

Case Conference Rules and Procedure

(For litigants and lawyers)

- [1] In a family law case there must be at least one meeting with the judge. This is called a conference. There are several different kinds of conferences. Each has a different, and important, purpose and takes place at a different stage in the case. The first conference is called a “Case Conference” and this takes place at the beginning of a case after the parties have exchanged their positions in writing (their “pleadings”). This guide provides an overview of the case conference process and what is expected of each party, as set out in the *Family Law Rules* (“the Rules”) which govern procedures in family cases.
- [2] The Chief Justice of Ontario issued a **Province-wide Notice to the Profession Regarding Family Law Cases** on September 1, 2021, effective September 13, 2021 (the “Family Notice”). It should be read in combination with an earlier **Notice to the Profession** (“the Notice”) for Central East Region effective January 4, 2020. Both notices can be found on the Superior Court of Justice website at www.ontariocourts.ca, the Family Notice under “Provincial Notices” and the Central East Region notice under “Regional Notices” (Home>>Notices and Orders-Covid-19>>Regional Notices (Central East-Family)). The website also contains additional information about family law rules and practice and can be accessed online by going to “A Guide to Process for Family Cases at the Superior Court of Justice” (Home>> Family Proceedings>> Resources-Family Proceedings) or you can contact the Family Law Information Centre (“FLIC”) at your local court. Additional guides can be found at <https://www.attorneygeneral.jus.gov.on.ca/english/family/guides/fc/>.

Purpose of a Case Conference

- [3] The purposes of a case conference are set in Rule 17(4) of the *Rules* and include,
- (a) exploring the chances of settling the case;
 - (b) identifying the issues that are in dispute and those that are not in dispute;
 - (c) exploring ways to resolve the issues that are in dispute;
 - (d) ensuring disclosure of the relevant evidence including the disclosure of financial information required to resolve any support or property issue;

- (d.1) identifying any issues relating to any expert evidence or reports on which the parties intend to rely at trial;
- (e) noting admissions that may simplify the case;
- (f) setting the date for the next step in the case;
- (g) setting a specific timetable for the steps to be taken in the case before it comes to trial;
- (h) organizing a settlement conference, or holding one if appropriate;
- (i) giving directions with respect to any intended motion, including the preparation of a specific timetable for the exchange of material for the motion and ordering the filing of summaries of argument, if appropriate; and,
- (j) in the case of a motion to change a final order or agreement under rule 15, determining the most appropriate process for reaching a quick and just conclusion of the motion.

Orders at a Case Conference

- [4] There are many kinds of Orders that a case conference judge can make so it is important to know what the judge can (or cannot) order.

17(8) At a case conference...the judge may, if it is appropriate to do so,

- (a) make an order for document disclosure (rule 19), questioning (rule 20) or filing of summaries of argument on a motion, set the times for events in the case or give directions for the next step or steps in the case;
 - (a.1) make an order requiring the parties to file a trial management endorsement or trial scheduling endorsement in a form determined by the court
 - (a.0.1) make an order about expert evidence, including hiring an expert for one or more parties, the use of an expert opinion and how and when experts' reports are to be served, filed and the opinion admitted into evidence;
- (b) make an order requiring one or more parties to attend,
 - (i) a mandatory information program,
 - (ii) a...settlement conference conducted by a non-judge who is a current or former lawyer or retired judicial officer of the Ontario Superior Court of Justice approved for that purpose by the regional senior judge;
 - (iii) an intake meeting with a court-affiliated mediation service, or
 - (iv) a program offered through any other available community service or resource.

(b.1) if notice has been served, make a final order or any temporary order, including any of the following temporary orders to facilitate the preservation of the rights of the parties until a further agreement or order is made:

- (i) an order relating to the designation of beneficiaries under a policy of insurance, registered retirement savings plan, trust, pension, annuity or a similar financial instrument;
- (ii) an order preserving assets generally or particularly;
- (iii) an order prohibiting the concealment or destruction of documents or property;
- (iv) an order requiring an accounting of funds under the control of one of the parties;
- (v) an order preserving the health and medical insurance coverage for one of the parties and the children of the relationship;
- (vi) an order continuing the payment of periodic amounts required to preserve an asset or a benefit to one of the parties and the children;
- (d) make an unopposed order or an order on consent;
- (e) on consent, refer any issue for alternative dispute resolution.

