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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Monday 16 November 2020

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Lundi 16 novembre 2020

Report continued from volume A.

**MOVING ONTARIO FAMILY LAW
FORWARD ACT, 2020**

**LOI DE 2020 FAISANT AVANCER
LE DROIT DE LA FAMILLE EN ONTARIO**

Continuation of debate on the motion for third reading of the following bill:

Bill 207, An Act to amend the Children's Law Reform Act, the Courts of Justice Act, the Family Law Act and other Acts respecting various family law matters / *Projet de loi 207, Loi modifiant la Loi portant réforme du droit de l'enfance, la Loi sur les tribunaux judiciaires, la Loi sur le droit de la famille et d'autres lois en ce qui concerne diverses questions de droit de la famille.*

The Acting Speaker (Mrs. Lisa Gretzky): Further debate?

Ms. Laura Mae Lindo: I'm very grateful to stand in this House and speak about Bill 207, but I have to say I am also very frustrated. There was an opportunity with this bill to actually go further. Instead of doing that and ensuring that supports that address some of the root causes of the issues that we have in family law are actually addressed, the government has seen fit to just take like a baby step, and then they've spent the entire time during these debates talking about different organizations that are happy with the baby step, without telling the public that they wish there was more. People want there to be a robust change to the Family Court system, and I can't help but bring the frustration of the people in Kitchener Centre into this debate.

As my colleague from Kingston and the Islands mentioned, as a new MPP it took very little time to realize that the majority of the cases that came into my office involved the Family Responsibility Office. They involved families trying to navigate the Family Law Act, and it involved a lot of people who did not have access to legal representation. I would often have to direct them to FLIC. They would go and they would speak to somebody who was part of the family law information centres. There, they would get 20 minutes to speak about a case that was plaguing them, a case that was impacting their families, their children, their livelihood—20 minutes and a flyer. Oftentimes, in order to get the 20 minutes, they had to sit in the courthouse for four hours, if not more, just to get access. The reason for that isn't because there was a problem with the legal aid lawyers that were trying to provide them with support, but because legal aid was cut by this government. They cut the funding for the legal aid

representatives that were working in all of these wonderful spaces that they claim to be investing in.

I cannot help but be frustrated for the families in Kitchener Centre and, to be honest, the families across the province who are going to now have to listen to the government make up reasons about how they're investing in these families and making everything easier when actual Ontario residents will not be able to access the stuff that they say they're investing in, because without the actual legal aid support, without actual access to legal representation, they won't get to mediation. They won't get in front of a judge. They won't be able to actually get to the space where they will be able to finally get themselves onto a healing journey for themselves, for their partners, for their children, for their entire families.

If we're going to have this debate, then we need to talk about the things that, apparently, the government had no interest in speaking about in the summer of 2019. In the summer of 2019, when they held their consultations, they stated that submissions were not to consider the expansion of the unified Family Court system or the level of funding provided to legal aid. They literally started off their consultations saying to families, "Don't talk to us about what's actually happening to you." That's what they said. I don't understand how they can now be so proud of taking a baby step. So I'm going to buck the system and talk about that.

We're going to spend some time talking about the importance of having access to legal aid representation. When somebody is going through an issue in their family where their marriage or common-law relationship is coming to an end, they are stressed. As my other colleague had said in earlier debates, they might have experienced violence in the family. They might be navigating intimate partner violence. No matter what the situation is, that amount of stress is something that we have to take seriously. To add to it that we're no longer going to be giving them robust access to legal aid to help them so that their finances don't end up standing in the way of them being able to resolve the issues that they are having in their home is literally a slap in the face.

I think it's really important for us to pay attention to how the legislation that we are putting in this House, that we're debating in the House, is actually going to impact the real everyday Ontarians on the ground who are having to rely on this system. We have an opportunity to actually address something that we know is happening across the province.

A lot of people have been reporting more divorce, more separation during the pandemic. There is an opportunity to actually ensure the systems that they are going to have to

rely on will be there for them to help them navigate that, not with a pamphlet or a flyer, but with people that have the expertise needed to navigate the Family Law Act. No matter how simple you make it, the click of a button on the Internet does not mean that everybody will have access to it. And flyers, pamphlets, small 20-minute sessions that are then just leaving you on your own to fend for yourself are insufficient.

