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Guide to procedures in family court

Read this guide to learn about the steps to follow in family court, including the documents you need and when and where to serve and file them.

Introduction

This guide provides information for Ontarians who may need to go to court to resolve their family law issues. There are many rules and procedures you must follow, whether you are a self-represented litigant or represented by a lawyer. This guide will help you take the necessary steps at each stage in your family law case, but it is not legal advice. It is recommended that all parties seek [legal advice](#), where possible, to best help you and your family through this process.

In Ontario, there are a number of reasons why you might have to go to family court, such as:

- separation
- divorce
- decisions about children, including the time they spend with each parent
- dividing family property between you and your spouse
- determining who will live in the family home
- financial support for you, your partner, or your children after your relationship ends
- adoption
- child protection (matters involving the Children's Aid Society)

Unless your issues are urgent, it's a good idea to do some research on the [options available to resolve your family issues](#).

Overview of the family court process

Rules and laws in family cases

The law that applies to families is included in the:

- [Divorce Act](#)
- [Family Law Act](#)
- [Children's Law Reform Act](#)
- [Child, Youth and Family Services Act, 2017](#)
- written decisions of judges, known as "case law"

Certain case law from all levels of court in Canada is available [online](#).

Every person using a family court must follow the [Family Law Rules](#) throughout their case. There is a rule for every step in a case. For example, Rule 8 tells you how to start a case. Rule 10 explains how to answer a case that has been started against you.

In addition to the rules, there are [Practice Directions](#) issued by the courts that you must follow if your case is in the **Superior Court of Justice** or the **Family Court Branch of the Superior Court of Justice**. This includes a Provincial Practice Direction (that applies to all court locations) and Regional Practice Directions (that only apply to courts in specific regions of Ontario).

Roles in court

A judge:

- makes decisions in cases based on the evidence and the law, these decisions are called **court orders**
- must be neutral and impartial
- cannot give legal advice or assistance to the parties in a case

You may not:

- contact the judge by phone, email or mail
- discuss your case with the judge outside of your scheduled court appearances

The person starting a family case is called the **applicant**. The other person responding to the application is called the **respondent**. If you and your spouse jointly apply for a divorce, then you are both called applicants.

Helpful resources

Family Law Information Centres

You may choose to visit a [Family Law Information Centre \(FLIC\)](#) at any point in your case. FLICs are available in all family courts to assist people who are involved in the family law process, particularly those who are not represented by a lawyer. FLICs provide people with free user-friendly information about family law and family court processes. Court staff can provide appropriate court forms and general information about court procedures.

At designated times, **Information and Referral Coordinators** are available to

- help you understand your needs in the case
- make referrals to appropriate services
- provide information about [family mediation](#) and other ways to resolve issues without going to court

A lawyer from Legal Aid Ontario – either Duty Counsel or an Advice lawyer, depending on the services required - is also available at certain times during your court case. If you meet the eligibility requirements established by [Legal Aid Ontario](#), Duty Counsel or an Advice Lawyer may be able to give you legal advice free of charge. Before visiting a FLIC, you should contact the court office for information about the availability of duty counsel and Advice Lawyers.

Family Law Rules

The [Family Law Rules](#) set out the procedures for each step of your family case.

Family Court Forms

The court forms you will need in your family case (and other important resources) are available at any family court office or [online](#).

Guided Pathways to Family Court Forms

If you need help completing your family court forms, you can use the [Guided Pathways to Family Court Forms](#), a free online tool developed by Community Legal Education Ontario (CLEO) and the Ministry of the Attorney General. The tool asks you questions and inserts your answers into the required court forms. When you're finished, you can save or print your completed forms.

You can also find more information about family law on CLEO's [Steps to Justice](#) website

Family Claims Online

You can use the Ministry of the Attorney General's [Family Claims Online](#) filing service to file certain court documents online, at any time, without having to visit a courthouse.

Before you submit documents online, [make sure you qualify](#) and have all the [required documents](#).

Online Child Support Service

The Ministry of the Attorney General's [Online Child Support Service](#) allows separated parents with non-complex child support cases to establish and update child support payments through an online portal, without going to court.

Ontario Court of Justice and Superior Court of Justice Resources

Learn more about family guides and other resources available at the [Ontario Court of Justice](#).

Learn more about family guides and other resources available at the [Superior Court of Justice](#).

Before you start your family case

Options to resolve family law issues

Unless your issues are urgent, it is always a good idea to do some research on the options available to you to resolve your family law issues.

Negotiating an agreement

Negotiating an agreement is where you and the other party have discussions to try to resolve your family law issues and set them out in a written agreement.

Mediation

Mediation is where you and the other party privately meet with a trained, neutral third party who tries to help you communicate to reach a voluntary agreement to resolve your family law issues. Unlike a lawyer or a judge, the mediator will not give legal advice or make any decisions about the case for you.

[Learn more about mediation, including on-site and off-site services.](#)

Collaborative family law

Collaborative family law is where you, the other party, and your lawyers agree not to go to court, and instead work together to cooperatively resolve your family law issues. If you can't come to an agreement, you can still go to court afterward, but you will need to hire a different lawyer to guide you through the court process.

The [Ontario Association of Collaborative Professionals](#) maintains a [list of legal professionals](#) who practice collaborative family law in Ontario.

Arbitration

Arbitration is where you and the other party present your case to a neutral third party called an arbitrator, who makes a final decision called a family arbitration award. You must both follow the final arbitration award, which can be enforced by the court.

[Learn more about family arbitration.](#)

Going to court

Going to court is where a judge makes decisions about your family law issues. You must follow the judge's orders, even if you don't agree with them. A judge's order has legal force and effect, meaning there are serious legal consequences for not complying with the terms of an order.

Not all of these options are appropriate in every circumstance. For example, mediation may not be appropriate where there is violence or abuse in the family relationships. In these circumstances, the best option may be going to court to have a judge decide the issues.

Get legal advice

Before you choose an option for resolving your family law issues, it is important to speak to a lawyer as a first step. A lawyer is in the best position to advise you of:

- your options
- the steps that make the most sense in your case
- your rights and responsibilities

- the legal consequences of your decisions

Choosing a lawyer

Information is available to help you choose a lawyer that's right for you. It is important that you take the time to make the right choice. When choosing a lawyer, you should consider contacting:

- friends and family members who have used a family lawyer before
- the [Law Society Referral Service](#)
- [Legal Aid Ontario](#)
- the [Family Law Information Centre](#) at the family court near you

The [Law Society Referral Service \(LSRS\)](#) can provide you with the name of a lawyer in your area who:

- practices family law
- will provide a free initial consultation of up to 30 minutes

If you use the online service because you are in a crisis, you can call:

-
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The Law Society of Ontario maintains a [list of lawyers](#) in Ontario where you can search for a lawyer near you.

If you can't hire a lawyer for your whole case, you may choose to hire a lawyer who is willing to give "unbundled legal services" or "limited scope services." This means that the lawyer only provides you with initial advice or helps you with specific steps in your case, but the lawyer will not be involved for the entirety of your case.

If you can't afford a lawyer, you can contact [Legal Aid Ontario](#) () to see if you meet the financial requirements to receive legal aid.

Represent yourself

If you choose to go to court, you can also [represent yourself](#). It's important to understand that judges and court staff cannot give you legal advice. Only lawyers can give you legal advice.

People who represent themselves are responsible for informing themselves about the law and the court's procedures. You will be held to the same standard as people who have lawyers representing them.

Choosing the appropriate municipality and court

There are two factors that you must consider before you start your family case: the appropriate municipality and the appropriate court.

The appropriate municipality

There are rules about where you can start your court case. You must usually start your case in the municipality where:

- you or your spouse lives
- the children live, if your case involves issues with respect to [parenting time or decision-making responsibility](#)

Rule 5 of the [Family Law Rules](#) tells you where you can start your family court case.

The appropriate court

Not all courts deal with every type of family case. You need to choose the appropriate one for your case.

There are three different courts in Ontario that deal with family law cases:

- Family Court Branch of the Superior Court of Justice
- Superior Court of Justice
- Ontario Court of Justice

Family Court Branch of the Superior Court of Justice

The **Family Court Branch of the Superior Court of Justice** is the only court in Ontario that can hear all types of family law cases. It is located in the following 25 locations:

Barrie
Belleville
Bracebridge
Brockville
Cayuga
Cobourg
Cornwall
Hamilton
Kingston

Kitchener
Lindsay
L'Orignal
London
Napanee
Newmarket
Oshawa
Ottawa
Pembroke

Perth
Peterborough
Picton
Simcoe
Catharines
Thomas
Welland

If you live in one of these locations, go to your local Family Court Branch.

If you do not live in one of these locations, you must start your case in either the Superior Court of Justice or the Ontario Court of Justice, depending on your case.

Superior Court of Justice

The **Superior Court of Justice** hears family law cases involving:

- divorce
- division of family property
- claims relating to the family home
- trust claims and claims for unjust enrichment
- applications and appeals relating to family arbitrations
- parenting time and decision-making responsibility in respect of children
- child support
- spousal support

Ontario Court of Justice

The **Ontario Court of Justice** hears family law cases involving:

- parenting time and decision-making responsibility in respect of children
- child support
- spousal support
- enforcement of child or spousal support in a domestic contract, separation agreement, or court order
- adoption
- child protection

If you're not sure which court you should go to, you can call the [family court office](#) in your area.

Starting your family case

Filling out your documents

Throughout the family court process, you will need to complete many documents. You can find the court forms [online](#) or at any family court office.

You can complete the forms on a computer or by hand. Please make sure your handwriting is clear enough for someone to read. Court staff cannot complete the forms for you.

You will need to swear or affirm that the information in some of your forms is true and sign them in front of a [commissioner for taking affidavits](#). There are commissioners for taking affidavits at all family court offices who will commission your forms for free. It is a criminal offence to swear or affirm a false or misleading affidavit.

Be sure to make three copies of your completed documents because you will need to:

- keep a copy for yourself
- give a copy to the applicant
- give the original to the court

Starting your case

To begin your family court case, you have to complete and file an **application** at the court with information about:

- the issues you are asking the judge to resolve (such as [parenting time and decision-making responsibility in respect of children](#), [child support](#), [spousal support](#) or [dividing property](#))
- your relationship with the respondent
- any children you have
- any other facts you are relying on to support your application

You have to fill out one of the following applications to indicate which issues you want the court to consider:

1. a general application ([Form 8](#)) if you and the other party can't agree on how your family matters should be resolved and you're making claims other than a divorce (whether or not you're also asking for a divorce)
2. a simple application ([Form 8A](#)) if you and your spouse can't agree and the only claim you're making is for divorce
3. a joint application ([Form 8A](#)) if you and the other party both agree to a divorce and agree on all other family law matters such as parenting time, decision-making responsibility for children, support, and property

Rule 5 and Rule 8 of the [Family Law Rules](#) tell you the process on how to start a family law application.

Steps to filing an application

Step 1: fill out your application and supporting documents

Depending on your case, there are different forms and supporting documents you will need to fill out to start the case.

General application

To start a general application, you need to fill out:

- [Form 8: Application \(General\)](#)
- [Continuing Record](#), including a Table of Contents
 - [learn more about the Continuing Record](#)

Depending on your circumstances and what you're asking for, you will also need to prepare:

- [your original marriage certificate](#), if you're asking for a divorce
- [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you're making a claim for parenting time and decision-making responsibility in respect of children
 - you must sign this form in front of a [commissioner for taking affidavits](#)
- [financial disclosure documents](#), if your case involves child support, spousal support, or property issues
- other documents you may want to file with your application, such as prior court orders or Notices of Calculation or Recalculation issued by the Ministry of the Attorney General's online [Child Support Service](#)

Simple application

To start a simple application for a divorce only (in other words no property or support claims), you need to prepare:

- [Form 8A: Application \(Divorce\)](#)
- [Continuing Record](#), including a Table of Contents
 - [learn more about the Continuing Record](#)
- [your original marriage certificate](#)
- other documents you may want to file with your application, such as prior court orders or Notices of Calculation or Recalculation issued by the Ministry of the Attorney General's online [Child Support Service](#)

Joint application

If you and your spouse are asking for a divorce together, you will need to prepare:

- [Form 8A: Application \(Divorce\)](#)
 - this form must be signed and dated by both you and your spouse
 - bring four copies of this completed form for filing at the courthouse
- [Continuing Record](#), including a Table of Contents
 - [learn more about the Continuing Record](#)
- [your original marriage certificate](#)
- [Form 36: Affidavit for Divorce](#)
 - you and your spouse must each complete your own copy of this form (one per spouse) and each sign it in front of a [commissioner for taking affidavits](#)
- [Form 25A: Divorce Order](#)

- write out everything that you and your spouse have agreed on and want included in your final divorce order (for example, child support, parenting time, or decision-making responsibility in respect of children)
- this form must be typed on a computer, not hand-written and you must bring four copies for filing at the courthouse
- two business-sized envelopes (9 ½” x 4 ¼”), each stamped with sufficient postage
 - one addressed to you and one addressed to your spouse
 - the court will mail the order to you and your former spouse
- other documents you may want to file with your application, such as a separation agreement, minutes of settlement, prior court orders, or Notices of Calculation or Recalculation issued by the Ministry of the Attorney General’s online [Child Support Service](#)

If you and your spouse are together asking for orders other than a divorce, you will also need to prepare:

- [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you are asking for parenting time or decision-making responsibility in respect of children
 - you and your spouse must each complete your own copy of this form (one per spouse), and each sign it in front of a [commissioner for taking affidavits](#)
- [financial disclosure documents](#), if your application involves child support, spousal support, or property claims on consent
- if you’re asking for child support or spousal support orders:
 - a draft [Support Deduction Order](#), bring three copies of this completed form for filing at the courthouse
 - [Support Deduction Order Information Form](#)

Get help completing your court forms

If you need help filling out your court forms and you don’t have a lawyer, you can:

- visit a [Family Law Information Centre](#) (FLIC)
- use the [Guided Pathways to Family Court Forms](#)
- visit the [Steps to Justice](#) website

[Learn more about available resources.](#)

Step 2: get your application issued by the court

After you complete all your documents, you have to get them issued by the court. This means that a court clerk:

- signs and dates your original application and applies the court seal to the form
- gives you a court file number, which you must write in the box at the top right corner of each page of your forms on every copy

You should make copies of everything that the clerk returns to you in order to serve (in other words, deliver) a copy on the respondent and any other person or agency that needs to be served. Remember to also keep a copy for yourself.

