

**St. Catharines Liaison and Community Resource Committee**

**Meeting Minutes**

St. Catharines Liaison Committee for Family Court

St. Catharines Resource Committee for Family Court

**Meeting Held: September 26, 2023 at 3:30 p.m.**

**Chair:** The Honourable Madam Justice MacPherson

**Present:** Amber Bouw  
Andrea Debbané Piller  
Chris Love  
Daniel Ventresca  
Greg Sutter  
Jodi Springer  
Keith Newell  
Marion Wright  
Mindy Wilson  
Tamara Bodnaruk-Wide  
Virginia Workman  
Wayne Herter

**Regrets:** Christine Stark  
Elisabeth Cassavoy  
Leigh Foster  
Ryan Easson  
Wendy Sturgeon

**Introduction:**

No business arising from the June meeting.

## 1. Trial Coordinator's Report – Jodi Springer

- a. Ms. Springer indicated there are a couple items to share, the first being that often counsel are not completing section 9 on the 14C confirmations. This section lists the materials the presiding judge will be referred to, so it is important this be completed. Ensuring this is completed also ensures that the trial coordinators can make sure that the judge has the materials needed.

Justice MacPherson reminded the panel that in the past, if this section of either party's confirmation was left blank, the matter was adjourned. Her Honour indicated that if this continues to be an issue, and that is what it takes to have the form complied with, the judges will have to resume that practice.

Ms. Workman noted that counsel are supposed to be uploading all of their materials to CaseLines well in advance of the court date, including their completed confirmation and inquired why that was not sufficient to make sure the judges had the materials. Justice MacPherson shared that sometimes what is uploaded to CaseLines is in excess of what the judge is actually being referred to; for example, five affidavits are being uploaded but perhaps only one needs to be read and so it is helpful when what the judge will be referred to is specified by way of the confirmation. Her Honour also noted that materials are also not always making it into CaseLines.

- b. Ms. Springer shared the reminder that the generic trial coordinator address ([st.catharines.superior.court@ontario.ca](mailto:st.catharines.superior.court@ontario.ca)) is the email address to be used when submitting confirmations to the trial coordinators, not personal addresses. All of the trial coordinators have access to the generic email, and this prevents items being missed.

- c. Ms. Springer shared that another issue is materials not being uploaded to CaseLines in advance of the court date. This is an ongoing, common issue.
- d. Ms. Springer stated that currently DRO conferences are being scheduled three weeks out, case and settlement conferences are being scheduled eight weeks out, and uncontested hearings are being scheduled seven weeks out.
- e. The January 2024 trial sittings are 17 weeks out and there is no availability for anything to be scheduled outside of the sittings for the remainder of the year. Anything being scheduled outside of the sittings would likely have to be scheduled after the January trial sittings.

Trial readiness court for the October sittings is scheduled for September 28, 2023. The list tends to thin out after trial readiness court, but right now the October sittings have 36 trials on the list: 26 family matters, 9 civil matters (4 being jury trials), and 1 criminal matter during the last week of the sittings.

The January 2024 trial sittings already have 16 family matters and 13 civil matters (6 being jury trials) on the list.

The April 2024 trial sittings have 4 family matters and 23 civil matters (8 being jury trials) on the list already.

## **2. Legal Aid Report & Staff Duty Counsel Report – Andrea Debbané Piller**

- a. Ms. Debbané Piller shared that they are actively recruiting more family per diems and indicated if there are any local lawyers that would like to be per diems to please reach out to Elisabeth Cassavoy.

- b. Ms. Debbané Piller shared that family counsel Mr. Kravcik is ill and in hospital. Legal aid will assist in expediting a change of lawyer if any of his clients would like to do that, and if his clients need assistance in navigating the court process, they can let legal aid know.
- c. Ms. Debbané Piller provided an update on the CaseLines access issue mentioned at the June meeting: Duty counsel and the Family Law Service Center were having difficulty accessing files on CaseLines as self-represented parties did not have the ability to invite anyone to the matter. Ms. Debbané Piller indicated that she has learnt MAG and LAO have been discussing this issue and are running a pilot project in a few other locations. In this pilot, the shared duty counsel email for that location is sent an invitation link for every single case with self-represented parties, but duty counsel does not access the matter unless they are assisting on that file.

