**HOW TO REQUEST A BINDING JUDICIAL DISPUTE RESOLUTION (BINDING JDR) HEARING
(Request and Consent Form)**

 Court File Number:

**RE:**                  \_  \_\_\_\_\_  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 Applicant Respondent

**REQUEST:**
I,                \_\_\_\_     , the Applicant/Respondent (*indicate appropriate party*),

* am requesting a Binding Judicial Dispute Resolution hearing

- or -
* agree to a request for a Binding Judicial Dispute Resolution hearing

 **Part A: Resolved Issues** *Check the issues that have already been resolved on a final basis (by court order, agreement or consent):*

* Parenting (including decision making, residential schedules or contact)
* Child Support
* Spousal Support
* Division of Property
* Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part B: Outstanding Issues** *Check the issues that must still be resolved and provide a brief description:*

* Parenting  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Child Support \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Spousal Support \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Division of Property \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part C: Undertakings**In order to request a Binding Judicial Dispute Resolution hearing you must agree to the following:

* I will serve on the other party and file with the court an affidavit of no more than 10 pages at least 20 days before the hearing (for the Applicant or moving party) and at least 10 days before the hearing (for the Respondent or responding party). Where needed to respond to new information raised by the Respondent or responding party, the Applicant or moving party can file a reply affidavit of no more than 4 pages at least 5 days before the hearing.
* I understand that if I have not already done so, I will be asked at the beginning of the hearing to confirm under oath or affirmation that everything that is included in my affidavit and said at the hearing is true, as it may be relied upon by the judge when they make a final decision. I understand that it is an offence to make a false statement under oath or affirmation.
* This process is not appropriate where the parties want the judge to review more than a few cases. If I intend to refer to any caselaw during the hearing, I will provide the decisions with my affidavit, hyperlinked to CanLII.
* In addition to my affidavit, I will provide the other party with a comprehensive proposal to resolve each outstanding issue, in the form of a draft order, in a format that can be edited by the judge. Parties are encouraged to use the appropriate sections from the standard Minutes of Settlement to assist with the preparation of this document, which will be available on the Simcoe County Law Association website (https://scla.ca) . Parties should not include in their draft orders relief that has not been sought in the pleadings. The parties’ proposals will be considered by the judge during the hearing and treated as Offers to Settle if either party requests costs from the other side at the end of the hearing (see Rules 18 and 24).
* I will keep my financial information up to date by ensuring that my Financial Statement and Net Family Property Statements comply with subrules 13(12)(14) and (15) of the *Family Law Rules*. This means I must immediately correct any errors. Where there are financial issues to be dealt with at the Binding JDR, at least 30 days before the hearing, I will also either (i) update my Financial and Net Family Property Statements or (ii) confirm in writing that there are no changes to previously filed Financial and Net Family Property Statements.
* I will complete all of my disclosure prior to my hearing and bring all my supporting documents, including the information that has been used to prepare my financial statement, to court. I understand that the court or the other party may wish to examine these documents and it may be held against me in the court’s decision if I do not have them available at the hearing.
* I will promptly advise the Court if a settlement has been reached about any or all of the issues prior to the hearing date by contacting the Trial Coordinator.

**Part D: Consent**In order to have a Binding Judicial Dispute Resolution hearing you must also agree to the following:

* I have read the Practice Advisory and Notice to the Profession and understand the Binding Judicial Dispute Resolution process.
* I understand that I am waiving my right to have my case decided on a final basis at a trial. Instead, I am requesting that the judge take a less formal approach to determining the outstanding issues. I understand that the judge will be directly involved in asking questions during the hearing to obtain the necessary information relating to the issues in dispute.
* I understand that at my hearing, the judge is not bound by traditional rules of evidence and may receive and use any credible information that either party has submitted to the court that is relevant to the issues that are in dispute.
* I agree to waive any rights that I would otherwise have to (i) ensure the strict application of the traditional rules of evidence, and (ii) follow the traditional rules of evidence regarding the examination in chief or cross examination of the parties or any witnesses.
* I agree and request that the same judge will preside over the resolution phase of the Binding JDR hearing and, if required, make the final decision regarding any issues that remain in dispute. The judge will therefore be aware of any proposals that I have made during the process.
* I specifically waive the provisions of Rule 24(17) and any right to object to the hearing because the presiding judge has assisted the parties with settlement discussions prior to making a decision. I understand that I will not be permitted to withdraw my consent after the Binding JDR hearing begins.
* I understand that the presiding judge will have the same authority as a judge would have at trial to make final orders about any questions of law or fact relating to the admission of evidence or the determination of the issues.
* I understand that the court may rely on reports prepared by independent professionals, including the Office of the Children’s Lawyer, provided the report has been disclosed at least 30 days prior to the hearing. I also understand that the professional will not have to attend the hearing, unless required by the judge, and the judge will determine the appropriate weight to be given to any such reports.
* I understand that, if the children are represented by a lawyer, that lawyer may provide information to the court directly at the hearing, without the children being present. This may include information about the children’s statements regarding their views and preferences. The judge at the hearing will have discretion to decide what, if any, weight should be given to this information.

 **Part E: Legal Advice

*NOTE: YOU ARE STRONGLY ADVISED TO GET LEGAL ADVICE PRIOR TO COMPLETING THIS FORM.*** *If you do not have your own lawyer, the Family Law Information Centre (FLIC) in Barrie (*barrieflic@gmail.com*) can provide you with a list of lawyers providing “Unbundled Legal Services” who you can consult at a reduced cost. Information about the process may be available by calling the numbers for Legal Aid below. If you qualify financially, you may be able to discuss your options with duty counsel at a case conference or with the Legal Aid Advice Lawyer available through the FLIC.*

*Fill in the details of your legal advice and/or representation below:*

* I am currently represented by *(Name of Lawyer)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
	+ The above-named lawyer will represent me at the hearing.
	+ I will be represented by (*Name of Another Lawyer*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                   at the hearing.
	+ I will be representing myself at the hearing.
* I am not currently represented by a lawyer.
	+ I have received advice in relation to this request and consent form and the Binding JDR process from (*Name of Lawyer*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; or,
	+ While I have been advised to seek legal advice in relation to this request and consent, I have chosen not to do so.

**AND**

* + I will be represented by (*Name of Lawyer*)                     at the hearing; or,
	+ I will be representing myself at the hearing.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated at                , this            day of                     , 2021

Name of Lawyer (if any): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Lawyer (if any): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Dated at                , this            day of                     , 2021