

# **Formal Requirements of the Child Protection Continuing Record under the *Family Law Rules***

Published by: The Family Rules Committee

Dated: November 1, 2005

Available at: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca)

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## **I. Introduction**

The “Formal Requirements of the Child Protection Continuing Record under the *Family Law Rules*” is published by the Family Rules Committee and available at the following website: [www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca). These requirements must be followed in all child protection cases governed by the *Family Law Rules*. The Family Rules Committee has the authority to make court rules for the practice and procedure in family cases, subject to the approval of the Lieutenant Governor in Council.

The substantive requirements of the continuing record are set out in Rule 9. There are provisions in Rules 13 and 17 that set out the types of documents that may be excluded from the record. The formal requirements for the preparation and maintenance of the child protection continuing record are set out in this document, and in the following appendices:

Appendix A – Summary of Contents

Appendix B – Sample Cover

Appendix C – Sample Table of Contents

## **II. Formal Requirements**

### **1. Contents of the record**

A child protection continuing record includes: an endorsements volume and a separate documents volume for each child protection or status review application filed.

The endorsement volume will contain a cumulative table of contents, an endorsements section and an orders section.

The documents volume will contain documents filed in the case, including applications, answers and plans of care, replies, plans of care, motions, reports, assessments and agreed statements of fact.

The applicant will file the endorsement volume at the same time as filing volume 1 of the child protection continuing record.

### **2. Preparation of the Record**

#### **(a) Volumes**

Each new application, whether it is a child protection application for a new child or a status review application, starts a new volume. Once a new volume is started, all subsequent documents are filed sequentially and chronologically in the new volume. If a new application is filed when there is an outstanding application for other children, the outstanding application and the names of the

children who are the subject of all applications will be listed on the cover of the new volume along with the new application and names of the children. It is not necessary to start a new volume for an amended application.

If the clerk determines that a volume is full, the party filing the next document must create a new volume, which will be numbered chronologically.

### **(b) Record Cover**

The endorsement volume will have a yellow cover, which will include the court file number and names of the parties (the Society and respondents), but not the children. As parties are added or deleted, the cover may be updated.

The documents volumes will have a red cover. A sample record cover is attached at Appendix B. All elements of the sample cover must appear on a party's record cover. The title of the record (e.g. "Child Protection Continuing Record") must appear in bold, font size 20, or an equivalent size, below the names of the parties to the case.

The cover of each volume must identify the children who are the subject of the applications being dealt with in that volume. Each volume shall be numbered chronologically and the volume number will be clearly identified on the cover.

Below the title of the record state: "Protection Application with respect to the child(ren) ....."

For a Status Review Application, the cover must identify the children who are the subject of the application and the relevant order that is being reviewed. Below the title of the record state: "Status Review Application with respect to the order of Madam/Mr. Justice....., dated..... and the child(ren)....."

### **(c) Filing Documents**

Documents must be filed in chronological order, with the most recently filed document at the back.

A numbered tab must identify each document filed. Tabs must be in sequential order. A new volume must start with a new tab sequence starting with tab 1.

Pages between numbered tabs shall be numbered consecutively. Page numbers are not required to appear in the table of contents.

### **(d) Contents of volumes**

#### *(i) Table of Contents*

A sample table of contents is attached at Appendix C. There will be one cumulative table of contents located in the endorsements volume. The table of contents must list documents in the order in which they are filed, indicate the

volume in which the document is located, the tab number that locates the document, the kind of document, which party filed it, and the date it was filed. For an affidavit or transcript of evidence, the name of the person who gave the affidavit or the evidence must also be shown.

Affidavits of service shall be listed in the table of contents including a notation as to the document(s) served and the party who was served.

The table of contents must be updated every time a document is filed.

*(ii) Endorsements*

The endorsements section must contain three (3) blank sheets (or more if necessary), on which the judge dealing with any step in the case will note the disposition of that step and the date. Any written reasons for judgment must be put in the endorsements section. The endorsements section must be identified by a tab or divider.

*(iii) Orders*

The court's file copy of each order made in the case must be put into the orders section. The orders section must be identified by a tab or divider.

*(iv) Documents*

Documents filed in the case, including pleadings, plans of care, motions, reports, assessments and agreed statements of fact, must be filed in the separate documents volume.

*(v) Affidavits of Service*

Affidavits of service are filed within the tab of the document to which the affidavit of service relates, behind the document. If the affidavit of service relates to more than one document, it is filed within the tab of the first document to which it relates (usually the main document in the package of documents, or the document claiming the relief).

## APPENDIX A – SUMMARY OF CONTENTS

Child Protection Continuing Record
Endorsements volume <ul style="list-style-type: none"><li>- yellow cover</li><li>- cumulative table of contents</li><li>- endorsements and reasons for judgment</li><li>- orders</li></ul>
Documents volume(s) (New volume started when new application filed) <ul style="list-style-type: none"><li>- red cover</li><li>- documents filed in application for child protection order or status review order (incl. affidavits of service)</li></ul>

## APPENDIX B – SAMPLE COVER

ONTARIO

Court File Number / Numéro de dossier du greffe

(Name of court / Nom du tribunal)

at

situé(e) au

Court office address / Adresse du greffe

Volume:

### Applicant(s) / Requéran(t)e(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

*Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).*

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

*Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).*

### Respondent(s) / Intimé(e)(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

*Nom et prénom officiels et adresse aux fins de signification — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).*

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

*Nom et adresse de l'avocat(e) — numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant).*

### Children's Lawyer / Avocat des enfants

Name & address of Children's Lawyer's agent for service (street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any) and name of person represented.