[5] A judge can also make an Order pursuant to clause 17(4)(j) above dealing with motion directions.

[6] A judge **cannot** make an Order finally resolving the case, or any of its disputed issues, unless the parties agree beforehand or at the conference. A judge **can** make an Order for support and, for example, disclosure, if notice of that request has been made in the brief (see also 17(8)(b.1) above). This is more likely where there is no support being paid. Orders for more, or better, financial disclosure can be, and are often, made. The Family Notice requires that notice of what disclosure is missing or needed **must** be identified in the brief so that the court can make an Order if appropriate.

Combined Conference

[7] In addition to the Orders that the case conference judge can make, a judge can now make *at any time* an Order combining case conference and settlement conference events if there have been prior efforts by the parties to resolve one or more of the issues in the proceeding. *Rules* 17(7) and (7.1) are intended to encourage parties to participate in mediation. Certain pre-conditions must be met before such an Order will be granted.

COMBINED CONFERENCE

- (7) A judge may at any time order that part or all of a case conference, settlement conference and trial management conference be combined.

COMBINED CASE AND SETTLEMENT CONFERENCE FOLLOWING DISPUTE RESOLUTION

- (7.1) A judge may at any time, on a motion in Form 14B or on the judge's own initiative, order that all or part of a case conference and settlement conference be combined **if**,

- (a) the parties have resolved or attempted to resolve one or more of the issues in the proceeding through participation in,
 - (i) a family mediation conducted by a person that the judge determines met the criteria established by the Ministry of the Attorney General to provide government-funded mediation services or was qualified to conduct family mediation by virtue of the person's knowledge and experience in family law, or
 - (ii) a legal aid settlement conference conducted by a facilitator;
- (b) the family mediation or legal aid settlement conference referred to in clause (a) included screening for power imbalances and domestic violence;
- (c) the financial disclosure required in the case under these rules has been provided;
- (d) no motions for a temporary order in the case are pending or are contemplated by any of the parties; and
- (e) each party files a certificate of dispute resolution (**Form 17G**).

- [8] The Family Notice also permits parties to request an Order to proceed directly to a combined conference (on consent of the parties and if approved by the court) where they have already participated in another dispute resolution process (collaborative law, for example) *other than a hearing before a Dispute Resolution Officer*. While this procedure may be best suited to Motions to Change, there is no reason why it should not apply at any stage of an Application. The Certificate of Dispute Resolution should be filed with the 14B motion or by a deadline set by the judge.

Financial Disclosure

- [9] **Meaningful financial disclosure is required for every family law case involving property and support issues.** The Ontario Court of Appeal has emphasized this repeatedly (*Roberts v. Roberts*, 2015 ONCA 450 (CanLII)):

The most basic obligation in family law is the duty to disclose financial information. This requirement is immediate and ongoing.

Failure to abide by this fundamental principle impedes the progress of the action, causes delay and generally acts to the disadvantage of the opposite party. It also impacts on the administration of justice. Unnecessary judicial time is spent and the final adjudication is stalled.”

Financial disclosure is automatic. It should not require court orders – let alone three to obtain production.

- [10] The court expects that all reasonable efforts will have been made to provide full and frank disclosure **before the case conference**. *Rules* 13(3.1) to 13(3.2.1) require financial disclosure to be made not only when a case is started but also before scheduled events.

ADDITIONAL REQUIRED FINANCIAL DISCLOSURE, SUPPORT

13(3.1) A party who is required under subrules (1) to (3) to serve and file a financial statement in relation to a claim for support shall, before the deadline set out in subrule (3.2), serve with the financial statement the following information, unless the court orders otherwise:

1. The income and financial information referred to in subsection 21 (1) of the child support guidelines.
2. If the party became unemployed within the last three years,
 - i. a complete copy of the party’s Record of Employment, or other evidence of termination, and
 - ii. a statement of any benefits or income that the party is still entitled to receive from his or her former employer despite or as a result of the termination.
3. In the case of a claim for the support of a child, proof of the amount of any special or extraordinary expenses, within the meaning of section 7 of the child support guidelines. O. Reg. 69/15, s. 3 (2).

