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**NOTICE TO THE PROFESSION IN CENTRAL SOUTH REGION  
REGARDING FAMILY AND CHILD PROTECTION MATTERS**  
(NOTE: This replaces NOTICE TO PROFESSION dated March 18, 2020)

From: Harrison S. Arrell  
Regional Senior Justice – Superior Court of Justice  
Central South Region

Date: **March 24, 2020**

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The Region of Central South is operating pursuant to the Notice to the Profession from Chief Justice Morawetz dated March 15, 2020. That Notice can be found at: <https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>. Please review the Notice carefully in conjunction with this document.

**MATTERS BEING HEARD AT THIS TIME**

1. Chief Justice Morawetz' Notice to the Profession provides that only urgent matters are being heard at this time. The list of matters that qualify as urgent is very narrow.
2. The determination of “urgency” will be made by the judge receiving a request for a hearing or determination. This is a summary determination.
3. Judges are presently addressing cases remotely, in writing or by teleconference. Judges do not presently have access to court files – either the physical file or scanned copies of court documents.
4. Matters deemed urgent will be addressed based on the written record or after hearing by teleconference as the Judge may determine.

**CHILD PROTECTION**

5. Ontario has enacted a new regulation pursuant to the *Civil Management and Emergency Protection Act* which provides as follows:

**Now therefore, an Order is made pursuant to subsection 7.1(2) of the Act, the terms**

**of which Order are the following:**

1. Any provision of any statute, regulation, rule, by-law or Order of the government of Ontario establishing any limitation period shall be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020.
  2. Any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario, including any intended proceeding, shall, subject to the discretion of the court, tribunal or other decision-maker responsible for the proceeding, be suspended for the duration of the emergency, and the suspension shall be retroactive to March 16, 2020.
- 6. The Court will be available to address urgent matters related to the safety of any child.**
7. The following protocols now apply to adjournments of child protection matters:
- a. All child protection matters set for short motions, long motions, temporary care hearings, settlement conferences, trial management conferences, or trials, currently scheduled to take place in **March, 2020**, are adjourned to be spoken to on **June 2, 2020 at 10:00 am TBST**; New dates will be set at that time. **Existing Orders to continue.**
  - b. All child protection matters set for short motions, long motions, temporary care hearings, settlement conferences, trial management conferences, or trials, currently scheduled to take place in **April, 2020**, are adjourned to be spoken to on **June 3, 2020 at 10:00 am**; New dates will be set at that time. **Existing Orders to continue.**
  - c. All child protection matters set for short motions, long motions, temporary care hearings, settlement conferences, trial management conferences, or trials, currently scheduled to take place in **May, 2020**, are adjourned to be spoken to on **June 4, 2020 at 10:00 am**; **Existing Orders to continue.**
  - d. All **TBST appearances** (CAS “lists”), and first returns of status review applications (where the child’s current placement **IS NOT sought to be changed** by any party), currently scheduled in court are adjourned to **June 5, 2020 at 10:00 am. Existing Order to Continue.**
  - e. If a child protection matter was adjourned on or after March 16, 2020 but before March 24, 2020, the above dates will still apply.
  - f. **EXCEPTION- We are aware of the conflict that the bar has in St. Catharines, Welland, Cayuga and Simcoe. We are working on a solution and we will advise the respective bar associations of those solutions in due course.**

8. Endorsements regarding the adjournments set out above will be prepared by the Court and forwarded to the applicable local Children's Aid Society and counsel; if a party does not have counsel, the CAS is requested to provide the Endorsement to those parties.
9. Any **filing deadlines** previously set for scheduled matters are no longer in effect. New filing deadlines will be set at the applicable appearances in June, 2020 as set out in paragraph 7, above.
10. All **5-day** hearings after the removal of a child, and first returns of status review applications (where the placement of a child **IS sought to be changed** by any party), **shall be treated as urgent matters** in accordance with this Notice to the Profession. (<https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>).
11. **Any other child protection matter (including an application that does not request bringing a child to a place of safety or a temporary care hearing)**, may be brought to court in the same manner as 5-day hearings as set out above, where a party regards that matter as urgent. Your matter will be reviewed by the Triage Judge. If determined to be urgent, a judge will be assigned and a hearing by teleconference will be arranged by the Trial Coordinator.

## **FAMILY MATTERS**

12. All family matters set for TBST's, short motions, long motions, conferences, or trials, in **March, 2020**, are adjourned to be spoken to on **June 9, 2020 at 10:00 am TBST**; New dates will be set at that time;
13. All family matters set for TBST's, short motions, long motions, conferences, or trials, in **April, 2020**, are adjourned to be spoken to on **June 10, 2020 at 10:00 am TBST**; New dates will be set at that time;
14. All family matters set for TBST's, short motions, long motions, conferences, or trials, in **May, 2020**, are adjourned to be spoken to on **June 11, 2020 at 10:00 am TBST**; New dates will be set at that time;
15. All family matters with a judicial telephone call currently scheduled between now and June 1, 2020 will go ahead as planned.
  - a. **EXCEPTION- We are aware of the conflict that the bar has in St. Catharines, Welland, Cayuga and Simcoe. We are working on a solution and we will advise the respective bar associations of those solutions in due course.**

