

January 30, 2008

# ***WAIVER OF FIRST APPEARANCE***

## ***SIMCOE/MUSKOKA REGION***

***\*TRIAL RUN OF 6 MONTHS\****  
***EFFECTIVE JUNE 1<sup>ST</sup>, 2008***  
***DRAFT***

- This process can only be utilized when there is counsel representing **both** parties.
- This process would adjourn the requirement for the parties and their counsel to appear before the court. It would not adjourn the actual First Appearance date pursuant to Rule 39 (5) that was previously scheduled (please see step #6 below to explain the process).

### ***Step-by-Step Process;***

1. Counsel will contact the Trial Coordinator by telephone to request available case conference dates.
2. Counsel will then prepare the Waiver of First Appearance and fax and or file the form with the T. C's office (to be completed within 1 business day of obtaining the available cc dates).
3. Upon receipt of the Waiver the TC will confirm the date and fax it back to counsel. The Trial Coordinator would then forward the Waiver to the Family court filing office.
4. Counsel will then be required to fax and or file a case conference notice with the Family filing office.
5. Once the filing office receives the cc notice from counsel and the waiver from the T.C 's office they will attach both documents to the front of the Family court file.
6. The file will then go to the First Appearance court as previously scheduled. The Rule 39 (5) clerk will endorse the record and issue the cc notice that is attached to the front of the file.
7. The file will then be returned to the office and updated accordingly. A copy of the issued Case Conference Notice will be provided to the **requesting counsel only** via fax and a copy will be provided to the Trial Coordinator. The Family Court Registrar will complete this step and ensure the documents are properly filed in the court record.