Court filing fees

If you are starting your case at the Superior Court of Justice or the Family Court Branch of the Superior Court of Justice, you may be required to pay a court fee or qualify for a fee waiver. If you're eligible for a fee waiver, you won't have to pay most fees. Learn more about [fee waivers](#).

There is no fee to file documents at the Ontario Court of Justice.

[Learn more about court filing fees.](#)

First appearance

The clerk will give you a first appearance date if you start your case at the Ontario Court of Justice or the Family Court Branch of the Superior Court of Justice, unless you're asking for a divorce or making claims related to property.

The Superior Court of Justice does not schedule first appearances when you issue your application. You are responsible for scheduling your first court appearance, which is usually called a case conference.

[Learn more about the first appearance.](#)

Mandatory Information Program

In most circumstances, you and the respondent will be required to attend a free Mandatory Information Program (MIP) session. When the clerk issues your application, you will receive two MIP notices – one for you and one for the respondent. You will each be scheduled to attend different MIP sessions.

[Learn more about MIP sessions.](#)

Step 3: serve all your documents

If you filed a general or simple application, you must serve the following documents on the respondent:

- a copy of your court-issued application and all your other forms (that you completed from [Step 1](#), including the Continuing Record)
- the respondent's Mandatory Information Program notice, if you received one from the court clerk who issued your application at [Step 2](#)
- blank copies of the forms that the respondent may need to fill out to respond to your application, such as:
 - [Form 10: Answer](#)
 - [Form 13: Financial Statement \(Support Claims\)](#), if you are asking for support, but you're not making claims regarding property or debts
 - [Form 13.1: Financial Statement \(Property and Support Claims\)](#), if you're making claims related to property or debts (whether or not you're also asking for support)
 - [Form 13A: Certificate of Financial Disclosure](#), if you're making a support claim or a property claim

- [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you or the other party is making parenting time and decision-making responsibility claims

Someone other than you (who is at least 18 years old) must serve your documents on the respondent (in other words, deliver the documents), using [special service](#).

If a first appearance is scheduled in your case, the respondent must receive your documents with enough time to complete, serve, and file an answer. The respondent must give an answer within:

- **30 calendar days** if they received the application in Canada or the United States
- **60 calendar days** if they received the application outside Canada or the United States

If you and your spouse filed a joint application, no service on the other party is required because you are together asking the court for the same orders (there is no respondent).

[Learn more about serving documents in a family case.](#)

Step 4: File Proof of Service

Once you have served your documents, you must complete [Form 6B: Affidavit of Service](#) (one for each party in the case that received the documents) and file it at the court where you issued your application. This form provides the court with proof that your documents were served on the respondent and any other party.

[Learn more about the proof of service and how to file it.](#)

Documents for divorce applications

How to get your marriage certificate

If you want a divorce order, you must file your original **marriage certificate** with the court.

The court will not give you a divorce until you file your certificate, unless the court is satisfied by your explanation in your [Form 36: Affidavit for Divorce](#) why you cannot get your certificate.

If you do not have your marriage certificate and were married in Ontario, you can:

- get a copy of your marriage certificate for a fee from [ServiceOntario](#) (or)
- contact the Registrar General of Ontario (or)

If you were married outside of Canada, and your marriage certificate is not in English, you must have it translated by a certified translator. You can find certified translation services online or in the yellow pages of the telephone directory.

Previous divorce or death of a spouse

If you were married in another province or territory in Canada, you may order a copy of your marriage certificate from the government of that province or territory.

If you were married outside of Canada, you must provide proof of any previous divorce or death of your spouse. You will need to contact the government branch responsible for recording this type of information in the other country.

Central Registry of Divorce Proceedings

The Central Registry of Divorce Proceedings must be notified whenever a person applies for a divorce anywhere in Canada. The court will electronically send information to the federal Department of Justice's Central Registry of Divorce Proceedings to obtain a **Clearance Certificate** that confirms no other divorce cases have been started in Canada for you and your spouse. The court cannot grant your divorce until the Clearance Certificate has been received.

Divorce order

If the judge grants your divorce, the court will:

- issue a **divorce order**
- send you and your former spouse the signed order in the self-addressed stamped envelopes that you provided to the court

Divorce certificate

Once the court grants a divorce, the divorce order will state that the divorce is effective 31 days after the order was made. The **certificate of divorce** is proof of the date of your divorce.

You or your former spouse may request the certificate of divorce from the court.

[Learn more about obtaining a divorce certificate.](#)

Answering an application

If you get served with an application

If you are served with an application, you almost always have to take some sort of action, such as filing an **answer** and other forms with the court to respond to the claims against you. You may also make claims against the applicant or another person (an added respondent) in your answer.

It's important that you take the appropriate next steps as soon as possible so that you don't miss any deadlines. If you miss your deadline to serve and file an answer, the court case can proceed without your involvement and a judge may make final orders without your input.

Rule 10 of the [Family Law Rules](#) tells you about how to answer an application.

Steps to answering an application

Step 1: review the forms you were served with

It is important to review the forms you've been served with because they will determine your next steps. Read all the forms and documents you received closely because they can include:

- the date when you need to appear in court
- instructions about what to do next
- when you need to respond

Step 2: fill out your Answer and supporting documents

In order to respond to an application, you will need to prepare a few documents. [Learn more about filling out court documents.](#)

To respond to an application, you will need to complete:

- [Form 10: Answer](#) to say why you agree or don't agree with the claims that the applicant is making and make your own claims

Depending on your circumstances and what you're asking for, you will also need to prepare:

- [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you're making a claim for parenting time or decision-making responsibility in respect of a child. You must sign this form in front of a [commissioner for taking affidavits](#).
- [financial disclosure documents](#), if your case involves child support, spousal support, or property issues

You should make at least two copies of all your completed forms – one copy for yourself, one copy for the applicant, and the original for the court.

Get help completing your court forms

If you want help filling out the forms and you do not have a lawyer, you can:

- visit a [Family Law Information Centre \(FLIC\)](#)
- use the [Guided Pathways to Family Court Forms](#)
- visit the [Steps to Justice](#) website

[Learn more about the available resources.](#)

Step 3: serve all your documents

After you have completed, signed, and sworn or affirmed (if needed) your forms, you have to serve (in other words, deliver the documents to) the applicant and every other party named in your case.

You can serve the documents by:

- yourself, using regular or special service

- asking a friend or a family member who is over the age of 18
- hiring a professional process server to serve the forms for you

Make copies of all your documents that you completed in [Step 2](#) and serve them on every party named in the case within:

- **30 calendar days** if you were served with the application in Canada or the United States
- **60 calendar days** if you were served with the application outside Canada or the United States

There are rules about how to count time correctly for the purpose of a court case. If you don't follow these rules, court staff may not accept your documents.

[Learn more about serving documents in a family case.](#)

Step 4: file your documents with proof of service

After you have served the applicant and any other party in your case, you must complete [Form 6B: Affidavit of Service](#) (one for each party that was served) **and file it with all your original documents** at the courthouse location listed at the top of the forms you received from the applicant. This is the courthouse with the file containing all the information about your case. You have to go to this location any time you need to appear in court or file a document for this case.

You must include your original documents and Form 6B in the Continuing Record for your case and update the table of contents.

[Learn more about the proof of service and how to file it.](#)

Court filing fees

If your case is at the Superior Court of Justice or the Family Court Branch of the Superior Court of Justice, you may be required to pay a court fee or you may qualify for a fee waiver in order to file your responding documents. If you're eligible for a fee waiver, you won't have to pay most fees.

[Learn more about fee waivers and how to ask for one](#)

There is no fee to file documents at the Ontario Court of Justice.

[Learn more about court filing fees.](#)

Next Steps

There are a number of steps that may be required in your family court case.

You should always make sure you know what the next step is in your family court process. If you are not sure, court staff or a lawyer can help you understand what steps may be required in your case.

Mandatory Information Program (MIP)

In most circumstances, you and the other party will be required to attend different, free MIP sessions before your first appearance or conference. This session will happen no later than 45 days after the case was started.

[Learn more about Mandatory Information Program sessions.](#)

First appearance

The first appearance date will be written on the first page of the application form if your case is at the Ontario Court of Justice or the Family Court Branch of the Superior Court of Justice, unless there are divorce or property claims in your case.

[Learn more about the first appearance.](#)

Case conference

If your case is at the Superior Court of Justice and the first appearance date is not written on the first page of the application, you or the applicant are responsible for scheduling your first court appearance, which is usually a case conference.

[Learn more about the case conference.](#)

Motion

A motion is a request by the parties for a temporary decision by the judge before the final outcome in the case.

The [Family Law Rules](#) generally require parties to attend a case conference before any motions can be made, unless there is a situation of urgency or hardship that requires a judge's decision immediately.

[Learn more about motions.](#)

Financial disclosure

Overview

Financial disclosure means providing the other party and the court with information and documentation about your finances, including your:

- income (how much you make)
- expenses (how much you spend on things like rent and childcare)
- assets (how much property or other valuables you own)
- debts (any money you owe)

See Rule 13 of the [Family Law Rules](#) for more information on financial disclosure

Financial statements

You must usually complete, serve, and file a Financial Statement if your case involves:

- child support claims
- spousal support claims
- claims relating to property or debts

In some cases, you do not have to file a Financial Statement, such as:

- your case involves child support, but not spousal support or property issues, and you want the other party to only pay the amount of child support listed in the table under the [Child Support Guidelines](#) (called the table amount)
- you and the other party are filing a Motion to Change child support or spousal support on consent and you both agree that Financial Statements do not need to be filed
- you are only making claims related to [family arbitration](#)

Types of financial statements

There are two different types of Financial Statements in the family court forms:

- Fill out [Form 13: Financial Statement \(Support Claims\)](#) if your case involves child support or spousal support, but not property issues. Do not use this form if you are making a claim regarding property or debts.
- Fill out [Form 13.1: Financial Statement \(Property and Support Claims\)](#) if your case involves claims regarding property or debts (whether or not your case also involves support issues).

Serve and file your financial statements

Your Financial Statement must be served on the other party and then filed with the court, either:

- with the documents that contain your claim (for example, your application or motion), if you are making a support or property claim
- within the time for serving and filing your responding documents (for example, your answer, reply, or affidavit in response to a motion), if you are responding to the other party's support or property claim

[Learn more about the timelines for serving and filing your documents.](#)

Supporting financial documents

Financial documents for child or spousal support claims

If your case involves child or spousal support issues (regardless of whether or not there are property issues), **you must give the other party:**

- proof of your current income (for example, a copy of your most recent pay stub, social assistance statement, or pension stub that shows how much you earn in a year).

