

STARTING A FAMILY COURT CASE

A Step-by-Step Flow Chart for Applicants

This chart explains the steps for starting a family law court case. If you are starting the case, you are called 'the applicant'. The other party- the person you are taking to court- is called 'the respondent'. To learn more about the steps, get legal advice from a family law lawyer, such as: Duty counsel; Legal Aid Ontario; or a Family Law Information Centre. Download forms at: ontariocourtforms.on.ca/en/family-law-rules-forms/. You can also get forms from your local courthouse. *Note: This chart does not deal with matters that involve Children's Aid Societies.*

COMPLETE INITIAL FAMILY COURT DOCUMENTS

- Complete Form 8: Application (General)
- Complete financial statement forms for support payments.
- For decision-making responsibility, parenting time, or access to a child who is not yours (such as a grandchild), complete Form 35.1. It is called 'Affidavit (decision-making responsibility, parenting time, contact)'.

FILE COURT DOCUMENTS/COURT ISSUES APPLICATION

- File the documents at the courthouse or online.
- You will be given a court file number. You will need to put this number on future documents.
- The court clerk will give you:
 - 2 notices to go to a Mandatory Information Program. One is for you and one is for the respondent.
 - Blank forms to give to the respondent.
 - 2 copies of Form 8.0.1: Automatic Order. One copy is for you and one is for the respondent. You must both follow the instructions in this order before the case conference.

SERVE DOCUMENTS TO RESPONDENT(S)

- Serve the documents using Special Service or Regular Service.
- Special Service must be done the first time you serve respondent.
- You can hire a process server, that you pay for.

The first time you serve the respondent, you must use a special service. This can include:

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- Give a copy to the respondent directly.
- Leave a copy with the respondent's lawyer.
- Mail a copy to the respondent, who must confirm receipt with a special form
- Leave a copy addressed to the respondent at their home, with an adult living there.
- Mail a copy of the documents to that address within 1 day.

Regular Service can include: mail, courier, fax, or email to respondent or their lawyer.

COMPLETE & FILE AN AFFIDAVIT OF SERVICE (FORM 6B)

File at the courthouse or online.

RESPONDENT RESPONDS TO THE DOCUMENTS

The respondent has 30 days to complete, serve, and file their documents.

RESPONDENT AGREES

Create a separation agreement or get a consent order. You can file it with the court.

RESPONDENT DISAGREES

Attend the mandatory information program and go to first court date.

RESPONDENT DOES NOT RESPOND

A judge may make a decision without the other party.

FIRST COURT DATE

The court will make sure all documents are completed and scheduled a case conference.

PREPARE FOR CASE CONFERENCE

- Talk to the respondent about: sharing financial information, timelines, and if you can agree on issues. A lawyer can help you.
- Complete form 17A. This is a case conference brief. Serve to respondent at least 6 days before court.
- The court may ask for updated financial statements.
- Complete and file form 6B.

CASE CONFERENCE

- The goal is to get you and the respondent to agree on issues.
- If there is agreement, you can get a consent order.
- You can have multiple case conferences.
- If there is no agreement, the court will schedule a settlement conference.

After a case conference, you can:

- Make or accept an offer to settle.
- Get an order on consent (meaning the applicant and respondent agree).
- Bring a motion.
- Get legal advice.

See reverse →

PREPARE FOR SETTLEMENT CONFERENCE

- Complete, serve, and file Form 17C. This is a settlement conference brief.
- If there are property issues, complete, serve and file Form 13B & 13C.
- Complete and file Form 6B.

SETTLEMENT CONFERENCE

- Goal is to resolve issues, hear the judge’s opinions, and next steps.
- You can have multiple settlement conferences.
- If there is no agreement, the court will schedule a trial management conference.

PREPARE FOR TRIAL MANAGEMENT CONFERENCE

- Complete, file, and serve a Trial Scheduling Endorsement, an Offer to Settle, and a draft opening statement.
- This needs to be completed at least 6 days before the court date.
- Complete and file a Form 6B.

TRIAL MANAGEMENT CONFERENCE

- This is the last chance to resolve issues before trial.
- Timelines, witnesses, and evidence will be set for trial.

PREPARE FOR TRIAL

- Prepare trial record. Complete, serve and file at least 20 days before trial.
- Complete and file a Form 6B.

TRIAL

- Bring 3 copies of the Trial Record. One is for you, one is for the respondent, and one is for the judge.
- What happens at trial:
 - 1) Opening statements for applicant and respondent.
 - 2) The applicants’ evidence is presented.
 - 3) The respondents’ evidence is presented.
 - 4) The applicant can respond to the respondents’ evidence.
 - 5) Closing statements for both parties.
 - 6) The judge makes a decision about the case.

A motion is a formal request asking the judge to make a decision or take a specific action in the case. It is like asking the judge for permission to do something during a legal proceeding.

To change a final court order, you can bring a “Motion to Change”.

There are other types of motions that you can bring forward, such as an urgent motion.

BRINGING A MOTION

BRINGING AN URGENT MOTION WITHOUT NOTICE (“EMERGENCY MOTION”)

Complete required forms.

You do not have to serve the respondent before the judge hears the motion and makes a decision.

BRING AN URGENT MOTION WITH NOTICE

Complete required forms.

Serve respondent 6 days before and file documents 4 days before the motion date.

BRING A REGULAR MOTION

You can bring a motion on consent at any time.

If the parties do not agree, you can bring a motion after a case conference.

Learn more about our programs and services: **OneMNO 1-800-263-4889 ext. 7 | Justice@metisnation.org**