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| ONTARIO | | | | | | | | |
|  | | | | | | |  | Court File Number |
| (Name of court) | | | | | | | Form 43A: Binding Judicial Dispute Resolution Hearing Request and Consent – Office of the Children’s Lawyer |
| **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). | | | | |
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| RE: | |  | | | v. |  | | |
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| Part A: Request and Consent | | | | | | | | |

1. I have read and understand the binding judicial dispute resolution hearing process as set out in rule 43 of the *Family Law Rules*.

2. I have reviewed the parties’ Request and Consent for Binding Judicial Dispute Resolution Hearing forms dated *(applicant)* and  *(respondent)*:

3. I, , consent to the court conducting a binding judicial dispute resolution hearing on the following issues, regarding which the Office of the Children’s Lawyer’s has been appointed to represent the child(ren).

Decision-making responsibility:

Parenting time or contact:

Other:

4. I intend to present the views and preferences of the child(ren) to the court in the following ways:

5. The following is a list of the types of additional documents that I intend to rely on at the binding judicial dispute resolution hearing:

6. I understand that I should **only** submit evidence that is relevant and non-repetitive and that will assist the parties to settle the issues or help the judge to make a decision.

7. I will upload to CaseLines all my documents for the binding judicial dispute resolution hearing as soon as possible after receiving my invitation from the court and not later than **5 days** before the hearing.

8. I am aware that after filing this signed **Form 43A: Binding Judicial Dispute Resolution Hearing Request and Consent – Office of the Children’s Lawyer.** I may **not** withdraw my consent to participate in the binding judicial dispute resolution hearing unless all parties agree or I obtain permission from the court.

9. I am aware that unless I have the court’s permission, I may **not** adjourn the date scheduled for my binding judicial dispute resolution hearing, even with the other parties’ consent.

10. I am aware that if I fail to participate in the process after filing this signed **Form 43A:** **Binding Judicial Dispute Resolution Hearing Request and Consent – Office of the Children’s Lawyer** without the court’s permission to withdraw, the issues may be decided in my absence, based solely on the evidence filed for and presented at the hearing.

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

12. 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: 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 my **Form 43C: Confirmation of Binding Judicial Dispute Resolution Hearing** by 2:00 p.m. three days prior to the hearing date as required by subrule 43(16) of the *Family Law Rules*.

I will promptly advise the court if a settlement has been reached about any issues prior to the hearing date by contacting the Trial Coordinator.

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|  |  |  |
| Children’s Lawyer’s name |  | Children’s Lawyer signature |

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 |