## URGENT MATTERS (FAMILY AND CHILD PROTECTION)

16. If you believe that a matter meets the threshold for urgency, you must submit a request for a hearing to the court by 14B motion on notice to the email address set out below at paragraph 21.
17. The Triage Judge may make the determination of urgency based on the request alone or request further information. If notice has not been given, the Triage Judge may direct that notice be provided.
18. If the triage Judge determines that a matter is urgent, he or she will also determine whether the hearing will be in writing or by teleconference.
19. All materials submitted to the court must be as brief (10MB in total in accordance with the Notice of the Chief Justice). If the judge requires more information, he or she will request same. If a specific judge has previously had prior involvement in the file, you may wish to highlight that fact.
20. The subject line of email must contain the file number and parties' names. Example:  
FC-20-00000503-0000 DOE vs. DOE
21. **Requests for an urgent hearing and any other court documents in relation thereto must be filed by e-mail by sending them to the applicable email address:**

▪ Brantford	BrantfS@ontario.ca
▪ Cayuga	<a href="mailto:Cayuga.Superior.Court@ontario.ca">Cayuga.Superior.Court@ontario.ca</a>
▪ Hamilton	Hamilton.Superior.Court@ontario.ca
▪ Hamilton Family Court	Hamilton.Family.Superior.Court@ontario.ca
▪ Kitchener/Waterloo	Kitchener.Superior.Court@ontario.ca
▪ Simcoe	Simcoe.Superior.Court@ontario.ca
▪ St. Catharines	St.Catharines.Superior.Court@ontario.ca
▪ Welland	Welland.Superior.Court@ontario.ca
22. The e-mail box will be checked regularly by the Trial Coordinator who is also working remotely. The TC will forward your request to the Triage Judge who will determine whether the matter is urgent. If the matter is urgent it will be assigned to a Judge for determination.
23. Please do not e-mail the Trial Coordinator directly about requests for urgent hearings. If you have questions that are not answered by this Notice or by Chief Justice's Notice to the Profession, please send an e-mail to the applicable email address set out in paragraph 21.

## EX PARTE MOTIONS

24. *Ex parte* motions should be submitted to the applicable email address set out in paragraph 21. The motion will be forwarded to the Triage Judge. If the matter is found to be urgent

the matter will be assigned to a judge for determination. If the matter is determined not to be urgent you will receive an endorsement providing same. If the Judge finds that the motion must be served, an Endorsement to that effect will be sent to you by email.

25. The Trial Coordinator will deliver the endorsement to the moving party by email. The judge who determines the matter will also determine how the order should be served on the other party. You should not assume that the court administration is available for service and you should make proposals in your motion materials regarding how the order and materials should be served.
26. A date will also be set by the Trial Coordinator to have the order reviewed within 14 days per Rule 14(14) of the *Family Law Rules*. All new materials in relation to the review shall be filed by email to the applicable email address set out in paragraph 18. The review shall take place by teleconference.

## **MATERIALS**

27. The e-mail box cannot accept attachments in excess of 10 MB. Please ensure that the documents are clearly labelled.

## **TELECONFERENCES**

28. If a hearing by teleconference is required, the Trial Coordinator will provide all parties and counsel with a dial in number and a pin code to use. The judge shall be the host/moderator of the conference.
29. The number of conference call lines available is very limited and the lines are being used for hearings in all lines of business: family, criminal and civil. Efforts are being made to arrange for more phone lines. However, the time available for teleconferences will be necessarily abbreviated.
30. You are asked not to phone in more than 5 minutes in advance. There have been some difficulties in accessing the phone lines; if you cannot connect initially, please make several attempts before notifying the Trial Coordinator.
31. Unless otherwise advised by the judge, the conference call shall be recorded.
32. Please remember that this teleconference is a formal court event that replaces an in-person attendance.

## **MATTERS ON A TRIAL LIST**

33. There are no trials until further notice.
34. New dates will be set in June as set out above in paragraphs 7, and 12 - 14.

## RESOURCES FOR SELF-REPRESENTED PARTIES

35. It does not appear that on-site duty counsel or advice lawyer services will continue. In the interim, self-represented parties can be directed to Legal Aid Ontario: **1-800-668-8258** for assistance, although we expect limited services to be available for clients who do not qualify financially.
36. We have been advised by the local office of Legal Aid Ontario that they are preparing a plan to make legal advice with local legal aid lawyers available by telephone. We encourage you to check the Legal Aid Ontario website regularly for more information.

## MEDIATION/ Information and Resource Coordinators

37. We are advised that on-site mediation has been suspended until further notice. The Court is advised that off-site mediation is also working on distance-mediation options so that mediation may be offered by teleconference/ videoconference. We encourage the bar to contact AXIS Mediation for more information: **1-888-988-2947**.
38. Information and Referral Coordinators (IRC's) from each court location in the region continue to be available to assist the public remotely. The contact information for IRC coordinators is available at **[axisfamilymediation.com](http://axisfamilymediation.com)**.

End//

*Issued this date, March 24, 2020*



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Regional Senior Justice – Superior Court of Justice  
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