



SUPERIOR COURT OF JUSTICE

CITY OF KINGSTON AND COUNTIES OF FRONTENAC, LENNOX AND ADDINGTON

NOTICE TO THE PROFESSION AND PARTIES

25th MARCH 2020

In these unprecedented times for our court, with things changing so quickly due to the COVID 19 pandemic, this notice may be changed as circumstances develop. It is critical that all lawyers and parties, including self-represented parties, cooperate and follow the instructions contained in this notice as well as the [Order of March 15, 2020](#) by Chief Justice Geoffrey Morawetz relating to criminal matters and the [Notice to the Profession, the Public and Media Regarding Civil and Family Proceedings](#) also issued by the Chief Justice regarding the suspension of Superior Court of Justice regular operations dated March 15, 2020. Links to these documents can also be found at the end of this notice.

Civil and family events initially scheduled to take place on or after March 17 are suspended as set out in this notice, unless directed otherwise by the Regional Senior Justice (“RSJ”) or the Local Administrative Justice (“LAJ”).

MATTERS BEING HEARD AT THIS TIME

1. Chief Justice Morawetz’s *Notice to the Profession* provides that only urgent matters are being heard at this time. The list of matters that qualify as urgent is very narrow.
2. The determination of “urgency” will be made by the judge receiving a request for a hearing or determination.
3. Judges are presently addressing cases remotely, in writing or by teleconference. Judges do not presently have access to court files – either the physical file or scanned copies of court documents.
4. Matters deemed urgent will be addressed based on the written record or after hearing by teleconference. Judges cannot hold an in-person hearing without first obtaining the consent of the Chief Justice. No counsel or parties are to be in attendance at the courthouse for those hearings. Each case will be decided on its own merits and directions for how to proceed will be tailored to the individual matter.

CRIMINAL

5. All criminal matters will be dealt with in accordance with the [Order of the Chief Justice](#) dated March 15, 2020, referred to above. All bail reviews deemed by the LAJ to be urgent will be heard by telephone conference. Production orders will be made to take the applicant inmate to a telephone connected to the hearing when it takes place.

6. Additional information is contained in the [Notice to Accused Persons, Profession, Crown, Public Prosecution Service of Canada, Correctional Institutions, Witnesses, Jurors, The Public and The Media Regarding Criminal Operations](#) issued by the Office of the Chief Justice on 15 March 2020.
7. Further notices may be issued shortly regarding criminal actions.

CHILD PROTECTION

8. Ontario has enacted a new regulation pursuant to the *Civil Management and Emergency Protection Act* which provides as follows:

Now therefore, an Order is made pursuant to subsection 7.1(2) of the Act, the terms of which Order are the following:

1. Any provision of any statute, regulation, rule, by-law or Order of the government of Ontario establishing any limitation period shall be suspended for the duration of the emergency, and the suspension shall be retroactive to Monday, March 16, 2020.
2. Any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario, including any intended proceeding, shall, subject to the discretion of the court, tribunal or other decision-maker responsible for the proceeding, be suspended for the duration of the emergency, and the suspension shall be retroactive to March 16, 2020.
9. **The Court will be available to address urgent matters related to the safety of any child.**
10. The following protocols now apply to adjournments of child protection matters:

Kingston (including Frontenac County) Matters

- a. All child protection matters set for short motions, long motions, temporary care hearings, settlement conferences, trial management/trial scheduling conferences or trials currently scheduled to take place in **March 2020**, are adjourned to be spoken to on **June 1, 2020 at 10:00 am**. New dates will be set at that time. **Existing Orders to continue.**
- b. All child protection matters set for short motions, long motions, temporary care hearings, settlement conferences, trial management/trial scheduling conferences or trials currently scheduled to take place in **April 2020**, are adjourned to be spoken to on **June 2, 2020 at 10:00 am**. New dates will be set at that time. **Existing Orders to continue.**
- c. All child protection matters set for short motions, long motions, temporary care hearings, settlement conferences, trial management/trial scheduling conferences or trials currently scheduled to take place in **May 2020**, are adjourned to be spoken to on **June 3, 2020 at 10:00 am**. New dates will be set at that time. **Existing Orders to continue.**
- d. All To Be Spoken To appearances (CAS “lists”), and first returns of status review applications (where the child’s current placement **IS NOT sought to be changed** by any party), currently scheduled in court are adjourned to **June 4, 2020 at 10:00 am**. New dates will be set at that time. **Existing Order to Continue.**

