Index

ACCESS
See CUSTODY AND ACCESS

APPEALS
Court of Appeal
conferences, **§ 20:59**
costs, **§ 20:69**
orders, **§ 20:73**
practice directions, **APP 20F**
Digital Evidence, **§ 19:28**
Divisional Court (from)
Divisional Court orders, **§ 20:72**
Ontario Court of Justice (from)
Child and Family Services Act (except under), **§ 20:17, § 20:18**
factum, **§ 20:14 to § 20:16**
final orders, **§ 20:5**
motions, **§ 20:23 to § 20:25**
notice
filing, **§ 20:8**
service, **§ 20:6, § 20:7**
time, **§ 20:5**
orders appealed from, **§ 20:3**
record, **§ 20:13, § 20:15**
stays, **§ 20:27 to § 20:34**
temporary orders, **§ 20:5**
transcript, **§ 20:12**
withdrawal, **§ 20:26**
Security for costs, resisting a motion, **§ 20:72.50**
Superior Court of Justice (from)
abandoned, **§ 20:62**
amendments, **§ 20:46**
book of authorities, **§ 20:51**
certificate of evidence, **§ 20:47**
Child and Family Services Act (under), **§ 20:35 to § 20:37**
costs orders, **§ 20:35.50**
cross-appeals, **§ 20:45, § 20:55**
dismissal, **§ 20:60, § 20:61**
expedited, **§ 20:37, § 20:58**
final orders, **§ 20:40**
motions, **§ 20:63 to § 20:68**
notice, **§ 20:44**

APPEALS—Cont'd
Superior Court of Justice (from)—Cont'd
perfecting, **§ 20:50, § 20:54**
rules, **§ 20:35**
statement of facts, **§ 20:48**
stays, **§ 20:70**
temporary orders, **§ 20:41, § 20:42**

ARBITRATION
See FAMILY ARBITRATION

CHECKLISTS
Application in the Family Court Superior Court of Justice or Superior Court of Justice, **APP 4A**
Child Support, **APP 15A**
Claim to Division of Property, **APP 13A**
Cohabitation Agreements, **APP 2A**
Completing Financial Statements, **APP 9A**
Custody and Access, **APP 14A**
Marriage Contracts Checklist, **APP 2A**
Preparing Orders, **APP 8A**
Relevant Documents, **APP 16A**
Separation Agreement, **APP 2A**
Spousal (Married and Unmarried) Support, **APP 16A**

CHILDREN
Child name change, separation agreements, **§ 2:43**
Domestic contracts subject to child's best interests, **§ 2:32**
Hearing evidence of, **§ 14:43**
Recorded statements by, admissibility of, **§ 14:31**
Representation at court, **§ 19:8**

CHILD SUPPORT
Adult Children, **§ 15:10.50**
Age of majority, child over, **§ 15:16**
Child estrangement and, **§ 15:35**
Child support guidelines, **§ 15:4**
basis of, **§ 15:6**
comparison of federal and Ontario guidelines, **§ 15:5**
income for guideline purposes, **§ 15:9**

CHILD SUPPORT—Cont'd
Child support guidelines, **§ 15:4**—Cont'd
reasonableness and consent for expenses, **§ 15:7.30**
special expenses and, **§ 15:7**
table amount, **§ 15:8**
undue hardship, **§ 15:27.50**
Child support payments, **§ 2:45**
CPP benefits, **§ 15:33**
Custody
shared, **§ 14:29.10, § 15:25**
split, **§ 15:24**
Default hearings and warrants, committal, **§ 15.40**
Disabled children, **§ 15:19**
Eligibility for, **§ 15:1**
Extraordinary expenses, **§ 15:10**
private school tuition as, **§ 15:11**
"Global" support orders, **§ 16:21**
Life insurance clause in separation agreement, **§ 15:36**
Obligations
continuing obligation to provide income information, **§ 15:30**
persons who have to provide support, **§ 15:2**
spouse in place of a parent, **§ 15:23**
Passport suspension due to arrears, **§ 15:38**
Payments, **§ 2:45**
Priority of, **§ 15:29, § 16:27**
Procedure, **§ 19:20**
Reforms to child support legislation, **§ 15:3**
child support guidelines, **§ 15:4**
comparison of federal and Ontario guidelines, **§ 15:5**
consent orders, **§ 15:22**
dental insurance, **§ 15:28**
exceptions, **§ 15:20**
hardship, **§ 15:27**
income for guideline purposes, **§ 15:9**
medical insurance, **§ 15:28**
special provisions benefiting child, effect of, **§ 15:21**
spouse in place of a parent, **§ 15:23**
table amount, **§ 15:8**
basis of, **§ 15:6**
payments not subject to tax, **§ 15:12**

CHILD SUPPORT—Cont'd
Reforms to child support legislation, **§ 15:3**—Cont'd
table amount, **§ 15:8**—Cont'd
income of payee not relevant, **§ 15:13**
incomes over § 150,000, **§ 15:15**
incomes to § 150,000, **§ 15:14**
special expenses and, **§ 15:7**
Refraining motions, **§ 15:35.50**
Retroactive orders, **§ 15:32, § 15:32.50**
Right of the child, **§ 15:34**
Set off, **§ 15.39**
Special expenses, **§ 15:10**
private school tuition as, **§ 15:11**
Summer support cases, **§ 15:37**
Taxation, child support payments not subject to, **§ 15:12**
Variation of child support orders, **§ 15:31**

COHABITATION AGREEMENTS
See also DOMESTIC CONTRACTS
Generally, **§ 2:34 to § 2:35**
Children—custody and access, **§ 2:36**
Deemed to be a marriage contract, **§ 2:35**
Inapplicability of Part I: FLa, **§ 2:34**

CONFERENCES
Agreements reached, **§ 5:1**
As a first appearance, **§ 5:1**
Attendance, **§ 5:15**
confirmation of attendance, **§ 5:14**
mandatory, **§ 5:15**
Certificate of attendance, **§ 5:2**
Cohabitation agreements, **§ 2:32, § 2:33**
see also DOMESTIC CONTRACTS
Combining conferences, **§ 5:13**
conference combined with settlement or trial management conference, **§ 5:13**
Confirmation of attendance, **§ 5:16**
Costs of conferences, **§ 5:19**
Domestic contracts, see also DOMESTIC CONTRACTS
Hearing of motions
conference not the appropriate forum, **§ 5:20**
Informal hearing, **§ 5:5**
Information session, **§ 5:2**
Marriage agreements, **§ 2:37 to § 2:40**
see also DOMESTIC CONTRACTS

CONFERENCES—Cont'd
Ontario Court of Justice
conference
agreements reached, **§ 5:18**
attendance at, **§ 5:15**
combining conferences, **§ 5:13**
confirmation of attendance, **§ 5:16**
costs of conferences, **§ 5:19**
governing rule (Rule 17), **§ 5:4**
hearing of motions, **§ 5:20**
informal hearing, **§ 5:5**
person presiding over, **§ 5:9**
powers of judge, **§ 5:17**
procedure, **§ 5:11**
purposes of, **§ 5:6**
settlement meeting, conference as, **§ 5:7**
value of, **§ 5:8**
Person presiding over, **§ 5:9**
Powers of conference judge, **§ 5:17**
Procedure, **§ 5:11**
conference brief (Form 17A, 7B), **§ 5:11, § 5:12**
conference notice (Form 17), **§ 5:11**
continuing record, **§ 5:12**
copies of all supporting or relevant documents, **§ 5:12**
sufficient particulars, **§ 5:12**
Purposes of, **§ 5:6**
Separation agreements, **§ 2:41 to § 2:54**
see also DOMESTIC CONTRACTS
Settlement conference vs. Trial management conference, **§ 5:14**
Settlement meeting, case conference as, **§ 5:7**
Superior Court of Justice
Family Court
conference
agreements reached, **§ 5:18**
attendance at, **§ 5:15**
combining conferences, **§ 5:13**
conference days, **§ 5:10**
confirmation of attendance, **§ 5:16**
costs of conferences, **§ 5:19**
governing rule (Rule 17), **§ 5:4**
hearing of motions, **§ 5:20**
informal hearing, **§ 5:5**
person presiding over, **§ 5:9**
powers of judge, **§ 5:17**
procedure, **§ 5:11**

CONFERENCES—Cont'd
Superior Court of Justice—Cont'd
Family Court—Cont'd
conference—Cont'd
purposes of, **§ 5:6**
settlement meeting, conference as, **§ 5:7**
value of, **§ 5:8**
Family Division, Toronto
conference
agreements reached, **§ 5:18**
attendance at, **§ 5:15**
certificate of attendance, **§ 5:2**
combining conferences, **§ 5:13**
conference days, **§ 5:10**
confirmation of attendance, **§ 5:16**
costs of conferences, **§ 5:19**
exceptions to mandatory sessions, **§ 5:2**
governing rule (Rule 17), **§ 5:4**
hearing of motions, **§ 5:20**
informal hearing, **§ 5:5**
mandatory Family Law Information Session, **§ 5:2**
dispute resolution officers, **§ 5:3**
person presiding over, **§ 5:9**
powers of judge, **§ 5:17**
procedure, **§ 5:11**
purposes of, **§ 5:6**
settlement meeting, case conference as, **§ 5:7**
value of, **§ 5:8**
Trial management conference vs. Settlement conference, **§ 5:14**
Value of, **§ 5:7**

CONFLICT OF LAWS
Rules, **§ 19:2**

COSTS AND PREJUDGMENT INTEREST
Ability to pay costs, **§ 22:28**
Absent or unprepared party, **§ 22:17**
Against rogue litigants, **§ 22:19**
Amount of costs, **§ 22:26**
Appeal of costs orders, **§ 22:24.50**
Applicable rules
generally, **§ 22:3**
amount of costs, **§ 22:26**
appeal of costs orders, **§ 22:24.50**