- proof of income for each of the past three taxation years, either:
 - a copy of your Notices of Assessment and any Notices of Reassessment for each of the past three years, you can contact the [Canada Revenue Agency](#) to get copies of these documents
 - other proof of income if you swear or affirm that you are not required to file an income tax return under the Canadian [Indian Act](#)
- if you are self-employed:
 - a copy of your financial statements for your business or professional practice (other than a partnership) for each of the past three years
 - a statement showing a breakdown of all salaries, wages and other benefits paid to others for the past three years
- proof of any income from a partnership, corporation or trust for the past three years
- proof of any income received from employment insurance, social insurance, a pension, workers compensation, disability payments or any other income source for the past three years
- if you've been unemployed within the past three years:
 - a copy of your Record of Employment or other proof that your job ended
 - a statement of any income or benefits that you have received or will receive from your former employer
- if you are asking that the other party contribute to a child's special or extraordinary expenses, proof of the amount of those expenses (for example, receipts for a child's daycare or orthodontic treatments)
- other documents you may also want to file with your application, such as a prior court order or Notices of Calculation or Recalculation issued by the Ministry of the Attorney General's online [Child Support Service](#)

Serve and file your supporting documents

The above supporting financial documents must be served on the other party, either:

- with your Financial Statement ([Form 13](#))
- within 30 calendar days after your Financial Statement ([Form 13.1](#)) is due to be served

All of these documents must be served on the other party. However, only some of them must be filed with the court, including your:

- proof of current income
- Notices of Assessment and any Notices of Reassessment from the Canada Revenue Agency for the past three years

Financial documents for property or debt claims

If your case involves property issues, you will need to give the other party additional financial documents. These documents should be dated closest to the time that you and the other party separated. Financial documents regarding property may include:

- statements of your bank accounts, savings plans and other investments (including Registered Retirement Savings Plans)
- if you have a pension, a copy of an application to value your pension

- a copy of the Municipal Property Assessment Corporation's assessment of any property in Ontario that you had an interest in on the valuation date
- a document that shows the cash value of any life insurance policies that you have, and the named beneficiaries
- if you have an interest in a sole proprietorship or are self-employed. A copy of:
 - the financial statements for your business or professional practice (other than a partnership) for each of the past three years
 - your personal income tax returns for the past three years
- if you have an interest in a partnership, a copy of:
 - the partnership agreement
 - your personal income tax returns for the past three years
 - the financial statements for the partnership for the past three years
- if you have an interest in a corporation, documents to show the number and types of shares or other interests you own
 - if your interest is in a privately held corporation, this will include Financial Statements and, in some cases, corporate income tax returns.
- documents to show the interest you have in any trusts
- statements showing the debts you owe, such as mortgages and credit cards)
- documents showing the value, on the date you married, of any property that you owned or debts that you owed (these are called deductions)

You must give these documents to the other party within 30 calendar days after your Financial Statement ([Form 13.1](#)) was due to be served.

You do not need to file these documents with the court, unless a judge orders otherwise.

Other financial disclosure forms

You may need to serve and file more financial disclosure forms, depending on the issues and the stage of your court case.

Generally, if you or the other party made claims regarding property, you must complete:

- [Form 13B: Net Family Property Statement](#) and serve it on the other party and file it with the court at least:
 - six business days before a settlement conference if you asked for the conference or you are the applicant and no other party asked for the date (for example, a judge scheduled the date)
 - four business days before a settlement conference, if you received a notice of conference from the other party or if you are the respondent and no other party asked for the conference
 - 30 calendar days, before the earlier of the start of a trial or of a trial sitting (the period of time available for the court to schedule a trial to take place)
- [Form 13C: Comparison of Net Family Property Statements](#) jointly with the other party, if possible, and filed at least six business days before a settlement conference. If you and the other party cannot complete this form together, you must each serve and file your own form at least:
 - six business days before a settlement conference if you asked for the conference, or if you are the applicant and no other party asked for the conference (for example, a judge scheduled the conference)

- four business days before a settlement conference if you received a notice of conference from the other party, or if you are the respondent and no other party asked for the conference

Steps to complete, serve and file your financial disclosure documents

It is important to follow the outlined steps when completing, serving and filing your financial disclosure documents.

Step 1: complete your Financial Statement

To start your financial disclosure, you will need to complete either:

- [Form 13: Financial Statement \(Support Claims\)](#) if your case involves child support or spousal support, but not property issues
- [Form 13.1: Financial Statement \(Property and Support Claims\)](#) if your case involves claims regarding property or debts (whether or not your case also involves support issues)

Filling out your Financial Statement

When filling out your Financial Statement ([Form 13 or Form 13.1](#)), you should:

- pay attention to the timing of the information you are providing – you may have to provide financial information from a certain time period
- multiply the weekly cost of an expense by 4.3 to get the monthly amount
- multiply the monthly cost of an expense by 12 to get the yearly amount
- divide the annual cost by 12 to get the monthly cost
- make sure your handwriting is clear and legible if you choose to fill it in by hand
- fill out all the information you are asked for, court staff cannot fill in the forms for you

You will need to swear or affirm that the information in your Financial Statement is true and sign it in front of a [commissioner for taking affidavits](#). There are commissioners at all family court offices who will commission the form for free.

Get help completing your court forms

If you want help filling out the financial disclosure forms and you don't have a lawyer, you can:

- visit a [Family Law Information Centre](#) (FLIC)
- use the [Guided Pathways to Family Court Forms](#)
- visit the [Steps to Justice](#) website

[Learn more about these resources.](#)

Step 2: collect and certify your financial documents

Once you have completed your financial statement you will need to collect your supporting financial documents and fill out [Form 13A: Certificate of Financial Disclosure](#). This will confirm with the court which financial documents you have served on the other party.

Step 3: serve your financial disclosure documents

Once you have collected and completed your financial disclosure documents, you should make at least two copies of all your completed forms – one for yourself, one for the other party and the original for the court.

Serve the other party with a copy of your:

- completed Financial Statement ([Form 13](#) or [Form 13.1](#))
- completed Certificate of Financial Disclosure ([Form 13A](#))
- all supporting financial documents

Once you have served your document, you will need to complete and swear or affirm [Form 6B: Affidavit of Service](#) to prove that you served the required financial forms and documents on the other party.

See Rule 6 in the [Family Law Rules](#) or [serving your documents](#) for more information.

Step 4: file your financial disclosure documents

Once you have completed and served your financial disclosure documents, you will need to file a copy of your:

- completed Financial Statement ([Form 13](#) or [Form 13.1](#))
- completed Certificate of Financial Disclosure ([Form 13A](#))
- certain supporting financial documents (including proof of your current income and your Notices of Assessment and any Notices of Reassessment for the past three years)
- completed Affidavit of Service ([Form 6B](#)).

You can file your documents [online](#) or in-person at the courthouse. [Learn more about filing your family court documents](#).

Updating your financial disclosure

Updating your financial statement

You must update your Financial Statement ([Form 13](#) or [Form 13.1](#)):

- before trial, if your last financial statement is more than 40 days old
- before a case conference or settlement conference, if your last financial statement is more than 60 days old
- before a motion, if your last financial statement is more than 30 days old

- if there has been a significant change in your financial situation (for example, amount of income), regardless of the stage of your case

Depending on how much your financial situation has changed, you can update your financial statement by completing either:

- a new **Financial Statement** ([Form 13 or Form 13.1](#)), if there have been significant changes to your financial situation
- [Form 14A: Affidavit \(General\)](#) that either lists minor changes to your last Financial Statement or confirms it is still accurate

You must then serve and file your updated Financial Statement ([Form 13 or Form 13.1](#)) or Affidavit ([Form 14A](#)) before a case conference, motion or settlement conference. You will need to file it:

- **six business days** before if you asked for the court date or if you are the applicant and no other party asked for the date (for example, a judge scheduled the date)
- **four business days** before if the other party scheduled the court date or if you are the respondent and no other party asked for the date
- **30 calendar days** before the start of the trial or the trial sitting (the period of time available for the court to schedule a trial to take place), whichever starts first.

Updating financial documents and certificates of financial disclosure

At any stage in your case, if you realize that a financial document you served or filed is incorrect, incomplete or out-of-date, you must serve a corrected or updated document on the other party and, where required, file it with the court. For example, if you previously provided a pay stub to the other party but recently lost your job, the pay stub would now be out of date. You must give an updated document to the other party that shows your current income (for example, a social assistance statement).

If you serve a corrected or updated financial document, you must also serve and file an updated [Form 13A: Certificate of Financial Disclosure](#) before or with any settlement conference or trial management conference materials.

Filing family court documents

Filing a document

Filing a document means that you give staff at the court a copy (usually the original) of any documents you have collected and completed during your case.

Generally, when filing documents in a family court case, you need to:

1. choose the appropriate court
2. find out if you have to pay court fees to file your documents
3. start or update the Continuing Record in your case
4. file your documents

Choose the appropriate court

There are rules about where you can start your family court case. [Learn more about choosing the appropriate municipality and court for your case.](#)

If you are a respondent who has been served with an application, file your responding documents at the court location written on the documents you were served with.

If you are involved in an ongoing case, file your documents at the same court you previously filed or appeared at.

Court filing fees

If you are going to court in Ontario, you may have to pay fees during the process.

In family law cases, there may be a fee to file documents at the Superior Court of Justice or the Family Court Branch of the Superior Court of Justice. For example:

- if you are starting a new case, there may be a fee of \$202 to file an application
- if you are responding to an application, there may be a fee of \$161 or \$202 to file an answer, depending on whether you're asking for a divorce
- there may be a fee of \$420 to schedule an application for a hearing

If you can't afford to pay your court filing fees, you can apply to have your fees waived by completing and filing a fee waiver request form. The court will look at your financial situation and decide whether you're eligible. If you're eligible for a fee waiver, you won't have to pay most fees. You will be given a certificate which you must show to court staff when you go to file a document with the court. [Learn more about fee waivers and how to ask for one.](#)

There is no fee to file documents at the Ontario Court of Justice.

Online document filing

You can submit most family court documents online using the [Ministry of the Attorney General's online filing service.](#)

The Continuing Record

Most documents that you file in your case must be included in the Continuing Record, which is kept in your court file at the courthouse. Usually, you and every other party share one Continuing Record for the case.

Parties are responsible for creating and updating the Continuing Record in their case. The Continuing Record is created so you, the other party, and the judge can find your documents easily when they are needed during your court case.

Parts of the Continuing Record

A Continuing Record usually has two parts, called volumes:

1. the endorsement volume, which must have a yellow cover page, includes:
 - A table of contents, which lists all the documents in your case that have been filed with the court. You must update the table of contents every time you file a document with the court.
 - Any endorsements or orders that the judge makes in your case. An endorsement is written direction from a judge that says what you must do or not do. It is usually handwritten and put in your court file.
2. The documents volume, which must have a red cover page, includes most documents filed in your case, such as applications, answers, financial statements, motions, affidavits, and trial management conference briefs. Case conference briefs and settlement conference briefs do not form part of the Continuing Record, unless a judge orders otherwise.

Rule 9 of the [Family Law Rules](#) and the [Formal Requirements of the Continuing Record under the Family Law Rules](#) tell you how to create and update your Continuing Record.

Creating the Continuing Record

The person who starts a family court case (the applicant) is responsible for creating the Continuing Record for the case.

If you have a lawyer, they will create the Continuing Record for you. If you do not have a lawyer, court staff can give you the documents you need to create a Continuing Record, or you can find them [online](#).

After you create the Continuing Record, you will need to:

- keep the original version in your court file at the courthouse
- serve a copy on the respondent and every other party in the case so they know it has been created

If somebody else filed the application or motion, you will add your documents to the Continuing Record that they already created for the case.

Updating the Continuing Record

Each time you and the other party serve a document on each other and file it at the court, you will need to update the Table of Contents in the Continuing Record.

Generally, when you file a document with the court:

- court staff will hand you the Continuing Record from your court file so you can add your document

- you put the original copy in the Continuing Record (you should have already made at least two copies of the document – one for yourself and one that was already served on the other party in the case)
- you must update the table of contents by listing each document you are filing
- file your documents in chronological order, which means the most recently filed document should be at the back of the Continuing Record
- use numbered tabs (which you can find at most court locations or buy at most office supply stores) to identify each document filed in sequential order
- you give the Continuing Record back to court staff so they can return it to your court file

Court staff can help you determine where each document goes in the Continuing Record.

Checking the Continuing Record

If you need to check something in the Continuing Record, you can go to the courthouse where the record is located and ask the clerk to see your court file.

However, it is best to make sure you keep a copy of every document you and the other party in your case files with the court. This allows you to keep track of your case yourself, without going to the court every time you need to check your records.

Exception for documents filed electronically

The Continuing Record rules are different if you file a divorce application electronically using the Ministry of the Attorney General's [Family Claims Online](#) filing service.

Generally, divorce applications filed electronically do not need a Continuing Record, unless you are required or intend to give documents to the court in paper format. In these circumstances, the Continuing Record rules apply to you as if you were the party who started the case (unless the court orders otherwise).

See Rule 36 of the [Family Law Rules](#) for more information about the Continuing Record requirements for documents filed online.

Serving your documents

Over the course of your family court case, you will need to:

- **serve documents**, which means giving a copy of your court documents to the other parties in the case
- **file proof of service** to show the court that you served the documents

Serving your documents helps make sure that everyone involved knows the status of your court case.

See Rule 6 of the [Family Law Rules](#) for more information on serving documents.

Types of service

There are two types of service:

- **regular service**
- **special service**

Whichever method you use, you have to serve documents within [specific time limits](#) so that the other party has enough time to respond.

You must be at least 18 years old to serve documents. If you're under 18, you should ask somebody else to serve documents for you.

If it isn't safe for you or a friend or family member to serve the documents on the other party and you cannot afford to hire a professional process server, you can ask the court staff to arrange to have your documents served for you.

