

Ontario Court of Justice

Court File Number

Trial Management Endorsement Form – Child Protection

at _____
Court office address

Judge

Date

Re:

Type of Application: protection status review

Order Sought:

Parties / Counsel in court:

Children’s Aid Society (CAS)

CAS Counsel

Name of CAS: _____

Name: _____

Respondent Parent 1

Counsel for Respondent Parent 1

Name: _____

Name: _____

Parent of: _____

Respondent Parent 2

Counsel for Respondent 2

Name: _____

Name: _____

Parent of: _____

Respondent Parent 3

Counsel for Respondent 3

Name: _____

Name: _____

Parent of: _____

Representative of a Band or First Nations, Inuit or Métis Community (if applicable)

Counsel for Band or First Nations, Inuit or Métis Community

Name: _____

Name: _____

Other statutory parties (if applicable)

Name:

Counsel for other statutory party

Name:

Children's Lawyer (if applicable)

Name:

Name(s) of represented child(ren):

Children's Information

Name of child 1: Age: Length of time in care:

Name of child 2: Age: Length of time in care:

Name of child 3: Age: Length of time in care:

Name of child 4: Age: Length of time in care:

Do the parties consent to a virtual trial, to be held via videoconference? Yes No **1. Total estimate of time for trial****NOTE:** The information about the total estimate of time for trial in this section should be entered after completing the form in its entirety and be consistent with the details provided throughout.

If applicable, time required for opening & closing statements for:

| | |
|----------------------|--|
| Applicant CAS: | |
| Respondent Parent 1: | |
| Respondent Parent 2: | |
| Children's Lawyer: | |
| Other: | |

Time required for examinations in chief and cross-examinations, including re-examinations and/or reply evidence:

| | |
|--|--|
| Applicant CAS: | |
| Respondent Parent 1: | |
| Respondent Parent 2: | |
| Children's Lawyer: | |
| Other: | |
| Total time required for trial (number of days), including any time for voir dire: | |

2. Witnesses

a) Is voir dire evidence anticipated? Yes No

If yes, what directions are necessary?

| Applicant CAS Witnesses (in order to be called) | | | |
|--|--|----------------------------|-------------------|
| Name of Witness | How will evidence be presented? | Time estimate (in minutes) | |
| | | Examination-in-chief | Cross-examination |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | | Time Subtotal | |

| Respondent Parents' Witnesses (in order to be called) | | | |
|--|--|----------------------------|-------------------|
| Name of Witness | How will evidence be presented? | Time estimate (in minutes) | |
| | | Examination-in-chief | Cross-examination |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | | Time Subtotal | |

| Children's Lawyer's Witnesses (in order to be called) | | | |
|--|--|----------------------------|-------------------|
| Name of Witness | How will evidence be presented? | Time estimate (in minutes) | |
| | | Examination-in-chief | Cross-examination |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | | Time Subtotal | |

| Other Statutory Parties' Witnesses | | | |
|---|--|----------------------------|-------------------|
| Name of Witness | How will evidence be presented? | Time estimate (in minutes) | |
| | | Examination-in-chief | Cross-examination |
| | <input type="checkbox"/> orally <input type="checkbox"/> affidavit <input type="checkbox"/> report | | |
| | | Time Subtotal | |

a) Order for affidavit evidence? Yes No

Details (including any limits on the length of affidavits that a party may file, pursuant to subrule 7.2(b) of the *Family Law Rules*:

b) Applicant to serve affidavits by (date):

c) Respondent(s) to vet the applicant's affidavits by (date):

d) Respondent(s) to serve affidavits by (date):

e) Applicant to vet the respondent(s) affidavits by (date):

f) Any dates when witnesses are unavailable?

3. Preliminary Matters

a) Are all parties participating? Yes No

If no, who is not participating:

b) Has any party been noted in default? Yes No

If yes, list here, and provide the date of the order noting them in default:

c) Do all parties have counsel? Yes No

If no, list here the name(s) of any party without counsel:

d) Is service complete? Yes No

If no, who has to be served:

Details of plan for service:

e) Are disclosure issues outstanding? Yes No

If yes, what are the disclosure issues, and how will they be addressed?

f) Is anyone planning to bring a motion for records? Yes No

If yes,

i. Who is bringing the motion:

ii. Name of the record keeper(s):

iii. Timing for bringing the motion:

iv. Is a Wagg / s.130 / r.19 motion necessary? Yes No

If yes, provide details:

4. Assessments

a) Are all assessments completed? Yes No

b) Have the assessments been shared with all parties? Yes No

5. Finding

- a) Is there a dispute about finding? Yes No
- b) If no dispute about finding, provide the following details:
- i. Protection finding made (including CYFSA section):

 - ii. Name of the judge who made the finding order(s):

Note: Any Statement of Agreed Facts, if completed, must be put into or with the trial record.

