



# AFCC ONTARIO NEWSLETTER

VOLUME 8. NUMBER 5

Association of Family and Conciliation Courts – Ontario Chapter

Fall 2011

**Visit our website at: [www.afccontario.ca](http://www.afccontario.ca)**

## AFCC ONTARIO

### PRESENTS OUR POLICY PAPER ON:

#### Ideal Family Court

In early 2010, AFCC Ontario invited members to attend a meeting on developing a policy statement for the ‘Ideal Family Court’ in Ontario. The committee was chaired by AFCC Ontario Board members: Justice Craig Perkins, Justice Deb Paulseth, Dr. Barbara Fidler, and Dr. Rachel Birnbaum. Two meetings were held with over 15-20 members from different disciplines sharing and exchanging ideas. The synergy that was created was both collaborative and exciting. We present our final policy statement on the principles and best practices we believe should form part of the Ideal Family Court. Please let us know what your thoughts are about it.

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**AFCC ONTARIO  
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Full page  
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(3 5/8" x 4 7/8")  
\$150 (member)  
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## PRINCIPLES

1. There should be one Family Court, commonly known as a unified family court, with jurisdiction to deal with all family law issues, available in all locations in Ontario at a reasonable distance. Family law issues include at a minimum all matters affecting family members arising from divorce or separation (including custody, access, support and family property), child protection, adoption and control over children's property, other than matters covered by criminal law.
2. The following services should be readily available as a minimum for all Family Court litigants:
  - family law and court process information services and education programs on site
  - mediation, both on site and off site
  - supervised access centres, for both visits and exchanges, and therapeutic supervised access services
  - legal advice on site
  - a system of adequate legal representation
  - child legal representation
  - on site referrals to counselling, assessment and parenting coordination.
3. These services should be culturally sensitive, available in multiple languages and available at a cost geared to means.

4. A maximum time standard should be established for court and service processes and for decision of issues by the court. The time standards should be available to all litigants, along with information about the local ability to meet those standards.

## **BEST PRACTICES**

1. “One Judge for One Family” should be the norm in the Family Court, from the beginning of the case until trial and for motions to change an order or agreement. The judge who makes a final order should hear the enforcement and contempt issues flowing from it.
2. All services and processes should include a regular research and evaluation component with regular feedback to the local court and community partners.
3. Family law information sessions should be mandatory in all Family Court centres and a second session should be mandatory for all litigants and their children, if the children are involved in the case. Children should be provided with appropriate information about their legal rights, living in two homes, blended families, domestic violence and the court process.
4. Protocols and partnerships should be developed between the Family Court and local service providers consistent with the principles outlined above.
5. Formalized and regular communication between the Family Court and service providers, including public health and educators, should be established. To that end, every court location should have community liaison and resource committees.
6. There should be protocols on information and service sharing for children and parents whose families have court matters that cross over criminal, child protection and separation or divorce issues.
7. Every court location should regularly develop priorities and assess needs consistent with these principles and best practices.

8. The Family Court should keep abreast of and try to integrate modern technologies that could assist in the efficient and accessible operation of the court.
  
9. The Family Court should continually assess tasks that require routine, uncomplicated, procedural or consensual decision making and develop fast track processes to deal with them.

**The above statement was also sent to federal and provincial Attorney Generals; the Chief Justices of Ontario Court of Justice, Superior Court Justice, Ontario Court of Appeal and the Supreme Court of Canada. The associations of lawyers, ADR practitioners, and mediators also received a copy of our statement.**



Ideal family court  
letter AG Ont june30-1



document.pdf

**The attached letter was sent to the The Honourable Christopher Bentley, Attorney General of Ontario.**

## **A Note from the President:**

The kids are back to school and summer is almost officially over – that means it must be time for AFCC Ontario’s annual conference! Please join us on October 20<sup>th</sup> and 21<sup>st</sup> – on October 20<sup>th</sup>s, we are hosting an evening reception at Spring Rolls at the Sheppard Centre in Toronto (4841 Yonge Street) and then, on October 21<sup>st</sup>, we are presenting Dr. Bruce Perry at the Sala Caboto at Villa Colombo at 40 Playfair Avenue in Toronto.

