

FAMILY LAW TALKING POINTS - FOLA 2020

BACKGROUND

DIVORCE ACT

Following a consultation period in December 2019, MAG is now internally reviewing [Bill C-78 \(the federal Divorce Act\)](#) to determine how it will impact Ontario's family justice system, and what changes may need to be made in preparation for Bill C-78 coming into force. While the submission deadline has passed, the Minister sought input from Ontario's lawyers on how Ontario should align with some of the recent amendments made in Bill C-78, such as:

- changing references to child "custody" and "access";
- adding new requirements in relation to family dispute resolution processes;
- amending/expanding the best interests of the child test;
- adding a new definition in relation to family violence; and/or
- adding a legislative test to apply in child relocation cases.

FOLA's submission can be found [here](#).

FAMILY AND CIVIL LEGISLATION, REGS, AND PROCESSES

During June and July 2019, Lindsey Park, MPP and Parliamentary Assistant to the Attorney General, led a review of Family and Civil Legislation, Regulations, and Processes. In addition to hosting consultation sessions across the province, the government accepted written submissions.

FOLA's submission can be found [here](#).

FOLA's POSITIONS

- ❖ Bill C-78 amendments to the Divorce Act should be largely incorporated into the Ontario Children's Law Reform Act in order to protect and provide a guiding path with respect to families that are affected by separation;
- ❖ The Children's Law Reform Act should be updated to keep pace with the new Divorce Act and the less recent Child, Youth and Family Services Act, 2017;
- ❖ FOLA calls for the removal of the matrimonial home and the application of same towards equalization payments (as in the case in other Canadian jurisdictions such as British Columbia);
- ❖ FOLA supports the standardization and enhancement of Family Law Information Centres and Mediation services;
- ❖ FOLA strongly supports and encourages the implementation of an early triage process presided over by an official with the ability to make Orders (Judge or Family Master) to address both procedural and interim issues including financial disclosure, interim child and spousal support, non-dissipation, exclusive possession;
- ❖ Regarding Unified Family Courts: FOLA continues to push reassurance from MAG that they are committed to full roll out by 2023;
- ❖ Expand the allowability of articling students in family courts through MAG's role on the Family Law Rules Committee;
- ❖ Continue to modernize services.