Regular service

Most documents can be served by regular service. This means you can serve the documents by sending them to the other party or their lawyer through:

- email
- mail
- courier (same-day or next-day service)
- fax, as long as:
 - the documents you are serving are not more than 20 pages, unless the other party consents or the court orders in advance that you can fax more than 20 pages
 - you are not faxing a trial record, appeal record, factum, or book of authorities, unless the other party consents in advance
- document exchange (this is when you deposit the documents at a document exchange belonging to the other party or their lawyer)

If the other party agrees, or if a judge orders it, you can also serve the document by electronic document exchange.

If you serve by fax, email, or an electronic document exchange, the first page of the fax, body of the email or record of service should include:

- date and time of the service
- sender's name, telephone number and fax number or email address.
- name of the person or lawyer to be served
- total number of pages served
- title or a description of the document
- the name and telephone number of a person to contact in case of technical difficulty in receiving the documents being served

Special service

Special service includes serving a document by one of the following methods:

- leaving a copy with the person who is being served
- leaving a copy with the person's lawyer of record in the case or with a lawyer who accepts service in writing on a copy of the document
- mailing a copy of the document along with Form 6: Acknowledgement of Service, which the person being served must complete and return to you by mail
- giving a copy of the document in an envelope addressed to the person being served to any adult who lives at the same address as that person, and then mailing a second copy to the address on the same day or the next day

There are certain documents that generally require special service, and you cannot personally serve these documents yourself, including:

- Application ([Form 8](#) or [Form 8A](#)).
- Motion to Change ([Form 15](#)), along with an affidavit ([Form 14A](#)).
- a document that could lead to the imprisonment of the person receiving it, such as a:
 - Summons to Witness ([Form 23](#)).
 - Notice of Contempt Motion ([Form 31](#)).
 - Notice of Motion ([Form 14](#)) or Notice of Default Hearing ([Form 30](#)) in which the person to be served faces a possibility of imprisonment

You cannot personally serve these documents yourself. These documents must be served by a:

- friend or family member who is at least 18 years old
- professional process server (someone you pay to serve your documents)

You can get the name of a process server [online](#).

Even if it's not required, you can always serve your documents using special service instead of regular service.

Serving documents on a third party

In some cases, you may also have to serve your documents on an agency or another third party. This will depend on your specific situation, such as the issues in your case and any prior court orders.

Regardless of the documents being served, there are certain agencies and people that you can always serve personally (you do not need to ask a family member friend, or process server), including:

- a representative of a band or First Nations Inuit, or Métis community
- a children's aid society
- the Minister of Children, Community and Social Services
- a municipality, excluding a lower-tier municipality in a regional municipality
- the Director of the Family Responsibility Office
- the Children's Lawyer
- the Public Guardian and Trustee
- the Registrar General

Serving documents outside of Canada

If you are serving documents outside of Canada, there are special rules that may apply to you under the [Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters](#) (the “Convention”). These special rules may impact how you are allowed to serve your documents.

There are some countries that require your documents to be served through their Central Authority. If the respondent in your case lives in one of the countries listed in Table A of the [Countries Under the Hague Convention](#) form, you:

- will need to have a designated person or institution request that the countries Central Authority serve your documents for you
- may be required to translate your document
- may need to pay a foreign service fee

If the respondent in your case lives in a country that requires you to serve your documents through their Central Authority, you cannot use regular or special service methods.

See [Table: Countries Under the Hague Convention](#) for a list of countries that require service through a Central Authority

The Ministry of the Attorney General has created service options and [informational material](#) to help you follow the rules in the Convention.

File proof of service

Every time you serve documents on another party in your case, you have to give the court proof that they received the document by completing [Form 6B: Affidavit of Service](#) and filing this form with your original documents at the court office [before the applicable deadline](#).

To complete and file Form 6B, you need to:

1. indicate when, where and how the documents were served by checking the applicable boxes on Form 6B
2. swear or affirm that the information in Form 6B is true and sign the form in front of a [commissioner for taking affidavits](#)
3. file Form 6B with the court, along with original copies of the documents that you served, before the applicable deadline

You can file your documents online using [Justice Services Online](#) or in-person at a [courthouse](#).

Timelines for serving and filing documents

When to serve and file documents

It is important you serve and file documents within a specific timeframe so that everybody involved in your case has the information they need.

Certain forms must be served and filed within a certain timeframe, for example:

- an [Application \(Form 8 or Form 8A\)](#) or [Motion to Change \(Form 15\)](#) must be served immediately on every other party
- an [Answer \(Form 10\)](#) or [Response to Motion to Change \(Form 15B\)](#) must be served and filed within:
 - 30 calendar days of getting an Application if you were served in Canada or the United States
 - 60 calendar days of getting an Application if you were served outside Canada or the United States
- a [Reply \(Form 10A\)](#) must be served and filed within 10 calendar days of getting the Answer or Response to Motion to Change
- conference documents ([Forms 17, 17A, 17C, 17E, or the Trial Scheduling Endorsement Form](#)) must be served and filed at least:
 - six business days before the conference date if you asked for the conference or if you are the applicant and no other party asked for the conference (for example, a judge scheduled the conference)
 - four business days before the conference date if you received a notice of conference from the other party or if you are the respondent and no other party asked for the conference
- documents to bring a motion with notice ([Forms 14 or 14B and Form 14A](#)) must be served at least six business days and filed at least four business days before the motion date
- documents responding to a motion must be served and filed at least:
 - four business days before the motion date if the other party bringing the motion used Form 14
 - four business days after being served with the other party's motion materials if they used Form 14B

How to count days

It's important that you count time or days correctly because court staff may not be able to accept your documents late. See Rule 3 of the [Family Law Rules](#) for more information on how to count time correctly.

You have to start counting from the day after the effective service day. The effective service day depends on how the documents were served. See the table below.

If the documents were served by:	The effective service day is:
Leaving a copy with the person being served or their lawyer	The same day if the documents are left before 4:00 p.m. or the next day if the documents are left after 4:00 p.m.
Mail	Five days after documents are mailed
Same-day courier	The day after the courier picks up the documents
Next-day courier	Two days after the courier picks up the documents
Fax, email or electronic document exchange	

If the documents were served by:	The effective service day is:
	The same day if the documents are sent before 4:00 p.m. or the next day if the documents are sent after 4:00 p.m.
Leaving a copy at the other party's home with another adult who lives there, and then also mailing a copy to that address	Five days after the documents are mailed

If the effective service day would be a day on which the court is closed (for example, Saturday, Sunday or a holiday), then the effective service day becomes the next day that the court is open.

When counting how many days you have to serve or file your documents or confirm your court date, it is important to keep in mind the days the court is closed. If you have:

- **seven days or more** you must include Saturdays, Sundays and holidays when counting
- **less than seven days** you do not include Saturdays, Sundays and holidays when counting

If the last day to serve or file your documents or confirm your court date falls on a weekend, holiday or another day when the court is closed, then the time period is extended to the next day that the court is open.

Required steps in family court

There are a number of steps that may be required in most family court cases. These can include a:

- Mandatory Information Program (MIP)
- first appearance
- case conference
- settlement conference
- trial management conference

Many of these steps encourage you and the other party to try and settle as many issues as possible early in your case, so that you do not have to go to trial. Trials cost time and money. They can also be very stressful for you and your family.

Resolve issues during the case

Even after a court case has been started, you can talk with the other party or their lawyer at any time during the case and try to resolve your issues outside of court (unless there is a court order that prohibits you from communicating with each other).

If you both agree on how to deal with some or all of your issues at any time during your case, you can write down what you agree on in a document (usually called Minutes of Settlement) or you can get a consent order from the court that sets out the terms of your agreement. A consent order is a court order that says what you and the other party agree to the terms of the order.

Mandatory Information Program

In most situations, once you file an application to start a case in family court, the court clerk will schedule both you and the other party to attend different free Mandatory Information Program (MIP) sessions.

If you are the applicant, you:

- will receive two notices to go to the MIP session – one for you and one for the other party
- are responsible for ensuring that the other party's MIP notice is served on them along with your application

If you are the respondent, you:

- will receive notice of your MIP session when you receive the notice of the application

MIP sessions may take place online or at the [courthouse](#) where the application was filed. The session is an hour long if you do not have children, and two hours long if you have children.

During the session you'll learn more about:

- the impact of separation on parents and children
- the options available to you, including [mediation](#) and other dispute resolution processes
- legal issues (for example, child support)
- the court process
- resources that are available to help you deal with problems during a separation (for example, mediation)

Unless you're exempt, **you must attend a MIP session before your first appearance or case conference, and no later than 45 days after the case is started.** If you don't attend a MIP session, the judge can make an order against you for not attending (for example, an order requiring you to pay the other party's legal costs if the judge decides you're delaying the case).

If you can't attend on the scheduled date, call the number that is listed on your MIP notice to reschedule to another date that you are able to attend.

See Rule 8.1 of the [Family Law Rules](#) to learn more about the Mandatory Information Program.

After your MIP session

After you have completed the MIP, the person who conducted the program will provide you with a certificate of attendance (or similar confirmation of attendance). You must **file the certificate [online](#) as soon as possible.**

Exemptions

You do not have to attend a MIP if:

- you have already attended a MIP, for this or any other case
- you and the other party agree on all matters in your case and are proceeding on consent

- your case only deals with one or more of the following:
 - a divorce
 - costs
 - an order that only includes the terms of a written agreement or prior court order
 - anything related to family arbitration
- you are bringing a Motion to Change a Final Order or Agreement relating to spousal support or child support only
- you get permission from a judge to not attend the MIP because either:
 - your circumstances are urgent
 - attending the MIP would cause you hardship

First appearance

In some cases, the next step after completing your MIP may be a meeting with a court clerk. This is called a **first appearance**.

You and the other party meet with a court clerk to make sure that:

- everyone involved in the case was served with a copy of the relevant forms and documents
- all required forms and documents have been filed with the court

When you or the other party start a case with the court, the court clerk will tell you whether you need to have a first appearance before you can move on to a case conference. Generally, you have a first appearance if your case is at the:

- Ontario Court of Justice
- Family Court Branch of the Superior Court of Justice, unless your case deals with a divorce or property

If you need to attend a first appearance:

- the court clerk will schedule the first appearance when you file your application
- the date and time of the first appearance will be written on your application, which is served on the respondent along with the rest of your court documents
- both of you must attend at the specified date and time

If you do not need to attend a first appearance, either you or the other party needs to ask the clerk to schedule a case conference for the case to proceed. Unlike a first appearance, **your case conference is not scheduled automatically**.

Conferences

In most family cases, you must attend at least one conference. Rule 17 of the [Family Law Rules](#) tells you what happens at a conference and what you need to do to prepare for one.

There are generally three types of family conferences:

- case conference
- settlement conference

- trial management conference

A judge may decide to combine different conferences into one meeting or schedule the same type of conference multiple times.

A conference may be scheduled by you, another party, a judge or the clerk at a first appearance. You must attend every conference in your case. If you have a lawyer, your lawyer must attend the conference with you.

Each conference is an opportunity for you to resolve all or some of your issues with the other party, which can save you time and costs.

Case conference

A case conference is usually the first time you and the other party speak to a judge about the issues in your case.

Among other things, you and the other party will meet with a judge to:

- discuss the chances of settling your case
- identify the issues you can and cannot resolve
- figure out whether you and the other party have shared all the information needed to resolve the issues
- identify the next steps to take in your case (for example, that you and the other party need to share more financial documents)
- set a date for the next steps

Settlement conference

If you and the other party have not resolved your issues after one or more case conferences, the judge may schedule a settlement conference.

During a settlement conference, you and the other party will meet with a judge to:

- discuss your offers to settle the case
- resolve or narrow the issues
- ensure that you and the other party have shared all the information needed to resolve the issues
- identify any witnesses and other evidence that may be presented at trial, estimating the time needed for trial, if the case is not resolved

Trial scheduling conferences

After your settlement conference, you and the other party may have to attend a trial scheduling conference if:

- your case is in the **Superior Court of Justice** or the **Family Court Branch of the Superior Court of Justice**
- you have not yet completed a [Trial Scheduling Endorsement Form](#) that has been endorsed by the court

During a trial scheduling conference, you and the other party meet with a judge to discuss the details of your trial (for example, the amount of time you and the other party will need and any witnesses or other evidence that you will present).

Trial management conference

A trial management conference is scheduled when it is likely that you and the other party cannot resolve your issues and your case has to go to trial.

The goal of a trial management conference is to get you and the other party ready for trial and to try one last time to settle your case. During a trial management conference, you and the other party meet with a judge to:

- discuss the chances of settling your case
- decide how the trial will proceed
- ensure that you and the other party know what witnesses will testify and what other evidence will be presented at trial
- estimate the time needed for trial
- set the trial date (if it is not already scheduled)

There are steps you must follow when attending a conference. These steps are outlined in the [next section](#).