Ms. Debbané Piller said there was a memo that went out to court staff in the end of June from the office of the Chief Justice that outlines a change to CaseLines whereby self-represented parties can now send invitations to the matter. Ms. Debbané Piller shared that change was made in October 2022, the memo went out in June 2023 and LAO was told this information in August 2023. The memo explained that anything opened before October 2022 would not have automatically been adjusted to this, and self-represented parties would have to contact the courthouse and ask for their permissions to be changed on a case-by-case basis.

Ms. Debbané Piller miller pointed out this becomes an issue as sometimes duty counsel finds out very last minute that their assistance is required and there is delay in getting access to the matter because of this process; it is hoped that in those instances duty counsel may contact the court and make this request instead of the longer process of the self-represented

party reaching out to the courthouse then sending an invitation to duty counsel. Mr. Ventresca confirmed he would be happy to assist in expediting any last-minute needs, and duty counsel should CC him on their email request so he can make sure the request gets looked after.

Mr. Ventresca asked about the pilot project and whether it was in relation to the self-represented parties now being able to invite others to CaseLines as nothing was in the Chief Justice's memo regarding pilot projects; Mr. Ventresca's understanding was that this permission was now available across the board. Ms. Debbané Piller was unsure if they were two separate projects or referenced the same thing. Justice MacPherson indicated it was important for office staff to be aware of this process, and Mr. Ventresca confirmed they are aware and he has already received some inquiries from self-represented parties about their permissions being adjusted.

Mr. Ventresca shared that there are some quick tips for CaseLines on the ontariocourts.ca site (<https://www.ontariocourts.ca/scj/caselines/quick-tips/>) and tip 4 specifically speaks to inviting others to CaseLines.

### **3. Education – Virginia Workman**

- a. Ms. Workman shared that the desktop learning series is running again. The last session (plain language drafting of separation agreements) was not well attended, and she is unsure if it was the topic or a timing issue. The next session is scheduled to take place on October 10 and Ms. Workman is hoping it will be better received – Vanessa Lamb will be speaking about factum drafting. Ms. Workman indicated that more sessions are scheduled for December 12, January 9, February 13, April 9, and May 13. A notice went out as a full notice for the series and another reminder is sent out shortly in advance of the session so participants have the call-in

information. Ms. Workman shared that a new session will probably try to be organized in early spring.

- b. Ms. Workman said that the Child Protection subcommittee in Welland was trying to put together a full-day child protection education session, but it turned out to not be financially viable to have an in-person event. This was being arranged through the WCLA, and they wanted to make a profit which would have made this cost prohibitive for the Bar. Ms. Workman shared that four years ago a child protection seminar was held in-person with a cost of \$50 per person and it was “like pulling teeth” to get attendees at this price. WCLA made clear that the intention was to charge \$125 for the full-day event, and it would be unlikely the Bar would sign up at that cost. The intention was not only to have experienced counsel but also to attract newer counsel as well. It is hoped this can be retooled to be online, perhaps divided into four weeks in a row or two half days, and for the cost to be kept down.

Ms. Workman noted that the Bar is greying, particularly the child protection bar. She opined it is likely that counsel that specializes in this area will be limited in number in the coming years, so it is important to bring in new people to fill the need when others are no longer practicing. Justice MacPherson confirmed the importance of ensuring there are more lawyers educated in what that specialized area requires.

#### **4. DRO – Justice MacPherson**

- a. Justice MacPherson indicated there was a re-empanelment and there are a couple of new members both on the St. Catharines and Welland panels.
- b. Her Honour shared there is a province-wide education session being held virtually on September 27, 2023 that is mandatory for new members and

encouraged for all panel members as there will be some good resources and discussion as to how to conduct the dispute resolution matters.