- c) If there is a dispute about finding, can the issue of finding be settled? Yes No
- If no, is this an issue that could be dealt with by way of:
- motion for summary judgment
- focused hearing
- Details:

6. Disposition

- a) What are the issues in dispute?

7. Pleadings

- a) Do any of the parties need to amend their pleadings? Yes No
- If yes:

| | | |
|---|--------------------|--|
| Name of party amending their pleadings: | Date to amend: | |
| | Date for response: | |
| Name of party amending their pleadings: | Date to amend: | |
| | Date for response: | |

b) Are all updated Plans of Care served and filed? Yes No

Details:

8. Admissions / Statement of Agreed Facts

a) Have Requests to Admit been served? Yes No

If no, the following time limits are set for:

| | | | |
|---|--|---------------------|--|
| Applicant's Request to Admit is due by: | | Response is due by: | |
| Respondent Parent 1's Request to Admit is due by: | | Response is due by: | |
| Respondent Parent 2's Request to Admit is due by: | | Response is due by: | |

b) Have the parties prepared a Statement of Agreed Facts? Yes No

If no, are the parties planning on doing so? Yes No

If applicable, directions for producing and filing a Statement of Agreed Facts:

The Statement of Agreed Facts and the Requests to Admit, including proof of service, must be put into or with the trial record.

9. Proposed exhibits

a) Documentary evidence

All documentary evidence to be relied upon at trial will be served by the following dates:

| | |
|-------------|--|
| Applicant: | |
| Respondent: | |

b) Proposed exhibits

i. Proposed exhibits should be coil bound, tabbed and indexed in a Document Brief, or Joint Document Brief, and all pages should be numbered:

Yes No

ii. Any/all exhibits should also be provided in electronic form:

Yes No

iii. If applicable, specify the platform for all exhibits being provided in electronic form:

Case Center

Other (not FRANK):

iv. There is limit with respect to the total number of exhibits permitted for each party:

Yes No

If yes, specify the total number of exhibits permitted for each party:

| | |
|-------------|--|
| Applicant: | |
| Respondent: | |

v. There is a limit with respect to the total number of pages for any/all exhibits:

Yes No

If yes, specify the total page limit for all exhibits, or per exhibit:

| | Total page limit for all exhibits | Page limit per exhibit |
|-------------|-----------------------------------|------------------------|
| Applicant: | | |
| Respondent: | | |

c) Business records

Are there any business records to be relied upon?

Yes No N/A

If yes, has a notice of intention to tender been served on the opposing party in accordance with s.35 of the *Evidence Act*? Yes No

d) Medical reports

Are there any medical reports being tendered? Yes No

If yes, has a notice of intention to rely on medical reports been served in accordance with s.52 of the *Evidence Act*? Yes No

If no, by what date will it be served?

10. Children's Evidence

a) Is there any evidence being sought from a child? Yes No

If yes,

i. How old is the child(ren) who will be giving evidence? Age(s):

ii. How will the evidence be introduced?

Statement of Agreed Facts

Voir dire

Other (*specify – e.g. video evidence, closed circuit room*):

iii. Do the parties agree that any evidence given by a child may be accepted as “first-hand hearsay” if the court is satisfied that the statements have been accurately and objectively reported, and that there is an absence of factors that would undermine the reliability of the child’s statement?

Yes No

11. Expert Witnesses

An expert witness is someone with specialized knowledge, skills, or experience who can provide information to help the judge make a decision. See rules 20.1, 20.2 and 20.3 of the *Family Law Rules* for more information about experts.

There are different types of experts, including:

- A **litigation expert**, who is engaged by one party to provide opinion evidence for the purpose of litigation in your case.
- A **joint litigation expert**, who is a litigation expert engaged by two or more parties in your case (rather than one party).
- A **participant expert**, who provides opinion evidence based on the exercise of their skills, knowledge, training or experience while observing or participating in the events in your case. A participant expert is not engaged for the purpose of litigation. For example: a doctor who previously treated a child may be a participant expert regarding parenting issues.

If the expert's qualifications are not admitted, the trial judge's approval will be required.