COSTS AND PREJUDGMENT INTEREST—Cont'd
Applicable rules—Cont'd
costs to be decided at each step, **§ 22:23**
custody cases, **§ 22:5**
factors in costs, **§ 22:25**
successful party presumed entitled to costs, **§ 22:4**
child protection case, **§ 22:9**
divided success, **§ 22:15**
failure to accept reasonable offer, **§ 22:13**
government agency as party, **§ 22:9, § 22:10**
unreasonable behaviour of successful party, **§ 22:11**
untenable allegation of fraud, **§ 22:14**
Bad faith, **§ 22:18**
Behaviour of parties, and, **§ 22:25**
Complexity of issues, **§ 22:25, § 22:27**
Contingent liabilities, **§ 13:10**
Costs of disposition, **§ 13:10**
Custody cases, in, **§ 22:5**
Decided at each step, **§ 22:23**
Discretion of court
costs decided at each step, **§ 22:23**
costs vs. LAo, **§ 22:21**
divided success, **§ 22:15**
expenses, payment of, **§ 22:32**
factors in costs, **§ 22:25**
failure to accept reasonable offer, **§ 22:13**
fault of lawyer or agent, costs caused by, **§ 22:20**
government agency a party, **§ 22:10**
inherent jurisdiction, **§ 22:21**
interim costs, **§ 22:32**
unreasonable behaviour of successful party, **§ 22:11**
decision on reasonableness, **§ 22:12**
untenable allegation of fraud, **§ 22:14**
Emotional needy client, **§ 22:29**
Enforced as support, **§ 22:38**
Factors in costs, **§ 22:25**
applicable rule, **§ 22:25**
complexity of issues, **§ 22:25, § 22:27**
dual counsel, **§ 22:31**
expenses, **§ 22:25, § 22:32**
lawyer's rates, **§ 22:25**

COSTS AND PREJUDGMENT INTEREST—Cont'd
Factors in costs, **§ 22:25**—Cont'd
party behaviour, **§ 22:25**
time properly spent on case, **§ 22:25**
Fault of lawyer or agent, **§ 22:20**
Lawyer's fees
administrative tasks, and, **§ 22:30**
discretion of court to award expenses, **§ 22:32**
emotional needy client, and, **§ 22:29**
expenses, **§ 22:32**
factor in costs determination, **§ 22:25**
Legal aid, effect of, **§ 22:7**
Litigation guardian, **§ 22:6**
prejudgment interest, **§ 22:40**
Principles for awarding costs
generally, **§ 22:1**
absent or unprepared party, **§ 22:17**
amount of costs, **§ 22:26**
bad faith, **§ 22:18**
child protection case, no presumption in, **§ 22:9**
factors in costs, **§ 22:25**
government agency as party, no presumption, **§ 22:9**
successful party presumed entitled to costs, **§ 22:4**
exceptions
bad faith, **§ 22:18**
child protection case, **§ 22:9**
divided success, **§ 22:15**
failure to accept reasonable offer, **§ 22:13**
government agency as party, **§ 22:9, § 22:10**
unreasonable behaviour of successful party, **§ 22:11**
untenable allegation of fraud, **§ 22:14**
Sample cost submissions, **§ 22:39**
Section 130(2) of Courts of Justice Act, **§ 22:41**
Security for costs
amount of security, **§ 22:33**
effect of, **§ 22:35**
failure to give security, **§ 22:36**
form of security, **§ 22:34**
may be changed, **§ 22:34**
order, **§ 22:33**
Resisting a motion, **§ 20:72.50**

COSTS AND PREJUDGMENT INTEREST—Cont'd
Self-represented litigants, **§ 22:8**
Successful party
costs against
bad faith, **§ 22:18**
exceptions to presumption
child protection case, **§ 22:9**
divided success, **§ 22:15**
considering tax deductibility of legal fees, **§ 22:16**
failure to accept reasonable offer, **§ 22:12**
government agency as party, **§ 22:9, § 22:10**
untenable allegation of fraud, **§ 22:14**
presumption of entitlement to costs, **§ 22:4**
unreasonable behaviour, **§ 22:11**
Unreasonable behaviour of successful party, **§ 22:11**
decision on reasonableness, **§ 22:12**

DISCLOSURE OBLIGATIONS
Generally, **§ 10:20**
Third party, **§ 10:21**

DISCOVERY
Business records, **§ 19:34, § 19:61**
Completion of, **§ 19:33**
Documents, **§ 19:27**
Examination for, **§ 19:30**
Other forms, **§ 19:21**
Requests to admit, **§ 19:31**

DIVORCE, UNCONTESTED
Adultery
generally, **§ 17:10**
as evidence of marriage breakdown, **§ 17:7**
justification for proceeding on ground of marriage breakdown by reason of, **§ 17:10**
Application for divorce
allegations and proof, **§ 17:16**
financial statements required, **§ 17:17**
exception to where required, **§ 17:17**
ground for divorce
generally, **§ 17:7**
evidence of marriage breakdown, **§ 17:7**

DIVORCE, UNCONTESTED—Cont'd
Application for divorce—Cont'd
may issue before period of separation matures, **§ 17:8**
proving marriage
generally, **§ 17:14**
proving marriage without certificate, **§ 17:15**
service of application, **§ 17:18**
Bars to divorce
generally, **§ 17:5**
collusion an absolute bar, **§ 17:5**
condonation, **§ 17:5**
Central Divorce Registry, Ottawa
generally, **§ 17:12**
certificate respecting prior pending proceedings, **§ 17:13**
Cohabitation, resumption of, **§ 17:9**
Collusion, **§ 17:5**
Condonation, **§ 17:5**
Corollary matters, **§ 17:3**
claims dependant on divorce being granted, **§ 17:3**
Cruelty
as evidence of marriage breakdown, **§ 17:7**
justification for proceeding on ground of marriage breakdown by reason of cruelty, **§ 17:10**
Divorce order
date of divorce order, **§ 17:19**
effective date, **§ 17:19**
Facilitating proceeding, **§ 17:4**
Financial statements
exception to where required, **§ 17:18**
required, **§ 17:17**
Ground for divorce
generally, **§ 17:7**
separation of at least one year, **§ 17:7**
three ways to show marriage breakdown, **§ 17:7**
Jurisdiction of court, **§ 17:11**
Marriage certificate
proving marriage without certificate, **§ 17:15**
required to obtain divorce, **§ 17:14**
Mediation, **§ 17:3**
Negotiation, **§ 17:3**
"No fault," **§ 17:7**
prior to 1968, **§ 17:7**

DIVORCE, UNCONTESTED—Cont'd
Non-adversarial approach, **§ 17:3**
joint application (Form 8A), **§ 17:3**
Place of trial, **§ 17:17**
Reconciliation
lawyer to advise about, **§ 17:2**
provisions of Divorce Act, and, **§ 17:2**
resumption of cohabitation for purposes of reconciliation, **§ 17:9**
Rules governing, **§ 17:1**
Separation agreements, **§ 2:41 to § 2:54**
see also DOMESTIC CONTRACTS
Separation of at least one year
before period of separation matures, application may issue, **§ 17:8**
cannot be shortened, **§ 17:10**
evidence of marriage breakdown, **§ 17:7**
resumption of cohabitation, **§ 17:9**
Streamlined procedure, **§ 17:6**

DOCUMENT DISCLOSURE
Obligation to keep information confidential
generally, **§ 10:16**
adverse inferences, **§ 9A.16.2**
deemed undertaking rule, **§ 10:17**
Setting aside agreements/issues, **§ 10:22**

DOMESTIC CONTRACTS
Generally, **§ 2:10 to § 2:31.90**
acceptance of, **§ 2:11**
addressing vulnerabilities in negotiating process, **§ 2:29.50**
amendments, **§ 2:24**
capacity, **§ 2:15**
complete agreement, **§ 2:27**
consideration, **§ 2:22**
counterparts and related contracts doctrine, **§ 2:18.70**
date, **§ 2:30**
definitions, **§ 2:20**
duress as grounds for setting aside, **§ 2:31.60**
essential formalities, **§ 2:18, § 2:31.50**
financial disclosure, **§ 2:23**
governing law, **§ 2:28**
independent legal advice, **§ 2:29**
introduction, **§ 2:10**
joint preparation, **§ 2:26**

DOMESTIC CONTRACTS—Cont'd
Generally, **§ 2:10 to § 2:31.90**—Cont'd
judicial relaxation of s.55(1) of Family Law Act, **§ 2:18.50**
legislated limitations, **§ 2:19**
parties to, **§ 2:12**
setting aside, **§ 2:13, § 2:31**
settlement, contract law principles, **§ 2:31.70**
settlement, further agreement contemplated, **§ 2:31.90**
subject matter, **§ 2:17**
survive separation, divorce, death, **§ 2:25**
Drafting rules
generally, **§ 2:2 to § 2:9**
arrangement, **§ 2:8**
division naming, **§ 2:2**
headings, **§ 2:4**
internal reference to sections, **§ 2:5**
lettering pattern, **§ 2:3**
numbering pattern, **§ 2:3**
rights relating to matrimonial home, **§ 2:7**
stating the obvious, **§ 2:9**
subdividing sentences, **§ 2:7**
understandable English, **§ 2:6**
Specific considerations
cohabitation agreements
generally, **§ 2:34 to § 2:36**
children—custody and access, **§ 2:36**
deemed to be a marriage contract, **§ 2:35**
inapplicability of Part I: FLa, **§ 2:34**
domestic contracts
generally, **§ 2:32, § 2:33**
Canada Pension Plan Credits, **§ 2:33**
subject to child's best interests, **§ 2:32**
marriage contracts
generally, **§ 2:37 to § 2:40**
contracting out of Part I: FLa, **§ 2:37**
custody and access, **§ 2:39**
matrimonial home, **§ 2:38**
spousal support, **§ 2:40**
Separation agreements
generally, **§ 2:41 to § 2:53**
barriers to remarriage, **§ 2:42**
child support payments, **§ 2:45**
cohabitating, **§ 2:41**