- c. Justice MacPherson is hoping to have a Zoom meeting, probably in October, with the DRO panel members to discuss how things are going, any changes that are needed, etcetera.

## **5. FRO Report – Greg Sutter**

- a. Mr. Sutter shared that FRO is doing province-wide, one-hour virtual presentation sessions for court staff in reference to FRO enforcement. The first took place in the morning of September 26 and there are two more scheduled to take place on September 27 and September 28. Mr. Sutter and other colleagues are doing these presentations, which include a section on ISO. Mr. Sutter indicated that these sessions seem to be warmly accepted by the court staff presented to and are well attended.
- b. Mr. Sutter indicated that pre-pandemic, if the Director received a motion for subservice or stay of enforcement, the motion was scheduled for a FRO list date and heard at the same time as the enforcement proceeding. He inquired whether this practice could return in place of the current holding date process (motion put to holding date, Director responds, motion then put to a motion date separate from the FRO list to be heard) so that the motion could be heard and addressed at the same time again. Mr. Sutter expressed he felt the prior manner saved court time, counsel time and judicial time. He stressed that the current process is inefficient. There was some discussion of this, and the challenge noted was currently motions are proceeding virtually and the FRO list remains in person. Another issue would be ensuring office staff and self-represented parties were aware of this process for matters other than refraining motions (as they are time-sensitive).

- c. Justice MacPherson indicated, in St. Catharines, these motions for subservice are often brought by way of 14B motion rather than notice of motion and are dealt with in chambers, with the relief being granted 99% of the time. The only challenge experienced in this regard is perhaps not always being made aware by court staff that responding materials were received. Mr. Sutter confirmed that FRO has received and responded to some of these 14B motions, but the Director would not consent to them. Her Honour went on to say that giving a 14B motion a speak to date would add unnecessary time to the proceedings and it would be easier for self-represented parties to bring their motion for subservice by way of 14B motion dealt with in chambers than coming to court to speak to the matter. It seems the current process is the most streamlined way. Mr. Sutter indicated the Director would follow an order of the court if granted, but asked that the order specify that FRO is only to serve the originating documents to prevent an inundation of all other documents in the matter being sent to them. Justice MacPherson indicated as long as it's clarified in terms of what FRO is required to do, serving originating material only, the order would be granted.
- d. Justice MacPherson asked of Ms. Wilson and Ms. Bouw whether there were going to be any changes to the holding date process. Ms. Bouw asked that the court hold off on making any changes to how motions are dealt with until after the upcoming RSJ council meeting, as they will be discussing modes of proceedings on a provincial level and things may change.

On this basis, Justice MacPherson indicated that the processes are to remain as they currently are, and no motions to stay enforcement or for subservice will be put to a FRO list at this time as the court may no longer be continuing the holding date process.



## 6. CAS Report – Wayne Herter

- a. Mr. Herter stated that, unfortunately, the number of children in care continues to remain in the range of 450. This number has continued to rise over the course of time and the trend is continuing. He also shared that the number of open court cases continues to rise and the current common theme FACS is seeing is caregivers with a drug problem. A number of babies are being removed at the hospital as a result of parental drug problems and infants dealing with addiction issues and this has been a primary issue over the last couple of months. Mr. Herter shared that to date 219 final orders have been obtained this year, and the Society continues to be a “custody and access machine” with 46 of those final orders being custody orders. He indicated that the majority of the orders are supervision orders, which are roughly equally split between orders with kin (which generally prevent placement in care) and with parents (which generally results with them staying in the system and having to be dealt with and interim care orders rather than terminations).
- b. Mr. Herter shared that the Ontario Association of Children’s Aid Societies will be meeting October 26 and 27 in Niagara Falls, and counsel from children’s aid societies across the province will be meeting with some educational programs taking place. He indicated that the Law Society’s child protection program follows shortly thereafter.
- c. Mr. Herter reported the Society is experiencing a high level of satisfaction with the interactions with the court, specifically a high level of favourable communication, and indicated he would be happy to have any feedback from the court’s point of view.