I can't go back to Kitchener Centre to the residents there who come to my office and ask about needing to get help for arrears for child support and tell them that anything in this particular bill is going to actually help them navigate that process in a real way. I want to be able to tell them that the government is working for them. I do. Because who wants to go home and tell constituents that they're out of luck? I want to be able to say to them that the government has been listening and that the government is reversing their decision to cut legal aid, and especially specialty clinics.

1750

Somebody who navigates domestic violence or intimate partner violence—not every single lawyer has the understanding, the training or the education required to understand the nuance of how domestic violence actually functions. They don't necessarily know what signs to look for. They don't know how to navigate and, most importantly, they don't know how to provide the care, support and love that somebody who is a victim of domestic violence needs to navigate not just the system, but the realities of what they're going through.

If we really want to help people, it's fantastic to change some technical things to make sure that we try and clarify some of the processes and make sure that we use more modern language, but I can guarantee that the people of Kitchener Centre want investment in legal aid. That's what they want. They don't care what you're going to call the things, as long as there is a lawyer that they have access to who will be able to help them navigate.

Because do you know who the lawyers are? The lawyers. The lawyers are not supposed to be the residents of Kitchener Centre who are navigating the Family Law Act. The lawyers are the ones that have that specialty, etc., and if we actually invested in legal aid, then we would be able to ensure that everybody had access to what they needed to, again, get on to this healing journey.

I think it's fascinating that we have people, experts, that have said to us, "The bill, okay, it's a baby step, but there are things that are missing." There are things like proper funding for legal aid, flexible assistance for family litigants to help them navigate the process. There is a need for a mandatory requirement for mediation, so that we try and keep people out of the court system. That one is actually really important, given that we are in a pandemic. Courts, in many places, had to shut down during the pandemic, so there's a backlog in the courts at this point.

We should be doing things that would make sure that people can navigate the system and get the help that they need in a way that actually is helpful for everybody, but we can't do that if instead of actually listening to each other and trying to make the legislation that we pass in the

House better for Ontarians, we're going to celebrate baby steps.

When are we going to open up this bill again? When are we going to open up this act? When are we going to have an opportunity to make it better? Why can't we just do it now? We're all here; we may as well. I think it's really, really important for us to take advantage of this opportunity to actually make the legislation better so that we have people that feel that they are supported.

When I started this debate, I mentioned that some people are sitting at the FLIC for over four hours. That's a real example. I actually in my riding had somebody who was navigating a number of issues and they needed to have access to some kind of help to support them to navigate the system. They had to sit for four hours—more than four hours—to try and speak to somebody for 20 minutes.

I also had other residents of Kitchener Centre who went there for help and support because they didn't have access to a lawyer. They just didn't have enough money to pay for a lawyer to navigate their family law matter, and they were turned away because they had waited for many, many hours, but there was such a backlog that they couldn't actually get in to see anybody.

When you have that kind of issue in a system, why don't we spend the time talking about that, taking that seriously and investing in the system so that we can provide people with the support that they need? If we are really, really wanting to make change and we really want to make sure that we're doing the work that we're doing, that we're using our power and our privilege in this space to provide support to Ontarians that come to our offices, then why don't we actually make the investments?

Why don't we sit back and pay attention to how odd it is that we would say, "Okay, we want to take people out of the court system"—and that makes sense—"but we don't want to invest in legal aid where a lot of people actually need that support"? Who is it that is impacted by that decision to not invest in legal aid? Who is it that's impacted by the decision to hold a consultation and say, "But we're not going to talk about our cuts to legal aid"?

If you're proud of your cuts, then you should talk about them. That, to me, indicates they may not be as comfortable with the cuts that they made to legal aid prior, Madam Speaker, because I don't understand why that wouldn't be part of the actual consultation. It's a huge part of what happens when people are navigating family law.