*Nom et adresse de la personne qui représente l'avocat(e) des enfants aux fins de signification (numéro et rue, municipalité, code postal, numéros de téléphone et de télécopieur et adresse électronique (le cas échéant) et nom de la personne représentée.*

## CHILD PROTECTION CONTINUING RECORD DOSSIER CONTINU – PROTECTION D'UN ENFANT

PROTECTION APPLICATION with respect to the child(ren):

REQUÊTE EN PROTECTION relative à l'enfant ou aux enfants suivant(s) :

Child's full legal name / Nom et prénom officiels de l'enfant	Birth date (d, m, y) / Date de naissance (j, m, a)	Sex / Sexe

☐ STATUS REVIEW APPLICATION of the order of Madam/Mr. ....  
REQUÊTE EN RÉVISION DE STATUT de l'ordonnance rendue par M<sup>me</sup>/M.

dated .....  
datée du .....

with respect to the child(ren):  
relative à l'enfant ou aux enfants suivant(s) :

Child's full legal name / Nom et prénom officiels de l'enfant	Birth date (d, m, y) / Date de naissance (j, m, a)	Sex / Sexe

# APPENDIX C – SAMPLE TABLE OF CONTENTS

ONTARIO

Court File Number

(Name of court)

**Cumulative Table of Contents  
(Child Protection  
Continuing Record)**

at

Court office address

## Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

## Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Document (For an affidavit or transcript of evidence, include the name of the person who gave the affidavit or the evidence.)	Filed by (A = applicant or R = respondent)	Date of Document (d, m, y)	Date of Filing (d, m, y)	Volume/Tab
Protection Application	A	11/10/05	12/10/05	Volume 1, Tab 1
Affidavit of Service on mother of: Protection Application, Notice of Motion and Affidavit of Social Worker	A	12/10/05	12/10/05	Volume 1, Tab 1
Notice of Motion	A	11/10/05	12/10/05	Volume 1, Tab 2
Affidavit of Social Worker	A	11/10/05	12/10/05	Volume 1, Tab 3
Answer and Plan of Care of Mother	R-Mother	31/10/05	02/11/05	Volume 1, Tab 4
Affidavit of Mother	R-Mother	31/10/05	02/11/05	Volume 1, Tab 5
Affidavit of Service on CAS of Answer and Plan of Care and Affidavit of Mother	R-Mother	01/11/05	02/11/05	Volume 1, Tab 4
Affidavit of Service on father of Protection Application, Notice of Motion and Affidavit of Social Worker	A	02/11/05	04/11/05	Volume 1, Tab 1
Answer and Plan of Care of Father	R-Father	15/11/05	17/11/05	Volume 1, Tab 6
Affidavit of Service on CAS and mother's counsel of father's Answer and Plan of Care	R-Father	15/11/05	17/11/05	Volume 1, Tab 6

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**Cumulative Table of Contents**  
**(Child Protection Continuing Record)**

(page ..... )

Court File Number
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<b>Document</b> <i>(For an affidavit or transcript of evidence, include the name of the person who gave the affidavit or the evidence.)</i>	<b>Filed by</b> <i>(A = applicant or R = respondent)</i>	<b>Date of Document</b> <i>(d, m, y)</i>	<b>Date of Filing</b> <i>(d, m, y)</i>	<b>Volume/Tab</b>
<i>Plan of Care of CAS and affidavit of service on mother and father's counsel</i>	A	30/11/05	30/11/05	<i>Volume 1, Tab 7</i>
<i>Statement of Agreed Facts</i>	A	15/12/05	15/12/05	<i>Volume 1, Tab 8</i>
<i>Status Review Application</i>	A	10/05/06	15/05/06	<i>Volume 2, Tab 1</i>
<i>Affidavit of Service on counsel for mother, father and children of: Status Review Application, Plan of Care and Statement of Agreed Facts</i>	A	12/05/06	12/05/06	<i>Volume 2, Tab 1</i>
<i>Plan of Care of CAS</i>	A	10/05/06	15/05/06	<i>Volume 2, Tab 2</i>
<i>Protection Application for new child</i>	A	28/06/06	29/06/06	<i>Volume 3, Tab 1</i>
<i>Notice of Motion</i>	A	28/06/06	29/06/06	<i>Volume 3, Tab 2</i>
<i>Affidavit of Social Worker</i>	A	28/06/06	29/06/06	<i>Volume 3, Tab 3</i>
<i>Affidavit of Service on mother of Protection Application, Notice of Motion and Affidavit of Social Worker</i>	A	29/06/06	04/07/06	<i>Volume 3, Tab 1</i>
<i>Affidavit of Service on father of Protection Application, Notice of Motion and Affidavit of Social Worker</i>	A	03/07/06	04/07/06	<i>Volume 3, Tab 1</i>
<i>Plan of Care for new child</i>	A	28/07/06	28/07/06	<i>Volume 3, Tab 4</i>
<i>Affidavit of Service on counsel of Plan of Care</i>	A	28/07/06	28/07/06	<i>Volume 3, Tab 4</i>
<i>Agreed Statement of Facts (new child)</i>	A	15/08/06	15/08/06	<i>Volume 3, Tab 5</i>
<i>Agreed Statement of Facts (first named children)</i>	A	15/08/06	15/08/06	<i>Volume 3, Tab 6</i>

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