**A. PRE-MOTION CONFERENCES**

1. Overview
   1. Generally, where a party seeks interim relief in divorce actions (*Rule* 70) or family proceedings (*Rule* 71), a hearing shall not be scheduled until the parties proceed through the pre-motion conference regime and the pre-motion conference judge authorizes the scheduling of the hearing. This direction also applies to matters originating with the Child Support Services Office.

* 1. Pre-motion conferences provide a forum in which issues are identified and resolution is explored prior to a contested hearing. The expectation is that lawyers and self-represented parties communicate with one another in advance of the pre-motion conference with a view to determining areas of agreement and outstanding issues.
  2. The emphasis will generally be child centered, not on other disputes between the parents.

1. Booking Motion/Application and Filing Documents
   1. All contested motions and applications in the Family Section shall be preceded by a pre-motion conference, unless the court specifically waives the requirement of a pre-motion conference.
   2. When the moving party contacts the trial coordinator or deputy registrar to advise of their intention to make a motion or application, they will be given a date and time for a pre-motion conference.
   3. Non-compliance with the directions and timelines set out in the *Rules of Civil Procedure* may result in the pre-motion conference being adjourned or rescheduled.
2. Affidavits

To reduce costs and to not further intensify the dispute, affidavits on motions/applications in family matters are not to be filed and served until after the pre-motion conference, and after the pre-motion conference judge has authorized a hearing. For the same reasons, pre-motion conference memorandums should not contain lengthy paragraphs similar to what might be included in an affidavit.

1. Financial Information
   1. Lawyers and self-represented parties are reminded of the financial and income disclosure obligations, including for those individuals who are self-employed, or a partner in a partnership, as set out in s. 21 of the *Federal Child Support Guidelines,* SOR/97-175.
   2. Ideally, parties should attach to the pre-motion conference memorandum (Form 70 BB) income documentation for the previous three years. However, at a minimum, parties are required to attach to the pre-motion conference memorandum, their most recent income tax return with schedules; most recent notice of assessment or reassessment; and, proof of current income (such as pay stub with year to date income; statement of employment insurance benefits; statement of other benefits; and, documentation of self-employment income or partnership income).
   3. The court will generally not accept for filing a pre-motion conference memorandum that is not accompanied by these documents. Requests for exemptions may be made to the Registrar.

1. Notice to Director of Child Protection

The *Rules* require that notice be given to the Director of Child Protection when a parenting order or contact order is claimed. Notice to the Director of Child Protection is to be provided on a timely basis, to ensure a response from the Director prior to the scheduling of a pre-motion conference. Unless otherwise ordered by the court, a pre-motion conference shall not proceed until any applicable report of the Director has been served on the parties and filed.

1. Results of Pre-motion Conference
   1. The pre-motion conference judge shall determine future steps, including what issues, if any, are authorized for an interim hearing, or an application, and what issues, if any, are for trial. Generally, the pre-motion conference judge will prepare a pre-motion conference report, which is provided to the lawyers and self-represented parties, and filed.
   2. Statements of the parties made at a pre-motion conference are confidential to the parties and their lawyers and shall not be disclosed to the hearing judge.
2. Additional Pre-Motion Conference

Occasionally, a lawyer or self-represented party requests the court schedule a continuation of a pre-motion conference or a subsequent pre-motion conference. In such circumstances, the party making the request is to provide details as requested by the trial coordinator, and the court will generally require the following:

1. the court file number and full names of the parties;
2. the names and ages of children who may be subject to the proceeding;
3. if the Office of the Children’s Lawyer is involved, the name of the lawyer;
4. the names of the lawyers of record;
5. the date of the last pre-motion conference held;
6. the name of the judge who presided over the last pre-motion conference;
7. if the matter is currently in case management, the name of the case management judge, date of the last case management call, and whether the case management judge has authorized a further pre-motion conference;
8. if there is an existing court order involving the parties, the date of the most recent order;
9. the relief that is requested in the underlying motion or application;
10. the issues the party wants to address at the pre-motion conference;
11. what efforts the parties/lawyers have pursued to try and reach agreement on the issues, before requesting a further pre-motion conference; and
12. whether the Director of Child Protection has intervened.

Once such a request is received and the above information is provided, the court will provide direction.