Napanee (Lennox & Addington) Matters

- a. All child protection matters set for short motions, long motions, temporary care hearings, settlement conferences, trial management/trial scheduling conferences or trials currently scheduled to take place in **March 2020, in April 2020 and in May 2020** are adjourned to be spoken to on **June 5, 2020 at 2:00 pm**. New dates will be set at that time. **Existing Orders to continue.**
 - b. All “To Be Spoken To” appearances (CAS “lists”), and first returns of status review applications (where the child’s current placement **IS NOT sought to be changed** by any party), currently scheduled in court are adjourned to **June 5, 2020 at 2:00 pm**. New dates will be set at that time. **Existing Orders to Continue.**
11. Endorsements regarding the adjournments set out above will be prepared by the Court and forwarded to the applicable local Children’s Aid Society and counsel; if a party does not have counsel, the CAS is requested to provide the Endorsement to those parties.
 12. Any **filing deadlines** previously set for scheduled matters are no longer in effect. New filing deadlines will be set at the applicable to be spoken to appearances in June 2020 as set out above.
 13. All **5-day** hearings after the removal of a child, and first returns of status review applications (where the placement of a child **IS sought to be changed** by any party), **shall be treated as urgent matters** in accordance with the Notice to the Profession (<https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>).
 14. **Any other child protection matter (including an application that does not request bringing a child to a place of safety or a care and custody hearing)**, may be brought to court in the same manner as 5-day hearings as set out above, where a party regards that matter as urgent. Your matter will be reviewed by the Triage Judge. If determined to be urgent, a judge will be assigned and a hearing by teleconference will be arranged by the Trial Coordinator.

FAMILY MATTERS*Kingston (including Frontenac County) Matters*

15. All family matters set for short motions, long motions, conferences or trials in **March 2020**, are adjourned to be spoken to on **June 9, 2020 at 10:00 am**. New dates will be set at that time.
16. All family matters set for short motions, long motions, conferences or trials in **April 2020**, are adjourned to be spoken to on **June 10, 2020 at 10:00 am**. New dates will be set at that time.
17. All family matters set for short motions, long motions, conferences or trials in **May 2020**, are adjourned to be spoken to on **June 11, 2020 at 10:00 am**. New dates will be set at that time.

Napanee (Lennox & Addington) Matters

18. All family matters set for short motions, long motions, conferences or trials in **March 2020, in April 2020, and in May 2020** are adjourned to be spoken to on **June 8, 2020 at 10:00 am**. New dates will be set at that time.

CIVIL MATTERS

Kingston Matters

19. Unless a further order is made to the contrary, all civil matters set for short motions, long motions, pre-trial conferences or trials between 17th March 2020 and 5th June 2020 are adjourned to be spoken to on **June 11, 2020 at 10:00 am.**

Napanee Matters

20. Unless a further order is made to the contrary, all civil matters set for short motions, long motions, pre-trial conferences or trials between 17th March 2020 and 5th June 2020 are adjourned to be spoken to on **June 12, 2020 at 10:00 am.**

Urgent Matters (Kingston or Napanee)

21. Urgent civil matters are described in the *Notice to the Profession* issued by Chief Justice Morawetz on 15 March 2020 as:
- e. Urgent and time-sensitive motions and applications in civil and commercial list matters, where immediate and significant financial repercussions may result if there is no judicial hearing.
 - f. Outstanding warrants issued in relation to a Small Claims Court or Superior Court civil proceeding.
 - g. Any other matter that the Court deems necessary and appropriate to hear on an urgent basis.
22. Requests relating to urgent matters should be communicated by email to Kingston.scj.courts@ontario.ca (Kingston matters) or Napanee.scj.courts@ontario.ca (Napanee matters). These matters will be strictly limited.
23. Further notices may be issued shortly regarding civil actions.

URGENT MATTERS (FAMILY AND CHILD PROTECTION)

24. If you believe that a matter meets the threshold for urgency, you must submit a request for a hearing to the court by 14B motion on notice. Hearings may be in writing or by teleconference as the Judge may determine.
25. All materials must be as brief (10MB in total in accordance with the Notice of the Chief Justice). If the judge requires more information, he or she will request same. If a specific judge has previously had prior involvement in the file, you may wish to highlight that fact.

26. Requests for an urgent hearing and any other court documents in relation thereto can be filed by e-mail by sending them to the applicable email address:

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|--------------|--|
| ▪ Belleville | PSRHastingsPEC@ontario.ca |
| ▪ Brockville | SCJBrockvilleTC@ontario.ca |
| ▪ Cornwall | CornwallSCJTrialCoordination@ontario.ca |
| ▪ Kingston | Kingston.scj.courts@ontario.ca |
| ▪ L'Orignal | LOrignalTrialCoordination@ontario.ca |
| ▪ Napanee | Napanee.scj.courts@ontario.ca |
| ▪ Ottawa | OttawaSCJ.TC.Office@ontario.ca |
| ▪ Pembroke | PembrokeSCJTrialCoordination@ontario.ca |
| ▪ Perth | Perth.Courthouse@ontario.ca |
| ▪ Picton | PSRHastingsPEC@ontario.ca |

27. The e-mail box will be checked regularly by the Trial Coordinator who is also working remotely. The TC will forward your request to the Triage Judge who will determine whether the matter is urgent. If the matter is urgent it will be assigned to a judge for determination.