DOMESTIC CONTRACTS—Cont'd
Specific considerations—Cont'd
Separation agreements—Cont'd
life insurance, **§ 2:52**
mobility of custodial parent, **§ 2:44**
name change of child, **§ 2:43**
reconciliation, **§ 2:54**
remarrying, **§ 2:41**
resumption of cohabitation subsequent to separation agreement, **§ 2:53**
spousal support, importance of characterization, **§ 2:48**
spousal support, indexing, **§ 2:51**
spousal support, prior payments, **§ 2:49**
spousal support lump sum payments, **§ 2:47**
spousal support payments, **§ 2:46**
support payments to third parties, **§ 2:50**

DRAFTING DOMESTIC CONTRACTS
See also DOMESTIC CONTRACTS
Generally, **§ 2:2 to § 2:9**
Arrangement, **§ 2:8**
Division naming, **§ 2:2**
Headings, **§ 2:4**
Internal reference to sections, **§ 2:5**
Lettering pattern, **§ 2:3**
Numbering pattern, **§ 2:3**
Rights relating to matrimonial home, **§ 2:7**
Stating the obvious, **§ 2:9**
Subdividing sentences, **§ 2:7**
Understandable English, **§ 2:6**

DUTY OF SOLICITORS
Duty to act in best interest of child
generally, **§ 1:2**
Children's Lawyer, separate representation for child, **§ 1:2**
determine client's role with children during marriage, **§ 14:5**
Duty to court and other solicitors
generally, **§ 1:3**
administration of justice, not to bring into disrepute, **§ 1:3**
Duty to make full and fair disclosure
generally, **§ 1:4**
lawyer not to assist client in perpetrating fraud on the court, **§ 1:4**

DUTY OF SOLICITORS—Cont'd
Duty to make full and fair disclosure —Cont'd
Rules of Civil Procedure, Rule 30.02(1), **§ 1:4**
Providing advice
collaborative process option, **§ 1:1**
dispute resolution options, **§ 1:8**
independent legal advice, **§ 2:29**
lawyer to explain fees and disbursements, **§ 1:1**
lawyer to explain litigation procedure, **§ 1:1**
legal advice, **§ 1:8**
mediation, suggest in custody and access disputes, **§ 14:24**
reconciliation option in divorce proceedings, **§ 17:2**

ENFORCEMENT OF DISCLOSURE OBLIGATIONS
Generally, **§ 10:20**
Third party, **§ 10:21**

EVIDENCE
Children, Hearing of, **§ 14:43**
Illegally obtained evidence, **§ 19:29**
Transcript, appeal, **§ 20:12**

EXTRAORDINARY REMEDIES AND RELIEF
Appointment and role of receiver, **§ 24:5**
Damages for improvident sale, **§ 24:4**
Damages for pain and suffering, **§ 24:1**
Harassment, damages for, **§ 24:1**
Limitation periods, **§ 24:3**
Vexatious litigants, **§ 24:2**

FAMILY ARBITRATION
Agreement
conditions for enforceability, **§ 23:7, § 23:14**
standard provisions, **§ 23:10**
status of, **§ 23:16**
timing of, **§ 23:6**
Appeal
awards, from, **§ 23:24**
challenging result, **§ 23:24.50**
time for, **§ 23:27**
Arbitrators
challenge of, **§ 23:29**
qualifications, **§ 23:28**

FAMILY ARBITRATION—Cont'd
Arbitrators—Cont'd
removal of, **§ 23:30**
report, **§ 23:32**
Attorney General, Ministry of, **§ 23:2**
Awards
additional, **§ 23:26**
appeals from, **§ 23:24**
corrections, **§ 23:26**
enforcing, **§ 23:19**
legislation governing enforceability, **§ 23:13**
setting aside, **§ 23:19, § 23:25, § 23:27**
Conduct of, **§ 23:17**
Court
intervention by, **§ 23:17.50, § 23:33**
staying action, **§ 23:34**
Court order
generally, **§ 23:21**
pending proceeding, in, **§ 23:22**
sanctions for breach, **§ 8:12**
Definition of, **§ 23:3**
Enforceability, conditions for, **§ 23:7, § 23:14**
Enforcement
application, by, **§ 23:20**
motion, by, **§ 23:20**
Equity and fairness, required under Arbitration Act, **§ 23:38**
Fundamentals of pursuing, **§ 23:37**
Kinds of, **§ 23:1**
Mediation-arbitration
agreement, standard provisions of, **§ 23:11**
defined, **§ 23:4**
presentation of case, **§ 23:9**
Quashing a summons to give evidence at, **§ 23:18**
Records of, **§ 23:31**
Remedies, unusual, **§ 23:23**
Resisting a summons to give evidence at, **§ 23:18**
Screening, **§ 23:8**
Secondary arbitration
agreement, standard provisions of, **§ 23:12**
defined, **§ 23:5**
exemption for, **§ 23:15**
Understanding, full, **§ 23:35**

FAMILY VIOLENCE
Generally, **§ 14:49.50**
Circumstances of the child, **§ 14:49.50**
Definition, **§ 14:49.50**
Divorce Act, **§ 14:49.50**

FINANCIAL STATEMENT, PREPARING
Child support proceedings, additional documents in, **§ 9:17**
Courts with family law jurisdiction
generally, **§ 9:9**
compliance with court orders, **§ 11:4**
proceedings in the Ontario Court of Justice
court has no jurisdiction over property matters, **§ 9:9**
motion to change a final support order or support agreement, **§ 9:11**
motion to change temporary support order, **§ 9:10**
proceedings in the Superior Court of Justice
generally, **§ 9:9**
property claims, **§ 9:9, § 13:31**
proceedings in the Superior Court of Justice Family Court
generally, **§ 9:9**
motion to change a final support order or support agreement, **§ 9:11**
motion to change temporary support order, **§ 9:10**
property claims, **§ 9:9**
Custody cases, discretion to order financial statements in, **§ 9:4**
Discretion to order financial statements
in custody cases, **§ 9:4**
in family arbitration, **§ 9:6**
Documents to be delivered with financial statements, **§ 9:8**
exception, **§ 9:8**
Domestic contracts, **§ 2:23**
Exception to necessity of financial statements, **§ 9:5**
Financial disclosure, **§ 11:1 to § 11:3**
Mandatory filing of financial statement
even where respondent not defending, **§ 9:7**
where filing pleading, **§ 9:3**

FINANCIAL STATEMENT, PREPARING—Cont'd
Order, failure to obey, **§ 10:13**
Particulars, **§ 9:13**
Pleading, cannot be filed without financial statement, **§ 9:3**
Questioning party on financial statement generally, **§ 9:15**
leave or consent of parties required, **§ 9:15**
Rules applicable, **§ 9:1**
Sanctions, **§ 9:14**
Updating, **§ 9:16**
Waiver of financial statements, **§ 9:12**
When statement required to be filed, **§ 9:2**

FORMS
Affidavit, Family Law Rules, **APP 6A**
Affidavit for Divorce, **APP 17A**
Appellant's Certificate Respecting Evidence, Rules of Civil Procedure, **APP 20I**
Application (Divorce), **APP 17A**
Case Conference Brief for Protection Application or Status Review, Family Law Rules, **APP 5A**
Case Conference Brief-General, Family Law Rules, **APP 5A**
Case Conference Notice, Family Law Rules, **APP 5A**
Certificate of Completeness of Appeal Book and Compendium, Rules of Civil Procedure, **APP 20K**
Certificate of Divorce, **APP 17A**
Certificate of Financial Disclosure, **APP 9B**
Certificate of Stay, Rules of Civil Procedure, **APP 20E**
Change Information Form (motion to change child support), **APP 6A**
Confirmation, Family Law Rules, **APP 6A**
Consent (motion to change child support), **APP 6A**
Dispute of Request for Enforcement, **APP 23B**
Divorce Order (Family Court or Ontario Court), **APP 17A**
Financial Statement (Family Court or Ontario Court), **APP 9B**

FORMS—Cont'd
General Heading in Proceedings in Appellate Courts, Rules of Civil Procedure, **APP 20G**
Motion Form, Family Law Rules, **APP 6A; APP 20C**
Net Family Property Statement (Family Court or Ontario Court), **APP 9B**
Notice Disputing Approval of Order, (Family Court or Ontario Court), **APP 8B**
Notice of Abandonment of Appeal or Cross-Appeal, Rules of Civil Procedure, **APP 20L**
Notice of Appeal, Family Law Rules, **APP 20B**
Notice of Appeal to an Appellate Court, Rules of Civil Procedure, **APP 20J**
Notice of Election to Proceed With Cross-Appeal, Rules of Civil Procedure, **APP 20M**
Notice of Motion, Family Law Rules, **APP 6A**
Notice of Withdrawal, Family Law Rules, **APP 20D**
Order (General), **APP 8B**
Order (Uncontested Trial), (Family Court or Ontario Court), **APP 8B**
Order on Motion without Notice, Family Law Rules, **APP 6A**
Order Terminating Restraining Order, **APP 8B**
Request to Enforce a Family Arbitration Award, **APP 23B**
Restraining Order, **APP 8B**
Restraining Order on Motion Without Notice, **APP 8B**
Supplementary Notice of Appeal or Cross-Appeal, Rules of Civil Procedure, **APP 20H**

FORUM, DETERMINING
Determining forum
child protection proceedings
generally, **§ 3:38**
child support proceedings, **§ 3:31**
commencement of proceedings, **§ 3:32**
variation of support in divorce judgment, commencement, **§ 3:33**

FORUM, DETERMINING—Cont'd
Determining forum—Cont'd
child protection proceedings—Cont'd
custody and access, **§ 3:35**
commencement of proceedings, **§ 3:23, § 3:36**
variation of, commencement, **§ 3:37**
divorce, **§ 3:22**
municipalities, transferring, **§ 3:71**
property matters, **§ 3:24**
commencement of proceedings, **§ 3:25**
relief sought, **§ 3:19**
spousal support
generally, **§ 3:26**
commencement of proceedings, **§ 3:27**
variation, commencement of proceedings
child support, **§ 3:33**
custody and access, **§ 3:37**
spousal support, **§ 3:30**
variation of support order, commencement, **§ 3:30**
Rules governing choice of, **§ 3:2**

