

Integrated Domestic Violence Court: Consent Form

**YOU MUST READ THE FACT SHEET (PAGES 3-6)
BEFORE COMPLETING THIS CONSENT FORM.**

Please complete this form as fully as possible.

Name:

Date of Birth:

Name of Other Party:

Date of Birth of Other Party:

FAMILY MATTER

What is your family court file number?

What are you claiming?

- ☐ support for me
- ☐ support for child(ren) – table amount
- ☐ support for child(ren) – other than table amount
- ☐ custody of child(ren)
 - ☐ sole custody
 - ☐ joint custody
- ☐ access to child(ren)
- ☐ restraining order / non-harassment order
- ☐ motion to change
- ☐ other – please specify:

If a date has been set for your next family court appearance, what is the date?

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If the Office of the Children's Lawyer is involved in your case, what is the lawyer's name?

.....

Are you going to Court on a child protection case with a Children's Aid Society?

- ☐ Yes ☐ No

If you have a family lawyer, what is your family lawyer's name, address and telephone number?

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CRIMINAL MATTER

If you have been charged with a criminal offence, what is the offence?

If the other party has been charged with a criminal offence, what is the offence?

At what court location are the charges being heard?

If you have been charged with a criminal offence, and you have a criminal defence lawyer, what is your lawyer's name, address and telephone number?

When is your next criminal court appearance?

CONSENT

I have read and understand the Fact Sheet on the Integrated Domestic Violence Court, including:

- the rules about withdrawal of my case(s) from this Court, and
- the requirement that the Crown and the Family Court judge in an existing family case must consent.

I understand that I must continue to appear in the regular family court or criminal court until a judge transfers or adjourns my case(s) to a date in the Integrated Domestic Violence Court.

Check the applicable box(es) below:

- ☐ I consent to the Community Resource Coordinator accessing, coordinating and/or sharing information relevant to my family/criminal files with the other party, the Crown, the Victim/Witness Assistance Program, court staff, the police and probation services for the purposes of the IDV Court, understanding that the Community Resource Coordinator will be sensitive to my safety concerns and that my location will not be disclosed without prior authorization.
- ☐ I have spoken with a lawyer about the implications of transferring my case(s) to the Integrated Domestic Violence Court, and I agree to have my case(s) heard at the Integrated Domestic Violence Court.
- ☐ I am represented by a lawyer in my criminal and/or family case and I have advised that lawyer about transferring my case(s) to the Integrated Domestic Violence Court.

.....
Name

.....
Signature

.....
Date

FOR CROWN OFFICE USE ONLY:

Crown Attorney
(Print Name)

- ☐ I consent to having this case heard at the IDV Court.
- ☐ I do NOT consent to having this case heard at the IDV Court.

.....
Signature

Integrated Domestic Violence Court: Fact Sheet

A. INTRODUCTION

What is the Integrated Domestic Violence Court?

The Integrated Domestic Violence Court (IDV Court) is a court in which both the criminal case and the family law case are heard by the same judge. Judges in the IDV Court are experienced in both criminal and family matters.

Why would I want to go to the IDV Court? What are the benefits?

Clearer, consistent orders

- Having information about the criminal case and family case will help avoid conflicting orders between the criminal and the family court.

When a matter is resolved, more informed sentencing

- Having more complete information about the family would help the IDV Court to engage in sentencing in a more informed manner.

Coordinated and timely resolutions

- There will be less disruption to the family's life upon one partner being charged.
- The IDV Court may be able to move through the criminal and family cases faster.
- In most cases, the same judge will hear all aspects of the cases and will try to resolve them at every step in the case.
- The criminal and family cases will be heard on the same day in the same courtroom.

Specialized referrals for the family

- Referrals to social services and resources that would best meet the specific needs of the family.

Legal aid services

- If the parties qualify for Legal Aid, Duty Counsel (a free of charge lawyer who will help you on the day of court) will be available for the family case and for the accused in the criminal case.
- If the parties do not qualify for Legal Aid, other legal resources such as the Downtown Legal Services may be available to assist the parties.

Specialized judicial focus

- The process allows for a higher level of monitoring of the needs of the family on an ongoing basis.

B. SUITABILITY FOR THE IDV COURT

Who can go to the IDV Court?

For a case to be heard in the IDV Court, there must be both a criminal domestic violence charge and a family court case (excluding divorce, family property and child protection).

Do I have to go to the IDV Court?

No. Participation in the IDV Court is voluntary. All parties, including the Crown, must agree to go to the IDV Court. Where there is an existing family court case, the Family Court judge must also consent.