I do want to also just take a moment and give a shout-out to my team in Kitchener Centre. They're watching today. They're actually watching because of the amount of cases that we have that this piece of legislation could have helped but isn't. I'm saying hello to them and I'm saying, "Thank you for all of the work that you do and thank you for everything that you're doing for families in Kitchener Centre, for your advocacy and such," because right now, it doesn't feel like the government is listening to those families.

So I do want to take one more bit of time and just explain that it's really frustrating that we get phone calls from payors and payees that are navigating the system.

There are a bunch of issues that come up in my office around arrears, for instance, for child support. When my team has to say, “Okay, you’re going to have to get legal representation to navigate this,” none of them have said to me, “Well, if it was just easier online, or if the name of whatever was different, everything would be okay.” Nobody has said that to me. What they have said to me is, “I need legal representation.” There are a lot of people that are actually in that middle financial situation. I believe that the minimum amount is \$10,000? Is that the minimum for—

Interjection.

Ms. Laura Mae Lindo: Is it \$22,000?

There are a lot of people who come to my office that actually might make \$30,000, \$35,000, \$40,000 a year, and because they’re also raising their children, they don’t even qualify for legal aid. Or the other issue that I have had come to my office is that if there is property involved, then that increases the threshold for who can actually have access to the legal aid certificates. Those are the kinds of things that I think the people of Kitchener Centre would like to have us discuss, to try and find a way to ensure that everybody does, in fact, have access to the support that they need.

In any event, my hope is that at some point we’ll listen to the experts that are telling us what it is that’s actually needed to address the long-standing issues in family law: that we will, in fact, find a way to invest in speciality clinics, because I do think that also comes up quite often; that we will reverse the cuts to legal aid, because that also comes up quite often; and that we’ll start to do what we can in this chamber to actually support not just the people of Kitchener Centre, who are navigating difficult systems at difficult times, but other folks who are relying on us, not just during a pandemic but outside, to take seriously the kinds of concerns they bring to our attention.

The Acting Speaker (Mrs. Lisa Gretzky): Questions?

Ms. Lindsey Park: In response to amendments made at committee to the Moving Ontario Family Law Forward Act regarding the child protection process, the Ontario Bar Association said they support the removal of that leave requirement for the Court of Appeal, which is the second appeal for child protection matters. The OBA also said that they “remain strongly in favour of simplifying family law appeal routes and ensuring families in Ontario are treated equally regardless of where they reside and whether or not spouses are married.”

As I mentioned before, we received support for the bill from a number of other stakeholders. Can the member opposite advise whether they or their party, the New Democrats, agree with the Ontario Bar Association and will support these reforms?

Ms. Laura Mae Lindo: Thank you for the question. We’ve already made it clear we’ll support the reforms and we’ll support the bill, but what we are actually trying to bring to the government’s attention is that more can be done. There was an opportunity missed. I think that there are a lot of legal experts who would also agree that this was an opportunity. It is not often that we open up acts like

this, and so this was a chance for us to do better, to do a little bit more for people.

1800

There were a lot of people who brought ideas, including the official opposition, brought ideas for amendments that could be made so that we can address the needs of folks across the province. I guess the idea was to ask the question so that we can stand up and say whether or not we support, but I just want to make clear that we would prefer to support something that is much more robust.

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Mr. Jamie West: Thank you to the member from Kitchener Centre for her debate. It’s a small, incremental change for the bill.

I want to point out a couple of things in here. She talked about how what ultimately happens for a lot of people in her riding is that they get 20 minutes and a flyer instead of legal aid and that legal aid was cut by the Conservative government by \$133 million in the last budget. This is a government that talks about being “for the people,” but the cut-off to access legal aid is \$20,000, which is 10 times less than what the Premier makes annually. My question to the member from Kitchener Centre is, is this a reflection of a government that really is for the little guy?

Ms. Laura Mae Lindo: Thank you to my colleague for the question. I don’t think that it’s possible to look at the kinds of cuts that have come through this chamber, not just with legal aid but others as well, and think that the government is actually here for the people. A lot of the people that I’m speaking about are saying to me that they need us to do better.

