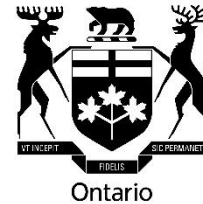


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Our Reference #: M-2020-15878

December 18, 2020

Ms. Katie Robinette
Executive Director
Federation of Ontario Law Associations

Email: katie.robinette@fola.ca

Dear Ms. Robinette:

At the Ministry of the Attorney General, we have worked tirelessly to ensure that our justice system is accessible, modern, and reflective of today's realities. This is especially important for children and their families – who often interact with the justice system during some of life's most difficult moments.

Recently, as part of our work to support children and families, the legislature passed the *Moving Ontario Family Law Forward Act*. The system, prior to the passage of this bill, was complex, outdated, and difficult to navigate for families seeking resolutions. Our legislation is making the family law system in Ontario easier, faster, and more affordable.

The *Moving Ontario Family Law Forward Act* also demonstrates our commitment to working with the federal government to achieve our common goal of increasing access to justice for children and families. After Canada's Bill C-78 passed in June 2019, our government reviewed the amendments introduced and made several changes through the *Moving Ontario Family Law Forward Act* to ensure that there is consistency and clarity for children and families navigating the provincial and federal justice systems.

Above all, the passage of the *Moving Ontario Family Law Forward Act* demonstrates our government's commitment to supporting families and children. Despite this achievement, we recognize that there is always more work to be done. As a government that is firmly committed to supporting children and families, we will continue to seek opportunities to do so. Today, I am writing with respect to a proposal that the Ministry of the Attorney General is considering which would implement the *2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* (the Convention) in Ontario.

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The Convention provides a legal framework for the cross-border recognition and enforcement, establishment, and variation of support orders. At this time, international recovery of support obligations is achieved by reciprocal arrangements established by provinces and territories (PTs) under their respective legislation. In Ontario, reciprocal arrangements are established under the *Interjurisdictional Support Orders Act, 2002* (the ISO Act).

The Convention must be ratified by the Federal Government of Canada. Canada signed the Convention on May 23, 2017 but has not yet ratified it. It can only be ratified once federal implementing legislation has been passed and implementing legislation has also been passed in at least one PT. Canada's Bill C-78 is the federal implementing legislation. It received Royal Assent on June 21, 2019, and is anticipated to come into force on March 1, 2021. In order to have the Convention apply provincially, Ontario would also need to introduce and pass implementing legislation and ask the federal government to have the Convention apply in Ontario.

Under the ISO Act, Ontario currently has reciprocal arrangements for the international recovery of support obligations with all other PTs in Canada, the United States, Australia and 24 other jurisdictions. If the federal government ratifies the Convention and Ontario implements the Convention provincially, Ontario would then have reciprocal arrangements with an additional 31 countries, including all members of the European Union (EU). Currently, Ontario does not have reciprocal arrangements with most members of the EU. Further, EU member countries are not permitted under European law to enter directly into new bilateral arrangements with other jurisdictions in the field of family maintenance; new arrangements can only arise through the Convention.

As we consider this important proposal, I would like to invite you to provide your perspective. Our government continues to value the input of organizations like yours, which have the lived experience of how proposals like these impact Ontarians on the ground.

We would appreciate receiving your views in writing, to Amanda.Iarusso@ontario.ca, no later than January 15, 2021.

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Doug Downey". The signature is written in a cursive, flowing style.

Doug Downey
Attorney General