You and the other party must complete the consent form that is attached to this fact sheet. You must speak to a lawyer before signing the consent form. It is important that you understand what it means to have your case heard by the IDV Court.

C. CASES HEARD BY THE IDV COURT

What types of family law matters will the court deal with?

The IDV Court will hear family cases dealing with custody, access, child and spousal support and restraining orders. The IDV Court will not hear divorce, family property or child protection cases.

Can I go to one court location to deal with all my family matters?

If you are involved in a criminal domestic violence proceeding and your family case involves claims for custody, access, child and spousal support and/or a restraining order, you will have the convenience of having to go to only one court location – the IDV Court – to have your cases heard.

You will need to go to another court, in addition to attending the IDV Court, if you are:

- Seeking a divorce;
- Involved in a child protection case; and/or
- Dealing with property claims

It is also important to note that the IDV Court will not hear trials. This means that if your cases are not resolved at the IDV Court, the cases will return to the original criminal and family courts to go to trial.

What criminal offences will the IDV Court deal with?

The IDV Court is available for criminal domestic violence cases where there is also a family court case. Cases eligible to be heard at the IDV Court are those where the Crown is proceeding summarily.

Some of the offences that could be included are assault, threatening death or bodily harm, assault with a weapon, assault bodily harm, unlawfully causing bodily harm, criminal harassment, mischief to property, sexual assault, forcible confinement, disobey court order, fail to comply probation, fail to comply, undertaking/recognizance and breach of restraining order.

Will the IDV Court do bail hearings?

The IDV Court will not do bail hearings at this time but bail variations on consent can be done in the IDV Court.

D. GOING TO THE IDV COURT

How do parties have their cases heard in the IDV Court?

The parties may be referred to the IDV Court by Duty Counsel, the Victim/Witness Assistance Program, family lawyers, judges, Justices of the Peace, Crowns, defence counsel, children's aid societies, police, legal aid or any other community resource.

The parties must fill out a consent form. The decision about whether or not the case will be heard by the IDV Court will be made as soon as possible.

Are the criminal and family law cases mixed together?

No, they are separate files and the IDV Court judge deals with them separately.

What services are available to assist parties at the IDV Court?

A Community Referral Coordinator (CRC) will be available to connect parties to community services. Specifically, the CRC will be able to refer domestic violence complainants to specialized community services and will also refer accused persons to services to assist them to obey court-ordered counselling or treatment. In order to help get your case transferred to the IDV Court, and while your case is in the IDV Court, the CRC may need to share information relevant to your family/criminal files with others, including the other party, the Court, the Crown, the Victim/Witness Assistance Program, court staff, the police and probation services.

To participate in the IDV Court, you will need to consent to this sharing of information and check the appropriate box on the consent form. The CRC will be sensitive to safety concerns of the parties at all times, and will not divulge information that might disclose the location of the parties without prior authorization. If the Crown agrees to have your case transferred to the IDV Court, the CRC may ask you to sign a more detailed form to allow the CRC to share information with community agencies.

On the day of Court, there will also be Duty Counsel available from Legal Aid Ontario for the accused in criminal cases and for both parties in family cases to provide legal advice and assistance in court for family cases and the accused.

A Family Law Information Centre (FLIC) will be available to assist family litigants. The FLIC will have court staff to help you with court process and to provide you with court forms. An Advice Lawyer is also available at certain times to provide you with general legal information, or in some circumstances, with legal advice specific to your case.

Legal Aid's Family Law Service Centre located at 20 Dundas Street West, Suite 201, may be able to assist with legal advice and preparing Family Court documents or to issue a Legal Aid Certificate for representation by a lawyer. You will require a referral from Duty Counsel to use this service.

The *Pro Bono* Law Students located on the 2nd floor of Courthouse at 311 Jarvis may be able to assist with preparing Family Court documents. You will require a referral from Duty Counsel to obtain this assistance.

The Victim/Witness Assistance Program (VWAP) will provide information, assistance and support to victims and witnesses of crime to increase their understanding of, and participation in, the criminal court process.

E. LEAVING THE IDV COURT

If I do not want my case at the IDV Court any more, what should I do?

For your family case, you will need the approval of the IDV Court judge before you can have your case transferred out of the IDV Court. You should speak with the IDV Court clerk to find out how to do this. For the criminal case, if it is not resolved in this Court, the case will return to the regular Court.

F. LEARNING MORE ABOUT THE IDV COURT

Where can I find more information about the IDV Court?

For more information on the Integrated Domestic Violence Court, contact the Community Resource Coordinator at 647-969-3514, call the Ontario Court of Justice at 311 Jarvis Street (416-327-6868), speak to Duty Counsel or speak to your lawyer.