When it comes to the cuts to legal aid, those cuts have set them back. A lot of the specialty clinics in particular that were most impacted by those cuts spoke about the residents and the kinds of concerns that they had coming to those offices. They’re worried that because they were specialized in these areas of law or they were specialized in the nuances of the issues that were happening to people coming into those clinics—they needed something specialized, and the government decided to cut instead of support.

The Acting Speaker (Mrs. Lisa Gretzky): Questions?

Ms. Lindsey Park: I’ll actually ask a question about the bill that we’re debating, which is Bill 207.

Bill 207 harmonizes Ontario’s family laws with federal legislation to make it easier for Ontario families to navigate the system and to understand their rights. Among others, we’ve seen votes of support coming from the Middlesex Law Association, the Family Dispute Resolution Institute of Ontario and the Ontario Association for Family Mediation. I know the members want to go and talk about old bills and other consultations, but my question is, are you going to support this bill?

Ms. Laura Mae Lindo: I’m pretty sure I answered that, so I’m going to answer something else. I’m going to explain that the cuts to legal aid actually have an impact on Bill 207. Everything that we’ve spoken about has an impact on Bill 207. If we’re not able to make that connection, that’s a problem. So my question—can I answer

a question with a question? Is there a possibility that the member can actually think about how the cuts to legal aid will impact people's access to the changes that they claim to be making in Bill 207? Because if we can bridge that gap, there's a possibility for all of us in this chamber to work collectively for the people of Ontario.

The people of Ontario do know that the cuts to legal aid will have an impact. So I believe that everything that we've been talking about is directly related to Bill 207, and we'll keep talking about it. Thank you.

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Mr. Ian Arthur: Thank you to the member for her debate. The member brought up a few interesting points that I would like to know more about. She talked about how even simplified language does not guarantee access. There are some assumptions that go with simplified language in here of a base level of education, which would allow them to read and understand even simplified legal jargon.

Then you brought in the concept of stress and the effect that can have on a person when they're going through periods of deep stress and why it's so important that simplified language still needs to be paired with supports in the form of legal counsel, particularly during those acute periods of time. Even with simplified language, they may not have the ability, during these period of stress, to understand and navigate this process. Can you elaborate on that?

Ms. Laura Mae Lindo: Thank you for that question.

I totally agree; this idea of focusing on simplified language as though that's a solution to allow people access seems a little bit wrong-headed. There's actually a possibility that the simplified language is now going to make more people frustrated because they can't afford the lawyer who's going to help them to navigate the system that they understand even better, plus, they're dealing with family law issues—relationships breaking down, children being impacted by the breakdown of those relationships.

To veer in a different direction, though, a lot of people understand what they need. So the question of changing some of that language—they know what their families need, but what they actually need is access to the lawyers who will help them to navigate that system.

So I think that it's great that we'll start with the simplified language, but we could have done better.

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Ms. Lindsey Park: I want to bring up a topic that the member opposite did, which was the notice that went out of the consultation we did in 2019. We noted that we did not need to hear from people about the unified Family Court because we already agreed that it needed to be expanded and we were working with the federal government on it.

My question is, if the New Democrats were to ever form government—do they support the expansion of the unified Family Court?

Ms. Laura Mae Lindo: As I've said already and as my colleagues have said, we do support this particular bill—I'm guessing that's part of what we're trying to get at, as

well. We do know that we need to expand these services, and we do know that it's important for us to ensure that every single person has access to the legal system.

It always comes back, for me, to recognizing, if we actually support the most vulnerable, if we support people who don't have enough money to be able to hire lawyers and navigate a system—and it's a long process; it's not like any of these processes happen and you only go to court once, so you've only had to pay one little bit of money to the lawyer. This is a long process that you have to navigate. If we can find ways to support the most vulnerable, then everybody in this province wins, and that's when you know that you've built a system that's actually there to support Ontarians.

The Acting Speaker (Mrs. Lisa Gretzky): We don't have enough time for another question.

Further debate?

Mr. Aris Babikian: I'm honoured to rise today in the Ontario Legislative Assembly to speak to this very important bill introduced by my colleague Attorney General Doug Downey.