GIVING OF INFORMATION BEFORE CASE CONFERENCE

13(3.2.1) The party shall also give the information referred to in subrule (3.1) to the other party before any case conference in the case, unless the information has already been served on that party.

[11] If you believe that the financial disclosure from the other party is insufficient (such as missing pages, redacted documents or just ignored) you should make an immediate written request to the other party and be prepared to show to the court in your brief (see the next section) what you asked and what was not provided. This may entitle you to an Order for this information at the conference and an award of costs in your favour payable by the other party (see the section on **Costs Consequences** later in this guide). *Rule* 13(11) deals with insufficient information (see *Rule* 13(11.01) below in particular).

INSUFFICIENT FINANCIAL INFORMATION

13 (11) If a party believes that the financial disclosure provided by another party under this rule, whether in a financial statement or otherwise, does not provide enough information for a full understanding of the other party's financial circumstances,

- (a) the party shall make a request in writing to the other party for the necessary additional information; and
- (b) if any requested information is not given within seven days of the request, the court may, on motion or at a case conference or settlement conference, order the other party to give the information or to serve and file a new financial statement.

SAME

13 (11.0.1) In seeking an order under clause (11) (b), the party shall specify in the motion, case conference brief or settlement conference brief the information that was requested under clause (11)(a) but not given. (bolding added)

UPDATING FINANCIAL INFORMATION

13 (12) Before a case conference, settlement conference, motion or trial, a party shall update their financial information by serving and filing the document specified in subrule (12.1) no later than the time specified

in subrule (12.2), if the information in the last financial statement provided by the party would be,

- (a) for a case conference...more than 60 days old by the time the conference is held;

DOCUMENT TO BE PROVIDED

13(12.1) For the purposes of subrule (12), a party shall serve and file the following document:

1. If the information in the last statement has not changed, an affidavit saying that the information in the last statement has not changed and is still true.
2. If the information in the last statement has changed, the following document:
 - i. If the changes are only minor, an affidavit with details of the changes.
 - ii. In any other case, a new financial statement.

TIMING REQUIREMENT

13(12.2) A party shall serve and file the document referred to in subrule (12.1) no later than the following time:

1. For a case conference...,
 - i. six days before the conference, in the case of the party requesting the conference or, if the conference is not requested by a party, the applicant or the party making the motion, as the case may be, and
 - ii. four days before the conference, in the case of the other party.

Parties required to confer before case conference

[12] Rules 17(4.2) to (4.3) **require** parties to discuss the issues in their case **before** the conference.

REQUIREMENT FOR PARTIES TO CONFER

(4.2) Before a case conference, each party shall, subject to subrule (4.3), confer or make best efforts to confer orally or in writing with every other party respecting,

- (a) the parties' requests for financial disclosure; and
- (b) a temporary resolution of the issues that are in dispute.

EXCEPTION

(4.3) Subrule (4.2) does not apply with respect to a party if,

- (a) the party is prohibited from such communication by court order; or
- (b) there is a risk of domestic violence by a party who is not represented by a lawyer.

EFFECT OF FAILURE TO CONFER

(4.4) If a party fails to comply with subrule (4.2), the court may, for greater certainty, make any order under subrule 1 (8.1) that is appropriate in the circumstances, including,

- (a) an order postponing the case conference until the requirements of subrule (4.2) are met; and
- (b) an order for costs, regardless of whether the case conference is postponed.

Case Conference Brief

[13] Each party must file a case conference brief before the date of the conference. This is called a **Form 17A**. Some sections only require basic information about family members or answering a checklist. Others require more details about the case and what the party filing the brief would like to see the conference accomplish, and the judge to order. If there are portions of the Form that are inapplicable (such as the parenting sections where there are no parenting issues in dispute) those may be removed.

[14] As pointed out in *Rule* 17(4.2) to (4.4) above, a case conference should **never** be the first time for the parties or their lawyers to meet or to discuss the issues for the conference, or the case. This is also made clear by paragraph 8 of Form 17A which specifically asks whether

the parties have explored **before the case conference** settlement of any outstanding issues still being disputed and, if so, to give details of those efforts (see *Rule* 17(4.4)(b) about a judge's authority to order that a party pay case conference costs).

