

**LOCAL PRACTICE MEMORANDUM:
PROTOCOL FOR ALL DOMESTIC FAMILY MATTERS
ONTARIO COURT OF JUSTICE
491 STEELES AVENUE EAST, MILTON
MAY 2, 2022**

Introduction

The last number of months have been a challenging time for our community, bar and bench.

Please be advised that Regional Senior Justice Paul R. Currie, has assigned Justice Sonia V. Khemani to preside in Milton and until further notice.

Justice Khemani also assumes the responsibilities of Acting Local Administrative Justice for all family matters.

I. Case Management DOMESTIC matters

Effective immediately, this Local Practice Memorandum applies to all DOMESTIC family law cases pending before the Ontario Court of Justice in Milton:

Pursuant to Rule 2(2) Primary Objective:

The primary objective of these rules is to enable the court to deal with cases justly.

And Rule 2(3) Dealing with Cases Justly:

Dealing with a case justly includes,

- (a) ensuring that the procedure is fair to all parties;
 - (b) saving expense and time;
 - (c) dealing with the case in ways that are appropriate to its importance and complexity;
- and
- (d) giving appropriate court resources to the case while taking account of the need to give resources to other cases.

And Rule 2(4) Duty to Promote Primary Objective:

The court is required to apply these rules to promote the primary objective, and parties and their lawyers are required to help the court to promote the primary objective.

And Rule 2(5) Duty to Manage Cases:

The court shall promote the primary objective by active management of cases, which includes:

- (a) at an early stage, identifying the issues, and separating and disposing of those that do not need full investigation and trial;
- (b) encouraging and facilitating use of alternatives to the court process;
- (c) helping the parties to settle all or part of the case;
- (d) setting timetables or otherwise controlling all or part of the case;
- (e) considering whether the likely benefits of taking a step justify the cost;
- (f) dealing with as many aspects of the case as possible on the same occasion; and

(g) if appropriate, dealing with the case without parties and their lawyers needing to come to court, on the basis of written documents or by holding a telephone or video conference.

A. Case Management Audit Court

Based on the foregoing and effective immediately all domestic court appearances are converted to a “Case Management Audit” Appearance.

II. COURT SERVICES DIVISION DIRECTIVE

A. Expansion of Duty to Confer

CSD Directive 2022/16 dated April 21, 2022 is attached herein to this Memorandum to the Profession.

In accordance with the foregoing, parties are directed to be in strict compliance with the amendments to the Family Law Rules expanding the duty to confer in advance of all conferences.

B. Expectations on Parties/Counsel:

Each party shall file a 17F confirmation [not to exceed 2 pages] with respect to (i) –(iii) above.

In order to ensure that each conference is as productive as possible, in advance of each conference, each party shall confer or, if unable to do so, make best efforts to confer with every other party about:

- (i) each party’s outstanding requests for financial disclosure;
- (ii) any other procedural matters that need to be addressed; and
- (iii) a resolution of the outstanding issues, unless the parties are prohibited from such communication by court order or terms of recognizance, or there are concerns about family violence and the alleged abusive party is not represented by counsel.

III. Exception to Case Management Audit Appearance

If you are of the view that your matter must proceed as scheduled, a Form 14B motion **MUST** be filed seeking confirmation of same to the attention of the LAJ with reference to this Memorandum to the Profession and an affidavit not to exceed 2 (TWO) pages setting out reasons why.

IV. Court’s Administration may bring forward matters to the Case Management Audit Court

Please take notice that your matter may be brought forward as Court’s Administration makes all efforts to ensure that cases are dealt with justly and in accordance with the Family Law Rules.

V. Return to In Person Appearances

Commencing June 1, 2022 and unless otherwise ordered by the court AFTER May 2, 2022 all DOMESTIC family matters shall proceed in person.

Thank you in advance for your patience, cooperation and assistance.