Dr. Perry is a renowned child psychiatrist with the Child Trauma Centre in Texas who is an engaging speaker who has been featured on National Public Radio, The Today Show, Good Morning America, Nightline, CNN, MSNBC, NBC, the Oprah Winfrey Show – the list goes on. He will be speaking about how childhood events shape children and families. I am positive it will be a dynamic day!

We have one vacancy on the AFCC Ontario’s Board of Directors. If you are a member who is interested in serving on the Board, please send your C.V. and a brief paragraph about why you want to participate to [afccontario@gmail.com](mailto:afccontario@gmail.com). We look forward to hearing from you!

In June of this year, after consultation with you, we released the Ideal Family Court, which sets out what the AFCC Ontario Chapter considers the central principles and best practices for the ideal Family Court for Ontario. It was sent to all of the Chief Justices of Ontario as well as the Attorney General, the Honourable Christopher Bentley. I will be meeting with the Chief Justice of Ontario, the Honourable Warren Winkler and the Attorney General regarding this initiative later this year.

Do you live in Barrie? On September 15<sup>th</sup>, at the Barrie Courthouse, AFCC Ontario is presenting An Evening of Film, & Discussion of Family Law Dilemmas. Refreshments are available.

Until we see you again, be well. I look forward to seeing you on October 20<sup>th</sup> and 21<sup>st</sup>.

Craig Perkins  
AFCC Ontario  
President

## **Expansion of Family Justice Services in Ontario**

**Tami Moscoe**

**Counsel, Family Policy and Programs Branch, Court Services Division  
Ministry of the Attorney General**

Family courts across Ontario have been busy this summer introducing new family justice services. Through local implementation committees and with the involvement of local judges and lawyers, all non-unified family courts of both the Ontario Court of Justice and the Superior Court of Justice have begun to implement new family mediation and information services. These include Information and Referral Coordinators (IRCs), the Mandatory Information Program (MIP), and family mediation services.

The IRCs and MIP are designed to provide clients with early, upfront information and resources to help them determine how best to proceed in resolving their family law issues.

IRCs are available in local Family Law Information Centres (FLICs) to provide support to clients with family law issues but do not provide legal services. Their responsibilities include:

- providing clients with information on issues related to separation and divorce, child protection matters, alternative dispute resolution and community resources
- helping clients determine their needs and making referrals to information sessions and community agencies and services, where appropriate
- maintaining an up to date list of resources, programs and services available in the community to help clients during separation and divorce, and
- promoting the use of mediation where appropriate.

Mandatory Information Program sessions will be run on a regular basis for each family court location. Effective September 1<sup>st</sup>, litigants in all family court locations will be required to attend a MIP as the first stage in their court proceeding, subject to limited exceptions. The purpose of the MIP is to:

- help clients understand the effects of separation on adults and children
- provide basic legal information about family law concepts, responsibilities of separated parties, and alternatives to court
- help clients make more informed decisions about how to resolve common issues that arise when relationships break down
- provide basic information about the steps in the court process, and

- provide information about legal and non-legal resources available in the community for adults and children.

MIP sessions are presented by volunteer lawyers and mental health professionals who have completed approved Ministry training. Lawyers are eligible for a total of five hours of continuing education credits for being trained and participating in the program in their first year (including 1.5 hours of credit toward the professionalism/ethics requirement) and an additional four hours of credit for their participation in subsequent years (including 0.5 professionalism/ethics hours). If you are interested in presenting a MIP in your area, please contact your local FLIC for more information.

Most of the information covered in the MIP is also available on-line from Legal Aid Ontario's Family Law Information Program at: [www.legalaid.on.ca/en/getting/flip.asp](http://www.legalaid.on.ca/en/getting/flip.asp) (with the exception of local resources).

Court-connected mediation services provide clients with a timely, affordable and less adversarial forum to resolve their disputes. On-site family mediation services are now available free of charge in the courthouse on days when the court is sitting to deal with narrow issues. Off-site family mediation services are available to separating spouses to address the issues that typically arise in family law disputes regardless of whether or not litigation has already begun. Fees are charged for off-site mediation services based on each party's income and number of dependants.