Justice MacPherson indicated that the summaries being provided have been very helpful to the court and that things have improved in terms of the documentation being provided. Consents being provided so that they

can be dealt with on a CAS list has been particularly helpful. Justice MacPherson also shared that CAS lists are getting longer, often running into the afternoon rather than being done around 1:00 p.m. Some list dates are having to be closed in order to prevent the lists spilling into the afternoon so counsel know they have their afternoon clear on days they've made themselves available for the list. Her Honour also shared that at the last Welland Child Protection Committee meeting she learnt that CAS list dates are being set many weeks out, and that is despite the Welland CAS list running for a full court day. Her Honour indicated the statistics of children in care shared by Mr. Herter are reflected in the court dockets as well. Mr. Herter indicated he understood Welland was planning to have a second judge sit for CAS list dates to accommodate the increase at that court location.

- d. Mr. Herter also shared that when he hears about the lists and the number of matters on them, he knows that there are a couple of trials lurking to be set. With that in mind, the rules around hearsay evidence continue to evolve and there is concern that there will have to be a return to 30-day trials like were seen long ago; primarily as protection workers may work with a family for years and speak with a number of people over those years, all who would have to be called to give evidence rather than the worker being able to be called to provide that evidence.

## **7. Court Administration Report – Daniel Ventresca**

- a. Mr. Ventresca echoed Ms. Springer's earlier comment about generic email addresses being used rather than staffs' personal email addresses. Staff may be away or ill, and he indicated using the generic email address for the filing offices ([SCJStCatharinesCourthouse@ontario.ca](mailto:SCJStCatharinesCourthouse@ontario.ca)) ensures multiple people have access to the account and it can be dealt with efficiently. Mr. Ventresca reiterated that if there is any delay or an email goes unanswered to let him know, and he will follow up or speak to staff.

- b. Mr. Ventresca indicated there currently is not really a backlog with regards to orders as they are actively being worked on by staff. Justice MacPherson asked about the numbers, which Mr. Ventresca indicated as of the date of the meeting sat at: two CAS orders, ten counsel orders, one FRO order and four openness orders.
- c. Mr. Ventresca shared that the court is preparing for the upcoming trial sittings in October. A number of new registrars were trained over the summer months, and he is confident there will not be any staffing issue for the sittings.

On that note, Mr. Ventresca shared that the court is always hiring and is actively recruiting, with an ongoing posting online. He believes that this has resulted in improvement with previous delays experienced by counsel and asked counsel in the meeting to verify if that was their experience as well.

Ms. Workman shared that there has been some issue with a delay in receiving issued orders on a timely basis, including divorces orders, having received some orders from the court after the appeal period had already expired – the worst being received three months after the order was issued. Ms. Workman said that her office has had to reach out to supervisors to find out where the orders are and suggested a new electronic way to track the status of orders may be helpful. She expressed concern from a procedural point of view when someone is served with an order that is already a couple of months old and past the appeal period.

Ms. Workman also stated there is an ongoing problem with 14B motions and tracking them down after they are filed, and queried whether there is some way to monitor those. She shared that often times matters are being

adjourned again and again waiting to hear that a 14B motion was dealt with.

Justice MacPherson shared that the JAs have developed a system to ensure 14B motions are being dealt with in advance of dates and often Her Honour will ask either judicial assistant about the status of a 14B motion and they have that information tracked. Her Honour indicated there may have been some delay in processing the documents once reviewed over the summer as people are off, and that in the instance where a 14B motion was filed Monday for a matter with an event that Thursday it might not be addressed beforehand, but for a matter filed two months before it should have been addressed.