INCOME, DETERMINING
Generally, **§ 12:1**
Adjustments
additions to total income, **§ 12:5**
deductions from total income, **§ 12:5**
fairness, based on, **§ 12:19**
where not necessary, **§ 12:6**
Annual income, **§ 12:2**
Balance sheet, **§ 12:12**
Business financial statements, **§ 12:10**
Capital gains, **§ 12:24**
Corporate pretax income, **§ 12:29**
Current rather, historical income, **§ 12:27**
Disclosure, insufficient, **§ 12:7**
Documents to be produced, **§ 12:20**
Financial disclosure, domestic contracts, **§ 2:23**
Gifts, no imputation of, **§ 12:28**
Gifts, recurring, **§ 12:4.50**
Gifts as income, **§ 12:4.70**
Gross up for financial gains or dividends, **§ 12:9.50**
Imputing income
generally, **§ 12:14**

INCOME, DETERMINING—Cont'd
Imputing income—Cont'd
business expenses, **§ 12:15**
income splitting, **§ 12:16**
lack of financial disclosure, **§ 12:17**
not appropriate, **§ 12:18**
pre-tax income, **§ 12:15**
retained earnings, **§ 12:15**
Income statement, **§ 12:11**
Non-recurring income, **§ 12:25**
Other income, **§ 12:24**
Pattern of income, **§ 12:4**
Self employed, **§ 12:23**
Severance payout, treatment of, **§ 12:26**
Sources of, **§ 12:3**
Statement of changes in financial position, **§ 12:13**
Treatment of stock options in the calculation of NFP, **§ 12:21**
Updating law on sale of matrimonial home, **§ 12:22**

INSPECTION OF PROPERTY
Generally, **§ 19:26**

JURISDICTION
Generally, **§ 3:1, § 3:39, § 3:80**
Appellate Courts
generally, **§ 3:18**
Court
determining court
generally, **§ 3:19, § 3:55**
child support, **§ 3:31**
custody and access, **§ 3:35**
divorce, **§ 3:63**
property matters, **§ 3:24**
relief sought, **§ 3:19**
spousal support
generally, **§ 3:26**
commencement of proceedings, **§ 3:27**
where divorce order silent as to support, **§ 3:29**
Extra-provincial orders
enforcement of, **§ 3:62**
recognition of, **§ 3:62**
variation of, **§ 3:62**
Foreign divorce, **§ 3:81**
Forum
determining forum
generally, **§ 3:22, § 3:55**

JURISDICTION—Cont'd
Forum—Cont'd
determining forum—Cont'd
child protection proceedings, **§ 3:38**
divorce and corollary relief, **§ 3:22**
Motions, place of hearing, **§ 3:46, § 3:59**
enforcement proceedings, **§ 3:47, § 3:60**
spousal support claim after divorce granted
corollary relief claim by motion, **§ 3:29**
new claim, **§ 3:30**
variation of claim, **§ 3:30**
Ontario Court of Justice
generally, **§ 3:13**
composition of the court, **§ 3:16**
enforcement in Ontario Superior Court, **§ 3:15**
enforcement proceedings, **§ 3:73**
filing fees, **§ 3:17**
jurisdiction, scope of, **§ 3:14, § 3:55, § 3:68**
spousal support, **§ 3:26, § 3:27**
restricted jurisdiction over, **§ 3:28**
subject jurisdiction
custody and access, **§ 3:75**
divorce, **§ 3:76**
property, **§ 3:77**
territorial jurisdiction
child protection, **§ 3:79**
support, **§ 3:78**
where no Superior Court of Justice Family Court, **§ 3:55**
motions, **§ 3:72**
rules of procedure, **§ 3:2**
service abroad, **§ 3:20, § 3:21**
spousal support and, **§ 3:28**
territorial considerations
support, **§ 3:53**
transfer from, **§ 3:70**
transfer to, **§ 3:69**
trials, **§ 3:74**
Proceedings
child protection, **§ 3:38**
commencement of proceedings, **§ 3:32**
new claim, **§ 3:34**
territorial considerations, child support, **§ 3:66, § 3:67**

JURISDICTION—Cont'd
Proceedings—Cont'd
child protection, **§ 3:38**—Cont'd
variation of, **§ 3:33, § 3:34**
commencement of proceedings
child support, **§ 3:32**
custody and access, **§ 3:36**
divorce, **§ 3:23**
property matters, **§ 3:25**
spousal support, **§ 3:27**
variation, **§ 3:37**
custody and access
commencement of proceedings, **§ 3:36**
determining court, **§ 3:35**
variation of, **§ 3:37**
divorce, **§ 3:63**
enforcement proceedings
in Ontario Court of Justice, **§ 3:73**
property, **§ 3:64**
spousal support
commencement of proceedings, **§ 3:27**
determining court, **§ 3:26**
new claim, **§ 3:30**
restricted jurisdiction of the Ontario Court of Justice, **§ 3:28**
territorial considerations, **§ 3:65**
variation of support order, **§ 3:30**
variation proceedings
child support, **§ 3:33**
custody and access, **§ 3:37**
extra-provincial orders, **§ 3:62**
spousal support, **§ 3:30**
Rules of Procedure, **§ 3:2**
Superior Court of Justice
generally, **§ 3:4, § 3:40**
composition of court, **§ 3:6**
Family Court
generally, **§ 3:9, § 3:40**
composition, **§ 3:11**
filing fees, **§ 3:12**
scope of jurisdiction, **§ 3:10, § 3:40**
exclusive jurisdiction for enumerated causes of action, **§ 3:41**
hearing outside the Superior Court of Justice Family Court, **§ 3:48**

JURISDICTION—Cont'd
Superior Court of Justice—Cont'd
Family Court—Cont'd
scope of jurisdiction, **§ 3:10, § 3:40**
—Cont'd
leave to hear related but not enumerated proceedings, **§ 3:42**
one party resident in municipality, **§ 3:43**
territorial considerations
divorce, **§ 3:51, § 3:63**
property, **§ 3:52**
support, **§ 3:53**
filing fees, **§ 3:7**
jurisdiction over subject matter, **§ 3:5, § 3:55, § 3:56**
where no Superior Court of Justice Family Court, **§ 3:55**
rules of procedure, **§ 3:2**
territorial considerations
custody and access, **§ 3:6**
divorce, **§ 3:51, § 3:63**
property, **§ 3:52**
support, **§ 3:53, § 3:64**
transfer from, **§ 3:58**
transfer to, **§ 3:57**
Superior Court of Justice Family Court
generally, **§ 3:9, § 3:40**
composition, **§ 3:11**
filing fees, **§ 3:12**
scope of jurisdiction, **§ 3:10, § 3:40**
exclusive jurisdiction for enumerated causes of action, **§ 3:41**
hearing outside the Superior Court of Justice Family Court, **§ 3:48**
leave to hear related but not enumerated proceedings, **§ 3:42**
one party resident in municipality, **§ 3:43**
territorial considerations
divorce, **§ 3:51, § 3:63**
property, **§ 3:52, § 3:64**
support, **§ 3:53**
Territorial jurisdiction
generally, **§ 3:4, § 3:39, § 3:55**
child protection, **§ 3:54, § 3:67**
child support, **§ 3:66**
custody and access, **§ 3:50**
determining court, **§ 3:55**
divorce, **§ 3:51, § 3:63**

JURISDICTION—Cont'd
Territorial jurisdiction—Cont'd
extra-provincial orders, **§ 3:62**
Ontario Court of Justice
scope of jurisdiction, **§ 3:14, § 3:55, § 3:68**
child protection, **§ 3:79**
spousal support, restricted jurisdiction over, **§ 3:28**
support, **§ 3:78**
transfer from, **§ 3:70**
transfer to, **§ 3:69**
property, **§ 3:52, § 3:64**
Superior Court of Justice
jurisdiction over subject matter, **§ 3:5, § 3:55, § 3:56**
transfer from, **§ 3:58**
transfer to, **§ 3:57**
Superior Court of Justice Family Court
generally, **§ 3:40**
scope of jurisdiction, **§ 3:10, § 3:40**
exclusive jurisdiction for enumerated causes of action, **§ 3:41**
hearing outside the Superior Court of Justice Family Court, **§ 3:48**
leave to hear related but not enumerated proceedings, **§ 3:42**
one party resident in municipality, **§ 3:43**
support, **§ 3:53, § 3:65**
spousal support claim made after a divorce has been granted, **§ 3:29, § 3:30**
Trial, place of hearing, **§ 3:49, § 3:61**

MARRIAGE ACT
Generally, **§ 26:1**

MARRIAGE AGREEMENTS
See also DOMESTIC CONTRACTS
Generally, **§ 2:37 to § 2:40**
Contracting out of Part I: FLa, **§ 2:37**
Custody and access, **§ 2:39**
Matrimonial home, **§ 2:38**
Spousal support, **§ 2:40**

MOTIONS
Case management judge may hear, **§ 6:13**

MOTIONS—Cont'd
Change a final order or agreement, Motions for, **§ 6:3**
access to listed documents, **§ 21:38**
affidavit instead of change information form, **§ 21:19**
affidavit instead of response to motion form, **§ 21:24**
agreements with provisions relating to children, **§ 21:3**
agreement that has been filed, **§ 21:8**
application by way of motion, **§ 21:12**
application of rule, **§ 21:2**
assignee may become party, **§ 21:28**
attachments to change information form, **§ 21:18**
change information form, **§ 21:17**
change not in accordance with child support, **§ 21:35**
changes to be made recognized by the motion form, **§ 21:16**
conference prior to hearing, **§ 6:3**
consent after response filed, **§ 21:34**
consent to motion, **§ 21:31**
contents of notice of motion, **§ 6:7**
filing agreement to permit change, **§ 21:1**
grounds for change
a. child support order or agreement, **§ 21:4**
b. custody order or agreement, **§ 21:7**
c. spousal support order, **§ 21:5**
limitation on applications for variation, **§ 21:10**
meaning of "change in circumstances" relative to a support order, **§ 21:6**
motion is a new case to be made where case is started, **§ 21:13**
motion to change is not motion to set aside, **§ 21:11**
motion to change on consent, **§ 21:33**
motion to change on consent for child support only, **§ 21:32**
no response or consent, or response struck out, **§ 21:30**
order incorporating terms of agreement, **§ 21:8**
order that was judicially determined, **§ 21:9**