- [15] A case conference brief is **NOT** the place to simply repeat the party's pleadings or to ask for Orders on disputed or final issues that a judge cannot make (see above, **Orders at a Case Conference**). Keep in mind the purpose of the conference when preparing your brief. Lengthy briefs, briefs containing material irrelevant to the conference issues, baseless allegations and accusatory, inflammatory and unprofessional language are unacceptable and could result in an Order for costs being made against the offending party.
- [16] **Case conference briefs are not permitted to exceed 8 pages**, plus permissible documents (see immediately below what those are). The 8-page limit includes the brief itself (17A) and any additional facts/or arguments that are attached to the brief as an appendix or schedule.
- [17] Certain documents may accompany the brief and are not included in the 8-page limit. These include **relevant excerpts** from the following:
- a. Parenting assessments (pursuant to Section 30 of the *Children's Law Reform Act*), Office of the Children's Lawyer reports and Voice of the Child Reports;
 - b. Documents *that* establish a child's educational needs (for example, report cards or Individual Education Plans);
 - c. Lists of any disclosure that remains outstanding;
 - d. Income or business valuations, pension valuations or real estate appraisals (where the value of property is in dispute);
 - e. Proof of income for the relevant period(s) including pay stubs, confirmation of benefits received and/or Statement of Business or Professional Activities from a party's Income Tax Return; and,
 - f. Domestic contracts, including separation agreements, marriage contracts or cohabitation agreements that are relevant to the issues in dispute.

In addition, the parties should include with their materials:

- a. Previous orders and/or endorsements **that are relevant to the issues that are to be addressed** at the event;
- b. Support calculations; and,

- c. Terms of recognizance, police reports or reports from the Children's Aid Society, where applicable.

These documents are also not included in the above page restrictions.

- [18] Voluminous texts, emails and/or social media postings must not be included but **relevant and necessary** excerpts may be referenced in the brief.
- [19] Briefs should be prepared with a view to a realistic agenda that can be fairly addressed by both sides in the time available with the court that day (typically no more than 45 minutes). Anything longer than the 8-page brief limit (with permitted attachments) or which includes unnecessary material may not be read and could expose the offending party to an Order for costs payable to the other side.

Certificate of Financial Disclosure

- [20] Each party to a case must file and serve documents of a financial nature relating to their case depending on whether their case only involves child and spousal support and/or property claims. Some documents must be served with the party's Financial Statement – these are identified in *Rule 13(3.1)* dealing with support claims and they involve certain income and proof of child expense documents. *Rule 13(3.2.1)* lists additional documents which must also be served on the other party before the case conference (if not already served).
- [21] Where property claims are involved, *Rule 13(3.3)* lists what must also be served on the other party “no later than 30 days” after the date by which the party's Financial Statement must be served. The list corresponds to many of the several Parts of the Financial Statement. There must accompany the listed documents being served what is known as a “**Certificate of Financial Disclosure**” (Form 13A). **This Certificate must be signed by the party, served on the other party and it must be filed with the court six days before the case conference** (*Rule 13(5.0.2)*). If there have been Financial Statement changes or other documents discovered or whose service was overlooked, the Certificate must be updated (and the additional documents served) before the conference, also six days before the conference (*Rule 13(13.1)*). The other party has the same obligation.
- [22] Appendix A sets out the mandatory disclosure and filing requirements.

Service and Filing of Briefs

- [23] Be mindful that there are different rules for the applicant and respondent for serving their briefs: **the applicant must serve and file with the court** their brief on the respondent at least **six days** before the conference date, and **the respondent must serve and file with the court** their brief **four days** before the conference date.

| <i>Serving & Filing of Briefs with the Court by the applicant (deadline for respondent in brackets)</i> | <i>For Conference date for the following week</i> |
|---|---|
| Monday (Wednesday) | Tuesday |
| Tuesday (Thursday) | Thursday |
| Wednesday (Friday) | Friday |
| Thursday (Monday) | Monday the second week afterwards |
| Conferences are not held on Wednesdays in Newmarket. | |

- [24] Where the deadline for filing falls on a statutory holiday, add a day. For example, if Monday would ordinarily be the deadline for filing briefs in time for a Tuesday Case Conference the next week, and the Monday is a statutory holiday, then the briefs must be filed with the court on the preceding Friday. **Remember to serve and file with the court your brief as soon after service on the other side as possible to ensure that you comply with the rule.**
- [25] In Newmarket, the Court will accept a late brief if you have written consent by all the parties involved in the case. The brief must be served and filed with the court along with the consent by 2 pm no later than 2 days before your scheduled conference date.
- [26] Appendix B sets out service and filing deadlines.

