

Notice to the Family Law Bar and Family Litigants - Barrie
(effective January 17, 2022)

This Notice should be read in conjunction with the province-wide Notice to the Profession Regarding Family Law Cases effective September 13, 2021 at: <https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/notice-family-law-cases/> (referred to below as “the Provincial Family Notice”).

This Notice establishes a new, temporary initiative in response to Part 6 of the Provincial Family Notice regarding “Early Judicial Intervention and Procedural Direction.” It may need to be amended as subsequent decisions are made with respect to the availability and/or changes to court facilities, operations and judicial resources.

Early Triage Conferences (ETCs)

To try and alleviate delays in obtaining regular case conference dates for Applications or Motions to Change (due to the COVID Pandemic and Suspension of Regular Court Operations), one judge will be available once per week for one hour to address limited urgent and/or procedural matters at an Early Triage Conference (“ETC”).

The primary purpose of an ETC is to provide limited early judicial intervention to help litigants put temporary arrangements in place to avoid the need for an urgent motion or other urgent attendance. A secondary purpose of an ETC is to obtain early procedural directions including determining what the next step should be, consistent with subrules 2(2) and 2(3) of the *Family Law Rules*, and whether any part of the case needs to be expedited.

An ETC is **ONLY** available if a case conference has not already been held.

An ETC should be scheduled:

- (a) Where one or both litigants plan to bring an urgent motion or seek an urgent case conference date unless the matter cannot wait to be addressed at an ETC.
 - (b) In lieu of a 14B motion, parties may also attend an ETC to request (i) that their matter proceed to a combined case/settlement conference under r. 17(7) or section 8 of the Provincial Family Notice or (ii) a Binding Judicial Resolution hearing. Information about Binding JDR is available at <https://scla.ca/JDR>.¹
1. Each ETC will be limited to no more than two issues and a maximum of 20 minutes for all submissions, discussion and endorsements.
 2. ETCs will be scheduled between 9:30 a.m. and 10:30 a.m. by zoom. Parties and counsel must be ready to proceed by 9:30 a.m. otherwise the conference may not be heard.

¹ The availability of ETC’s do not prevent a litigant from bringing a 14B motion for an urgent date, especially if an ETC is not available within the next week or so. Judiciary will have the discretion to schedule an ETC before themselves if they receive a 14B requesting an urgent conference or motion date.

3. For the ETC, parties are only required to file an ETC Brief which is available here. Anything longer than three pages will not be read by the judge and parties must ensure they use 12p font and double line spacing.
4. All facts that will be relied upon must be included in the ETC Brief and no additional facts can be added during submissions. Parties **shall not** include any attachments to their ETC Brief.
5. ETC attendances will be focused. Both parties must confirm that they have fully discussed the issue(s) with the other side in advance. If the issue(s) have not been discussed in advance with the other side, the matter will be rescheduled.
6. The Judge presiding over the ETC may make any order that can be made at a case conference or settlement conference.
7. Each party should provide the judge with a draft order, in an editable format, containing all of their requested terms. This will assist the judge to provide an endorsement quickly at the end of the ETC if the orders are granted.
8. Steps to Schedule an ETC:
 - (a) In lieu of Forms 17C, 17A and 17F, parties who wish to participate in the ETC shall serve an ETC Brief (draft attached) on the other party.
 - (b) The ETC Brief shall be filed with the Court Service Division (CSD) by emailing it to: BarrieSCJfamily@ontario.ca and copying the Trial Coordinator: Barrie.SCJ.TC@ontario.ca and the other litigant (if self-represented) or their lawyer.
 - (c) The Trial Coordinator will respond to these emails within two days and provide both parties with the available date/time.
 - (d) Within two days of the ETC date being provided by the Trial Coordinator's office, the other litigant/lawyer shall serve and file their responding ETC Brief and email it to: BarrieSCJfamily@ontario.ca, copying the Trial Coordinator: Barrie.SCJ.TC@ontario.ca and the other litigant (if self-represented) or their lawyer.
 - (e) No confirmation form will be required for these attendances.

(Name of Court)

**EARLY TRIAGE
CONFERENCE BRIEF**

at _____
Court office address

Name of party filing this brief

Date of conference

Applicant(s)

Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers & e-mail address.

Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers & e-mail address.

Respondent(s)

Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers & e-mail address.

Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers & e-mail address.

Name & address of Children's Lawyer's agent (street & number, municipality, postal code, telephone & fax numbers & e-mail address) and name of person represented.

PART 1: FAMILY FACTS

1. **APPLICANT:** Age: _____ Birthdate: (d, m, y) _____

2. **RESPONDENT:** Age: _____ Birthdate: (d, m, y) _____

3. **RELATIONSHIP DATES:**

- Married on (date) _____
- Separated on (date) _____
- Started living together on (date) _____
- Never lived together
- Other (explain) _____

4. The basic information about the child(ren) is as follows:

<i>Child's full legal name</i>	<i>Age</i>	<i>Birthdate (d, m, y)</i>	<i>Grade/Year and School</i>	<i>Now living with</i>

ISSUE #1

Why is it urgent?

What is the relief sought?

ISSUE #2

Why is it urgent?

What is the relief sought?

Relevant Additional Facts/What attempts have been made to settle the issue(s):