Before I speak to Bill 207, I would like to sincerely thank our workers at the Family Court, as well as the generous folk at the West Scarborough Legal Clinic who provided continuous support for Scarborough–Agincourt residents during COVID-19. I have heard first-hand from our constituents how grateful they are to have had counsel on their cases during these difficult times.

Throughout this pandemic, our government has been working tirelessly to successfully pivot online. Quickly and efficiently, we pushed Ontario's justice system forward by decades in a matter of months, through many groundbreaking modernization projects introduced by our government, changing the way Ontarians access justice services.

Since March, we have invested in technology in order to move more services online and make it easier for the people of Ontario to access justice. We have expanded the number of the civil and Family Court documents that can be filed online through e-filing to 450. This will be one way in which we reduce the necessity for in-person visits.

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As part of our expansion of e-filing services available through Justice Services Online, we ensured access was improved in the family law sector. As a result of this deliberate approach, Ontarians are now able to file about 150 court documents online in any new or existing family proceeding in the Superior Court of Justice or Ontario Court of Justice. This allows Ontarians to save on lawyer fees, as nobody has to physically go in to deliver documents to the courthouse, thus making the process more affordable.

Another platform that we have procured for cloud-based document-sharing enables parties and their lawyers to share court documents of any size. These documents are available to those involved 24 hours a day, seven days a week, without having to walk into a courthouse. Currently, in Ontario, we are piloting this cloud-based document-sharing platform called CaseLines.

Access to justice is one of the driving forces of a democracy. Our government is committed to ensuring justice becomes more accessible to Ontarians, particularly with regard to family law.

Through our investment in technology, we expanded the online service so that Ontarians can now set up or change child support payment arrangements online, and they can file for joint or simple divorce online as well.

Bill 207, the Moving Ontario Family Law Forward Act, addresses Ontario family law—an unfortunately difficult-to-navigate and very costly system that many families in Ontario are forced to manoeuvre. We all understand the already emotionally and physically draining time divorce and custody mediations are for Ontarians. We all know someone who has had to navigate this system. Our goal here today, Madam Speaker, is to make the process just a little bit easier for families. This legislation provides common-sense solutions to modernize and find efficiencies in the current Ontario family law system. These efficiencies are aimed at lowering costs on families and taxpayers, and streamlining the process to make it less burdensome on all parties.

Our government understood the confusion and the stress this convoluted system places on the average Ontarians who must navigate this system. We know that this needed to be addressed, especially because, as Minister Downey mentioned previously, around 70% of family law cases are self-represented. This statistic means that the average person in this system is not a career lawyer, nor a judge, nor a paralegal; these are mothers and fathers with jobs, many of them with young children, representing themselves during one of the most difficult times of their lives. What a disservice to them if we do not take action.

With the three courts—namely, the Ontario Court of Justice, the Superior Court of Justice, and the Family Court branch of the Superior Court of Justice, in addition to the role played by the Court of Appeal—hearing family law cases in Ontario, it is as if the system is made to be inefficient and confusing. The previous government, Madam Speaker, neglected this system for years. Well, it just can't wait any longer.

As such, Ontario Attorney General Doug Downey and his team began consultations with stakeholder groups, from families that have gone through this system to experts, lawyers and judges within the legal system. This included the Ontario Bar Association, the Federation of Ontario Law Associations, Legal Aid Ontario, the Ontario Association for Family Mediation, the Family Dispute Resolution Institute of Ontario and many more, all of whom came out publicly to support parts of this legislation.

This legislation was built with suggestions on how to improve both family and civil legislation, regulations and processes. Determined to support families and protect vulnerable children, our government is moving family law forward by making it easier, faster and more affordable for Ontarians to resolve their family law matters.

There are four main components to this legislation. The first is reforms to family arbitration reports, the second

component is reforms to family law surrounding child support services, the third component is reforms to family law appeal routes, and finally, reforms to family law regarding child custody and access.

To understand the impact of this proposed legislation, we must first acknowledge the work of family arbitrators. Parties may choose to discuss a settlement through a family arbitrator. These arbitrators are asked to resolve many kinds of family disputes, from support of a spouse or child to custody of children and property division. As a lawyer does not have to be present with the client during these arbitration meetings, these services are a cost-effective and less stressful manner for resolving family disputes. This is evidently a great aid to the family law system in Ontario. Their time should be used meeting with the relevant parties and working hard to provide mutually fair resolutions.

