

## MEMO

From: The Honourable Madam Justice Wendy L. MacPherson  
The Honourable Madam Justice Nathalie Gregson

Date: May 30, 2024

Re: OCL requests via Basket Motion (14B) in *CLRA* matters

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There appears to be some confusion about the process for obtaining the involvement of the OCL. While this can be done at a conference or on a motion when appearing before a judge, it can also be requested by way of a basket motion.

The court may request the OCL to become involved in a case in different ways:

- a. through a Voice of the Child Report, or
- b. under s. 89 (3.1) and s. 112 of the *Courts of Justice Act*.

A Voice of the Child Report is a short, written report by an OCL clinician to summarize a child's statement about a particular issue in the case. It is not a comprehensive investigation of the situation. There are not extensive interviews with parents, nor will there be contact with collaterals. There are no observation visits conducted. It is important to know that the report is only done for children over the age of seven.

A report under the *Courts of Justice Act* can take different forms, including appointing a legal representative for the child (s. 89 (3.1)), appointing a clinician to investigate (s. 112), or in some cases to appoint both a lawyer and a clinician.

It is not sufficient to file a consent and expect that the court will make the requested OCL order. The court will require affidavit evidence that provides some background information regarding the parents' and the children's situation, current parenting orders, what the outstanding parenting issues are, and most importantly, why the involvement of the OCL would be helpful.

Attached to this memo is a quick reference sheet which confirms the documents to be filed on the 14B motion.

Justice W. L. MacPherson

Justice N. Gregson

## **Quick Reference Sheet OCL Requests via Basket Motion in *CLRA* matters**

Note: This reference sheet relates to baskets where the only relief sought in the motion is OCL involvement in one of the below-mentioned ways, and on consent.

### ***Voice of the Child Report Requests***

*Documents parties must submit for this basket motion:*

- 14B motion form
- Consent
- Affidavit in support (indicating things such as background information re: the parents and children, any current orders in place, issues outstanding, and why the involvement of the OCL would be helpful)
- **Voice of the Child Report intake forms (one from each party required)**
  - o Found here:  
<https://ontariocourtforms.on.ca/static/media/uploads/courtforms/ocl/voice-of-the-child-intake-form-ocl-2019.pdf>
- Draft Voice of the Child Report Endorsement (NOT A FORM 25 ORDER GENERAL)
  - o Found here:  
<https://ontariocourtforms.on.ca/static/media/uploads/courtforms/ocl/voice-of-the-child-report-endorsement-2020.pdf>

*Why are these items needed?*

The signed consent confirms for the court that the parties are agreeing to the relief being requested.

The affidavit in support provides the judge with the evidence that this relief should be granted and the request should be made of the OCL. A judge completing the VOOCR endorsement form must identify the issues being examined in the child interviews, so the judge needs context to determine what issues the OCL should be examining. It is also requested by the OCL that a judge completing the VOOCR endorsement form includes a short synopsis about the case for intake consideration.

The VOOCR endorsement is sent to the OCL within one business day. The OCL requires that the VOOCR intake forms be sent to them at the same time as the VOOCR endorsement. The VOOCR intake forms also act as a consent form (for OCL purposes) and if they do not have the consent from BOTH parties at the time of consideration, the case will not be accepted. This is why they must be filed with the motion materials and a judge will not grant the request until they are filed.

***OCL Involvement Requests (section 89(3.1) and 112 of CJA)***

*Documents parties must submit for this basket motion:*

- 14B motion form
- Consent
- Affidavit in support (indicating things such as background information re: the parents and children, any current orders in place, issues outstanding, and why the involvement of the OCL would be helpful)
- Draft OCL Parenting and Contact Order (NOT A FORM 25 ORDER GENERAL)
  - o Found here:  
[https://ontariocourtforms.on.ca/static/media/uploads/courtforms/ocl/ocl\\_parenting\\_and\\_contact\\_order\\_2021.pdf](https://ontariocourtforms.on.ca/static/media/uploads/courtforms/ocl/ocl_parenting_and_contact_order_2021.pdf)
  - o Should be completed at para. 1 to indicate that **the court** shall serve the Office of the Children's lawyer with a copy of the order (for tracking purposes).
- Some parties may file their intake forms also, so they may be sent with the order to the OCL, but this isn't required (unless a judge directs them to).

*Why are these items needed?*

The signed consent confirms for the court that the parties are agreeing to the relief being requested.

The affidavit in support provides the judge with the evidence that this relief should be granted and the request should be made of the OCL. A judge completing the parenting and contact order will need to include comments about why the OCL should become involved and the issues for intake consideration.