Steps to attending a conference

To attend a conference, you need to:

1. ask the court for a conference date (unless one has already been scheduled) and any special arrangements
2. identify and fill out the forms you need to serve on the other party
3. serve and file your conference forms
4. confirm that you will attend the conference
5. go to your conference

Step 1: set a conference date

If a conference has not been scheduled and you would like to schedule one, you must:

- go to the courthouse where the application was filed
- speak to the clerk and ask them to schedule your conference

The court clerk will fill out part of [Form 17: Conference Notice](#), sign and date it, and give you a copy.

Special arrangements

If you need an interpreter or any special arrangement because of a disability, ask for special arrangements in advance of your conference date. You can speak with any court staff or the [Accessibility Coordinator](#) at the courthouse about what you need.

Learn more about [court interpreters](#).

You can also ask that the conference be held by telephone or video conference, with the judge's advance permission.

Step 2: identify and fill out the forms you need to serve

Once a conference has been scheduled for your case, you will need to identify and fill out documents to serve on the other party. These forms may vary for the type of conference you are attending.

Case conference forms

If you are preparing for a case conference, you must usually prepare the following forms:

- [Form 17: Conference Notice](#)
 - this is the form that was signed and dated by the court clerk at [Step 1](#) (unless someone other than you scheduled the conference, such as a judge)
- [Form 17A: Case Conference Brief – General](#) to give information about:
 - your family
 - your financial situation
 - the issues you and the other party agree and don't agree on
 - the issues you want to discuss at the conference
 - how you think the issues should be resolved
- an updated [Cumulative Table of Contents](#) in the Continuing Record
 - [learn more about updating your Continuing Record during the case](#)

Your case conference brief (Form 17A) will not be included in the Continuing Record of your court file (unless the judge orders otherwise). Your discussions and offers to settle at a case conference are confidential. This means that what you and the other party say can't be used later as evidence in your case at a motion or trial.

Settlement conference forms

If you are preparing for a settlement conference, you must usually prepare the following forms:

- [Form 17: Conference Notice](#)
 - this is the form that was signed and dated by the court clerk at [Step 1](#) (unless someone other than you scheduled the conference, such as a judge)
- [Form 17C: Settlement Conference Brief – General](#) to give information about:
 - your family
 - your financial situation
 - the issues you and the other party agree and don't agree on
 - how you think the issues should be resolved

- how long you would need at trial
- an updated [Cumulative table of Contents](#) in the Continuing Record
 - [learn more about updating your Continuing Record during the case](#)
- your offer to settle the issues in your case
- if you were married and you or your spouse made claims regarding property:
 - [Form 13B: Net Family Property Statement](#), to give the court information about your property and its value
 - [Form 13C: Comparison of Net Family Property Statement](#) (completed jointly with your spouse if possible), which shows where you and your spouse disagree on any of the items in your net family property calculations

Your settlement conference brief will not be included in the Continuing Record of your court file (unless the judge orders otherwise). Your discussion and offers to settle at a settlement conference are confidential. This means that what you and the other party say can't be used later as evidence in your case at a motion or trial.

Trial scheduling conference forms

If you are preparing for a trial scheduling conference in the Superior Court of Justice or Family Court Branch of the Superior Court of Justice, you must prepare a [Trial Scheduling Endorsement Form](#).

You and the other party each complete Parts 1 and 2. The judge then endorses Part 3 by signing it. Please note that your trial will not be scheduled until a judge has endorsed this form.

Trial management conference forms

If you are preparing for a trial management conference, you must usually prepare the following forms:

- [Form 17: Conference Notice](#)
 - this is the form that was signed and dated by the court clerk at [Step 1](#) (unless someone other than you scheduled the conference, such as a judge)
- [Form 17E: Trial Management Conference Brief](#), if your case is in the Ontario Court of Justice, to give information about:
 - the issues you want to discuss at the conference
 - how much time you would need at trial
 - evidence you plan to present at trial (for example, witnesses or expert reports)
 - other procedural matters to ensure you are ready for trial
- If your case is in the Superior Court of Justice or the Family Court Branch of the Superior Court of Justice:
 - a completed [Trial Scheduling Endorsement Form](#) endorsed by the court, if it has not already been filed
 - an offer to settle all outstanding issues in the case
 - an outline of your opening statement for trial
- an updated [Cumulative Table of Contents](#) in the Continuing Record
 - [learn more about updating your Continuing Record during the case](#)

Trial management conference briefs are included in the Continuing Record of your court file. However, your offers to settle are confidential.

Update your Financial Statement

If have asked the court for child support, spousal support or property orders, you had to file a Financial Statement at the beginning of your case to give the court information about your income, expenses, assets and debts.

If you filed a Financial Statement and it is more than 30 calendar days old, you have to update your financial information before a case or settlement conference.

[Learn more about updating your financial disclosure.](#)

Update your Certificate of Financial Disclosure

If you filed financial disclosure, you will have served and filed supporting financial document. At any stage in your case, if you realize that a supporting financial document you served or filed is incorrect, incomplete, or out-of-date, you must serve a corrected or updated document on the other party and, where required, file it with the court.

If you serve a corrected or updated supporting document, you must also serve and file an updated [Form 13A: Certificate of Financial Disclosure](#) before or with any settlement conference or trial management conference materials.

[Learn more about updating your supporting financial disclosure documents.](#)

Get help completing your court forms

If you want help filling out the forms and you do not have a lawyer, you can:

- visit a [Family Law Information Centre](#) (FLIC)
- use the [Guided Pathways to Family Court Forms](#)
- visit the [Steps to Justice](#) website

[Learn more about these resources.](#)

Step 3: serve and file your conference forms

After you fill out all your conference forms, you must:

1. serve copies of all your completed forms on every other party in your case, using regular service or special service
2. complete and swear or affirm [Form 6B: Affidavit of Service](#) in front of a [commissioner for taking affidavits](#)
3. file your original conference forms and Affidavit of Service (Form 6B) with the court either [online](#) or in-person

[Learn more about where and how to file your documents.](#)

Your conference forms must be served and filed at least:

- **six business days before the conference date** if you asked for the conference, or if you are the applicant and no other party asked for the date (for example, a judge scheduled the date)
- **four business days before the conference date** if the other party scheduled the conference, or if you are the respondent and no other party asked for the conference

If you are attending a settlement conference and you are required to provide [Form 13B: Net Family Property Statement](#), this form must be served and filed at least:

- six business days before the settlement conference date if you asked for the conference or if you are the applicant and no other party asked for the date (for example, a judge scheduled the date)
- four business days before the settlement conference date if the other party scheduled the conference or if you are the respondent and no other party asked for the conference

[Learn more about serving documents and timelines to follow.](#)

Step 4: confirm that you will attend the conference

You and the other party need to confirm with each other and the court that you will attend the conference. You must each:

1. try to communicate (verbally or in writing) about the issues in your case, unless there is a court order that prohibits you from communicating
2. complete [Form 17F: Confirmation of Conference](#) and include information about:
 - a. the main issues you want to discuss at the conference
 - b. the forms that the judge should read and where those forms are located in the Continuing Record (the volume and tab number)
3. give a copy of your completed confirmation form (Form 17F) to the other party or their lawyer
4. file your confirmation form (Form 17F) with the court no later than 2:00 p.m. three business days before the conference date.
 - a. you can file your form in person at the courthouse or fax or email if the court allows it

If you and the other party do not file your confirmation forms with the court on time, your conference will be cancelled unless the court orders otherwise.

If you file your confirmation form (Form 17F) with the court but later realize it is incorrect, you must immediately give a corrected confirmation form to the other party and the court clerk before your conference date, if possible.

Step 5: go to your conference

Your conference will be held at the courthouse, either in a courtroom or in a conference room.

The conference can also be held by telephone or videoconference, with the judge's advance permission.

You should arrive at the courthouse 30 to 60 minutes before the time your conference is scheduled to begin. This will give you time to find the room where your conference will be and get ready to see the judge. If you do not have a lawyer, you should try to speak to any available Duty Counsel, who may

be able to give you legal assistance. [Legal Aid Ontario](#) provides Duty Counsel at certain times in many family courts across Ontario to people who are financially eligible for their services.

In order to find your conference room, look for your name and court file number on the case event list. The list is usually posted on a board near the entrance to the court or outside each courtroom. If you do not know where to go, ask court staff for help.

You should check in with the clerk when you find your conference room. If court is already in session, wait to talk to the clerk until there is a break in the session.

If you need an interpreter or any special arrangement because of a disability, ask for special arrangements. You can speak with any court staff or the [Accessibility Coordinator](#) at the courthouse about what you need.

Most of the discussions at a case conference or settlement conference are confidential or “without prejudice.” This means that your discussions can’t be repeated to others or used later as evidence in your case at a motion or trial. You also can’t order a transcript of the conference without the judge’s permission.

While conferences generally only take up to an hour, in some courts several cases are scheduled for the same timeslot, so you may have to wait for your turn to be heard by the judge. When your matter is called at the beginning of the list, the judge may give suggestions, ask you and the other party to speak outside the conference room to try to resolve your issues based on those suggestions, and then return later to see the judge.

During your conference, the judge also might make certain orders, such as:

- an order based on an agreement that you and the other party reach
- an order for one or both of you to give the other party certain documents
- an order that one or both of you ask the other questions about the evidence filed with the court
- an order identifying next steps in the case, which could include making one or both of you attend:
 - another conference
 - an intake meeting with a court-affiliated mediation service
 - a community program (for example, a parenting program)
- a referral to an alternative form of dispute resolution, like [mediation](#), if both you agree to it

Motions in family court

Bringing a motion

The court process can take time, so you may want to ask a judge for a temporary decision on some issues before a final outcome is reached in your case. This is called bringing a motion. For example, you might ask the judge for a temporary order that says where the children will live and how much time they will spend with each parent.

Temporary court orders stay in place until the court makes either:

- a different temporary order at another step in your case that changes the previous temporary order
- a final order later in your case

Any party in a case may bring a motion unless a judge has ordered otherwise. If you are the person bringing a motion, you are called the moving party. The other person is called the responding party.

Types of family motions

There are generally two types of family motions, including a:

- **procedural, uncomplicated, or unopposed motion** (for example, asking the court for permission to file a document after a deadline has passed or asking the court to make an order that the other party agrees with or will not oppose)
- **motion for a temporary order** (for example, asking the court to order the other party to pay temporary child support or to set up a temporary parenting schedule)

See Rule 14 of the [Family Law Rules](#) for more information on motions.

Timing of motions

You can generally make a procedural, uncomplicated, or unopposed motion at any time.

In most cases, you must attend at least one case [conference](#) to discuss the main issues in your case before you are allowed to bring a motion for a temporary order. There are very limited exceptions to bringing a motion before a case conference, including:

- **urgency** (for example, where you or your child's safety is at immediate risk)
- **hardship** (for example, where a support order is necessary to provide basic living conditions such as shelter, clothing and food for your children and you cannot wait until a conference)

You should think carefully before you bring a motion for a temporary order before a conference. If the judge decides it was not necessary to do so, the judge may order you to pay the other party's legal costs related to your motion.

Steps to bringing a motion in family court

To bring a motion, you need to:

1. ask the court for a motion date
2. identify and fill out your motion forms
3. serve and file your motion forms
4. confirm that you will attend the motion
5. go to your motion hearing
6. receive the judge's decision

While these are the steps to bring a motion in most situations, **please note that special rules apply to particular types of motions** (for example, a motion for a contempt order). You may need to take a

few different or additional steps in these circumstances. You should always refer to the [Family Law Rules](#) to confirm the rules and forms that apply in your case.

Step 1: ask the court for a motion date

This first step in bringing a motion is to contact the family court office for a motion date. Some courthouses keep one or more days open each week to hear motions and you can bring your motion on any of those days. In other courthouses, you must book a specific time for your motion.

You should check with the other party (or their lawyer) to see when they are available before you schedule your motion with the court.

If you need an interpreter or any special arrangement because of a disability, ask for special arrangements in advance of your motion date. You can speak with any court staff or the [Accessibility Coordinator](#) at the courthouse about what you need.

Learn more about [court interpreters](#).

You can also ask that the motion be held by telephone or videoconference, with the judge's advance permission.

Step 2: identify and fill out your motion forms

Forms to bring a procedural, uncomplicated or unopposed motion

If you want to bring a procedural, uncomplicated or unopposed motion, you must usually fill out the following forms:

- [Form 14B: Motion Form](#)
 - write the orders you're asking the court to make, as well as the rules and laws that apply to the facts of your case
- [Form 14A: Affidavit \(General\)](#)
 - swear or affirm that the information in this form is true and sign the form in front of a [commissioner for taking affidavits](#)
 - identify each exhibit that you attach, in an alphabetic sequence (for example, you may write "Attached as 'Exhibit A' is a copy of an access schedule, agreed upon by me and the respondent")
 - attach any relevant documentary evidence to this form as an "exhibit"
 - write out the evidence to explain why you want the court to make the orders you are requesting
- an updated [Cumulative Table of Contents](#) in the Continuing Record
 - [learn more about updating your Continuing Record during the case](#)
- if you are asking for a child support or spousal support order:
 - prepare a [Support Deduction Order](#) (also available at the court office)
 - [Support Deduction Order Information Form](#) (also available at the court office)
- if you and the other party are bringing the motion on consent:
 - any written agreement or minutes of settlement signed by both of you

- a draft [Form 25: Order](#), if possible. In this form, you list the orders that you want the court to make. If the judge agrees, they may sign this form and it becomes your official court order.