28. Please do not e-mail the Trial Coordinator directly about requests for urgent hearings. If you have questions that are not answered by this Memo or by Chief Justice's Notice to the Profession, please send an e-mail to the applicable email address set out above.

EX PARTE MOTIONS (FAMILY AND CHILD PROTECTION)

29. *Ex parte* motions should be submitted to the applicable email address set out in paragraph 25. The motion will be forwarded to the Triage Judge. If the matter is found to be urgent the matter will be assigned to a judge for determination. If the matter is determined not to be urgent you will receive an endorsement providing same.

30. The Trial Coordinator will deliver the endorsement to the moving party by email. The judge who determines the matter will also determine how the order should be served on the other party. You should not assume that the court administration is available for service and you should make proposals as to how the order and materials should be served.

31. A date will also be set by the Trial Coordinator to have the order reviewed within 14 days per Rule 14(14) of the Family Law Rules. All new materials in relation to the review shall be filed by email to the applicable email address set out in paragraph 25. The review shall take place by teleconference.

MATERIALS

32. The e-mail box cannot accept attachments in excess of 10 MB. Please ensure that the documents are clearly labelled.

TELECONFERENCES

33. If a hearing by teleconference is required, the Trial Coordinator will provide all parties and counsel with a dial in number and a pin code to use. The judge shall be the host/moderator of the conference.

34. The number of conference call lines available is very limited and the lines are being used for hearings in all lines of business: family, criminal and civil. Efforts are being made to arrange for more phone lines. However, the time available for teleconferences will be necessarily abbreviated.
35. You are asked not to phone in more than 5 minutes in advance. There have been some difficulties in accessing the phone lines; if you cannot connect initially, please make several attempts before notifying the Trial Coordinator.
36. Unless otherwise advised by the judge, the conference call will be recorded.
37. Please remember that this teleconference is still a formal court event that replaces an in-person attendance.

MATTERS ON A TRIAL LIST

38. There are no trials until further notice.
39. New dates will be set in June as set out above.

RESOURCES FOR SELF-REPRESENTED PARTIES

40. It does not appear that on-site duty counsel or advice lawyer services will continue. In the interim, self-represented parties can be directed to Legal Aid Ontario: 1-866-874-9786 for assistance, although we expect limited services to be available for clients who do not qualify financially.

MEDIATION/ Information and Resource Coordinators

41. Off-site mediation services may continue to be available with strict protocols for sanitizing and social distancing, and strict cancellation policies in the event of symptoms. Please contact the appropriate mediation service directly for more information.

CONSENT MATTERS

42. Parties may also file written consents, with a draft approved order, through the generic email or other options set out in the order of March 15, 2020 from the Chief Justice. Those matters will be processed as they are received.

It is critical to read and comply with the Order regarding Criminal proceedings and Notice Regarding Civil and Family Proceedings of the Chief Justice dated March 15, 2020. The cooperation and support of the Crown Attorney, Lawyers in private practice, Court staff, Police, Legal Aid Ontario, Victim Witness Services, Mediation, Children's Aid and all other agencies connected to the Court is acknowledged and appreciated as we seek to continue to make access to justice available to the public during these unprecedented, and challenging times in our history.

Issued: 25th March 2020.

Justice Anne Trousdale (Local Administrative Justice (Family) – Kingston and Napanee)
Justice Gary Tranmer (Local Administrative Justice (Civil/Criminal) – Kingston)
Justice Graeme Mew (Local Administrative Justice (Civil/Criminal) - Napanee)

LINKS:

Chief Justice Court Order – Adjourning Criminal Matters, March 15, 2020
<https://www.ontariocourts.ca/scj/by-order-of-chief-justice-morawetz/>

Notice to the Profession, the Public and the Media Regarding Civil and Family Proceedings, by Chief Justice Morawetz dated March 15, 2020 (re Civil and Family matters).
<https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>

Notice to Accused Persons, Profession, Crown, Public Prosecution Service of Canada, Correctional Institutions, Witnesses, Jurors, The Public and The Media Regarding Criminal Operations March 15, 2020 <https://www.ontariocourts.ca/scj/covid-19-suspension-crim/>