Expert witnesses to be called by Applicant CAS:

| Name of Expert | Date the expert report was served | Specific topic that the expert (if qualified) will give an opinion on | Type of expert | Qualifications admitted? |
|----------------|-----------------------------------|---|--|--|
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Expert witnesses to be called by Respondent parent(s):

| Name of Expert | Date the expert report was served | Specific topic that the expert (if qualified) will give an opinion on | Type of expert | Qualifications admitted? |
|----------------|-----------------------------------|---|--|--|
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Expert witnesses to be called by the Children’s Lawyer:

| Name of Expert | Date the expert report was served | Specific topic that the expert (if qualified) will give an opinion on | Type of expert | Qualifications admitted? |
|----------------|-----------------------------------|---|--|--|
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | | | <input type="checkbox"/> litigation <input type="checkbox"/> joint litigation <input type="checkbox"/> participant | Yes <input type="checkbox"/> No <input type="checkbox"/> |

Will voir dres on qualifications be necessary? Yes No

The time estimate required for voir dire evidence is:

12. Trial Directions

a) The parties will present their evidence in the following order:

- i.
- ii.
- iii.
- iv.

b) The opening statements will be: written oral

If written, the following are the timelines for service of the written statements:

| | |
|---|--|
| Applicant will serve opening statement by (date): | |
| Respondent Mother will serve opening statement by (date): | |
| Respondent Father will serve opening statement by (date): | |
| The Children’s Lawyer will serve opening statement by (date): | |

c) Will written opening statements, if applicable, be put into the trial record? Yes No

If not, they will be provided to the judge on or before this date:

d) Has the trial record already been served? Yes No

e) Are the parties in agreement about what will be included in the trial record? Yes No

f) Will the parties produce a joint trial brief? Yes No

If yes, the following are directions regarding the joint trial brief (timelines for delivery of documents, indicating objections to content etc. and method for resolving disputes):

g) Number of copies of briefs (whether trial, affidavit, or document) needed:

h) If not, the trial record must be served and filed by the following dates:

| | |
|----------------------|--|
| Applicant CAS: | |
| Respondent Parent 1: | |
| Respondent Parent 2: | |
| Other: | |

i) The following are directions regarding conduct of the trial (e.g. start times, how long breaks will be, accommodations necessary, expectations regarding when court will end for the day, etc.):

13. Special arrangements re: parties and/or witnesses

| | | | |
|--|--|-----------------------------|-----------------------------|
| Interpreters (provided by court or party) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |
| If yes, has an interpreter request form been completed and submitted? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| Accommodations for child witness(es) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |
| Any witness appearing virtually, on consent of all parties? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |
| Any motion for leave for a witness to appear virtually shall be brought before the trial judge by no later than: | <i>(insert number of days)</i> before the anticipated first day of trial | | |
| Wheelchair access | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| Amplification devices required | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |

| | | | |
|---|------------------------------|-----------------------------|-----------------------------|
| Captioning equipment | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |
| Support persons | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| Environmental accommodations | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |
| Judges' order to have an incarcerated witness/party brought to court | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |
| Security issues (i.e. is a police presence required in the courtroom) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | If yes, details as follows: |
| Other: | | | |

If any participant requires accommodation, they can contact the accessibility coordinator at:

14. Special equipment requirements

- a) Is special equipment required to support the trial? Yes No
 If yes, list the equipment that is required (e.g. audio visual, screens, real-time reporting etc.):
- b) Has local court management been notified about any equipment requirements?
 Yes No N/A

15. Evidentiary & legal issues to flag for the trial judge

- a) Evidentiary issues:
- Is voir dire evidence anticipated? Yes No
- If yes, on what issues: children's statements
 qualification of experts
 medical reports & documentary evidence
- The time estimate required for voir dire evidence is:
- Is any voir dire evidence to be part of the trial evidence, in the form of a "blended" voir dire? Yes No
- Other evidentiary issues:

a) Legal issues:

b) Are there any issues that must be heard urgently? Yes No

If yes, why are they urgent?

16. Adjourned to

| | | |
|---------------------------|--|--|
| <input type="checkbox"/> | Follow up trial management conference date is scheduled for: | |
| <input type="checkbox"/> | Further settlement conference | |
| <input type="checkbox"/> | Trial assignment court | |
| <input type="checkbox"/> | Trial sittings or fixed trial dates | |
| Urgency (if any) and why: | | |

17. Parties informed

The parties have been informed of the following particulars:

- Each party shall promptly inform the Trial Coordinator of any changes in address or phone number, or any change in representation.
- If a party does not provide disclosure or reports as required above, the trial may proceed regardless and an adverse inference may be made against them.
- If a party does not attend trial, an order may be made in the party's absence.
- Failure to comply with the terms of this endorsement could result in cost consequences.
- Each party shall provide a proposed draft order at the beginning of trial.

18. Trial management order

It is ordered that:

- Parties shall comply with the directions and dates set out above. Changes requested on consent may be made by Form 14B: Motion form.
- There shall be no further motions without leave of the court.
- No exhibits may be relied on at the trial other than those described above without a court order.
- No witnesses shall be called other than the witnesses on the witness list as outlined above unless permitted by court order.
- Any requests regarding the scheduling of the trial or an increased allocation of trial time shall be made as follows:

A copy of this complete endorsement must be put into the Trial Record as it is an order relating to the trial (see rule 23(1), para. 6 of the *Family Law Rules*).

Date of order

Judge (print or type name)

Signature of judge or clerk of the court