

AFCC-Ontario: The Ideal Family Court (Revised November 2014)

1. Statement of Principles:

- a. There should be one stop family court availability for all legal issues; commonly known as Unified Family Court. ¹
- b. Services to assist the family court litigants should be available to them in a timely manner, including: information and education, mediation, supervised access centres, for visits and exchanges, therapeutic supervised access services, legal advice, legal representation for litigants, child legal representation, timely judicial decision-making, and a source for referrals to counselling, assessment, and parent coordination. Reunification and therapeutic access should be prioritized, and increased funding made available to agencies providing these services. ²
- c. Every Court Location and family law services should be culturally sensitive with costs proportionate to income. ³
- d. There should be a sufficient complement of specialized family court judges in each jurisdiction to ensure that cases are scheduled and progress appropriately. A maximum time standard should be established for court and service processes and this time standard should be available to all litigants, along with information about the local ability to meet those standards. ⁴
- e. Court processes and forms should be simplified, and the Family Law Rules amended, to provide for more efficient and effective access to justice. Information about the court process and court services should be readily available to all litigants. ⁵

2. Best Practices to Work Towards:

- a. “One Judge for One Family” should be the norm from the beginning of the case until the door of trial and for Motions to Change. The trial judge should be responsible for the follow-up enforcement and contempt issues. ⁶
- b. Services should include an evaluation component with regular feedback to the local court and community partners.
- c. Formalized and regular communication between the court and the service community, including public health, and educators, should be established. ⁷
- d. In particular, there should be protocols on information and service sharing for children where families have court matters in more than

- one type of court (i.e., criminal and domestic, domestic and child welfare, etc).⁸
- e. Protocols and partnerships should be developed between the court and local service-providers consistent with the principles outlined above.⁹
 - f. Research and regular evaluations should be built into all processes.¹⁰
 - g. Affordable legal advice at the intake stage, and affordable assistance with the completion of court forms (for domestic and child protection matters), should be readily available to lower-middle and middle-income families.¹¹

3. Best Practices Already in Progress:

- a. Family Law Information sessions should be mandatory in all court centres and a second session should be mandatory for all litigants and their children, if children are involved in the case. Children should be provided with general information; such as their legal rights, living in two homes, step-parents, step-siblings, domestic violence, and the court process.
- b. Every Court Location should have Liaison and Resource Committees.
- c. Every Court location should regularly develop and assess needs and priorities for its court, related to these principles and best practices.¹²
- d. Family Courts should keep abreast of and try to integrate all modern technologies, which could assist in the efficient and accessible operation of the court.¹³
- e. Family courts should continually assess tasks that require routine, uncomplicated, procedural, and consensual decision-making for fast-track processes.¹⁴
- f. Financial eligibility for Legal Aid Ontario Services should be expanded, particularly for clients who receive FLSC document preparation services as well as post-mediation ILA certificates.¹⁵

Endnotes

Organizations that also support the initiatives identified by AFCC Ontario Chapter, as set out in their responses to the 2014 Environmental Scan and/or reports issued by these organizations in 2013 and 2014 include those set out below. A list of additional organizations in Canada and the United States that support some or all of these initiatives may be found in the AFCC Family Court Review, Volume 52, Issue 4 (October 2014):

¹ Initiative 1(a): Pro Bono Legal Ontario (“PBLO”), Family Mediation Canada (“FMC”), Law Foundation of Ontario, Office of the Children’s Lawyer, Hinck’s-Dellcrest Centre, Supervised Access Program - Ministry of the Attorney General of Ontario, the Advocates Society, Legal Aid Ontario (“LAO”), Ontario Natives Women Association (“ONWA”), and National Action Committee (“NAC”).

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- ² Initiative 1(b): Canadian Forum on Civil Justice (“CFCJ”), Superior Court of Canada, Law Foundation of Ontario, Office of the Children’s Lawyer, ONWA, Hincks-Dellcrest Centre, The London Family Court Clinic, the Advocates Society, Regional Municipality of York, Supervised Access Program-Ministry of the Attorney General of Ontario, Luke’s Place, PBLO, FMC, and NAC.
- ³ Initiative 1(c): CFCJ, NAC, Law Foundation of Ontario, Niagara Chapter – Native Women Inc., ONWA, Hincks-Dellcrest Centre, Supervised Access Program – Ministry of the Attorney General of Ontario, the Advocates Society, Regional Municipality of York, Luke’s Place, and LAO.
- ⁴ Initiative 1(d): LAO, Office of the Children’s Lawyer, Supervised Access Program – Ministry of the Attorney General of Ontario, The London Family Court Clinic, the Advocates Society, and Regional Municipality of York.
- ⁵ Initiative 1(e): PBLO, FMC, Luke’s Place, Law Foundation of Ontario, Office of the Children’s Lawyer, Supervised Access Program - Ministry of the Attorney General of Ontario, Superior Court of Canada, The London Family Court Clinic, the Advocates Society, and NAC.
- ⁶ Initiative 2(a): Office of the Children’s Lawyer, Supervised Access Program - Ministry of the Attorney General of Ontario, The London Court Clinic, the Advocates Society, and Regional Municipality of York.
- ⁷ Initiative 2(c): Law Foundation Ontario, ONWA The London Family Court Clinic, LAO, Hincks-Dellcrest Center, and Supervised Access Program – Ministry of the Attorney General of Ontario.
- ⁸ Initiative 2(d): The London Family Court Clinic, and the Advocates Society.
- ⁹ Initiative 2(e): Law Foundation Ontario, ONWA, The London Family Court Clinic, LAO, Hincks-Dellcrest Center, and Supervised Access Program – Ministry of the Attorney General of Ontario.
- ¹⁰ Initiative 2(f): PBLO.
- ¹¹ Initiative 2(g): PBLO, FMC, CFCJ, Luke’s Place, LAO, and Superior Court of Canada, Law Foundation of Ontario, Niagara Chapter – Native Women Inc., Office of the Children’s Lawyer, ONWA, Hincks-Dellcrest Centre, the Advocates Society, Regional Municipality of York, and Supervised-Access Program – Ministry of the Attorney General of Ontario.
- ¹² Initiative 3(c): NAC.
- ¹³ Initiative 3(d): PBLO, and Regional Municipality of York.
- ¹⁴ Initiative 3(e): PBLO, Office of the Children’s Lawyer, the Advocates Society, CFCJ, LAO, Superior Court of Canada, and NAC.
- ¹⁵ Initiative 3(f): Luke’s Place, LAO, Office of the Children’s Lawyer, Regional Municipality of York, Law Foundation of Ontario, Advocates Society, and NAC.