Mandatory Participatory/Attendance

- [27] Rule 17(15), deals with the mandatory participation/attendance of parties and their lawyers,
- (15) The following shall come to each conference:
1. The parties, unless the court orders otherwise.
 2. For each represented party, the lawyer with full knowledge of and authority in the case.

- [28] Until further notice from the Chief Justice conference events shall be held off-site during Covid-19 unless a judge should determine otherwise. A conference **will** proceed virtually by ZOOM or by ZOOM teleconference. Court administration will send out the details for the conference two days before its scheduled date.
- [29] The lawyer, or lawyer's agent, who appears for a party must not only be familiar with the issues in the case but also have the authority to give recommendations to, and receive settlement instructions from, the client even if the issues are only procedural in nature or temporary in duration.

Confirmation

- [30] Even though the court, or either or both of the parties, have scheduled a case conference date, **each party must still confirm with the other side** and file with the court a confirmation that the conference will proceed. *Rule 17(14)* states:

PARTIES TO CONFIRM ATTENDANCE

(14) Each party shall,

~~(a) confer or attempt to confer orally or in writing with every other party about the issues that are in dispute, subject to a party being prohibited from such communication by court order;~~

(b) before giving the clerk confirmation of the conference in Form 17F under clause (c), **give a copy of the confirmation of conference to every other party using mail, fax, email or any other method**, except in a child protection case; and

(c) not later than 2 p.m. **three** days before the conference date, give the clerk the confirmation of conference (Form 17F) by,

(i) delivering it to the court office;

(ii) sending it to the court office by email, or

(iii) submitting it through the Justice Services Online website.

- [31] See also "Service and Filing of Briefs" above (paragraphs [23] and [24]).

- [32] The Form 17F confirmation is a filing requirement **in addition to** the deadline for filing Briefs. **In other words, the filing of the Brief does not relieve a party from serving and filing their confirmation.**

- [33] The Family Notice confirms the court's expectation, and Form 17F requires, that the parties discuss with each other beforehand what are the specific issues for the conference and how much time each party expects will be needed to tell the judge what is needed for their case. **It is required that each party list what they think are the important issues for that conference.** This list is like an **Agenda** or checklist and will enable the judge, who will have read the briefs beforehand, to focus on the issues and consider how to handle them.
- [34] The court will also expect the parties to alert it to any areas of agreement when filing their confirmations or at the outset of the conference.
- [35] If no Confirmation is filed by either party (even though both parties are required to file one), the conference will be struck from the list and not heard unless the court orders otherwise. *Rule 17(14.1)* states:

EFFECT OF FAILURE TO CONFIRM

(14.1) Unless the court orders otherwise, a conference shall not be held if confirmation of the conference is not given to the clerk in accordance with clause (14) (c). O. Reg. 298/18, s. 12 (3).

- [36] If the conference is not confirmed, the file will be sent to a judge who may order that no further steps in the case may be taken without the parties obtaining from the court an Order pursuant to Form 14B supported by an affidavit satisfactorily explaining the reason why the conference was not confirmed.
- [37] If there should be any change to the information contained in the confirmation sent (such as certain issues being settled, or inadvertently omitted) the parties should let the court know right away.

PARTIES TO UPDATE CONFIRMATION

(14.1.1) If a party who has given a confirmation of conference determines at any time before the conference is held that the confirmation is no longer correct, the party shall, if possible, immediately,

- (a) give a copy of the corrected confirmation of conference in Form 17F to every other party using a method listed in clause (14) (b) and subsequently give the clerk the corrected confirmation of conference by a method listed in clause (14) (c); or

(b) in a child protection case, give the clerk a corrected confirmation of conference in Form 17F by a method listed in clause (14) (c). O. Reg. 298/18, s. 12 (3).