Forms to bring a motion for a temporary order

If you want to bring a motion for a temporary order, you must usually fill out the following forms:

- [Form 14: Notice of Motion](#)
 - write the date, time and location of your motion (which you scheduled at [Step 1](#)) and the orders you're asking the court to make
- [Form 14A: Affidavit \(General\)](#)
 - write out the evidence to explain why you want the court to make the orders you're requesting
 - attach any relevant documentary evidence to this form as an "exhibit"
 - identify each exhibit that you attach, in an alphabetic sequence (for example, you may write "Attached as 'Exhibit A' is a copy of an access schedule, agreed upon by me and the respondent")
 - swear or affirm that the information in this form is true and sign the form in front of a [commissioner for taking affidavits](#)
- an updated [Cumulative Table of Contents](#) in the Continuing Record
 - [learn more about updating your Continuing Record during the case](#)
- If your motion relates to child support, spousal support or property, you may need an **updated Financial Statement** ([Form 13](#), [Form 13.1](#), or [Form 14A](#))
 - [learn more about updating your financial statement](#)
- If you are asking for a child support or spousal support order:
 - draft [Support Deduction Order](#) (also available at the court office)
 - [Support Deduction Order Information Form](#) (also available at the court office)

If your case is in the **Superior Court of Justice** or the **Family Court Branch of the Superior Court of Justice**, you may need a **Factum** or **Summary of Argument**. This is where you write out the rules and laws that apply to the facts in your case, which support your motion. For more information, refer to the court's provincial and regional [Practice Directions](#).

Get Help Completing Your Court Forms

If you want help filling out the forms and you do not have a lawyer, you can:

- visit a [Family Law Information Centre](#) (FLIC)
- use the [Guided Pathways to Family Court Forms](#)
- visit the [Steps to Justice](#) website

[Learn more about these resources.](#)

Step 3: serve and file your motion forms

After you fill out all your forms to bring a motion, you must:

1. **Serve** copies of all your completed forms on every other party in your case, using regular or special service, **at least six business days before your motion date.**
2. Complete and swear or affirm [Form 6B: Affidavit of Service](#) in front of a [commissioner for taking affidavits](#). [Learn more about filing your family court documents](#).
3. **File** your original motion forms and Form 6B with the court **at least four business days before your motion date.**

See the page "[Serving your documents](#)" for more information on how to serve your family law documents. You may also refer to Rule 6 in the [Family Law Rules](#).

Step 4: confirm that you will attend the motion

To confirm that you will attend your motion hearing, you must:

1. **try to communicate before the hearing date** (verbally or in writing) with the other party or their lawyer about the issues in your case, unless there is a court order that prohibits you from communicating
2. complete [Form 14C: Confirmation of Motion](#) and include information about:
 - a. the orders you're requesting
 - b. the forms that the judge should read
 - c. where those forms are located in the Continuing Record (the volume and tab number)
 - d. how much time you will need to present your motion
3. give a copy of your completed confirmation form (Form 14C) to the other party or their lawyer using mail, fax, email or another method.
4. **file your confirmation form** (Form 14C) with the court **no later than 2:00 p.m. three business days before the motion date**
 - a. you can file your form in person at the courthouse or fax or email the form if the court allows

If you do not file your confirmation form with the court on time, your motion will be cancelled unless the court orders otherwise.

If you file your confirmation form (Form 14C) with the court but later realize it's incorrect, you must immediately give a corrected confirmation form to the other party and the court clerk before your motion date, if possible.

Step 5: go to your motion hearing

You will have to go to the courthouse for your motion hearing unless:

- you are making a procedural, uncomplicated, or unopposed motion
- you asked in your motion form (Form 14B) that the court deal with your motion based only on your written material

Your motion will be held in a courtroom at the courthouse. It can also be held by telephone or videoconference, with the judge's advance permission.

You should arrive at the courthouse at least 30 to 60 minutes before the time your motion is scheduled to begin. This will give you time to find the room where your motion will be and get ready to see the

judge. If you don't have a lawyer, you should try to speak to any available Duty Counsel, who may be able to give you legal assistance. [Legal Aid Ontario](#) provides Duty Counsel at certain times in many family courts across Ontario to people who are financially eligible for their services.

In order to find your courtroom, look for your name and court file number on the case event list. The list is usually posted on a board near the entrance to the court or outside each courtroom. If you don't know where to go, ask court staff for help.

You should check in with the clerk when you find your courtroom. If court is already in session, wait to talk to the clerk until there is a break in the session.

If you need an interpreter or any special arrangement because of a disability, ask for special arrangements. You can speak with any court staff or the [Accessibility Coordinator](#) at the courthouse about what you need.

In some courts, several motions may be scheduled in the same timeslots, so you may have to wait for your turn to be heard. When the judge enters, you should stand and remain standing until the clerk says that you can be seated. When your case is called, you and the other party may sit at the tables at the front of the courtroom.

You and the other party in your case will have to tell the judge what you are each requesting and the evidence to support your request. The judge usually first hears from the moving party and then the responding party.

You can **only** speak to the judge about the information contained in your motion forms that were served on the other party and filed with the court. The judge may also ask you or the other party questions. There are usually no witnesses at a motion.

Step 6: receive the judge's decision

At the end of the motion, the judge usually makes a temporary order that stays in place until the court makes a different temporary decision that changes the previous decision or a final decision later in your case.

The judge may make a decision right away at the end of the motion hearing or they may reserve their decision to be released at a later time. This means that they need time to review the evidence. You may have to come back to court to hear the judge's decision or you will be notified of the decision in writing.

If the judge has questions for you or the other party, the clerk will contact you with either:

- a new court date
- a copy of the judge's endorsement that sets out any additional steps that you should take

Bringing a motion without notice

In most situations, you will need to give notice to the other party that you are bringing a motion. This means that you serve your motion forms on the other party, and they have the opportunity to respond and tell the court their position about your request.

In limited circumstances, you may be able to bring a motion without giving notice to the other party. This is called bringing a **motion without notice** (or an *ex-parte motion*). The other party will not know that you are asking the court to make an order and they will not have the opportunity to tell the court their side of the story regarding the issues raised in the motion.

A motion without notice may be allowed in situations such as the following:

- Notice is either unnecessary or not reasonably possible. For example, where you have made efforts to locate the other party, but cannot find them in order to notify them.
- There is an immediate danger that your child will be removed from Ontario, and the delay in giving the other party notice of the motion would probably have serious consequences.
- There is an immediate danger to the health or safety of you or a child, and the delay in giving the other party notice would probably have serious consequences.
- Serving a notice of motion would probably have serious consequences.

You should think carefully before you bring a motion without notice. If the judge decides it was not necessary for you to bring the motion, the judge may order you to pay the other party's legal costs related to your motion.

A **motion without notice** requires the same forms as a motion with notice, but you also need to:

- **Ask the court for permission** to bring your motion without notice. You request this in your motion form along with your other requests (Form 14 or Form 14B).
- Complete and file a draft [Form 14D: Order on Motion Without Notice](#). In this form, you list the orders that you want the court to make. If the judge agrees, they may sign this form and it becomes your official court order.

You do not serve your motion forms on the other party when you are bringing a motion without notice.

You must **file your documents with the court on or before the motion date**.

If the judge hears your *ex-parte* motion and makes an order, you must usually serve a copy of all your motion materials and the judge's order on the other party as soon as possible after the motion date.

In many cases, **you will have to return to the court for another hearing within 14 days**. This is to give the other party a chance to tell the judge their side of the story, which they were not able to do at the *ex-parte* motion hearing. The judge can then decide whether the previously made temporary order should remain in place, be changed, or no longer stay in place.

Steps to respond to a motion in family court

If another party has served motion forms on you, there are a few steps you must follow when responding.

Step 1: fill out your motion forms

To respond to a motion you must complete the following forms:

- **[Form 14A: Affidavit \(General\)](#)**
 - write out the evidence to explain your side of the story and whether or not you agree with the orders the other party is requesting
 - attach any relevant documentary evidence to this form as an “exhibit”
 - identify each exhibit that you attach, in an alphabetic sequence (for example, you may write “Attached as ‘Exhibit A’ is a copy of an access schedule, agreed upon by me and the respondent”)
 - swear or affirm that the information in this form is true, and sign the form in front of a [commissioner for taking affidavits](#). There are commissioners at all family court offices who will commission the form for free.
- an updated [Cumulative Table of Contents](#) in the Continuing Record
 - [learn more about updating your Continuing Record during the case](#)
- an updated **Financial Statement** ([Form 13](#), [Form 13.1](#), or [Form 14A](#)) if the motion relates to child support, spousal support, or property
 - [learn how to update your financial statement](#)
- a **Factum** or **Summary of Argument** if your case is in the **Superior Court of Justice** or the **Family Court Branch of the Superior Court of Justice**
 - write out the rules and laws that apply to the facts in your case, which support your response to the motion.
 - for more information, refer to the court’s provincial and regional [Practice Directions](#)

Step 2: serve and file your motion forms

Once you complete your forms you should make at least two copies – one copy for yourself, one copy for the other party and the original for the court. You must:

1. **serve** a copy of all your responding forms on the other party, using [regular or special service](#)
2. complete and swear or affirm [Form 6B: Affidavit of Service](#) in front of a [commissioner for taking affidavits](#)
3. [file your original responding forms](#) and completed Affidavit of Service (Form 6B) with the court

You need to serve and file your responding motion forms at least:

- **four business days before the motion date**, if you were served with a motion for a temporary order (Form 14)
- **four business days after the motion forms were served on you**, if you were served with a procedural, uncomplicated, or unopposed motion (Form 14B)

Step 3: attend the motion hearing

The last step is to attend the motion hearing, unless it is a procedural, uncomplicated, or unopposed motion (Form 14B) that is being considered by the judge based only on written material.

See [Step 5](#) of bringing a motion for more information on the motion hearing process.

Family court trial

Overview of a trial

A judge may order your case to go to trial if you and the other party can't resolve the issues.

When you go to trial in family court, this means you and the other party have to appear in front of a judge and present evidence to support your claims. At the end of the trial, the judge makes a court order telling you both what you have to do about the issues in your case.

See Rule 23 of the [Family Law Rules](#) for more information on how to prepare for your trial and present evidence at trial.

Avoiding a trial

Trials cost significant time and money. They can also be very stressful for you and your family. If you have children, it can be difficult to parent together after going through a trial. Remember when you go to trial, it will be a third party that will make important final decisions about your family's lives. For example, the judge may decide where your children live, when and where you can see your children, for how long and at certain times of the year. These decisions will be set out in a court order, which may not be easy to change without returning to court again. A party who does not comply with the terms of the order can face serious legal consequences.

For these reasons, it's usually a good idea to take all reasonable steps to avoid a trial and for you and the other party to make your own decisions about your family's lives and your future. Most family law cases are resolved without having to go to trial, but a small percentage must go to trial for a resolution.

Representing yourself

Although you can represent yourself in court, you should speak to a lawyer who can help you understand:

- your options
- the steps that make the most sense in your case
- your rights and responsibilities
- the legal consequences of your decisions

[Learn more on how to find a lawyer and what you need to know when representing yourself in court.](#)

Offers to settle

You can make an offer to settle to the other party at any time during your court case. An offer to settle says what you are willing to agree to in order to resolve your case. Your offer to settle should be clear, reasonable, and fair. Offers to settle can help you come to an agreement with the other party and they can also be used to request that the other party pay your legal costs.

You can't show your offer to settle or tell details about the offer to settle to the trial judge until after they've made their decision.

See Rule 18 and Rule 24 of the [Family Law Rules](#) for more information on offers to settle.

Steps in a trial

There are a few steps you should follow when going to trial.

Step 1: scheduling the Trial

If a judge orders that a trial is required for your case, the judge or the court clerk will set the trial date.

A trial may take less than one day, multiple days or weeks, depending on multiple factors such as the complexity of the issues, the amount of evidence to be presented by the parties and the availability of counsel and court schedules.

If you need an interpreter or any special arrangement because of a disability, ask for these well in advance of your trial date. You can speak with any court staff or the [Accessibility Coordinator](#) at the courthouse about what you need.

Learn more about [court interpreters](#).

Step 2: preparing your trial record

A **trial record** is a set of documents that is prepared to make sure everyone involved in the trial has all the information they need. This is different than the Continuing Record. You cannot use the Continuing Record at trial instead of a trial record.