Where mediation proceeds, these services will help clients develop creative, child-focused and longer lasting resolutions.

For more information about these services as well as a listing of service providers in each court location, visit the Ministry of the Attorney General's website at <http://www.attorneygeneral.jus.gov.on.ca/english/family/>. You can also contact your local [FLIC](#) for more information about services available in your area.

## **BALA AWARD ANNOUNCEMENT**

We are entering our Third Annual Award that AFCC Ontario gives out for, *The Nicholas Bala Award For Excellence in Children and the Law*.

For those of you who may know a student in law or social work or a combination of both please remember that each year AFCC Ontario awards a scholarship of \$1000.00 in honour of Professor Nicholas Bala, LSM. The deadline for submitting an application for the award is **January 15, 2012** (contact AFCC Ontario for more details).

Congratulations Ambreen Walji who was the second recipient to receive this award while studying social work and law at the University of Windsor. Her paper was titled: Policy Evaluation: Alberta's Protection Against Family Violence Act (PAFVA) and highlighted the serious issues of domestic violence and the need for policy reform. Ambreen, AFCC Ontario looks forward to seeing you at our Third Annual AFCC Ontario Conference.



## AFCC ONTARIO INITIATIVES

At the AFCC, Ontario, we continue to strive to make a difference in families lives. But, we also hope that we are making a difference in your professional life. If you have any suggestions about how to improve the Chapter, we're always ready to listen. Please contact us at: [afcc.ontario@gmail.com](mailto:afcc.ontario@gmail.com).

### PLEASE HOLD DATE!!!

On Friday, October 21, 2010 the AFCCO will be holding its Third Annual General Meeting. The featured speaker will be Dr. Bruce Perry.

Information about Dr. Perry can be found at:

[http://www.childtrauma.org/images/stories/bios/perry\\_bio\\_10.pdf](http://www.childtrauma.org/images/stories/bios/perry_bio_10.pdf)

AFCC-O Conference  
October 20-21, 2011

Program outline:

#### **October 20, 2011**

Evening Reception 5:30-8:30 p.m.  
Spring Rolls (Sheppard Centre)  
4841 Yonge St., Toronto

#### **October 21, 2011**

**Sala Caboto at Villa Columbo**  
**40 Playfair Ave., Toronto**

8:00	Registration
8:30	AGM, Justice Craig Perkins, Chair
9:00	Dr Bruce Perry Principles of Brain Organization and Development
10:15	Related Health and Development
11:00	Break
11:15	Impact of Abuse, Neglect, Trauma, and Chaos
12:45	Lunch (Provided)
1:30	Implications of Policy and Programs for Front-Line Professionals
2:45	Break
3:00	Case Discussion with Dr Perry Panel of Ontario Experts: Chaired by Professor Nick Bala, Queens University, Law School

Dr Jean Wittenberg, Child Psychiatrist, HSC  
Nancy Webb, Provincial Manager of Clinical Services, Office of the Children's  
Lawyer  
Justice June Maresca, Ontario Court of Justice, Brampton

4:30

Close

### **AFCC Regional Training Conference**

*Working with High Conflict and Violent Families: A Race with No Winners*

October 27-29, 2011

Hyatt Regency Indianapolis

Indianapolis, Indiana

Conference Brochure: <http://afccnet.org/pdfs/AFCC%20Indy%20Conference%20Brochure.pdf>

Online Registration: [http://www.afccnet.org/registration\\_indy\\_training/](http://www.afccnet.org/registration_indy_training/)

Hotel Reservations:

[https://resweb.passkey.com/Resweb.do?mode=welcome\\_ei\\_new&eventID=2495488](https://resweb.passkey.com/Resweb.do?mode=welcome_ei_new&eventID=2495488)

Scholarship Application: <http://www.surveymonkey.com/s/AFCCScholarshipindianapolis>

### **AFCC 49th Annual Conference**

*Attachment, Brain Science and Children of Divorce: The ABCD's of Child Development for Family Law*

June 6-9, 2012

Hyatt Regency

Chicago, Illinois

Call for Proposals: <http://afccnet.org/pdfs/AFCC%20Chicago%20Call%20for%20Proposals.pdf>

Online Proposal Submission Form: <http://www.surveymonkey.com/s/8W8XSQ5>

[www.afccnet.org/conferences/afcc\\_conferences.asp](http://www.afccnet.org/conferences/afcc_conferences.asp)

The link will take you to the AFCC Conferences page, which has links to conference related information such as the brochure, registration, hotel reservations and the scholarship application.