To make it easier for family arbitrators to do their work and make government more efficient, Ontario has eliminated an old reporting requirement that required family arbitrators to submit detailed reports on every family arbitration awarded or decided. Under current legislation, arbitrators must report their findings to the Attorney General's office on a biannual basis. Arbitrators and the government are required to accumulate over 10 years of arbitrator information.

The initial intention of this requirement was so that the ministry could gain insight into the type of arbitrations that were taking place in the province in family law. This outdated law has served its purpose. Future reporting will add minimal insights on arbitration of family law as a whole. This is a regulation that no other jurisdiction in the province requires.

This amendment will make the process less time-consuming for arbitrators, thus giving them more time to do the great work they do helping families. This will also save time and money, and increase efficiency for the government workers tasked with processing these reports.

Cutting red tape and updating dated legislation has been one of the core principles of this government. The people of Ontario elected us to do just that. I would like to thank Associate Minister Prabmeet Sarkaria for championing these efficiency-finding initiatives within the government.

As previously mentioned, Madam Speaker, during this pandemic, we have increased the capabilities of our online child support services to allow parents to access the services they need while remaining safe and healthy. Currently, parents and caregivers can set up and change child support payments without going to court, through the online Child Support Service. However, in some cases, parents or caregivers may need a certified paper copy of a notice issued by the service, particularly if they are trying to register, enforce or change child support amounts outside of Ontario.

1820

Making a stressful situation worse by creating these barriers of access to justice only makes children and families suffer. We need to design a system that places the main consumer—children and parents—at the centre of its design.

Ontario is proposing changes to the online Child Support Service so parents can request and receive certified copies of support payment notices directly from the service, thus reducing the need further for in-person visits, and making justice and the enforcement of justice more accessible. Safety during COVID-19 is merely one part of the great help that this expansion of online services is to families. These proposed changes would make it easier and more affordable for families to manage or enforce child support amounts outside the province. By providing certified copies of notices, parents would not have to face unnecessary hurdles in enforcing their child support amounts outside of Ontario.

Another portion of this proposed legislation that, if passed, will bring common-sense solutions to the current issues legal professionals and families face is to allow parents and caregivers to obtain certified copies of notices of calculation/recalculation that are issued by the online Child Support Service. The Ministry of the Attorney General has also engaged the Interjurisdictional Support Orders Unit at the Ministry of Children, Community and Social Services for input on this proposed amendment, which has confirmed support for it.

The third pillar of this legislation is, amendments are proposed to the Courts of Justice Act and other Ontario statutes to make the family law appeals process clearer and easier to navigate. As mentioned at the beginning of my speech, all three Ontario courts hear family law matters, and the appeal process is different for each. As it stands, each court in Ontario that hears family law cases has a different appeal route. This understandably makes it difficult for people to understand where to appeal their matter. This legislation will clarify where to appeal family law cases, help reach final decisions faster in cases that involve children in difficult circumstances, and increase consistency and fairness regardless of where the trial is heard. With this legislation, we also plan to provide a direct, fast-track appeal to the Ontario Court of Appeal for custody cases that raise interjurisdictional issues due to pressing urgency for the child. Legal organizations, the bar and family organizations support the simplification of family law appeal routes.

We also understand that the issue does not end with this legislation. Our government is committed to streamlining the process for people to resolve family legal matters in Ontario. One of the means by which we are interested in furthering this goal is by expanding the unified Family Court in Ontario, as this would make it so that there would be only one court in Ontario for family legal matters. This will make the processes much easier to navigate, less confusing and more accessible.

We continue to seek a commitment from the federal government to support Ontario's future efforts in family law legislation.

Finally, we are proposing amendments to the Children's Law Reform Act and other Ontario statutes to align them with the federal government's recent amendments to the Divorce Act. The federal Divorce Act provides for the determination of the custody of children for married

spouses who have separated. The provincial Children's Law Reform Act provides for the determination of custody of children for both married spouses who are not divorced or divorcing, and unmarried spouses who have separated.

