

What Can I Expect When I Go to the Courthouse?

This document is intended to help you find your way around the courthouse.

The Family Law Courthouse

Every courthouse that deals with family law matters will have

- an Office of the Registrar, sometimes called the “court office”
- courtrooms

Some courthouses will also have

- conference rooms
- security checkpoints located at public entrance ways to the court building
- Family Law Information Centres

Office of the Registrar

The Office of the Registrar, or court office, is the office where you file or register cases that are to be started in that court. This is where you file your court documents.

Courtrooms

Courtrooms are where court officials or judges deal with cases that have been started in that particular court. Courtrooms are usually identified by numbers.

Courtrooms may be used for different purposes. For example, on one day, a courtroom may be used for scheduling administrative matters (where future court dates are scheduled), and on another day, it may be used as a trial court. It all depends on the schedule of the courthouse. So if you’re required to appear in court, you’ll have to figure out which courtroom your case is going to be heard in. In many courthouses, you’ll find a board that has sheets posted on it. The sheet indicates the specific courtroom where each case scheduled for that day will be heard. Usually, a sheet is also posted at each courtroom listing the cases that will be heard in that courtroom.

Security checkpoints

Almost all courts in Ontario have security checkpoints monitored by local peace officers.

Entrants to the building must pass through these checkpoints before being permitted entry into the building. You may be required to pass through a security scanner and also have your purses, wallets, bags, backpacks and any other items that you’re carrying searched. You can’t bring firearms, sharp objects, alcohol, drugs and any other items that may be deemed to be a safety or security threat into the building.

Reasons for going to the courthouse

You may be required to go to the courthouse to file documents or to appear before a judge as part of the process of dealing with your case. There may also be other services, such as Family Law Information Centres, located at the courthouse. This checklist only deals with going to court to file documents or to appear before a judge.

Types of appearances before a judge.

In family law cases involving children, you may be required to go before a judge for a conference, motion or trial. You should consult the *Family Law Rules* and the various self-help guides by the Ontario Ministry of the Attorney General to make sure you understand and follow the rules of procedure that apply to each type of court attendance. Speak to a lawyer if you're not sure.

○ ***Conferences***

The first hearing that you're likely to have to go to is a case conference. Generally speaking, before a case can go to trial, the parties may have to attend three conferences:

- a case conference
- a settlement conference
- a trial management conference

These family law conferences are heard in "closed" court, meaning only the parties and their lawyers are permitted in the courtroom during the hearing unless a judge grants permission for anyone else to be present. These conferences can be held in a courtroom or in a less formal space in the courthouse, like a conference room or the judge's office.

Your conference will be scheduled for a specific time. However, two or three cases may also be scheduled for the same time. The judge will determine in which order the cases will be dealt with. Most judges prefer that the parties (and their lawyers) attend a few minutes before the scheduled start time. The conference could last anywhere from a few minutes to an hour or longer. Be prepared, however, to spend several hours at the conference. Quite often the judge will suggest ways to settle the case or resolve a disagreement about procedure and will ask the parties and their lawyers to go and discuss the recommendations. Conferences are opportunities to help the parties settle some or all of the issues. The goal is to arrive at a mutually agreeable solution.

○ ***Motions***

A motion is a hearing before a judge for an order while the parties are waiting for the case to reach trial. Some of the orders that may be requested are orders for temporary custody, temporary access, temporary child support and disclosure of information. There are many other temporary orders that may be requested, and the ones mentioned are just some of them. The *Family Law Rules* state that a case conference must be held before a person can bring a motion.

There may be many motions scheduled in a particular courtroom on the same day. All motions are scheduled for the same start time. In general, the judge will first deal with those motions that have been settled or resolved or are to be adjourned (put over to another date). All remaining motions will be dealt with one by one after that. This means that your motion may not be heard until late morning or sometime in the afternoon. Motions may take anywhere from five minutes to one hour to be heard. You could spend an entire day in court even though your motion may only last a few minutes. Sometimes, there are motions that may take longer than an hour to argue. In some

areas, motions that are expected to take longer than a certain period of time must be scheduled for a specific date.

Motions are held in open court, meaning that anyone may be present in the courtroom, including the parties and lawyers for all the other cases that are scheduled in that particular courtroom. You may sit in motions court until your matter is called, or you may wait outside the courtroom door until your matter is called for hearing.

Generally speaking, when appearing before a judge in any one of these types of procedures, in addition to the judge, there will also be a court reporter, a court clerk and a court services officer present in the courtroom during the proceeding. Sometimes, a court reporter won't be present for a conference.

- ***Dispute resolution conferences***

In some parts of the province, if the purpose of your court case is to change a previous order, you may be required to attend a dispute resolution conference. A dispute resolution conference is a conference similar to a case conference. However, the person presiding at the conference is a senior family law lawyer who is known as a dispute resolution officer.

- ***Trials***

Trials and other hearings are generally open to the public. At the end of the trial, the judge may make an order and will read his or her decision out loud in court. The written copy of the judge's decision and his reasons for making it is called an "endorsement." To obtain a copy of this endorsement, go to the Office of the Registrar and wait until the file is brought from the courtroom to the office by the court clerk. A copy of the endorsement will be made for you.

Sometimes the judge won't make his or her decision immediately at the end of a trial. A judge may reserve his or her decision. This means that the judge will review the evidence and the law after the trial has ended. At a later date, the judge will provide a written decision, which will be forwarded by the court office to the parties when it is complete. If a trial has been long and/or complicated, it may take several weeks and, on occasion, several months before a decision is delivered.

A judge's decision has to be made into a formal court order that is signed and sealed by the court. However, the judge's decision is effective as of the date that it is made. It may be your responsibility to have the formal court order prepared. The formal court order is a document that sets out precisely what the judge ordered.

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Your Law: Family Law in Ontario contains general legal information for Ontario, Canada and is not intended to be used as legal advice for a specific legal problem. If you need legal advice, please visit the [Law Society of Upper Canada's website](#) to find a lawyer.