

How can family law clients navigate the legal system amid the COVID-19 pandemic?

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Effective March 17, 2020, the Superior Court of Justice has suspended all regular operations.^[1] All criminal, family and civil matters scheduled to be heard on or after Tuesday March 17, 2020 have been adjourned. Lawyers and litigants with matters scheduled on or after March 17, 2020 have been advised not to attend the courthouse.

However, urgent family law matters may continue to be heard at court during the emergency period. These family law matters are limited to the following:

- a. requests for urgent relief relating to the safety of a child or parent (e.g., a restraining order, other restrictions on contact between the parties or a party and a child, or exclusive possession of the home);
- b. urgent issues that must be determined relating to the well-being of a child including essential medical decisions or issues relating to the wrongful removal or retention of a child;
- c. dire issues regarding the parties' financial circumstances including for example the need for a non-depletion order;
- d. in a child protection case, all urgent or statutorily mandated events including the initial hearing after a child has been brought to a place of safety, and any other urgent motions or hearings.^[2]

If a matter is not urgent, what other options do family law clients have to get relief?

Many people are feeling the financial pressure from COVID-19 manifesting in reduced income or pay and overall financial strain from diminishing resources or reductions in wealth. Moving a case forward towards resolution remains an important function, perhaps even more so currently. Cases should not be left to linger which often would ultimately be detrimental to all those

involved. Sensible resolution of cases preserve family assets and importantly resolve stress for clients.

All lawyers have been encouraged to do whatever they can to help parties' at this time. The *Notice to the Profession* calls upon counsel and clients to do their part: "During this temporary suspension of regular operations, the Court calls upon the cooperation of counsel and parties to engage in every effort to resolve matters."^[3] The recent court decision of *Ali v. Tariq* recognized that the Notice to the Profession has called upon counsel to do their part, and strongly urged that "counsel acting in good faith ought to be able to lead their clients to settle today".^[4]

Fortunately, lawyers have been deemed an essential service by the province of Ontario, and Blaney McMurtry is successfully continuing operations remotely.^[5] Our family law lawyers continue to negotiate between counsel, make efforts to obtain interim of final agreements, and can schedule virtual meetings, mediations and arbitrations.

Note: The information provided is based on Ontario law, and the laws of Canada applicable therein. However, it does not constitute legal advice or create a solicitor-client relationship. Readers are encouraged to consult a member of Blaney's Family Law practice group for advice specific to their circumstances. We are available by telephone and electronically during the Covid-19 crisis.

^[1] Notice to the Profession, the Public and the Media Regarding Civil and Family Proceedings dated March 15, 2020, online: <https://www.ontariocourts.ca/scj/covid-19-suspension-fam/> [*Notice to the Profession*].

^[2] Notice to the Profession, *ibid.*

^[3] *Notice to the Profession*, *supra*. note 1.

^[4] *Ali v. Tariq*, 2020 ONSC 1695, (Ont. S.C.J.) at para. 6.

^[5] *List of Essential Services*, Government of Ontario, online: <https://www.ontario.ca/page/list-essential-workplaces>

The information contained in this article is intended to provide information and comment, in a general fashion, about recent cases and related practice points of interest. The information and views expressed are not intended to provide legal advice. For specific legal advice, please contact us.