

THE HONOURABLE HEATHER FORSTER SMITH
CHIEF JUSTICE OF THE SUPERIOR COURT OF JUSTICE



L'HONORABLE HEATHER FORSTER SMITH
JUGE EN CHEF DE LA COUR SUPÉRIEURE DE JUSTICE

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December 21, 2012

Janet Whitehead
Chair
The County & District Law Presidents' Association
731 9th Street West
Owen Sound, ON N4K 3P5

Dear Ms. Whitehead:

I am pleased to provide you with a copy of the Superior Court of Justice's *Prioritizing Children – Statement of Objectives (December 2012)*.

As I indicated in my September 2012 Opening of Courts Remarks, the Superior Court of Justice is prioritizing its focus on improving the family court process in matters involving children-at-risk, such as high conflict and child protection cases. We plan to work innovatively on multiple fronts to ensure cases involving children-at-risk receive the court's earliest attention and efforts for resolution. The *Statement of Objectives* is our Court's guideline as we move forward on this initiative. This document includes "Seven Pathways to Success" that we will pursue to achieve the stated objective of improving the family court process for all children-at-risk. Our approach will engage various justice partners and stakeholders, as well as broader institutions and organizations, in an effort to address this challenge on all fronts.

I invite you to consider and share with your colleagues our *Prioritizing Children – Statement of Objectives*. I look forward to working with you in developing these initiatives that will give "top priority" to the needs of children-at-risk.

Sincerely,

A handwritten signature in black ink that reads "Heather Smith". The signature is written in a cursive style.

Heather J. Smith,
Chief Justice.

HJS: kk

c. Senior Family Justice R. John Harper, Superior Court of Justice

Encl. Superior Court of Justice's *Prioritizing Children – Statement of Objectives*



Superior Court of Justice *Prioritizing Children Initiative – Statement of Objectives*

Preamble

In 2008, the Superior Court of Justice developed its *Strategic Plan for Family Law*¹, as a framework to improve family court proceedings. Since the release of the *Strategic Plan*, the Court has successfully implemented judicial policies and best practices to ensure effective and timely court appearances, and has worked collaboratively with the Ministry of the Attorney General in its expansion and enhancement of front-end family justice services across the province. Having achieved significant results in these priority areas identified in the *Strategic Plan*, it is timely for the Court to prioritize its focus on the most vulnerable group in the family law system – the children. The enclosed *Statement of Objectives* and *Seven Pathways to Achieving Success* builds on the Court's *Strategic Plan*. They outline specific goals and targeted approaches to ensure children in conflict and children-at-risk are given "top priority" in family court proceedings.

Purpose

The Superior Court of Justice will work innovatively on a variety of fronts and with multiple stakeholders and partners to ensure that every family law case involving children-at-risk receives the Court's earliest attention and maximum effort towards a swift and just resolution. These children deserve nothing less.

Objectives

It is critical for the Court to focus on the most vulnerable group in the family court process – children. Children in conflict and children-at-risk must be the highest priority in family cases. Child protection cases and high conflict family proceedings are fraught with problems that are often referred to as "systemic". Frequently, that term is a euphemism for what we believe is "beyond our control".

The early resolution of cases involving children-at-risk is plagued by the lack of experienced and available professionals to handle these challenging cases, including:

- Family law lawyers,
- Lawyers with experience in child protection law,
- Children's aid society lawyers,
- Parents' counsel,
- Legal aid resources, and/or
- Mental health practitioners willing to act as assessors in custody & access matters.

This deficit in available resources is evident across disciplines and across the province, and it impacts the timely and effective resolution of these cases.

While the solution to these problems may seem beyond the reach of a single sector within the justice system, it is within the reach of the combined efforts of the family justice partners outlined in the attached *Seven Pathways to Success*. To achieve this initiative, the Court will move forward proactively targeting several fronts, including: law societies, legal associations, law schools and academia, medical and mental health care professional associations, legal aid, and children's aid. This approach will also require collaboration with the government and all levels of court. All paths in this multi-disciplinary strategy must lead to the main objectives of reaching and providing resolution to children-at-risk in high conflict and child protection matters in the most timely and effective way possible.

¹ <http://www.ontariocourts.ca/scj/en/famct/familylawstrategicplan.htm>



Superior Court of Justice
Prioritizing Children Initiative – Statement of Objectives

Seven Pathways to Success

1. **The SCJ Judiciary:**
Gather, develop, implement and promote court-wide best practices that help judges reach statutory timelines in the child-protection regime, and helps judges identify extreme cases that require additional attention earlier on in the process. This Pathway includes working with:
 - (a) The Regional Senior Judges Council,
 - (b) The Senior Family Judge's Consultation Committee,
 - (c) Local Administrative Judges (Family), and
 - (d) All Local Judges.
2. **The Courts:**
Join together with the Ontario Courts to demonstrate leadership and public unity in achieving real results for children-at-risk. This Pathway includes working with:
 - (a) All courts on broad-based issues calling for "court-wide support" such as promoting family law and children's law amongst the legal profession, law schools, and other justice partners, and
 - (b) The Ontario Court of Justice (as the two trial courts of the province), on specific issues pertaining to trials involving children-at-risk, such as meeting statutory timelines and improving the process for custody & access assessments.
3. **The Ministry of the Attorney General:**
Collaborate with the Ministry on resources and initiatives to improve the family court process for children-at-risk, and on outreach to other partners and stakeholders to promote objectives relevant to the initiative. This Pathway includes:
 - (a) Continuing to work with the Family Policy & Programs Branch, Court Services Division on projects relevant to this initiative, and
 - (b) Supporting and engaging in a new family streamlining committee structure as a forum to move this initiative forward.
4. **The Legal Resource Justice Partners:**
Work with legal resource justice partners on initiatives to improve access to legal resources for families in case where children are at risk, including cross-rostering of panels of legal professionals and encouraging greater collaboration between organizations. This Pathway includes working with:
 - (a) Legal Aid Ontario,
 - (b) The Ontario Association of Children's Aid Societies, and
 - (c) The Office of the Children's Lawyer.
5. **The Legal Profession**
Engage with the legal profession on initiatives to encourage lawyers to take on cases involving children-at-risk, such as establishing mentorships between experienced and new lawyers, encouraging the development of tailored continuing legal education programs, and developing criteria for a recognized "specialization" in children's law. This Pathway includes working with:
 - (a) The Law Society of Upper Canada,
 - (b) The Ontario Bar Association,
 - (c) Other major legal bar associations and organizations, and
 - (d) Experienced senior family law and child protection practitioners.
6. **The Law Schools & Academia:**
Reach out to law schools and legal academics to promote law students' and new lawyers' interest in this field. Initiatives may include, developing children's law focused curriculum and clinical programs and advocating for family law as a core requirement for a legal degree. This Pathway includes working with:
 - (a) The Federation of Law Societies of Canada, and
 - (b) The Deans of Law in University Faculties of Law across Ontario.
7. **The Medical & Mental Health Profession:**
Reach out to medical and mental health professionals to address the challenges in encouraging and maintaining qualified professionals to act as assessors in custody & access cases. This Pathway includes working with:
 - (a) The Ontario Association of Family Mediation,
 - (b) The College of Psychologists of Ontario,
 - (c) The Ontario College of Social Workers, and Social Service Workers, and
 - (d) The College of Physicians of Ontario.