The applicant

If you are the applicant who started the case, you must:

1. **prepare** the trial record for the case
2. **serve** the trial record on all parties in your case at least **20 calendar days** before the trial or trial sitting (the period of time available for the court to schedule a trial) starts, whichever starts first
3. **file** the trial record with the court at least **20 calendar days** before the trial or trial sitting starts, whichever starts first

The trial record must include:

- a **table of contents** that lists all the documents in the trial record
- a copy of the **application** that you filed with the court to [start your case \(Form 8 or Form 8A\)](#)
- a copy of the respondent's **answer (Form 10)**, which is the document that the other party filed with the court in response to your application
- any **reply** that you filed to the other party's answer ([Form 10A](#))
- any **agreed statement of facts**
- any **assessment reports** that the court ordered or that you and the other party agreed to have prepared (usually completed by a mental health worker, a social worker or a psychologist)
- any **report from the [Office of the Children's Lawyer](#) (OCL)**

- sometimes the court needs independent information about a child's needs, wishes and interests and asks the OCL to help
- clinicians who work for the OCL can prepare reports for the court and help lawyers who are representing children
- any [temporary order](#) from a judge about a matter that has not been resolved on a final basis (for example, a temporary order for child support)
- any **order about the trial** (for example, an order from a judge giving permission for a witness to give evidence in writing rather than attending the trial in person)
- the **relevant parts of any transcript you intend to refer to at trial** (for example, if the judge allowed you to question the other party on an affidavit they provided)
 - family court staff can help you get a transcript for your trial record
- your completed [Trial Scheduling Endorsement Form](#), if your case is in the **Superior Court of Justice** or the **Family Court Branch of the Superior Court of Justice**
 - [learn more about the Trial Scheduling Endorsement Form](#)

If it is relevant to an issue at trial, you will also need the most recent version of your and the other party's:

- **Financial Statements** ([Form 13 of Form 13.1](#))
- **Certificates of Financial Disclosure** ([Form 13A](#))
- **Net Family Property Statements** ([Form 13B](#))

[Learn about updating your financial disclosure documents.](#)

The respondent

If you did not start the case (in other words, if you are the respondent), you do not have to prepare a trial record. The other party will serve the trial record on you at least 20 calendar days before the trial or trial sitting starts, whichever is first. Once you've received the trial record, you can add any documents that you think are missing and update the table of contents. Any documents you add to the trial record must be served and filed at least seven calendar days before the start of the trial.

See Rule 23 of the [Family Law Rules](#) to learn more about preparing a trial record.

Step 3: preparing your evidence

Generally, your evidence that you present to the judge at trial will be **documents** or **witnesses**. All evidence that you present at trial must be relevant to an issue in your case (for example, you may choose to submit pay stubs as evidence to help prove how much money you earn, which can be relevant to child support).

Documents

Documents submitted as evidence at trial are called **exhibits** and must be originals, not copies. You can submit a document as evidence at trial when you are:

- acting as a witness and you speak about the document
- questioning a witness who can speak about the document

Copies of any document that you want to submit as evidence at trial **must be given to the other party before trial starts**. It is best if you prepare a package of all the documents that you plan to submit at trial, which is called a document brief. You and the other party should share document briefs well in advance of your trial.

Witnesses

You may want to ask a witness to help you tell your side of the case in a trial. The witness can only give evidence about what they know and not what other people have told them.

[Learn more about witnesses.](#)

Step 4: attending the trial

Judges make decisions about family cases, which means your case won't have a jury. However, trials are usually open to the public, which means other people may be present in the courtroom to observe your trial.

If you need a closed hearing, you can ask the judge to make an order at a conference or by filing a motion before your trial. The judge will decide whether or not to grant your request to exclude everyone else except the parties from the courtroom during the trial.

[Learn more about what to expect when attending the trial.](#)

Witnesses in family court

A witness is someone who can provide evidence to help a party explain their side of the case.

How to call a witness

If you want to make sure that your witness will attend your trial and be available to provide evidence, you must:

- Complete [Form 23: Summons to Witness](#) if the witness lives in Ontario or [Form 23A: Summons to Witness Outside Ontario](#) if the witness lives outside Ontario
- arrange for a friend, family member or professional process server who is at least 18 years old to serve on the witness using [special service](#):
 - a copy of the summons (Form 23 or Form 23A)
 - [the witness fee](#)
- file the summons (Form 23 or Form 23A) with the court

A witness who has received a summons (Form 23 or Form 23A) **must** attend the trial. If a witness does not attend, a judge can issue a warrant for arrest to bring the witness to court.

If your witness cannot attend, you can ask the judge at a conference or motion for an order letting the witness testify in another way, such as:

- answering questions before the trial and using the transcript of their answers as evidence during the trial
- providing their evidence in an affidavit that they will need to swear or affirm in front of a [commissioner for taking affidavits](#) and filing the affidavit before the trial

This documentary evidence must be **served on the other party at least 30 calendar days before the trial starts.**

How to call an expert witness

Generally, expert witnesses can give the court information that is outside the experience and knowledge of the judge (for example, financial experts or [parenting assessors](#)) to help the judge make a decision about the issues in the case.

See Rules 20.1, 20.2, and 20.3 of the [Family Law Rules](#) for more information about experts.

There are different types of experts, including:

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

Calling a litigation expert

If you want to call a litigation expert witness to give evidence on parenting issues, you must cooperate with the other party in your case and use a joint litigation expert (unless the court orders otherwise).

Before you call a litigation expert (including a joint litigation expert) to provide opinion evidence at trial, you have to:

1. ask the expert to prepare and sign an expert report, which must meet the requirements in Rule 20.2 of the [Family Law Rules](#)
2. serve and file a copy of the report at least six business days before your [settlement conference](#)

If the other party agrees to let you submit the expert report as evidence at trial, then you do not need to call the expert as a witness to give verbal evidence at the trial date. However, the other person is entitled to question (cross-examine) your expert at trial about their report.

If the other party does not agree to let you submit the expert report as evidence at trial, then you have to call the expert as a witness for trial. The expert's verbal testimony is the evidence, and not their report (unless the trial judge decides otherwise).

Witness fees

You have to pay a fee to any witnesses you call for each day they are needed in court. There are standard witness fees in Ontario. You must pay a witness for every day they attend court, even if they are not questioned that day.

If the witness lives in the same city or town as the court, for each day they are needed, you have to pay them:

- \$50 for coming to court or being questioned
- \$5 for travel

If the witness lives in a different city or town, but within 300 kilometres of the court, for each day they are needed, you have to pay them:

- \$50 for coming to court or being questioned
- 30 cents per kilometre, each way, for travel
- \$100 per night for meals and overnight stay, if needed

If the witness lives 300 kilometres away or farther from the court, for each day they are needed, you have to pay them:

- \$50 for coming to court or being questioned
- the cheapest available airfare
- \$10 per day for airport parking
- 30 cents per kilometre, each way, from the person's home to the airport and from the airport to the courthouse
- \$100 per night for meals and overnight stay, if needed

Attending the family court trial

It is always good to familiarize yourself with the trial process and protocols before your trial date. This includes when to arrive, how to behave and what will happen once the trial starts.

Arrive early

You should arrive at least 30 minutes early at the courthouse on the day of your trial.

When you arrive, look for the name of your case or court file number on that day's list of cases to be heard. The list is usually posted near the entrance to the courthouse or outside each courtroom. If you cannot find the list, ask the court staff for help.

You should check in with the clerk when you find your courtroom. If court is already in session, wait to talk to the clerk until there is a break in the session.

How to behave in court

Generally, when going to court you should:

- turn off your cell phone and all electronic devices
- stand up when the judge enters or leaves the courtroom and when you are speaking to the judge
- refer to the judge as “Your Honour” or “Justice” and ask the judge for permission to speak before you begin speaking
- always speak directly to the judge, not to the other party (except if you are questioning the other party as a witness during trial)
- pay careful attention to what is being said (you can take notes while you are in court)
- give the court registrar (who sits near the judge) any documents you wish to give to the judge

Generally, when court is in session, you should not:

- interrupt other people except to object to an inappropriate question, where you must:
 -
 - stand up and wait for the judge to ask you to speak
 - state the reason for your objection
 - let the other part respond and wait for the judge to decide whether your objection is valid
- make faces or gestures when you disagree with something that another person says during trial
- argue with the other party or the judge
- eat food, chew gum or drink other beverages--only water is allowed in the courtroom

During the trial

Opening statements

You and the other party in your case will have to give the judge a short overview of what you are each requesting and what your evidence will be to support your request. These are called opening statements.

The applicant (the person who started the case) goes first. The respondent then gives their opening statement.

Presenting evidence

After the opening statements, the parties present their evidence to the judge to support their claims.

Before the trial, you should have prepared a list of questions that you plan to ask each of your witnesses. This will help make sure that you don't forget to ask about something important regarding your side of the story that you want the witness to speak to.

The applicant's witnesses go first. The applicant will ask their witnesses questions to try to get information that supports the applicant's claims (this is called the examination-in-chief). After the applicant finishes questioning their witness, the respondent has a turn to ask questions to the applicant's witness (this is called cross-examination). Once a witness has finished giving their testimony, the next witness can be called and this process starts again for each witness (examination-in-chief, then cross-examination) until all of the witnesses called by the applicant have testified.

After the applicant's witnesses are done being questioned, **it is the respondent's turn to call their witnesses**. Similarly, the respondent will ask their witnesses questions to try to get information that supports the respondent's claims (again, the examination-in-chief). After the respondent finishes questioning each of their witnesses, the applicant has a turn to ask questions to the respondent's witnesses (again, cross-examination). Once a witness has finished giving their testimony, the next witness can be called and this process starts again for each witness (examination-in-chief, then cross-examination) until all of the witnesses called by the respondent have testified.

After both parties have questioned all of the respondent's witnesses, the applicant can submit reply evidence that relates to any new issue that was raised during the testimony by the respondent's witnesses. This cannot include evidence that should have been submitted when the applicant's witnesses were testifying.

Closing statements

After all the evidence has been presented, you and the other party will summarize your evidence and the applicable laws to explain what you think the judge's order should be at the end of the trial. These are called closing statements.

The judge may ask you to give your closing statements verbally or in writing. If you give your closing statement verbally, the applicant will go first and then the respondent.

The judge's decision

After closing statements, the judge may be ready to make a decision right away about the issues in your case.

If the judge does not make a decision right away, they may **reserve the decision** to a later date. This means that they need time to review the evidence that was presented at trial. You may have to return for another court date to hear the judge's decision or you will be notified of the decision in writing when it is available.

You must do what the judge says in the court order, even if you do not agree with it.

Costs

After you receive the judge's decision, you may be required to pay the other party's legal costs for the trial and previous steps in your case. Alternatively, the other party may be required to pay your legal costs.

There is a general presumption that the successful party is allowed to have their legal costs paid by the other party. Please keep in mind that you and the other party may have been successful in different ways. In these situations, the court may divide the costs, which means you both have to pay each other for different legal expenses.

You might have to explain why you are asking for costs either verbally or in writing and give the judge a summary of your legal expenses. The judge will make a decision about who gets their costs paid by considering a number of factors, such as:

- how reasonable each party was during the case
- any offers to settle that the parties made
- how complex the issues were in your case

See Rules 17, 18, and 24 of the [Family Law Rules](#) for information on costs.

Motions to change a final order or written agreement

Overview

After you have resolved your family law issues, you may later need to change the terms of your court order or written agreement that has been filed with the court. For example, you may need to update the amount of child support if the person paying support has lost their job or is making more money since the order was made.

You must file certain documents and you may have to appear in court. Depending on what you want to change and whether you and the other party agree, you will need to bring a:

- [motion to change](#), if you and the other party **can't agree** on how to change your arrangement.
- [consent motion to change](#), if you and the other party **agree** and you want to change something other than child support only, such as parenting time, decision-making responsibility, or spousal support (whether or not you also want to change child support).
- [consent motion to change child support](#), if you and the other party **agree** and want to **change child support only** (and not, for example, parenting time, decision-making responsibility, or spousal support).

See Rule 15 of the [Family Law Rules](#) to learn more about changing a final order or written agreement.

The appropriate municipality and court

There are rules about where you can bring motions to change, which are similar to the rules that apply as if you are starting a new case. There are two factors that you must consider: the appropriate municipality and the appropriate court.