MOTIONS—Cont'd
Change a final order or agreement, Motions for, **§ 6:3**—Cont'd
powers of court to give directions, **§ 21:37**
powers of court where motion on consent or unopposed, **§ 21:36**
requirements for affidavit, **§ 21:20**
response where party does not consent to motion, **§ 21:23**
response where there is consent to motion, **§ 21:25**
rules governing (Rules 14 and 15), **§ 6:3**
sanctions if assignee not served, **§ 21:29**
service on assignee required, **§ 21:27**
special service, **§ 21:22**
temporary order, **§ 21:14**
time for making response, **§ 21:26**
typical motions, **§ 6:8**
when financial statements are required, **§ 21:21**
who may make a motion, **§ 6:10**
Confirmation form, **§ 6:26**
Consent adjournment, **§ 6:27**
Continuing record, contents of, **§ 6:15**
Costs, **§ 6:25**
Definition of, **§ 6:6**
Evidence on a motion, **§ 6:23**
preconditions to questioning, **§ 6:24**
Expert reports, use on interim motions, **§ 6:31**
Hearing of motion
form of hearing, **§ 6:21**
Kinds of motions
procedural requirements, **§ 6:3**
two kinds
for temporary orders, **§ 6:3**
conference prior to hearing, **§ 6:3, § 6:4**
exceptions to conference prior to hearing, **§ 6:5**
contents of notice of motion, **§ 6:7**
rule governing (Rule 14), **§ 6:3**
typical motions, **§ 6:8**
who may make a motion, **§ 6:10**
to change a final order or agreement, **§ 6:3**
conference prior to hearing, **§ 6:3**
contents of notice of motion, **§ 6:7**

MOTIONS—Cont'd
Kinds of motions—Cont'd
two kinds—Cont'd
to change a final order or agreement, **§ 6:3**—Cont'd
rules governing (Rules 14 and 15), **§ 6:3**
typical motions, **§ 6:8**
who may make a motion, **§ 6:10**
Motions in Toronto, **§ 6:29**
factums, **§ 6:29**
Mandatory Information Program, **§ 6:29**
certificate of attendance, **§ 6:29**
motions list, **§ 6:29**
Motions without notice
generally, **§ 6:16**
where heard, **§ 6:17**
Notice of motion
contents of, **§ 6:7**
minimum notice period, **§ 6:19**
service, **§ 6:20**
Ontario Court of Justice
motions heard in
confirmation form, **§ 6:26**
consent adjournment, **§ 6:27**
continuing record, contents of, **§ 6:15**
costs, **§ 6:25**
evidence on a motion, **§ 6:23**
preconditions to questioning, **§ 6:24**
hearing day, **§ 6:12**
hearing of motions, **§ 6:14**
form of hearing, **§ 6:21**
no gown, **§ 6:14**
motions without notice, **§ 6:17**
where heard, **§ 6:17**
notice of motion
contents of, **§ 6:7**
minimum notice period, **§ 6:19**
service, **§ 6:20**
order made without notice
service of, **§ 6:18**
procedural, uncomplicated or unopposed matters (14B Motion), **§ 6:28**
relief, **§ 6:22**
Right to impartial hearing, **§ 6:30**

MOTIONS—Cont'd
Ontario Court of Justice—Cont'd
rules applicable to motions, **§ 6:1**
pre-July 2004, **§ 6:1**
types of, **§ 6:8**
where heard, **§ 6:11**
exception, **§ 6:11**
who may make, **§ 6:10**
Order made without notice
Form 14d, **§ 6:18**
service of, **§ 6:18**
Procedural, uncomplicated or unopposed matters (14B Motion), **§ 6:28**
Relief, **§ 6:22**
Rules applicable to motions
generally, **§ 6:1**
governing motions for temporary orders (Rule 14), **§ 6:3**
governing motions to change a final order or agreement (Rules 14 and 15), **§ 6:3**
procedural, uncomplicated or unopposed matters (14B Motion), **§ 6:28**
Summary judgment in family law, **§ 6:9**
Superior Court of Justice
motions heard in
confirmation form, **§ 6:26**
consent adjournment, **§ 6:27**
continuing record, contents of, **§ 6:15**
costs, **§ 6:25**
evidence on a motion, **§ 6:23**
preconditions to questioning, **§ 6:24**
hearing day, **§ 6:12**
hearing of motions, **§ 6:14**
form of hearing, **§ 6:21**
gown, **§ 6:14**
motions without notice, **§ 6:17**
where heard, **§ 6:17**
notice of motion
contents of, **§ 6:7**
minimum notice period, **§ 6:19**
service, **§ 6:20**
order made without notice
service of, **§ 6:18**
procedural, uncomplicated or unopposed matters (14B Motion), **§ 6:28**
relief, **§ 6:22**

MOTIONS—Cont'd
Superior Court of Justice—Cont'd
motions heard in—Cont'd
rules applicable to motions, **§ 6:1**
pre-July 2004, **§ 6:1**
transition provision, **§ 6:2**
types of, **§ 6:8**
where heard, **§ 6:11**
exception, **§ 6:11**
who may make, **§ 6:10**
Toronto, **§ 6:29**
factums, **§ 6:29**
Mandatory Information Program, **§ 6:29**
certificate of attendance, **§ 6:29**
motions list, **§ 6:29**
Superior Court of Justice Family Court
motions heard in
confirmation form, **§ 6:26**
consent adjournment, **§ 6:27**
continuing record, contents of, **§ 6:15**
costs, **§ 6:25**
evidence on a motion, **§ 6:23**
preconditions to questioning, **§ 6:24**
hearing day, **§ 6:12**
hearing of motions, **§ 6:14**
form of hearing, **§ 6:21**
gown, **§ 6:14**
motions without notice, **§ 6:17**
where heard, **§ 6:17**
notice of motion
contents of, **§ 6:7**
minimum notice period, **§ 6:19**
service, **§ 6:20**
order made without notice
service of, **§ 6:18**
procedural, uncomplicated or unopposed matters (14B Motion), **§ 6:28**
relief, **§ 6:22**
rules applicable to motions, **§ 6:1**
pre-July 2004, **§ 6:1**
types of, **§ 6:8**
where heard, **§ 6:11**
exception, **§ 6:11**
who may make, **§ 6:10**
Toronto, **§ 6:29**
factums, **§ 6:29**

MOTIONS—Cont'd
Superior Court of Justice Family Court—Cont'd
Toronto, **§ 6:29**—Cont'd
Mandatory Information Program, **§ 6:29**
certificate of attendance, **§ 6:29**
motions list, **§ 6:29**
Temporary orders, motions for, **§ 6:3**
conference prior to hearing, **§ 6:3, § 6:4**
exceptions, **§ 6:5**
procedural requirements, **§ 6:3**
rule governing (Rule 14), **§ 6:3**
Toronto
motions in, **§ 6:29**
factums, **§ 6:29**
Mandatory Information Program, **§ 6:29**
certificate of attendance, **§ 6:29**
motions list, **§ 6:29**
Types of motions, **§ 6:8**

NOTICE
Filing, **§ 20:8**
Service of, **§ 20:6, § 20:7, § 20:44**

OFFERS TO SETTLE
Acceptance of, **§ 7:13**
Claims
non-monetary, **§ 7:6**
some or all of the claims, offer may apply to, **§ 7:7**
Common law rule reversed, **§ 7:12**
Confidentiality, **§ 7:16**
Cost consequences
conditions for, **§ 7:2**
party may ask court for costs, **§ 7:14**
where excessive costs incurred by lawyer or agent, **§ 7:17**
where successful party behaves unreasonably, **§ 7:17**
Discretion of court
regarding excessive costs incurred by lawyer or agent, **§ 7:17**
regarding unreasonable behaviour of successful party, **§ 7:17**
to award costs, **§ 7:14**
Dismissing claims, limit of offer, **§ 7:8**
Incentive to settle, **§ 7:1**
In writing, offer must be, **§ 7:5**
Motion for judgment, **§ 7:15**

OFFERS TO SETTLE—Cont'd
Offers to settle versus invitations to capitulate, **§ 7:18**
Oral offer insufficient, **§ 7:5**
Rules governing
generally, **§ 7:1, § 7:2**
also apply to non-monetary claims, **§ 7:6**
common law rule reversed, **§ 7:12**
duration of offer, **§ 7:11**
failure to comply with terms of accepted offer, **§ 7:15**
motion for judgment, **§ 7:15**
time limited offer, **§ 7:9**
when offer may be made, **§ 7:4**
where excessive costs incurred by lawyer or agent, **§ 7:17**
where successful party behaves unreasonably, **§ 7:17**
Severable offer, **§ 7:8**
Time
duration of offer, **§ 7:11**
time-limited offer, **§ 7:9**
Withdrawal of, **§ 7:10**

PARENTING MATTERS
Generally, **§ 14:1**
Abduction by parent, **§ 14:46**
extra-provincial remedies, **§ 14:47**
international remedies, **§ 14:48**
Access
access, affidavit for, **§ 14:32**
definition, **§ 14:4**
types of arrangements, **§ 14:13**
detailed access, **§ 14:13**
grandparents' access, **§ 14:20**
liberal access, **§ 14:13**
supervised access, **§ 14:14**
supervision costs, no set off against child support, **§ 14:14.50**
third party access, **§ 14:18**
unspecified access, **§ 14:13**
Alternative dispute resolution, **§ 14:21**
Assessments, **§ 14:34**
how to request, **§ 14:37**
opposing motion for assessment, **§ 14:34.50**
procedure, **§ 19:9**
Section 30 assessments, **§ 14:36**
update or second, **§ 14:35**

