In your application, you are required to explain why you cannot leave Canada (for example, there are no flights from Canada to your country).

You must apply online to IRCC before your **current** status expires and pay the correct fee. The IRCC has a document checklist and guide for extending your stay if you are a:

1. **Worker:** <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5553-applying-change-conditions-extend-your-stay-canada-worker.html>
2. **Visitor:** <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5551-applying-change-conditions-extend-your-stay-canada.html>
3. **Student:** <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5552-applying-change-conditions-extend-your-stay-canada-student.html>

If your status has been extended, you will receive the appropriate permit which will outline any conditions of your stay in Canada as well as the timeframe for which it is valid. If you want to stay in Canada beyond this date, you will need to apply to extend your status again.

Restoration of Status

You may be able to restore your status as a visitor, student or worker within 90 days of losing it, if you lost it because:

1. You stayed in Canada longer than the period authorized for you to stay (but not longer than 90 days)
2. You changed employers, location of employment, or type of work (occupation or level of responsibility) before getting a new work permit.
3. You changed the type of studies, educational institutions, location of studies, or times and periods of studies without applying to change these conditions on your study permit if they were specified on your study permit.

Regardless of your situation, you must apply online through your IRCC secure account and answer the set of questions they have to determine eligibility. The IRCC will let you know about the status of your restoration within 30 business days.

WHAT'S NEXT?

As we noted in the introduction, Ontario's family courts are in transition, and we just don't know when operations will stabilize. We will do our best to update the information in this resource in a timely way, but we strongly encourage you to turn to these websites for accurate and current information about court operations:

- Superior Court of Justice (Unified Family Court): <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/>
- Ontario Court of Justice: <https://www.ontariocourts.ca/ocj/covid-19/>
- For information about individual court jurisdictions: <https://courtnoticefinder.ca/>