Justice MacPherson asked Mr. Ventresca if there was a standard turnaround time staff has for an order to be provided to counsel. Mr. Ventresca did not see any reason why counsel would not be receiving orders as soon as possible and indicated there shouldn't be any delay, so he urged anyone experiencing this issue to reach out to him directly ([daniel.ventresca2@ontario.ca](mailto:daniel.ventresca2@ontario.ca)) about any orders being waited on. In reference to Ms. Workman's suggestion about a tracking system, Mr. Ventresca indicated he would speak to Mr. Easson and hopefully something like that could be developed. He also again said that counsel should follow-up with court staff by way of the generic email address and then, if there are still issues, reach out to him as he needs to know if there is an issue in order to address it. Ms. Workman indicated some responses from court staff to follow-up emails are brief and unhelpful. Mr. Ventresca asked that in those instances he be made aware so he can follow up with the staff member.

- d. Justice MacPherson asked Mr. Ventresca if there was any status update regarding the internet issues. Mr. Ventresca indicated that the technicians

are still working on the plans, and he was not given a timeframe as to when the work would be completed. Justice MacPherson asked Mr. Ventresca to obtain a timeframe and advise both Her Honour and Justice Donohue of same as the issue is outstanding and needs to be addressed.

#### **8. FLIC Report and Mediator's Report – Tamara Bodnaruk-Wide**

- a. Ms. Bodnaruk-Wide shared that MIPs continue to be live online, and compliance is slightly better but not at the level MAG would like to see it.
- b. She also shared that IRCs continue working in person at the St. Catharines courthouse on Monday to Thursday, but the offer is still on the table that if there is a better distribution of those hours they are happy to adjust to the best way to serve the court.
- c. Ms. Bodnaruk-Wide stated that the numbers for offsite mediation are still at a historical high. Mr. Love confirmed that "historical high" literally meant a record high since the program rolling out in the 90s.
- d. Ms. Bodnaruk-Wide said that onsite mediation, or whatever it may be called going forward, is ready to go. They are ready to start consultation with stakeholders to roll out onsite mediation and will be in touch within the next week with affected stakeholders to get a start date for that to commence.

Justice MacPherson indicated there has been some discussion at a provincial level, and there will be as well at the RSJ council meeting, with regard to review of modes of proceedings around first attendance court either going back to being in person or some combination of in person and virtual; the idea being that self-represented parties will have access to resources such as mediation. Her Honour indicated the benefit of this being available has been lost as a result of the virtual appearances, and the

effect of mediation not being available is that parties often just continue going back to first attendance court until ultimately scheduling a case conference, whereas in the past with immediate access to mediation a final order may have been made and the matter out of the system. Justice MacPherson confirmed the importance of this resource being available.

- e. Ms. Bodnaruk-Wide confirmed that motion to change seminars are still being offered virtually through the Hamilton court and are available to all court locations. She indicated this is a valuable resource for self-represented parties.
- f. Mr. Love shared that they are also trying to roll out French language services and are trying to ensure services can be offered in both official languages.

#### **9. Family Court Support Worker Program – Marion Wright**

- a. Speaking to the point of virtual or in person court appearances, Ms. Wright shared that many clients who have experienced intimate partner violence find that virtual appearances are working well for them, so she is hopeful those options are remain available. Clients have indicated to her there is a greater sense of safety when appearances are virtual.
- b. Ms. Wright also shared that last Thursday, the Region of Niagara declared intimate partner violence an epidemic. She stated that many regions have gone ahead and done so as the province failed to do so. This was a recommendation after the Renfrew County inquest, an inquest that took place after three women were killed by an ex-partner.
- c. Ms. Wright shared that clients continue to have difficulty finding legal aid counsel. There is about a 50/50 chance that they will find a lawyer, and this can take many months.