PARENTING MATTERS—Cont'd
"Best interest of the child," **§ 14:6**
criteria for determining in custody hearing, **§ 14:29, § 14:29.10, § 14:49.50**
federal legislation, **§ 14:7**
"maximum contact" principle, **§ 14:9**
provincial legislation, **§ 14:8**
Changing child's name, **§ 14:16**
Children's lawyer
Challenging position or recommendations of office, **§ 14:62**
Children's Lawyer, recommendations by, **§ 14:40**
Cohabitation agreements, **§ 2:36**
Collaborative practice, **§ 14:25**
Counselling, **§ 14:3**
Court
affidavits for custody or access, **§ 14:32**
application to, **§ 14:26**
court order compliance, **§ 14:60**
criteria for determining best interests of child, **§ 14:29, § 14:29.10**
evidence for proceedings, **§ 14:30**
hearsay exceptions, **§ 14:31**
recordings, admissibility of, **§ 14:31**
hearings, place of, **§ 14:28**
independent representation for children, **§ 14:38**
appointment of Children's Lawyer, **§ 14:39**
jurisdiction, **§ 14:27**
orders
appeals from, **§ 14:44**
enforcement of, **§ 14:45**
without notice motion, **§ 14:33**
Custody
custody, affidavit for, **§ 14:32**
definition, **§ 14:4**
mobility rights, **§ 2:44, § 14:17**
passport restrictions, **§ 14:17**
right to change child's name, **§ 2:43, § 14:16**
self-help remedies, **§ 14:55**
types of arrangements
generally, **§ 14:11**
decision-making responsibility, **§ 14:29.30**
dependent for income tax purposes, **§ 14:12**
equal shared parenting, **§ 14:29.10**

PARENTING MATTERS—Cont'd
Custody—Cont'd
types of arrangements—Cont'd
grandparents' custody, **§ 14:20**
hybrid arrangements, **§ 14:11**
joint custody, **§ 14:11**
shared custody, **§ 14:11**
split custody, **§ 14:11**
Domestic violence, impact on custody and access decisions, **§ 14:17, § 14:49.50**
Duty, lawyer's
generally, **§ 14:2**
determine client's role with children during marriage, **§ 14:5**
suggest mediation, **§ 14:24**
Family violence, **§ 14:49.50**
Findings of contempt, **§ 14:52**
Forum—see FORUM, DETERMINING
Grandparents' access and custody, **§ 14:20**
Interim motions, **§ 14:40**
Mediation
generally, **§ 14:22**
collaborative practice, **§ 14:25**
legal duty to suggest, **§ 14:24**
open or closed, **§ 14:23**
Medical examinations, **§ 19:10**
Mental health issues, **§ 14:53.50**
Mobility issues, **§ 14:50**
Mobility rights, **§ 14:16**
Open courts and sealing orders, **§ 14:54, § 19:62**
Parens patriae jurisdiction, **§ 14:51, § 14:51.50**
Parental alienation, **§ 14:10, § 14:49, § 14:53**
Parenting plans, **§ 14:15, § 14:59.50**
Passport restrictions, **§ 14:16**
Procedure
generally, **§ 19:7**
separate representation for child, **§ 19:8**
Relocation orders, update and more, **§ 14:57.50**
Relocation versus Change in Place of Residence, **§ 14:57**
School placement, **§ 14:58**
Third party access to child, **§ 14:18**
Third Party Records, **§ 14:61**
Voice of child, **§ 14:63**
Voice of the Child Report, **§ 14:59**

PARTITION AND SALE
Jointly owned matrimonial home
general principles, **§ 25:1**
sale should be granted to bring finality, **§ 25:5**
sale to be granted where children residing in, **§ 25:6**
wish to buy interest does not refute prima facie right to sale, **§ 25:4**
Who may be compelled to make, **§ 25:2**
Who may bring action or make application for, **§ 25:3**

PLEADINGS
Generally, **§ 4:1**
Adding Third Parties, **§ 4:43**
Admissions
withdrawal of admissions, **§ 4:36**
Amendments to pleadings
as of right, **§ 4:11**
in child protection cases, **§ 4:11**
nature of court's amendment policy, **§ 4:11**
on consent, **§ 4:11**
refusing amendments, **§ 4:11**
showing amendments in new document, **§ 4:11**
Anonymity in proceedings, **§ 4:38**
Answer, **§ 4:33**
as reply to application, **§ 4:3**
forms, **§ 4:3**
four concepts embodied, **§ 4:33**
may include claim, **§ 4:34**
proper reply evidence, **§ 4:35.50**
reply to answer, **§ 4:35**
Applications
as a notice to the respondent, **§ 4:19**
as a pleading of the applicant's case, **§ 4:19**
claims in an application, **§ 4:12**
splitting divorce from other claims, **§ 4:13**
filing an application, **§ 4:3**
General Application (Form 8), **§ 4:19**
Appointment of legal representative, **§ 4:11.50**
Bifurcation, **§ 4:38**
Capacity to Instruct Counsel, **§ 4:1.50**
Civil cases
combined with family law cases, **§ 4:18**

PLEADINGS—Cont'd
Civil cases—Cont'd
difference between civil and family cases, **§ 4:6**
Demand for particulars, **§ 4:19.50**
Failure to attend court, **§ 4:26**
Family Law Rules, see Rules
Forms for pleadings
General Application (Form 8), **§ 4:19**
amount claimed for support, **§ 4:23**
claims under the Divorce Act, **§ 4:21**
claims under the Family Law Act, **§ 4:21**
important facts, **§ 4:24**
removal of barriers to religious remarriage, **§ 4:22**
temporary orders, **§ 4:20**
relationship between Forms and Rules, **§ 4:1, § 4:2**
standard forms, **§ 4:3**
Forms of pleadings, **§ 4:3**
time for serving and filing, **§ 4:3**
extending time for serving and filing, **§ 4:4**
limitation periods, **§ 4:4**
Function of, **§ 4:5**
Important facts
conduct affecting proceedings, **§ 4:27**
example (Precedent 4.1), **§ 4:32**
failure to attend court, **§ 4:26**
four separate elements, **§ 4:24**
not conclusions of law, **§ 4:25**
not evidence, **§ 4:28**
Family law pleadings, **§ 4:28.50**
particulars, **§ 4:29**
Limitation Periods, **§ 4:42**
Municipality where case to start
cases involving children, **§ 4:16**
exceptions, **§ 4:16**
cases without children, **§ 4:16**
Orders
expansive direction to make procedural and substantive, **§ 4:10**
sealing and confidentiality, **§ 4:39.50**
Parties
adding to a family law proceeding, **§ 4:14.50**
description of the parties throughout the case, **§ 4:15**
parties in a family law case, **§ 4:14**

PLEADINGS—Cont'd
Pleadings, rules, **§ 4:39**
Pleadings struck out, **§ 4:37**
Relief, claiming
other relief, **§ 4:31**
Reply, **§ 4:35**
Form 10a, **§ 4:3**
to answer, **§ 4:35**
to claim made in an application, **§ 4:3**
Rules
description of the parties throughout the case, **§ 4:15**
interpretation, strict or liberal, **§ 4:9**
matters not covered by the Rules, **§ 4:8**
objective of Rules, **§ 4:7**
relationship between Forms and Rules, **§ 4:2**
where family law case combined with non-family law case, **§ 4:18**
Statutes, citing
exceptions to general rule, **§ 4:30**
general rule, **§ 4:30**
Striking pleadings, **§ 4:41**
Temporary orders, **§ 4:20**
Time for serving and filing pleadings, **§ 4:3**
extending time for serving and filing, **§ 4:4**
limitation periods, **§ 4:4**

PRECEDENTS
Cohabitation Agreement, **APP 2B § 2B6**
Form to be Completed by Client in Office Reception Area, **APP 1A**
Important Facts Supporting Claims Other Than Divorce, **APP 4B**
Introductory Letter, **APP 1A**
Offer to Settle, **APP 7A**
Retainer with Acknowledgment of Preliminary Advice, **APP 1A**
Sample Costs Submissions, When Your Client is Successful, **APP 22A**
Sample Costs Submissions, When Your Client is Unsuccessful, **APP 22A**
Separation Agreements
Alternative Clauses for Separation Agreements, **APP 2B § 2B4**
Complete Separation Agreement, **APP 2B § 2B2**

PRECEDENTS—Cont'd
Separation Agreements—Cont'd
Complete Separation Agreement for Same-Sex Partners, **APP 2B § 2B3**
Skeleton Separation Agreement with Boiler Plate, **APP 2B § 2B1**

PRE-TRIAL CONFERENCE
Generally, **§ 19:37**
Court of Appeal, **§ 20:59**

PROCEDURES
Appeal (from)
Ontario Court of Justice, **§ 20:3 to § 20:34**
Superior Court of Justice, **§ 20:35 to § 20:41**
Claims, **§ 19:4**
Custody and access, **§ 19:7**
assessments, **§ 19:9**
medical examinations, **§ 19:10**
separate representation for child, **§ 19:8**
Discovery
business records, **§ 19:34**
documents, **§ 19:30**
other, forms, **§ 19:21**
Division of property, **§ 19:11**
see also, PROPERTY DIVISION
Divorce, grounds for, **§ 19:6**
Document brief, **§ 19:27**
Experts, **§ 19:12**
chartered business valuator, **§ 19:13, § 19:17**
duty to the court, **§ 19:14**
evidence, **§ 19:16**
witnesses, **§ 19:15**
foundational facts, **§ 19:18**
Financial brief, **§ 19:23**
Financial disclosure, **§ 19:22**
Inspection of property, **§ 19:26**
Net family property statement, **§ 19:25**
Pre-trial conference, **§ 19:37**

PROPERTY DIVISION
Advanced financial and property issues, **§ 13:45**
Business valuation, **§ 13:41**
Constructive trusts, **§ 13:24, § 13:25, § 13:25.50, § 13:26, § 13:38**
Contingent liabilities, **§ 13:10**
Contracting out of Part I: FLa, **§ 2:37**