These amendments would provide clarity for the public, the legal profession and third parties who are involved in and affected by family law. By ensuring that provincial legislation aligns with federal legislation, we are making the process more straightforward and less confusing for all parties involved. The Divorce Act amendments, with which the Children's Law Reform Act amendments would update parenting terminology—changing “custody” to “decision-making responsibility” to move away from the perception that one parent wins or loses a custody battle. These terminology updates will include

- providing a more comprehensive and non-exhaustive list of factors for the courts to consider when determining the best interests of the child, i.e., stage of development; nature of relationship with parents, siblings, grandparents; history of care; and plans for the children;

- another provision will help provide greater clarity regarding what constitutes violence, i.e., definitions and number of instances, and introduces measures to assist the courts in addressing family violence;

- another benefit will be to establish obligations for lawyers and parties to encourage the use of family dispute resolution processes and duties of courts to consider the existence of other proceedings; and finally,

- providing a statutory framework for when a person with decision-making authority relocates, with or without a child, i.e., requiring 60 days' notice to the other parent and considerations for the court to consider in determining if the relocation is in the best interests of the child.

Madam Speaker, I also want to shed some light on other ways our government is helping to alleviate some pressure on the family law system by expanding the dispute resolution officer program. Rather than a judge, a dispute officer will be who the parties appear in front of when there is a request to change a Family Court order.

Thank you very much, Madam Speaker.

The Acting Speaker (Mrs. Lisa Gretzky): Questions?

Mr. Jamie West: Thank you to the member from Scarborough—Agincourt for his debate. One of the things he said, and I wrote it down here, was, “The average person in this system is not a lawyer or paralegal,” which I agree with. I also at this time want to acknowledge Taryn Michel from Sudbury, who is a paralegal, and right now, during COVID, is studying to be a lawyer at Ottawa university. I mention Taryn because she represents, as a paralegal, a lot of people who really lack financial means; it's difficult to get legal advice. So I'm wondering, if you know that the average person is not a lawyer or a paralegal, why would your government cut \$133 million from legal aid in the last budget?

Mr. Aris Babikian: Thank you for the question. This legislation will make it much easier. I can relay my personal experience with the family law courts. Until five years ago, I was not very familiar with court cases, family law etc. With the new arrival of the Syrian refugees, I became involved with them to help them navigate. I went

with them to Family Court. I helped them fill in forms. I helped them interpret legislation. As someone who has been involved in government relations for 35 years, it was difficult even for me to understand, to comprehend. This legislation will make it much easier for a common person to navigate the system.

1830

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Mr. Lorne Coe: One of the areas that I get in my constituency office when people walk in is, they talk about the changes made to align Ontario family law with the federal Divorce Act. Some might think they're minor, but we know that they have a significant impact, an important update to family law reform here in Ontario.

I'd like the member from Scarborough–Agincourt to speak more broadly about the level of engagement that we have had with stakeholders, who I know, both in committee and outside of committee, have spoken about the significant impact it's going to have on families in Ontario.

Mr. Aris Babikian: Thank you for the question.

The proposed amendments to align Ontario's legislation with the federal changes to the Divorce Act reinforce our goal of making it faster and easier for families to navigate the courts. We have heard positive feedback from a whole range of stakeholders.

The Ontario Bar Association called for "consistency between provincial and federal laws following changes to the Divorce Act." We delivered.

The Ontario Association for Family Mediation said our changes are needed if we are to support access to justice.

The Family Dispute Resolution Institute of Ontario said that they welcome our amendments.

I could go on and on, Madam Speaker.

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Ms. Judith Monteith-Farrell: Thank you to the member from Scarborough–Agincourt for his presentation. I agree with many things he said. He said that these changes that are in the bill were long overdue and that past governments had failed to do the proper job there. I really appreciated that he wanted the lens to protect vulnerable children.

I am disappointed that the Family Responsibility Office and the chance for the Family Responsibility and Support Arrears Enforcement Act to be strengthened are not in this bill. I have a resident constituent, Barbara Grosjean, who has not seen one cent in three years. She has never received support. The system is failing her in trying to secure money. Does the member agree that the act could be strengthened by providing financial support for vulnerable children?

