

Important! You are being given this information because the other party in your case who must be served a copy of your court documents lives in a country that has special rules regarding how those documents can be served. These rules are found in the **Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters** (Convention).

Please read this information carefully. If you require legal advice you should contact a lawyer.

You can find the full text of the Convention here by visiting the Convention's website.
(<https://www.hcch.net/en/instruments/conventions/specialised-sections/service>)

The countries that have agreed to follow the Convention are listed here.
(<https://www.hcch.net/en/instruments/conventions/authorities1/?cid=17>)

Step 1: Serving Your Documents

The party you are required to serve (respondent) lives in a country that permits service of your court documents **only** through its Central Authority (also known as the Central Receiving Authority) **OR** permits service through its Central Authority **as well as** alternative channels (which may include mail).

Acceptable channels of service for each country under the Convention can be found at Table A and Table B available here: ontariocourtforms.on.ca/en/family-law-rules-forms/hague-convention-documents/

- **Table A** lists the countries that accept service **only** through the Central Authority.
- **Table B** lists the countries that accept service through the Central Authority **as well as** alternative channels.

Important! Where special service (including personal service) is required by the Ontario court rules (e.g., initiating document under the Family Law Rules) or a court order, the document **MUST** be served through the Central Authority, even if the respondent lives in a country that is listed in Table B.

For the most up-to-date information on acceptable channels of service for each country under the Convention, visit the Convention's website (www.hcch.net/en/instruments/conventions/authorities1/?cid=17).

Important! If you wish to consult with a lawyer, you may contact the Law Society of Ontario's lawyer referral service at www.lawsocietyreferralservice.ca or by toll free telephone at 1-855-947-5255.

Court staff can also make a request for service to the Central Receiving Authority on your behalf. If you wish to use this process, you must mail the required documents, including any required fees (listed below), to Ontario's Central Forwarding Authority at the Haileybury Courthouse at the following address:

Ministry of the Attorney General
Haileybury Courthouse
393 Main St. Box 1208
Haileybury, ON P0J 1K0

For court staff to make a request for service on your behalf, you must send the following documents and fees (where applicable) to Ontario's Central Forwarding Authority at the above address:

- ☐ **Two (2) complete copies of your court documents** (for example, an application, a motion to change, etc.). These are copies of your documents that the Clerk of the Court has signed and dated. You must also enclose the blank responding documents that are required to be sent to the respondent. We recommend you keep a copy of all of your documents for your records.

☐ **All of the Hague Service forms:**

- **Request for service abroad of judicial or extrajudicial documents,**
- **Certificate,**
- **Warning, and**
- **Summary of the document to be served.**

You can get these forms from the Family Law Information Centre at the courthouse, or by visiting the Convention's website (www.hcch.net/en/publications-and-studies/details4/?pid=6560&dtid=65).

These Guidelines provide instructions on how to complete the Hague service forms (assets.hcch.net/docs/1e4b0a96-9e87-4b10-99c8-8647c843b80e.pdf).

- ☐ **A certified money order or bank draft payable to “The Minister of Finance” in the amount of \$105.00.** This fee covers the cost of completing the Hague service forms including the signature of an authorized court employee, the cost of forwarding your documents to the Central Authority in the respondent’s country and the postage fee for returning the **certificate** document to you so that you can file it with the court where your matter will be heard.

- ☐ **A certified money order or bank draft payable to the Central Receiving Authority in the country where the respondent lives.** This is a service fee required by the country where the respondent lives. **Not all countries require a service fee.**

Remember to confirm the service fee required by the respondent’s country and make it payable in the currency they are asking for (e.g., Euro, Yen, etc.). You must ensure the money order/bank draft is payable to the government agency identified by the country’s Central Receiving Authority. You can find out if the respondent’s country requires a service fee in Tables A and B. See this page for up-to-date information regarding fees and to whom they are payable (<https://www.hcch.net/en/instruments/conventions/authorities1/?cid=17>).

- ☐ **Two (2) copies of translated court documents, where required. Not all countries require translation of your court documents.**

Please refer to Tables A and B available here: ontariocourtforms.on.ca/en/family-law-rules-forms/hague-convention-documents/. See this page for the most up-to-date information regarding which countries require you to provide translations of your documents (www.hcch.net/en/instruments/conventions/authorities1/?cid=17).

Each translation should include the translator’s name and the language (and dialect, if any) that the documents are translated from. The translator should include a signed statement saying that the translation is accurate. You can find a translator under “Translation Services” section of the Yellow Pages or by searching online.

- ☐ **Information Confirmation: Page 5 of this package must be signed and dated by you and included with all other documents which are being sent to the Haileybury Courthouse.**

Please note that service can take between **2 and 6 months**, depending on the country where service is required. If you believe your matter is urgent, you should contact a lawyer immediately for advice.

Step 2: Certificate Returned to Ontario

Once the Central Receiving Authority in the foreign country has served the respondent, a **certificate** will be returned to the Central Forwarding Authority in Ontario. The Central Forwarding Authority will then send you the original certificate by regular mail. **You must then file the certificate** at the court where your case will be heard. You are responsible for filing any additional documents that may be required for your case. **If the certificate you receive is not in English or French, you are required to have the document translated at your expense by a certified translator prior to filing it with the court.**

If you do not receive your certificate in the mail, you can contact the Central Forwarding Authority at the Haileybury Courthouse at **705-672-3321** or by email at HagueConvention@ontario.ca. Please allow **at least 8 weeks** from the time your documents were mailed to the court before you call them.

Frequently Asked Questions

Q: Where can I find more information about the Convention and service of my documents through the Central Authority?

A: You can go to this web page for more information about the Convention, service, mandatory forms and how to fill out these forms (www.hcch.net/en/instruments/conventions/specialised-sections/service). You may also wish to contact a lawyer.