PROPERTY DIVISION—Cont'd
Costs of disposition, **§ 13:10**
Debit, deductions and discount, **§ 13:40.50**
Debit liability, **§ 13:40**
Definition of "property," **§ 13:8**
Discretionary trusts, **§ 11.17.3, § 13:28**
Dividing pensions, **§ 13:37**
Election
on death, **§ 13:7**
Equalization payment, **§ 13:15**
advance on payment, **§ 13:15.50**
amount of, **§ 13:16**
dollar amounts divided, not property itself, **§ 13:2**
unequal division, **§ 13:17**
Equitable property claims, culture as factor to consider in, **§ 13:49**
Family Law Act, modification of rights under, **§ 13:23**
Inapplicability of Part I: FLa, **§ 2:34**
Joint family venture, **§ 13:39**
Joint tenancy, severing a, **§ 13:20**
Limitation periods, **§ 13:25**
Matrimonial home, **§ 13:18**
deduction, **§ 13:19**
purchased by one spouse prior to marriage, **§ 2:38**
right of first refusal, **§ 11.15.3, § 11.15.4, § 13:21**
rights relating to, **§ 2:7**
Monetary award, **§ 13:32**
More Cases on Occupation Rent, **§ 13:46**
Net family property, **§ 13:9**
difference between two NFPs is divided, **§ 13:3**
equalization payment, **§ 13:15**
amount of, **§ 13:16**
unequal division, **§ 13:17**
excluded property, **§ 13:13**
no negative net family property, **§ 13:14**
parent debts, summary of, **§ 13:11**
property statement, **§ 19:25**
relative debts, summary of, **§ 13:11**
No joint family venture, no constructive trust for married spouses, **§ 13:27**
Occupation rent, **§ 13:34, § 13:34.50**
Ownership of property, **§ 13:12**
Pensions, **§ 13:36**

PROPERTY DIVISION—Cont'd
Premature sale of property, **§ 13:22.50**
Pre-trial disclosure, **§ 13:42**
Quantum meruit, **§ 13:31**
Resulting trusts, **§ 13:29**
Status of parties, **§ 13:1**
Statute of frauds
carve out for implied trusts, **§ 13:47, § 13:48**
Stock options, publicly traded, **§ 13:43**
Transfers of property, **§ 13:32.50**
Trust law, **§ 13:29**
Valuation date
date of separation, **§ 13:6**
property rights prior to, **§ 13:4**
triggering events, **§ 13:5**
Variation of preservation orders, credit valley test, **§ 13:44**
Vesting orders, **§ 13:33**
Vesting orders continued, **§ 13:33.50**

QUESTIONING
Affidavit of documents, **§ 18:5**
After questioning
organize the undertakings, **§ 18:7**
reporting letter to client, **§ 18:7**
review transcript, **§ 18:7**
Answered by lawyer, **§ 18:3**
Authority for questioning, **§ 18:2**
Counsel's conduct during questioning, **§ 18:10**
Evidence obtained during questioning
exceptions, **§ 18:3**
only used for the purposes of the case in which it was obtained, **§ 18:3**
Financial statement, questioning on, **§ 18:3**
Importance of questioning, **§ 18:4**
Non-party to the proceeding, compelling, **§ 18:3**
Order for questioning
jurisdiction of court to issue, **§ 18:3**
Preparing your client for questioning, **§ 18:6**
advise candour, honesty, completeness, **§ 18:6**
affidavit of documents, **§ 18:6**
correct errors or outdated information in documents, **§ 18:6**
journal or record of events, **§ 18:6**
review pleadings, **§ 18:6**

QUESTIONING—Cont'd
Prior to questioning, **§ 18:5**
affidavit of documents not mandatory, **§ 18:5**
preparing your client, **§ 18:6**
Record, electronic or manual, **§ 18:3**
Request for information
contents, **§ 18:3**
service to party, **§ 18:3**
Rules governing
family law proceedings, **§ 18:1**
questioning, conduct of, **§ 18:2, § 18:3**
answers by lawyer, **§ 18:3**
evidence obtained at questioning
exceptions, **§ 18:3**
uses, **§ 18:3**
non-party may be compelled, **§ 18:3**
place of questioning, **§ 18:3**
power of court to order questioning, **§ 18:3**
prior to questioning, **§ 18:5**
record of questioning, electronic or manual, **§ 18:3**
Request for Information, **§ 18:3**
types of questions that may be asked, **§ 18:3**
where party refuses to answer a question, **§ 18:3**
Undertakings, organizing, **§ 18:7**
given on questioning, more on, **§ 18:9**
obligation to answer, **§ 18:8**
When questioning may take place, **§ 18:3**

REPRESENTING THE CLIENT
Completion of information form prior to meeting, **§ 1:5**
Conflict of interest, **§ 1:6**
Court's Obligation to the Administration of Justice, **§ 1:6.50**
Duty to act in the best interests of the children, **§ 1:2**
Children's Lawyer, separate representation for child, **§ 1:2**
Duty to court and other solicitors, **§ 1:3**
administration of justice, not to bring into disrepute, **§ 1:3**
anonymity in family law proceedings, **§ 1:11**
Duty to make full and frank disclosure, **§ 1:4**
lawyer not to assist client in perpetrating fraud on the court, **§ 1:4**

REPRESENTING THE CLIENT —Cont'd
Duty to make full and frank disclosure, **§ 1:4**—Cont'd
Rules of Civil Procedure, Rule 30.02(1), **§ 1:4**
First interview with client, **§ 1:7**
Independent legal advice, **§ 2:29**
Other introductory information, **§ 1:10**
Providing advice about legal issues and dispute resolution options, **§ 1:8**
collaborative process option, **§ 1:1**
lawyer to explain fees and disbursements, **§ 1:1**
lawyer to explain litigation procedure, **§ 1:1**
Recommendations, **§ 1:1**
Retainer agreements, **§ 1:9**
Settlement privilege, **§ 1:12**
Undertaking representation, **§ 1:1**
Waiver of Solicitor Client Privilege, **§ 1:13**

SEPARATION AGREEMENTS
See also DOMESTIC CONTRACTS
Generally, **§ 2:41 to § 2:53**
Barriers to remarriage, **§ 2:42**
Child support payments, **§ 2:45**
Cohabitating, **§ 2:41**
Life insurance, **§ 2:52**
Mobility of custodial parent, **§ 2:44**
Name change of child, **§ 2:43**
Remarrying, **§ 2:41**
Resumption of cohabitation subsequent to separation agreement, **§ 2:53**
Spousal support, importance of characterization, **§ 2:48**
Spousal support, indexing, **§ 2:51**
Spousal support, prior payments, **§ 2:49**
Spousal support lump sum payments, **§ 2:47**
Spousal support payments, **§ 2:46**
Support payments to third parties, **§ 2:50**

SERVICE
Abroad, **§ 3:20**
Compliance with the Hague Convention on Service, **§ 3:21**

SETTLING ORDERS AND JUDGMENTS
Generally, **§ 8:1**

SETTLING ORDERS AND JUDGMENTS—Cont'd
Common law test, set aside ex parte orders
outlined in mountain view farms ltd., **§ 8:16**
Content of order, **§ 8:3**
Costs, order for
form of order, **§ 8:4**
Draft order, **§ 8:3**
commencement date added, **§ 8:3**
must conform to endorsement, **§ 8:3**
procedure for preparing and settling in final form, **§ 8:9**
Effective date of order, **§ 8:1, § 8:9**
Endorsement of, **§ 8:2**
Entry of order, **§ 8:1, § 8:10**
Ex parte orders, when not granted, **§ 8:15**
Form of order, **§ 8:4**
costs, order for, **§ 8:4**
day and date of order, **§ 8:4**
paragraphs, numbered consecutively, **§ 8:4**
post-judgment interest, order for, **§ 8:4**
preamble, **§ 8:4**
pre-judgment interest, order for, **§ 8:4**
rule governing, **§ 8:4**
support, order for, **§ 8:4, § 22:1.50**
Incorporating terms
offer to settle, **§ 8:7**
on consent, **§ 8:8**
separation agreement, **§ 8:6**
Interest rate
pre- and post-judgment interest, **§ 8:4**
Order
commencement date, **§ 8:3**
content of, **§ 8:3**
draft order
preparation of, **§ 8:3, § 8:9**
settling in final form, **§ 8:9**
effective date of, **§ 8:1, § 8:9**
endorsement of, **§ 8:2**
entry of, **§ 8:1, § 8:10**
form of, **§ 8:4**
costs, order for, **§ 8:4**
day and date of order, **§ 8:4**
paragraphs, numbered consecutively, **§ 8:4**
post-judgment interest, order for, **§ 8:4**

SETTLING ORDERS AND JUDGMENTS—Cont'd
Order—Cont'd
form of, **§ 8:4**—Cont'd
preamble, **§ 8:4**
pre-judgment interest, order for, **§ 8:4**
rule governing, **§ 8:4**
sanctions for breach, **§ 8:12**
support, order for, **§ 8:4**
meaning of, **§ 8:1**
restraining order, **§ 8:5**
Post-judgment interest, order for
form of order, **§ 8:4**
Recognition of a non-Canadian (foreign) judgment, **§ 8:11**
Setting aside order obtained by fraud, Rule 25(19)(a), **§ 8:14**
Support, order for
form of order, **§ 8:4**
Without prejudice order, **§ 8:13**

SOLICITOR'S ACCOUNTS
Generally, **§ 27:1**
Appealing an assessment, **§ 27:10**
Assessing solicitor's account, factors to consider, **§ 27:8**
Assessment after payment, **§ 27:6**
Courts' inherent jurisdiction to assess fees, **§ 27:7**
General principles/cases decided within the family law context, **§ 27:9**
Options available for assessment, **§ 27:3**
Order for assessment on requisition, **§ 27:4**
Overarching purpose, **§ 27:2**
Time limits to bring assessment, **§ 27:5**