Mr. Aris Babikian: Thank you for the question.

In regard to the Family Responsibility Office, it was reformed in 2019. The new office is restructuring, and they will address all the issues that are involved with this legislation.

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Mr. Jim McDonnell: I have often heard from constituents who assume that during COVID-19 access issues are not being addressed in the justice system, when in fact

Ontario's justice system is here and available to serve families and children during some of these extremely difficult moments. Can the member please share an update on the current status of the justice sector, as our government works towards Ontario's recovery?

Mr. Aris Babikian: Thank you very much for the question. The member is correct; while courthouses were initially closed at the start of the pandemic, the justice system remains available for all urgent matters, like child protection matters, urgent child custody, and access issues and more. I want to highlight that in Ontario, electronic filing of court documents is available for family law matters in order to facilitate in-person and virtual proceedings.

Also, courtrooms reopened in 73 of 74 base courthouses in Ontario. Everyone who visits a courthouse is required to wear a face covering and will be screened for COVID-19 symptoms.

We are taking every precaution to keep Ontarians safe, and the justice system is no exception.

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Ms. Laura Mae Lindo: Thank you for the debate. I'm actually interested—at the very beginning, my colleague on other side talked about people who were self-represented. I know that a lot of the people who are self-represented in my riding don't actually want to be self-represented. They're usually self-represented because they couldn't afford a lawyer, and then they have to navigate that process.

I'm just wondering if they would be able to explain why they think people are self-represented in this court process for family law cases, and how might the reversal of legal aid cuts better help them to get the representation that they deserve and that they desire?

Mr. Aris Babikian: Thank you for the question. I'm just going to read a quote from David Field, CEO of Legal Aid Ontario: "Legal Aid Ontario recognizes that access to family justice is promoted through clarity and consistency between federal and provincial family legislation. That is why LAO fully supports the Ministry of the Attorney General's proposed amendment to the Children's Law Reform Act as part of the new Moving Ontario Family Law Forward Act, and in particular, LAO applauds expanding the definition within the CLRA, and we welcome the necessary steps the ministry is taking to align the CLRA with the recent changes to the Divorce Act. All of these promote a greater understanding of the best interests of the child" and family violence.

The Acting Speaker (Mrs. Lisa Gretzky): Question?

Mr. Stan Cho: If only we could determine the success of our vital government programs and services by the dollars spent. We're the most indebted sub-national state or province on the planet. If we could judge success by the dollars spent, then we'd have a perfect health care system; we'd have a perfect legal aid system. But we don't, and I'm hearing that on both sides of the House.

That means we need talk about outcomes as well. We need the talk about the process. It's not just about the fuel in tank; it's about the tank itself. Are there holes? I'm hearing that there are holes.

Can the member talk to us about the modernization? These are holes; these are efficiencies that are not delivering the outcomes for families. How will the modernization in this act support families—not just save dollars, but arguably, more importantly, lead to better outcomes?

Mr. Aris Babikian: Families are already able to use online services to quickly and easily set up or change child support payments, without needing to step foot in a court. However, in some cases, parents or caregivers may need a certificate paper, a copy of a notice issued by the service, particularly if they are trying—

The Acting Speaker (Mrs. Lisa Gretzky): Thank you. Further debate?

Interjection.

The Acting Speaker (Mrs. Lisa Gretzky): When the Speaker calls for further debate, that means your time is up.

Further debate? Further debate?

Mr. Downey has moved third reading of Bill 207, An Act to amend the Children's Law Reform Act, the Courts of Justice Act, the Family Law Act and other Acts respecting various family law matters. Is it the pleasure of the House that the motion carry? That is carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

Third reading agreed to.

The Acting Speaker (Mrs. Lisa Gretzky): Orders of the day?

Hon. Paul Calandra: No further business.

The Acting Speaker (Mrs. Lisa Gretzky): There being no further business, this House stands adjourned until tomorrow morning at 9 a.m.

The House adjourned at 1839.

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