Q: Where can I find more information about alternative channels of service?

A: If the country where the respondent lives is listed in Table B, and special service (including personal service) is not required by an Ontario court rule or court order, then alternative methods of service are acceptable. This may include mail. For more information you can go to the home page of the Convention's website (www.hcch.net/en/instruments/conventions/specialised-sections/service).

This website may have other links to assist you, including an outline of the Convention (assets.hcch.net/docs/f4ccc07b-55ed-4ea7-8fb9-8a2b28549e1d.pdf), frequently asked questions at Practical Handbook on the Operation of the Service Convention (hcch.net) (assets.hcch.net/docs/aed182a1-de95-4eaf-a1ae-25ade7cd09de.pdf) and the following table reflecting the position of countries that have signed the Convention on alternative methods of service (assets.hcch.net/docs/6365f76b-22b3-4bac-82ea-395bf75b2254.pdf). You may also wish to contact a lawyer.

Q: What if there is an emergency?

A: In some circumstances, a judge can make a temporary order to address urgent circumstances, even if the service requirements for the country where the respondent lives have not yet been met. You may wish to speak with a lawyer if there is an emergency.

Q: Why are there two separate fees?

A: The Convention only permits certain people to send documents directly to a foreign Central Receiving Authority. One fee is the \$105.00 fee and is listed under the *Administration of Justice Act*. It is for the making up and forwarding of documents by court staff from Ontario's Central Forwarding Authority to the Central Receiving Authority in the country where the respondent lives. Another fee may be payable to the Central Receiving Authority where the respondent lives and is the cost that the foreign country requires to serve the respondent with your documents and return proof of service to Ontario.

Q: What happens if the Central Receiving Authority doesn't/can't serve the documents?

A: If the Central Receiving Authority cannot serve the documents on the respondent, the **certificate** may still be returned to Ontario with an explanation. In this case, the explanation will be sent to the Haileybury Courthouse and will then be sent to you by regular mail so that you can file it where your case will be heard. You may wish to speak to a lawyer about what you are able to do to move forward with your case. For example, you may be able to proceed with your case six months after you have sent out your documents for service.

Q: I don't have a lawyer and this is all very confusing for me. Where can I get more help?

A: If you need more help you may consider the following:

1. Visiting a Family Law Information Centre (FLIC). Family Law Information Centres provide people with free user-friendly information about the family court process. Court staff are available to provide you with the appropriate court forms and general information about court procedures (<https://www.ontario.ca/locations/courts>).

An Advice Lawyer from Legal Aid Ontario is available at certain times at FLICs. The Advice Lawyer can give general legal information on family law matters free of charge. If you meet the eligibility requirements established by Legal Aid Ontario, the Advice Lawyer may be able to give you legal advice specific to your case. Please note that Advice Lawyers will generally not be able to help if you are only seeking a divorce order.

2. The Law Society of Ontario runs the Law Society Referral Service (LSRS) for individuals who need assistance with a legal matter. The LSRS can provide you with the name of a lawyer who will provide a free initial consultation up to 30 minutes to help determine your rights and options. The service only refers you to a lawyer – it does not provide legal advice or opinions. If you decide to retain the lawyer, their normal fees and disbursements would apply. If you would like to be referred to a lawyer, you may submit a request to the Law Society Referral Service by completing the online request form at www.lawsocietyreferralservice.ca. The Law Society of Ontario also maintains a list of lawyers in Ontario which may be viewed at the Law Society of Ontario website (<https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/lawyer-and-paralegal-directory>).
3. If you are unable to afford a lawyer, you may contact Legal Aid Ontario to discuss your eligibility for financial assistance in paying for a lawyer. The toll-free telephone number is 1-800-668-8258 or 416-979-1446 in Toronto. To learn more about Legal Aid Ontario, you may wish to visit their website at www.legalaid.on.ca.
Legal Aid Ontario will not assist individuals who are making a claim for only a divorce.

This is an information guide only.

For detailed information about any of the requirements of a specific foreign country (such as translation or service fee requirements and acceptable channels of service), visit the Hague service website (www.hcch.net/en/instruments/conventions/specialised-sections/service).

For information on accessibility of court services, including accessible formats of this document for people with disability-related needs, contact:

Telephone: 416-326-2220/1-800-518-7901

Teletypewriter (TTY): 416-326-4012/1-877-425-0575

Information Confirmation

Complete this form and submit it with the documents you are sending to the Haileybury Courthouse.

A) I am the applicant and my contact information is:

Last Name		First Name	Middle Initial
Current Address			
Unit Number	Street Number	Street Name	PO Box
City/Town		Province	Postal Code
Telephone Number ext.		Email Address	

B) To the best of my knowledge, the most up-to-date information for the respondent is:

Last Name		First Name	Middle Initial
Current Address			
Unit Number	Street Number	Street Name	PO Box
City/Town		Province/State	
Zip/Postal Code		Country	
Telephone Number ext.		Email Address	

C) I have enclosed the following:

- ☐ Two copies of my court issued documents
- ☐ Blank responding documents (e.g., Form 10: Answer, Form 13: Financial Statement)
- ☐ Two translated copies of my court issued documents (if required)
- ☐ All four Hague Service documents (Request, Certificate, Warning and Summary)
- ☐ A certified money order/bank draft payable to the Minister of Finance for \$105.00CAD
- ☐ A certified money order/bank draft payable to the government agency of the Central Receiving Authority in the currency accepted by that country (if required)

D) If the Central Receiving Authority requires additional fees for the service of the enclosed court documents, I acknowledge that any additional related service fees will be paid by me and not the Ministry of the Attorney General acting as the Central Forwarding Authority.

Name	Signature	Date (yyyy/mm/dd)