SPOUSAL SUPPORT
Advisory guidelines, **§ 16:12**
Capital assets and, **§ 16:32, § 16:35**
Child support, priority of, **§ 15:28, § 16:27**
Claiming support
effect of divorce proceeding on claim under Family Law Act, **§ 16:17**
government agencies as applicant, **§ 16:15**
limitation periods, **§ 16:16**
Created by statute, **§ 16:1**

SPOUSAL SUPPORT—Cont'd
Criteria for determining support, **§ 16:4**
factors under the Divorce Act, **§ 16:5, § 16:33**
factors under the Family Law Act, **§ 16:6**
need and, **§ 16:9**
objectives under the Divorce Act, **§ 16:7**
objectives under the Family Law Act, **§ 16:8**
Divorce Act, support for married spouses under, **§ 16:2**
child support, priority of, **§ 16:27**
indexing support, **§ 16:25**
need and, **§ 16:9**
objectives under the Divorce Act, **§ 16:7**
retroactive support, **§ 16:24**
Duration of support
interim, **§ 16:19**
permanent, **§ 16:19**
Enforcement of spousal support orders, **§ 16:28, § 28:3**
Family Law Act, support for married or unmarried spouse under, **§ 16:3**
child support, priority of, **§ 16:27**
effect of divorce proceeding on claim for support, **§ 16:17**
indexing support, **§ 16:25**
insurance and benefit plans, **§ 16:26**
need and, **§ 16:9**
objectives under the Family Law Act, **§ 16:8**
retroactive support, **§ 16:24**
First framily first and termination of support
Bernier v. Bernier, 2018 ONSC 4554, **§ 16:30**
"Global" support orders, **§ 16:21**
Guiding principles of, **§ 16:10, § 16:11**
S.C.C. trilogy, **§ 16:10**
Impact of family violence, **§ 16:33.50**
Income tax implications
arrears, **§ 16:20**
"global" support orders, **§ 16:21**
lump sum payments, **§ 16:20**
periodic payments, **§ 16:20**
third parties, payments to, **§ 16:20**
Indexing support, **§ 16:25**
Insurance and benefit plans, **§ 16:26**

SPOUSAL SUPPORT—Cont'd
Kinds of support
Interim support, **§ 16:18.50**
lump sum, **§ 16:18**
periodic, **§ 16:18**
third parties, payments to, **§ 16:18**
Marriage contracts, **§ 2:40**
Matrimonial home, payments relating to, **§ 16:22**
support issues: payments on behalf of spouse, **§ 16:23**
Motions not appropriate, determination of triable issues, **§ 16:31.50**
Obligation to support
cohabitation in new relationship and, **§ 16:13**
disability of former partner and, **§ 16:14**
illness of former partner and, **§ 16:14**
need of former partner and, **§ 16:9**
Procedure, **§ 19:20**
Retroactive support, **§ 16:24**
Separation agreements, **§ 2:46 to § 2:51**
Superior Court of Justice, jurisdiction of, **§ 16:31**
Survives retirement, **§ 16:36**
Variation
Arguing an Anticipatory Material Change, **§ 16:34**
support orders, **§ 16:29**

SUMMARY JUDGMENT
Obtaining a court order for payment, **§ 28:2**
Partial Summary Agreement, **§ 28:1**

TRIAL
In a Superior Court of Justice outside Toronto, **§ 19:1**
In the Superior Court of Justice in Toronto
conducting a trial
calling other party, **§ 19:54**
contradictory statements, proof of
oral, **§ 19:55**
written, **§ 19:56**
excluding witnesses, **§ 19:52**
exhibits, return of, **§ 19:57**
granting of adjournments, refresher on, **§ 19:53.70**
no jury, **§ 19:51**
presentation of the case, **§ 19:53**
re-opening trial, **§ 19:58**

TRIAL—Cont'd
In the Superior Court of Justice in Toronto —Cont'd
preparing for trial
adjournment, **§ 19:53.50**
affidavit disclosing documents
financial brief, and, **§ 19:24**
agreed statement of facts, **§ 19:35, § 19:39**
applicable rules, **§ 19:2**
practice directions, **§ 19:2**
brief of authorities, **§ 19:39**
business records, **§ 19:34, § 19:39, § 19:61**
business records, limits to the police occurrence reports admission, **§ 19:61**
checklist of matters to consider when trial is imminent, **§ 19:39**
child
access to, **§ 19:7**
assessments, **§ 19:9, § 19:39**
custody of, **§ 19:7**
separate representation of child, **§ 19:8**
support brief, **§ 19:39**
claims in the proceeding, **§ 19:4**
conference, **§ 19:37**
briefs to be served, **§ 19:38**
consolidate proceeding, **§ 19:5.50**
continuing record, **§ 19:30**
discovery
medical examinations, **§ 19:10**
other forms of discovery, **§ 19:21**
divorce, **§ 19:6**
evidence of marriage breakdown, **§ 19:6**
documents
business records, **§ 19:34, § 19:39**
delay, and, **§ 19:27**
disclosure, **§ 19:27**
doctor note, **§ 19:63**
document brief, **§ 19:30**
joint document brief, **§ 19:39**
financial statement, **§ 19:24, § 19:39**
legal privilege, and, **§ 19:27**
organizing documents, **§ 19:30, § 19:39**
proof of documents, **§ 19:39**

TRIAL—Cont'd
In the Superior Court of Justice in Toronto —Cont'd
preparing for trial—Cont'd
documents—Cont'd
sanctions for non-disclosure, **§ 19:27**
support brief, **§ 19:39**
test of relevancy, **§ 19:27**
timelines, **§ 19:27**
etiquette in court room, **§ 19:50**
addressing the judge, **§ 19:50**
attire, **§ 19:50**
judge, **§ 19:50**
opposing counsel, **§ 19:50**
parties, addressing, **§ 19:50**
place at counsel table, **§ 19:50**
witnesses, addressing, **§ 19:50**
evidence
admissibility of photographic electronic evidence, **§ 19:48**
admissible evidence, **§ 19:60**
affidavit or electronic evidence, **§ 19:39**
other party's mail, **§ 19:29.50**
photographic electronic evidence, admissibility of, **§ 19:48**
preparation of trial evidence and materials, **§ 19:44**
review client evidence, **§ 19:47**
experts
generally, **§ 19:12**
assessment of child, **§ 19:9**
chartered business valuator, **§ 19:13**
duty to the court, **§ 19:14**
jointly retained, **§ 19:19**
medical examinations, **§ 19:10**
participant expert, **§ 19:60**
reports, **§ 19:10, § 19:12, § 19:39**
financial disclosure, **§ 19:22**
document disclosure generally, **§ 19:27**
exception to disclosure in proceeding under the Divorce Act, **§ 19:22**
financial brief, **§ 19:24, § 19:39**
inspection of property, **§ 19:26**
net family property statement, **§ 19:25, § 19:39**

TRIAL—Cont'd
In the Superior Court of Justice in Toronto —Cont'd
preparing for trial—Cont'd
financial disclosure, **§ 19:22** —Cont'd
other exceptions to general rule, **§ 19:22**
updating financial statement, **§ 19:23**
medical examinations, **§ 19:10**
net family property statement, **§ 19:25, § 19:39**
offers to settle, **§ 19:33, § 19:39**
costs, and, **§ 19:33**
timelines, **§ 19:33**
opening statement, **§ 19:39**
pleadings, **§ 4:36.50, § 19:39**
property
inspection of, **§ 19:26**
net family property statement, **§ 19:25, § 19:39**
property division, **§ 19:11**
questioning, **§ 19:32, § 19:39**
confidentiality, and, **§ 19:32**
court order, **§ 19:32**
cross-examination, **§ 19:32**
kinds of questions, **§ 19:32**
refusal to answer, **§ 19:32**
requests to admit, **§ 19:31, § 19:39**
response, **§ 19:31**
timelines, **§ 19:31**
scheduling case for trial, **§ 19:40**
setting case down for trial, **§ 19:36**
settlement conferences, **§ 19:36, § 19:38**
briefs to be served, **§ 19:38, § 19:43**
case conferences, **§ 19:36, § 19:37**
trial management conferences, **§ 19:36, § 19:42**
severance/bifurcation, **§ 19:5**
support, child and spousal, **§ 19:20**
support brief, **§ 19:39**
surreptitious use of email in litigation, **§ 19:64**
timetable, **§ 19:3**
transcripts, **§ 19:39**
trial book, **§ 19:49**
trial evidence and materials, **§ 19:44**
draft judgment or order, **§ 19:45**

TRIAL—Cont'd
In the Superior Court of Justice in Toronto —Cont'd
preparing for trial—Cont'd
trial evidence and materials, **§ 19:44** —Cont'd
witnesses, **§ 19:46**
trial record, **§ 19:41**
undertakings, **§ 19:39**
witnesses
attendance of witnesses, **§ 19:39**
preparing, **§ 19:46**
summons to witness, **§ 19:46**
review opposing counsel's witness list, **§ 19:46**
statements, **§ 19:39**
unable to attend at trial, **§ 19:39**
quashing a summons, **§ 19:59**
setting case down for trial, **§ 19:36**
conference, **§ 19:37**
briefs to be served, **§ 19:38**
checklist of matters to consider when trial is imminent, **§ 19:39**

TRIAL—Cont'd
In the Superior Court of Justice in Toronto —Cont'd
setting case down for trial, **§ 19:36** —Cont'd
scheduling case for trial, **§ 19:40**
settlement conference prior to trial, **§ 19:36, § 19:38**
settlement conference brief, **§ 19:38**
trial management conference, **§ 19:42**
trial management conference brief, **§ 19:43**
types of conferences, **§ 19:36**

VARIATION
Extra-provincial orders, **§ 3:62**
Prior divorce judgment
child support is only relief sought, **§ 3:33**
custody and access claim, **§ 3:37**
spousal support claim, **§ 3:30**
Spousal support
support orders, **§ 16:29**