The Conference

- [38] The conference will proceed on the date and at the time scheduled. During this time of Covid-19, the Trial Coordinator will forward a ZOOM link to the parties and their lawyers in advance.
- [39] Once all parties are present for the ZOOM conference, the judge will attend. If the parties have complied with the *Family Law Rules* and have properly identified the important issues, the judge will discuss with them what can, or should, be done. Sometimes the judge may direct the parties to breakout rooms to discuss the issues and then have them return to the ZOOM session for further discussions and/or an order. The judge can make any Order that is considered appropriate (see **Orders at a Case Conference** above) or the judge can make an Order to which the parties have consented in writing at the conference: this could include a final Order settling one or more of the disputed issues. If your case is one that may involve the valuation of assets, analysis of a party's income or any other matter that may require expert opinion evidence it is a good idea to make a request for that Order at the case conference because an expert's written opinion or report must be served and filed at least six days before the settlement conference, which is the next (mandatory) event in the case. This may avoid having to bring a motion for this relief later.
- [40] When the conference has ended, the judge will make an endorsement in the court file that a case conference has been held and note whether any Orders are being made. A copy of that endorsement will be sent to the parties and their lawyers by the court Registrar or a Judicial Assistant afterwards. If an Order is made, it is the responsibility of the lawyers (if there are lawyers involved) to draft the formal version of the Order and to have it issued by the court. If the parties are representing themselves, court administration will prepare the Order and send an issued copy to each party.
- [41] If experts are going to be involved in the case then even if there are no reports at the conference it may be prudent to consider obtaining permission from the judge to either file the expert report(s) for the settlement conference or, better, a summary of the expert's

opinion(s) because there are page limitations for that event and expert reports are not excluded from those limitations.

[42] Briefs will be destroyed after the conference. The court can order that a case conference brief be filed as part of the Continuing Record maintained by the court (*Rule 17(22)*) but if there are references to settlement of the case that portion of the brief must be deleted (*Rule 17(22.1)*).

[43] **Note:** Section 136 of the *Courts of Justice Act* prohibits any person from copying, recording, publishing, broadcasting or disseminating a court hearing or a portion of it, **including a hearing conducted over videoconference or teleconference**, without the court's permission. **This prohibition includes screenshots.**

Costs Consequences

[44] The judge hearing the Case Conference may make an Order for costs in appropriate circumstances.

COSTS

17(18) Costs shall not be awarded at a conference unless a party to the conference was not prepared, did not serve a required brief, did not make any required disclosure, otherwise contributed to the conference being unproductive or otherwise did not follow these rules, in which case the judge shall, despite subrule 24 (10)¹,

(a) order the party to pay the costs of the conference immediately;

(b) decide the amount of the costs; and

(c) give any directions that are needed. O. Reg. 114/99, r. 17 (18); O. Reg. 235/16, s. 3.

COSTS MAY BE AWARDED LATER

17(18.1) Subrule (18) does not prevent the court from awarding costs in relation to the conference at a later stage in the case, if costs are not awarded at the conference. O. Reg. 298/18, s. 12 (5).

¹ *Rule 24(10)* provides that the court should deal with costs of each step in a case promptly.

[45] In addition to the provisions of *Rule* 17(18), the court also has the power to award costs pursuant to *Rule* 13(17) if a party has not served or filed a document required by the *Rules*. This can be requested in a party's brief, or the court may order costs on its own initiative. *Rule* 2(8) may also be used to reflect the court's displeasure with inflammatory language, irrelevant issues raised or rambling and incoherent briefs. Non-compliance with the Notice may also result in costs being ordered against an offending party.

Effective December 1, 2021
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APPENDIX A

CERTIFICATE OF FINANCIAL DISCLOSURE

[1] Depending on whether a claim for support and/or a claim to property is being made each party must serve what is known as a Certificate of Financial Disclosure on the other party no later than 30 days after the date on which their Financial Statement must be served. The information listed in the Certificate must include the following,

(3.3) A party who is required to serve and file a financial statement in relation to a claim under Part I of the *Family Law Act* shall, no later than 30 days after the day by which the financial statement is required to be served, serve on the other party the following information, unless the court orders otherwise:

