

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Mark Anthony Edwards, Applicant

**AND:**

Camille Melissa Robinson, Respondent

**BEFORE:** The Honourable Mr. Justice D.A. Jarvis

**COUNSEL:** Mark Anthony Edwards, Self-Represented

Denise Badley, Counsel for the Respondent

**HEARD:** In Writing

**RULING ON URGENT MOTION REQUEST**

- [1] On May 1, 2020 the respondent (“the mother”) brought an urgent motion for the return to her care of the two youngest of the parties’ three children (one of the children is twenty years old: the other two are eight and two years old). She brought this motion without notice to the applicant (“the father”). I ruled on May 5, 2020 that notice needed to be given to the father. Directions were given. The mother has since started an Application.
- [2] The father has filed responding material. He disputes the allegations contained in the mother’s material. In her May 4, 2020 affidavit the mother referenced a 2005 court file in her material and said that it had “ended” by which (as I noted in my May 5 endorsement) I understand that a final Order was made but none has been provided to the Court by either party.
- [3] In her material the mother alleges, among other things, that she is a victim of domestic abuse and she describes a history that reflects abuse. The father disputes this and describes the mother as having anger, drug and alcohol abuse problems (which the mother denies). Her proposed Application (a copy has been provided but it does not appear as if it has been issued yet) discloses a worrisome, conflicted relationship between the parties. The material filed by the father contains evidence that the children have been primarily resident with him: the material filed by the mother suggests otherwise.
- [4] In my view, this is less a case about urgency as a consequence of the COVID-19 pandemic than a parenting dispute about the terms of a temporary parenting arrangement. Still, the absence of parent-child contact as alleged needs to be addressed. The father’s apparent failure to facilitate contact between the children and their mother since March 25, 2020 is

especially concerning and could well jeopardize his claim that the children should remain in his care. I am not persuaded, however, that a motion is appropriate *at this time*; rather a case conference should proceed on the sole issue of temporary parenting arrangements.

[5] The following directions shall apply:

- (a) Court administration shall schedule a case conference to be held no earlier than May 20, 2020. The conference shall proceed before the assigned case management judge;
- (b) The conference shall be restricted to the parenting issues;
- (c) The *Family Law Rules* dealing with the format and delivery of Briefs and confirmation of the conference scheduled are suspended, except as set out below;
- (d) The parties are to comply with the Notice to the Profession for the Central East Region dated April 17, 2020;
- (e) The total time allotted will be one hour. The parties are expected to constructively discuss their parenting issues before the conference. Each party's brief should include their proposal for the temporary parenting arrangements;
- (f) If a party is unable to sign, electronically or otherwise, their Brief, their lawyer (the father appears to be self-represented) may sign it on their client's behalf with the client's approval;
- (g) The mother shall file her Brief by Thursday, May 14, 2020 (4:00 p.m.) and the father his Brief by Tuesday, May 19, 2020 (4:00 p.m.). The Briefs are to be filed electronically.

[6] The conference judge may decide to schedule a motion, in which case that matter may be returned to me *as soon as possible afterwards*. Consideration may be given to the appointment of the Office of the Children's Lawyer. Copies of the recent AFCC-O Parenting Guide and Template shall accompany the release of this endorsement to the parties.

[7] In the circumstances of the COVID-19 emergency, this endorsement is deemed to be an Order of the Court that is operative and enforceable without any need for a signed or entered, formal, typed Order. Approval of this Order is dispensed with: either party may submit a formal Order for signing and entry once the court re-opens.

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Justice David A. Jarvis

**Date:** May 11, 2020