## SAVE THE DATE!

***Thursday September 15, 2011 at 5:30 p.m.***

*at Barrie Courthouse – Lawyers' Lounge 75 Mulcaster Street Barrie ON*

### An Evening of Film, & Discussion of Family Law Dilemmas and Refreshments

#### **Our Program will Include:**

- Brief introduction to the AFCC Ontario Chapter by Dena Moyal & Steve Benmor AFCC Ontario Chapter
- Panelists: Dr. Peter Marshall Ph.D.(psychologist); Justice Lydia Olah (SCJ-Family Branch); Pamela Krause (Barrister & Solicitor and former Counsel to the Children's Aid Society of the County of Simcoe)
- Presentation of key issues, concepts, and practice dilemmas with regard to *CHILDREN'S EVIDENCE; PARENT-CHILD ALIENATION; TELLING THE CHILDREN ABOUT SEPARATION and DIVORCE*
- DVD presentation of popular film clips related to our topic, followed by stimulating discussion
- Membership information with regard to AFCC and AFCC Ontario

#### **As Space is Limited Please RSVP to:**

*Sonya Jain*

*Email: sonyajainlawoffice@rogers.com*

*Telephone: 705-727-1660*

*Fax: 705-739-8995*

## AFCC-O Members Involved In Many Different Initiatives



Our very own, Dr. Barbara Jo Fidler and Professor Nick Bala, were honoured to be the recipients of the AFCC's annual Meyer Elkin Essay Award on June 2, 2011 in Orlando Florida for their paper: *Children Resisting Postseparation Contact with a Parent: Concepts Controversies and Conundrums*. This lead article appeared in the Special Issue of the *Family Court Review* (Volume 48, January 2010). Barbara and Nick were the Guest Editors of this Special Issue, *Alienated Children in Divorce Separation: Emerging Approaches for Families and Courts*. They extend their utmost appreciation to all of the contributors to this important issue.

Meyer Elkin was the founder of the Los Angeles County Conciliation Court, President of AFCC in 1977 and on Chief Editor of the *Family Court Review* from 1963 until 1986.

In light of the recent family law reform movement, the words of Meyer Elkin, included in the 20<sup>th</sup> Anniversary Issue of the *Family Court Review*, are particularly apt:

