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| ONTARIO  |
|  |  | Court File Number      |
| (Name of court)  | Form 43: Binding Judicial Dispute Resolution Hearing Request and Consent  |
| **at** |       |
|  | Court office address  |
| Applicant(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
|       |  |       |
| Respondent(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
|       |  |       |
| RE: |       | v. |       |
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| Part A: Request and Consent |

1 I understand what the binding judicial dispute resolution process involves. I have read and understand rule 43 of the *Family Law Rules,* which sets out the process for binding judicial dispute resolution.

2. I, ,request a binding judicial dispute resolution hearing on the issues listed here:

*Check off the issues in your case that have not yet been resolved and provide a brief description. Note that the binding judicial dispute resolution hearing can only deal with issues that you included in your pleadings (application, answer, motion to change or response to motion to change) unless the judge approving or conducting the hearing orders otherwise.*

[ ]  Decision-making responsibility:

[ ]  Parenting time or contact:

[ ]  Child support:

[ ]  Spousal support:

[ ]  Division of property:

[ ]  Other:

3. Provide a brief summary of why you believe a binding judicial dispute resolution hearing would be an effective way to resolve the issues listed above:

4. I confirm that this case is suitable for binding judicial dispute resolution and that:

[ ]  the case does not involve significant credibility issues that require me to cross-examine any witnesses;

[ ]  I do not plan to rely on testimony from witnesses (other than the parties) at the hearing;

[ ]  I believe the issues can be settled or decided a summary court process, rather than at a trial;

5. I will serve on all parties and file with the court the documents listed in subrule 43 (12) and (12.1) of the *Family Law Rules* in accordance with the time lines and within the page limits as set out in Rule 43, unless otherwise directed by the court.

6. The following is a list of the types of additional documents that I intend to rely on at the hearing:

7. I understand that if I fail to serve and file my documents according to the timelines, the information in them may not be relied on by the judge deciding my case.

8. I also understand that I should **only** submit evidence that is relevant and non-repetitive. The evidence I choose to submit will assist the parties to settle the issues or help the judge decide the case. I understand that the judge conducting the binding judicial dispute resolution hearing will not take into consideration irrelevant or repetitive documentation. If I submit too much information, the judge may return the case to the regular track for a trial of the issues, and I may have to pay costs to the other party.

9. I will follow the court’s direction about uploading all my documents to CaseLines for the binding judicial dispute resolution hearing.

10. I am aware that after filing this signed **Form 43:** **Binding Judicial Dispute Resolution Hearing Request and Consent,** I cannot withdraw my consent to participate in the binding judicial dispute resolution hearing unless all other parties agree, or the court gives me permission to withdraw.

11. I am aware that unless I have the court’s permission, I cannot adjourn the date scheduled for my binding judicial dispute resolution hearing, even with the other party’s consent.

12. I am aware that if I fail to participate in the process after filing my signed **Form 43:** **Binding Judicial Dispute Resolution Hearing Request and Consent** and I do not have the court’s permission to withdraw from or adjourn the hearing, the judge may decide the issues in my absence, based solely on the evidence filed for and presented at the hearing.

13. I am aware that, if appropriate, the court may order costs in accordance with rules 18 and 24 of the *Family Law Rules*.

14. I understand that a binding judicial dispute resolution hearing will be conducted in accordance with the following:

1. The hearing will be conducted entirely under oath or affirmation.
2. No part of the hearing can take place in the absence of a party or the party’s lawyer.
3. The hearing will start with settlement discussions, with the judge assisting the parties to resolve issues on consent.
4. When the judge is trying to help the parties to resolve the case, the judge may express views about how the court might decide the case.
5. If, in the judge’s opinion, settlement discussions are no longer likely to resolve any further issues, the judge may go to the decision-making stage.
6. When deciding the case, the judge may ask questions to obtain further evidence. The parties may suggest questions for the judge to ask, but the parties do not have the right to cross-examine, or to call a witness to give evidence.
7. When deciding the case, the judge may make a temporary or final order about any issue that is the subject of the hearing. The judge may do so despite having knowledge of settlement discussions and offers to settle or having provided an opinion about the issues.
8. When deciding the case, the judge is not required to provide detailed reasons to the parties.

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| Part B: Legal Advice |

**YOU ARE STRONGLY ENCOURAGED TO GET LEGAL ADVICE BEFORE COMPLETING THIS FORM.** The following services may help you access legal advice or retain counsel:

* The [Family Law Information Centre](https://www.ontario.ca/page/family-law-information-centres) (FLIC) at your local courthouse
* The Law Society of Ontario’s [Lawyer Referral Service](https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/law-society-referral-service); (referrals and free 30-minute consultations)
* [Legal Aid Ontario](https://www.legalaid.on.ca/services/family-legal-issues/): 1-800-668-8258 (free legal services for those who qualify)
* [JusticeNet](https://www.justicenet.ca/) (legal services at reduced fees for those who qualify)
* [Ontario Family Law Limited Scope Services Project](https://familylawlss.ca/) (unbundled legal services)
* [Pro Bono Students Canada Family Justice Centre](https://www.probonostudents.ca/family-justice-centre) (free unbundled legal services to self-represented litigants in Ontario by supervised law students)

The Superior Court of Justice Notice to the Profession about binding judicial dispute resolution in your region may include additional information about legal services in your area.

*Fill in the details of your legal representation and advice below.*

**Legal Representation**

[ ]  I will be represented by *(name of lawyer)* at the hearing, **OR**

[ ]  I will be representing myself at the hearing.

**Legal Advice (you must select one)**

[ ]  I have received advice in relation to this request and consent form and the binding judicial dispute resolution process from *(name of lawyer)* (Please attach a certificate of independent legal advice to this form); **OR**

[ ]  While I have been encouraged to seek legal advice in relation to this request and consent and the binding judicial dispute resolution process, I do not wish to do so.

**Office of the Children’s Lawyer (OCL)**

[ ]  The child(ren) is/are represented by a lawyer from the Office of the Children’s Lawyer in these proceedings *(name(s) of lawyer(s))*:

[ ]  I understand that I must serve a copy of this completed form to the other counsel or party(ies) and the Children’s Lawyer named above, and then file it at court with proof of service.

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| Part C: Scheduling the Hearing |

[ ]  I agree that any judge may conduct the binding judicial dispute resolution hearing even if they may have knowledge of settlement discussions and offers to settle or may have provided an opinion about the issues in the case.

[ ]  I request that Justice **not** be scheduled to conduct the hearing because this judge has knowledge of any settlement discussions or offers in the case or has provided an opinion on an issue in the case.

[ ]  I will file **Form 43C:** **Confirmation of Binding Judicial Dispute Resolution Hearing** by 2:00 p.m. three days before the hearing date, updating the Court about whether a settlement has been reached on any issues, as required by subrule 43(16) of the *Family Law Rules*.

[ ]  I will promptly advise the court if the parties have settled the issues before the hearing date by contacting the Trial Coordinator.

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|       |  |  |
| Party name |  | Party signature |

Dated at *(municipality and province)* this  day of , 20

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| --- | --- | --- |
|       |  |  |
| Witness name |  | Witness signature |

Dated at *(municipality and province)* this  day of , 20

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|       |  |  |
| Lawyer name (if any) |  | Lawyer signature (if any) |

Dated at *(municipality and province)* this  day of , 20

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***To be completed by the court***

This matter

[ ]  is approved for a binding judicial dispute resolution hearing.

[ ]  is not approved for a binding judicial dispute resolution hearing.

See the attached Binding Judicial Dispute Resolution Endorsement.

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|       |  |  |
| Date |  | Justice |