1. The statement issued closest to the valuation date for each bank account or other account in a financial institution, pension, registered retirement or other savings plan, and any other savings or investments in which the party had an interest on that date.
2. A copy of an application or request made by the party to obtain a valuation of his or her own pension benefits, deferred pension or pension, as the case may be, if any, as of the valuation date.
3. A copy of the Municipal Property Assessment Corporation's assessment of any real property in Ontario in which the party had a right or interest on the valuation date, for the year in which that date occurred.
4. If the party owned a life insurance policy on the valuation date, the statement issued closest to that date showing the face amount and cash surrender value, if any, of the policy, and the named beneficiary.
5. If the party had an interest in a sole proprietorship or was self-employed on the valuation date, for each of the three years preceding that date,
 - i. the financial statements of the party's business or professional practice, other than a partnership, and
 - ii. a copy of every personal income tax return filed by the party, including any materials that were filed with the return.
6. If the party was a partner in a partnership on the valuation date, a copy of the partnership agreement and, for each of the three years preceding the valuation date,

- i. a copy of every personal income tax return filed by the party, including any materials that were filed with the return, and
- ii. the financial statements of the partnership.

7. If the party had an interest in a corporation on the valuation date, documentation showing the number and types of shares of the corporation and any other interests in the corporation that were owned by the party on that date.

8. If the corporation in which a party had an interest was privately held, for each of the three years preceding the valuation date,

- i. the financial statements for the corporation and its subsidiaries, and
- ii. if the interest was a majority interest, a copy of every income tax return filed by the corporation.

9. If the party was a beneficiary under a trust on the valuation date, a copy of the trust settlement agreement and the trust's financial statements for each of the three years preceding that date.

10. Documentation showing the value, on the valuation date, of any property not referred to in paragraphs 1 to 9 in which the party had an interest on that date.

11. Documentation that supports a claim, if any, for an exclusion under subsection 4 (2) of the *Family Law Act*.

12. The statements or invoices issued closest to the valuation date in relation to any mortgage, line of credit, credit card balance or other debt owed by the party on that date.

13. Any available documentation showing the value, on the date of marriage, of property that the party owned or in which he or she had an interest on that date, and the amount of any debts owed by the party on that date.

[2] There are different Rules for serving the required documents and filing the Certificate of Financial Disclosure.

[3] Rule 13(5.0.2) requires a party who is required to serve these documents to serve them with the Certificate and to afterwards file the Certificate in the Continuing Record at least six days before the case conference, or a motion,

(5.0.2) A party who is required to serve documents under subrule (3.1), (3.3), (3.4) or (5.0.1) shall confirm service by,

(a) **serving a certificate of financial disclosure** (Form 13A) together **with the documents**; and

(b) **filing the certificate** no later than,

- (i) six days before a case conference, in the case of the applicant or the party making the motion, as the case may be, and
- (ii) four days before the case conference, in the case of the other party.

[4] The documents served with the Certificate are NOT to be filed with the court, only the Certificate is filed.

[5] There is no need to file another Certificate in the case unless there are new or additional documents disclosed or corrections are needed. In that situation, an updated Certificate must be served (with the documents, or corrections, noted) and that Certificate then filed in the Continuing Record six days before the next conference event,

(13.1) Before any settlement conference or trial management conference, a party who has served a corrected, updated or new version of a document referred to in subrule (3.1), (3.3), (3.4) or (5.0.1) in accordance with subrule (15), or additional documents in accordance with subrule (16), shall serve and file an updated certificate of financial disclosure (Form 13A), no later than,

- (a) six days before the conference, in the case of the party requesting the conference or, if the conference is not requested by a party, the applicant or the party making the motion, as the case may be; and
- (b) four days before the conference, in the case of the other party.

(16) As soon as a party discovers that he or she failed to serve a document required to be served under subrule (3.1), (3.3), (3.4) or (5.0.1), the party shall serve the document on the other party.

APPENDIX B

SERVICE AND FILING DEADLINES

| Name of Document | Form | Service and Filing Deadlines (not later than) | Rule |
|--|------------------|--|----------------------|
| Certificate of Financial Disclosure | 13A | 6 days before the conference (4 days for the other side) | 13(5.0.2)(a) and (b) |
| Certificate of Dispute Resolution | 17G | With 14B motion or by deadline ordered by a judge | 17(7.1) |
| Updated Financial Statements [or affidavit confirming financial information is the same] | 13 or 13.1 [14A] | 6 days before the conference (4 days for the other side) | 13(12.2) 1 |
| Case Conference Brief | 17A | 6 days before the conference (4 days for the other side) | 17(13.1) |
| Confirmation | 17F | 3 days before the conference (both parties) by 2:00 p.m. | 17(14) |