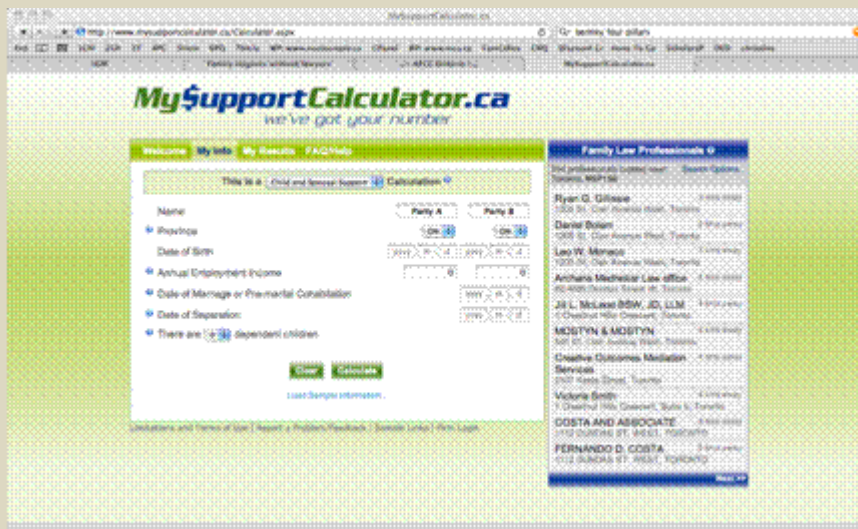
### *Cast a Pebble in the Pond*

Let all of us, in our own unique way recommit ourselves to the search for the pebbles of change that can be cast into the social pond. Let us create a divorce process that recycles divorce pain into new patterns of personal and familial growth, which, in turn, will also strengthen our entire society. Let us protect our children from the unnecessary hazards of the divorce experience so that they, like their parents, can be strengthened by divorce rather than defeated by it. And let us never forget that if the lights go out in our children's eyes, be they children of divorce or any other children, we will all live in darkness.

## Access to Justice Delivered: MySupportCalculator.ca

By Noel Semple

As AFCC members know well, increasing numbers of people are coming to family court without lawyers. Researchers are studying this phenomenon,<sup>1</sup> and the Attorney General's "Four Pillars" reforms are designed in large part to respond to it. Another innovative response is [MySupportCalculator.ca](http://www.mysupportcalculator.ca), which offers free basic spousal and child support calculations to Canadians. The family justice community is eagerly welcoming this initiative, which will provide people with personalized and accurate legal information while connecting them to family law professionals.



<sup>1</sup> E.g., see Nicholas Bala and Rachel Birnbaum, "Family Litigants without Lawyers: Study Documents Growing Challenges for the Justice System" *Lawyers Weekly* (August 05 2011), online: [Lawyers Weekly](http://www.lawyersweekly.ca/index.php?section=article&volume=31&number=12&article=2) (last accessed: 1 June 2011); Johanne O'Hanlon, Helen Sanders and Armenia Teixeira, "Unrepresented Litigants : Access to Justice or Access Undone?," Victoria, BC, July 12-15, 2010, online: [DIVORCEMATE](http://www.divorcemate.com/library/Chapter%2022%20-%20Unrepresented%20Litigants.pdf) (last accessed: 1 June 2011); Randall T. Shepard, "The Self-Represented Litigant: Implications for the Bench and Bar" (2010) 48 *Fam. Ct. Rev.* 607.

MySupportCalculator.ca is Canada's only free and accurate calculator capable of handling situations in which both child and spousal support are payable. The calculations are produced by a very basic version of DIVORCEmate Software Inc.'s Tools 2K calculation engine. DIVORCEmate is the industry leader in Canadian family law software tools, with over 3,000 customers across the country.

MySupportCalculator.ca is capable of handling only the most simple financial situations; it strongly encourages each user to consult a family law professional for further information and assistance. The website connects people with family law professionals by displaying contact information and service options for lawyers in each user's own area.

Over 800 family law professionals have already joined the directory. Listings are free for the duration of 2011, and can be created in a few minutes by visiting <http://mysupportcalculator.ca/MyProfile.aspx>. Family law professionals are very enthusiastic about this initiative. Hilary Linton of Toronto's Riverdale Mediation calls it "revolutionary" and "easy to use." Justice Harvey Brownstone, of the Ontario Court of Justice and the [Family Matters](#) TV program, says: "At last, there is a reliable, simple and accessible way for members of the public to obtain at least a ballpark estimate of their child and/or spousal support entitlement/obligation. No longer should self-represented litigants be overcome with shock when they get the figures for the first time from a judge in the courtroom."

The website is owned and operated by MySupportCalculator Ltd., a privately held corporation.

### **The Voice of The Child**



Children's  
Participation in Family



Children's  
Participation.pdf

The Children's Lawyer of Ontario, Lucy McSweeney, presented at the Ontario Association of Family Mediation in September, 2011. We attach their paper on children's participation during family breakdown.

There continues to be much debate on this topic and will continue at the Third Conference on:

The Voice of The Child, co- chaired by the Honourable Mr. Justice George Czutrin and Lucy McSweeney. Stay tuned for more information on this event at the Law Society of Upper Canada, Toronto, Ontario to be held on March 5, 2012.