- d. Ms. Wright shared that the cost of rent also continues to be an issue, as clients can't afford the cost of rent, and can't afford a lawyer, so they are having difficulty leaving dangerous situations. Ms. Wright indicated the wait for subsidized housing has also increased, with the wait for clients who do qualify being six months to a year for two- or three-bedroom housing compared to before when the wait was more like three to four months, and more than a year for four- or five-bedroom housing. This is also a barrier to clients being able to leave a dangerous situation. Housing workers are feeling defeated in terms of finding options for clients.
- e. There is a staffing issue currently, and Ms. Wright is working midnights, weekends, etcetera, in addition to her usual role as legal counsel. Seven new staff have been hired and Ms. Wright is hopeful they will stay.
- f. Ms. Wright shared that horrible situations are being heard on the anonymous crisis line, many of which the counsellors would have a duty to report if they had personal information, and it is likely FACS would not allow the children to stay. However, the parent can't leave due to lack of resources and affordability.
- g. Ms. Wright shared that in almost 24 years, she has never seen circumstances this bad in terms of clients, actions, and a lack of places to go. She indicated that court is not quick and the ongoing management of that for clients that are self-represented, dealing with intimate partner violence and everything else is quite a challenge, and we are in quite a crisis.

Justice MacPherson, touching on clients having to deal with the rental prices, asked Mr. Sutter if there has been any improvement of staffing at FRO or with increasing the rate of turnaround on support orders. Her

Honour said she's heard complaints of upwards of six or seven months' delay before support orders are enforced. Mr. Sutter indicated there is a welcome center at FRO that opens a file as soon as SDOs are received, noting that historically the SDO was brought in to bridge the time between an order being made and an order being issued to prevent delay. Mr. Sutter indicated once the file is opened, a welcome package is sent to the support recipient and support payor, and if it is sent back quickly FRO can send a support deduction notice to an employer quickly; the turnaround can be short but often takes longer than FRO would like. Ms. Workman shared that one of her clients was told three months is typical for turnaround time.

Justice MacPherson shared staff has indicated FRO has been requiring the issued order at the same time as the SDO due to frequent errors being made in the SDOs when compared to the order made. Her Honour inquired of Mr. Sutter if this was necessary. Mr. Sutter indicated that, according to the *Family Law Rules*, a support deduction order is a payment order and can be enforced as a support order. He confirmed FRO can proceed on simply an SDO if properly completed and in the normal course that is what is happening, but there may be some delay in enforcement when it takes longer to receive same from the court. Mr. Sutter also indicated that often if the SDOIF is not filled out well, then that causes delay as well as the Director has to dig around for information for an income source, etcetera. He indicated often FRO received SDOs the same day as they were ordered in the past. Justice MacPherson asked Mr. Ventresca to confirm that staff is sending SDOs the day they are made, or at the latest the next day. Mr Ventresca indicated he would find out what staff is doing - sending the SDO alone, or at the same time as the issued order – and that his understanding was that SDOs are to go to FRO the same day they are issued and that staff knows this as well. He stated he would look into this to see if there is an issue. Justice MacPherson asked



that the importance of these orders being sent to FRO on a timely basis and the significant consequences of not doing so be reiterated to court staff.

Ms. Workman asked if there was a way to see if an SDO had been sent to FRO by the court, as counsel doesn't have a way know if the court has sent it to FRO or not. She expressed it would be helpful to catch that something fell through the cracks early, especially if FRO can tell the client an average turnaround from when an SDO is received to when money might flow so reasonable expectations can be set. Mr. Ventresca indicated the best way to know is to follow up and ask.

#### **10. Pathstone Report – Marion Wright on behalf of Christine Stark**

- a. Ms. Wright indicated Pathstone is also experiencing a staffing issue.
- b. Ms. Wright shared that one-night workshops are ongoing, but Ms. Stark shared that there were zero registrations for the workshop for kids this week. A brochure was circulated to the Bar through the law library. Ms. Stark is hopeful that the panel might have other suggestions for how these workshops may be shared. Mr. Love indicated that he had not received the brochure and Ms. Wright indicated she would send that to him so the information is available in the FLIC office.

#### **11. Police Issues**

- a. Ms. Wright shared she recently saw Sergeant Catherwood, who she shared at the last meeting is the new sergeant with the domestic violence unit, and learnt that the number of calls has decreased, but the number of charges laid and intimate partner violence have increased this year compared to last year.

**Next Meeting Date:** December 5, 2023 at 3:30 p.m.