[Learn how to choose the appropriate municipality and court for your motion to change.](#)

Steps to making a motion to change

If you want to change a final order or written agreement, and the other party does **not agree** to the change, you need to:

1. identify and fill out your documents
2. get your motion to change issued by the court
3. serve all your documents
4. file proof of service

Step 1: identify and fill out your documents

To bring a motion to change, you will need:

- [Form 15: Motion to Change](#)
 - give the court information about your current arrangement and the changes you want to make
 - this form must be signed in front of a [commissioner for taking affidavits](#)
- a copy of your **existing court order** or **written agreement** (already filed with the court) that you are asking to change
- [Continuing Record for a Motion to Change](#), including a **Table of Contents**
 - [learn more about the Continuing Record](#)

Depending on your circumstances and what you're requesting, you will also need:

- [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you are asking to change your parenting time or decision-making responsibility arrangement. This form must be commissioned.
- If you are asking to change your child support or spousal support arrangement, the following financial documents:
 - [Form 13: Financial Statement \(Support Claims\)](#).
 - **Proof of current income** (for example, your most recent pay stub, social assistance statement, or pension stub that shows your year-to-date income).
 - **Proof of income for the past three taxation years**, which must be one of the following:
 - Your Notices of Assessment and any Notices of Reassessment for each of the past three years. If your notices are unavailable for a particular year, you can use an Income and Deductions printout provided by the [Canada Revenue Agency](#). You can contact the Canada Revenue Agency at .
 - Some other proof of income for each of the past three years, if you swear or affirm a statement in your Financial Statement (Form 13) that you are not required to and have chosen not to file an income tax return because of the Canadian [Indian Act](#).
 - You need proof of your income for any other years that you're asking to change or cancel your support arrears. For example, if you're asking to change or cancel your arrears since 2014, you need proof of your income for 2014, 2015, 2016, and so on for each year up to and including this year.
 - If you are asking to change your special or extraordinary expenses for a child, you also need to provide proof of these expenses (for example, daycare receipts).
 - [Form 13A: Certificate of Financial Disclosure](#). In this form, you confirm which financial documents you have served on the other party.
 - If your support is registered with the Family Responsibility Office, you need a recent copy of the Director's **Statement of Arrears**. [Learn more](#) about how to get your Statement of Arrears.
 - A [Confirmation of Assignment form](#), if support may have been assigned to a social service agency.

[Learn more about financial disclosure documents.](#)

Step 2: get your motion to change issued by the court

After you complete all of your documents, you have to get them “issued” by the court.

You can submit your documents to the court for issuance online using [Justice Services Online](#) or in-person at the courthouse.

A court clerk will issue your Motion to Change by:

- signing and dating your original motion to change (Form 15) and applying the court seal to the form
- giving you a court file number that you must write in the box at the top right corner of each page of your forms on every copy

You should make copies of everything that the clerk returns to you in order to serve a copy on every party named in the case and any agency required to be served. Remember to also make a copy for yourself.

First appearance

The clerk will give you a [first appearance date](#) if you bring your motion to change in the Ontario Court of Justice or the Family Court Branch of the Superior Court of Justice.

The Superior Court of Justice does not schedule a first appearance when you bring your motion to change. You are responsible for scheduling your first court date, which is usually a case conference

Dispute Resolution Officer Program

The Dispute Resolution Officer (DRO) program operates in twelve **Superior Court of Justice or Family Court of the Superior Court of Justice** locations:

- Barrie
- Brampton
- Hamilton
- Kingston
- Kitchener
- London
- Milton
- Newmarket
- Oshawa (Durham)
- Catharines
- Toronto
- Welland

DROs are senior family lawyers who hear the initial case conferences for motions to change. If you make your motion to change in a court location where the DRO program operates, your first case conference will be with a DRO rather than a judge.

DROs provide an early, neutral evaluation of your case to help you and the other party:

- settle or narrow the issues in dispute
- organize any issues that are not settled
- share disclosure with each other
- set next steps in your case

Unlike a judge, DROs cannot make orders (even if you and the other party agree). However, a DRO can help you get a consent order from a judge.

Mandatory Information Program (MIP)

In some circumstances, you and the other party will be required to attend a free Mandatory Information Program (MIP) session. When the clerk issues your motion to change, you may receive two MIP notices – one for you and one for the other party. You will each be scheduled to attend different MIP sessions.

[Learn more about MIP sessions.](#)

Step 3: serve all your documents

Once your motion to change has been issued by the court, you will need to serve your documents.

[Learn more about how to serve your documents.](#)

Serving the responding party

After the clerk issues your **motion to change**, the following documents must be served on the other party:

- a copy of your **court-issued motion to change and all your other forms** that you completed in [Step 1](#) (including the Continuing Record)
- **the responding party's MIP Notice**, if you received one from the court clerk when you issued your motion to change at [Step 2](#)
- **blank copies** of the forms that the responding party may need to fill out to respond to your motion to change:
 - [Form 15B: Response to Motion to Change](#)
 - [Form 15C: Consent Motion to Change](#)
 - if you're asking to change your support arrangement:
 - [Form 13: Financial Statement \(Support Claims\)](#)
 - [Form 13A: Certificate of Financial Disclosure](#)
 - [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you're asking to change your parenting time or decision-making responsibility arrangement

Someone other than you (who is at least 18 years old) must serve your documents on the responding party, using [special service](#).

The other party must receive your documents with enough time to complete, serve, and file a response before the first appearance or conference. The other party has 30 calendar days to respond after they receive your motion to change (or 60 calendar days if they were served outside of Canada or the United States).

Serving assignees

When a person receiving child or spousal support payments is in receipt of social assistance benefits, they may **assign** their support payments to a **social service agency** (such as Ontario Works or the Ontario Disability Support Program). This means that the agency is an **assignee** that receives the support payments.

If the support payments in your case are going to a social service agency, you must **serve** all of your motion to change documents that you completed in [Step 1](#) on the agency. A caseworker at the **agency must agree to any changes to your support arrangement** (even if you and the other party agree).

You do not need to serve any MIP notice or blank forms on the agency.

You must serve your documents on the agency [using special or regular service](#). You can personally serve assignees and do not need to ask someone else to serve the documents for you.

If the agency responds by serving and filing a notice claiming a financial interest in your motion to change, the agency becomes a named responding party in your case.

Step 4: file proof of service

You must complete [Form 6B: Affidavit of Service](#) (one for each party that was served). In this form, you give information to prove to the court that your documents were served on the other party and any agencies.

[Learn more about the proof of service and how to file it.](#)

Steps in responding to a motion to change

Step 1: review the forms that you were served with

It is important to review the forms you've been served with because they will determine your next steps. Read all the forms and documents you received closely because they can include:

- the date when you need to appear in court
- instructions about what to do next
- when you need to respond

Step 2: fill out your responding documents

If you agree with the changes

If you **agree to the changes** that the other party is requesting, you need to complete:

- [Form 15C: Consent Motion to Change](#) to give information about the changes that you agree on

If you don't agree with the changes

If you do not agree to the changes that the other party is requesting, you need to complete:

- [Form 15B: Response to Motion to Change](#) to you explain why you do not agree with the changes that the other party wants and ask the court to make different changes to your current arrangement

This form must be commissioned.

Depending on your circumstances and what you are asking for, you will also need to prepare:

- [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you or the other party is asking to change parenting time or decision-making responsibility arrangement. This form must be commissioned.
- If you or the other party is asking to change your child support or spousal support arrangement, the following financial disclosure documents:
 - [Form 13: Financial Statement \(Support Claims\)](#). In this form, you give the other party and the court information about your finances, including your income, expenses, assets, and debts.
 - **Proof of current income** (for example, your most recent pay stub, social assistance statement, or pension stub that shows your year-to-date income).
 - **Proof of income for the past three taxation years**, which must be one of the following:
 - Your Notices of Assessment and any Notices of Reassessment for each of the past three years. If your notices are unavailable for a particular year, you can use an Income and Deductions printout provided by the [Canada Revenue Agency](#). You can contact the Canada Revenue Agency at .
 - Some other proof of income for each of the past three years, if you swear or affirm a statement in your Financial Statement (Form 13) that you are not required to and have chosen not to file an income tax return because of the Canadian [Indian Act](#).
 - You need proof of your income for any other years that you are asking to change or cancel your support arrears. For example, if you are asking to change or cancel your arrears since 2014, you need proof of your income for 2014, 2015, 2016, and so on for each year up to and including this year.
 - If you are asking to change your special or extraordinary expenses for a child, you also need to provide proof of these expenses (for example, daycare receipts).
 - [Form 13A: Certificate of Financial Disclosure](#). In this form, you confirm which financial documents you have served on the other party.
 - If your support is registered with the Family Responsibility Office, you need a recent copy of the Director's **Statement of Arrears**. [Learn more](#) about how to get your Statement of Arrears.
 - A [Confirmation of Assignment form](#), if support may have been assigned to a social service agency.

You should make at least two photocopies of all your completed forms – one copy for yourself, one copy for the other party, and the original for the court.

[Learn more about financial disclosure documents.](#)

Step 3: serve all your documents

After you have completed, signed and sworn or affirmed (if needed) your forms, you have to **serve them on the other party and any assignee**.

You can serve the documents by:

- yourself, using regular or special service
- asking a friend or a family member who is over the age of 18
- hiring a professional process server to serve the forms for you

Make copies of **all** your documents that you completed in [Step 2](#) and serve them on the other party and any assignee within:

- **30 calendar days** of receiving the other party's motion to change if you were served in Canada or the United States
- **60 calendar days** of receiving the other party's motion to change if you were served outside Canada or the United States

There are rules about how to count time correctly for the purpose of a motion to change. If you do not follow the rules, court staff may not accept your documents.

[Learn more about how and when to serve your documents.](#)

Step 4: file your documents with proof of service

After you have served the other parties in your case:

- complete [Form 6B: Affidavit of Service](#) (one for each party that was served)
- file all your original documents and Form 6B at the courthouse location listed at the top of the motion to change forms you received from the other party

You can file your documents online using [Justice Services Online](#) or in-person at the courthouse.

[Learn more about filing the proof of service.](#)

Next steps

The next steps in your motion to change may include a:

- [Mandatory Information Program \(MIP\)](#)
- [first appearance](#) (with a court clerk)
- [case conference](#) (with a DRO or judge)

You should always make sure you know what the next step is in your family court process. If you are not sure, court staff or a lawyer can help you understand what steps may be required in your case. Court staff can only provide general information and cannot provide legal advice.

Consent motion to change

If you and the other party agree on the change(s) you want to make to a court order or written agreement, you will need to bring either:

- a consent motion to change
- a consent motion to change child support

Making a consent motion to change

If you and the other party want to make a consent motion to change, you will need to complete:

- [Form 15C: Consent Motion to Change](#)
 - you and the other party give the court information about your current arrangement and the changes you have agreed on
 - this form must be **signed and dated by you, the other party and any assignee** in front of witnesses
- a copy of your **existing court order** or **written agreement** (already filed with the court) that you're asking to change
- [Form 14B: Motion Form](#)
 - write the orders you're collectively asking the court to make, as well as the rules and laws that apply to the facts of your case
- draft [Form 25: Order](#)
 - write out everything that you and the other party have agreed on and want included in your new order
 - this form must be typed on a computer, not hand-written
 - bring 5 copies of this form for filing at the courthouse
- if you file in person at the courthouse, **two business-sized envelopes (9 ½" x 4 ⅛")**, **each stamped with sufficient postage**: one addressed to you and one addressed to the other party

Depending on your circumstances and what you're requesting, you will also need to complete:

- [Form 35.1: Affidavit \(decision-making responsibility, parenting time, contact\)](#), if you are asking to change your parenting time or decision-making responsibility arrangement. You and the other party must each complete your own copy of this form (one per person). This form must be commissioned.
- If you are asking to change a child support or spousal support order:
 - A draft [Support Deduction Order](#) (also available at the court office).
 - A [Support Deduction Order Information Form](#) (also available at the court office).
 - [Form 13: Financial Statement \(Support Claims\)](#) (one per person), **unless** you both write in Form 15C that you have **agreed** not to give Financial Statements. This form must be commissioned. [Learn more about financial statements.](#)
 - A [Confirmation of Assignment form](#), if support may have been assigned to a social service agency.

Bringing a consent motion to change child support

To bring a consent motion to change child support only, you will need to complete:

- **[Form 15D: Consent Motion to Change Child Support](#)**. In this form, you and the other party give the court information about your current child support arrangement and the changes you have agreed on. This form must be signed and dated by you, the other party, and any assignee in front of witnesses.
- A copy of your existing court order or written agreement (already filed with the court) that you're asking to change.
- Draft **[Form 25: Order](#)**. Write out everything that you and the other party have agreed on and want included in your new order. This form must be typed on a computer, not hand-written. Bring 5 copies of this form for filing at the courthouse.
- If you file in person at the courthouse, two business-sized envelopes (9 ½" x 4 ⅛"), each stamped with sufficient postage: one addressed to you, and one addressed to the other party.
- A draft **[Support Deduction Order](#)** (also available at the court office).
- A **[Support Deduction Order Information Form](#)** (also available at the court office).
- A **[Confirmation of Assignment form](#)**, if support may have been assigned to a social service agency.

Online child support service

The Ministry of the Attorney General's **[Online Child Support Service](#)** allows separated parents with non-complex child support cases to establish and update child support payments through an online portal, without going to court.

File your documents

You should make at least two copies of all your completed forms – one copy for each of you and the original for the court.

You must **file** all your documents online using **[Justice Services Online](#)** or in person at the courthouse.

The judge's decision

If the judge grants the orders you requested, the court will send you both the signed order by email or in the self-addressed stamped envelopes that you provided to the court.

If the judge does not grant the orders, the court will send you an endorsement that tells you why and any next steps you must take.

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