

Ministry of the Attorney General

Court Services Division

Annual Report 2018 – 19

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Foreword by the Assistant Deputy Attorney General

It is my pleasure to release the Court Services Division Annual Report for the period covering April 1, 2018 to March 31, 2019. Our division has made enormous strides over the past year to ensure we provide effective and accessible justice services to the people of Ontario. As the Assistant Deputy Attorney General (ADAG) for Court Services Division (CSD), I am very proud of the results that we have achieved together.

The past year has brought about a heightened focus on assessing the work that we do and ensuring that we provide Ontarians with the highest value for their money. Throughout this time CSD has remained committed to our strategic goals and priorities ([see page 5](#)). We continue to support this strategy with operational plans that speak to how each of our regions and corporate branches deliver our commitments.

Modernization of our services continues to be one of the division's main priorities, driven by our commitment to excellence in customer service and access to justice. One area in which we continue to make great strides is online filing, with expansions happening across the family and civil business lines. We remain committed to providing a full complement of services whether in-person or electronically. These important initiatives, along with a wide range of others included in this Report, are well supported by the strong operational policy and legal work provided corporately and delivered by the engaged and focused staff in the regions. I am proud of our division's commitment to advancing accessible and accountable court services.

Our staff are the cornerstone of supporting the administration of justice. To deliver excellent service, CSD relies on our knowledgeable and dedicated workforce. My personal goal of moving the division toward being an employer of choice has led to the expansion of our full-time Court and Client Representative (CCR) position. CCR positions provide variety, flexibility, stability and advancement. Supported by a commitment to training, my focus continues to be enhancing and optimizing our collective skills. CSD is about people, not buildings.

Numerous independent partners and stakeholders, each with different priorities, create the justice ecosystem within a courthouse. It is my honour to lead the Court Services Division at this important time. Thank you to all staff in the division who have worked tirelessly and diligently to support CSD's commitment to provide modern, effective and accessible justice services across the province. The partners and stakeholders we work with everyday count on our division to be the backbone of the administration of the courts, and together we deliver.

Sheila Bristo

Assistant Deputy Attorney General
Court Services Division

Chapter 1: Introduction to the Court Services Division

Our Mission

The Ministry of the Attorney General is responsible for administering justice in Ontario. Within the ministry, the Court Services Division is responsible for the administration of the courts.

The mission of the Court Services Division is to modernize the delivery of accessible and accountable court services and support an engaged, professional and client-focused workforce that works collaboratively with justice participants to inspire public trust.

Our Vision

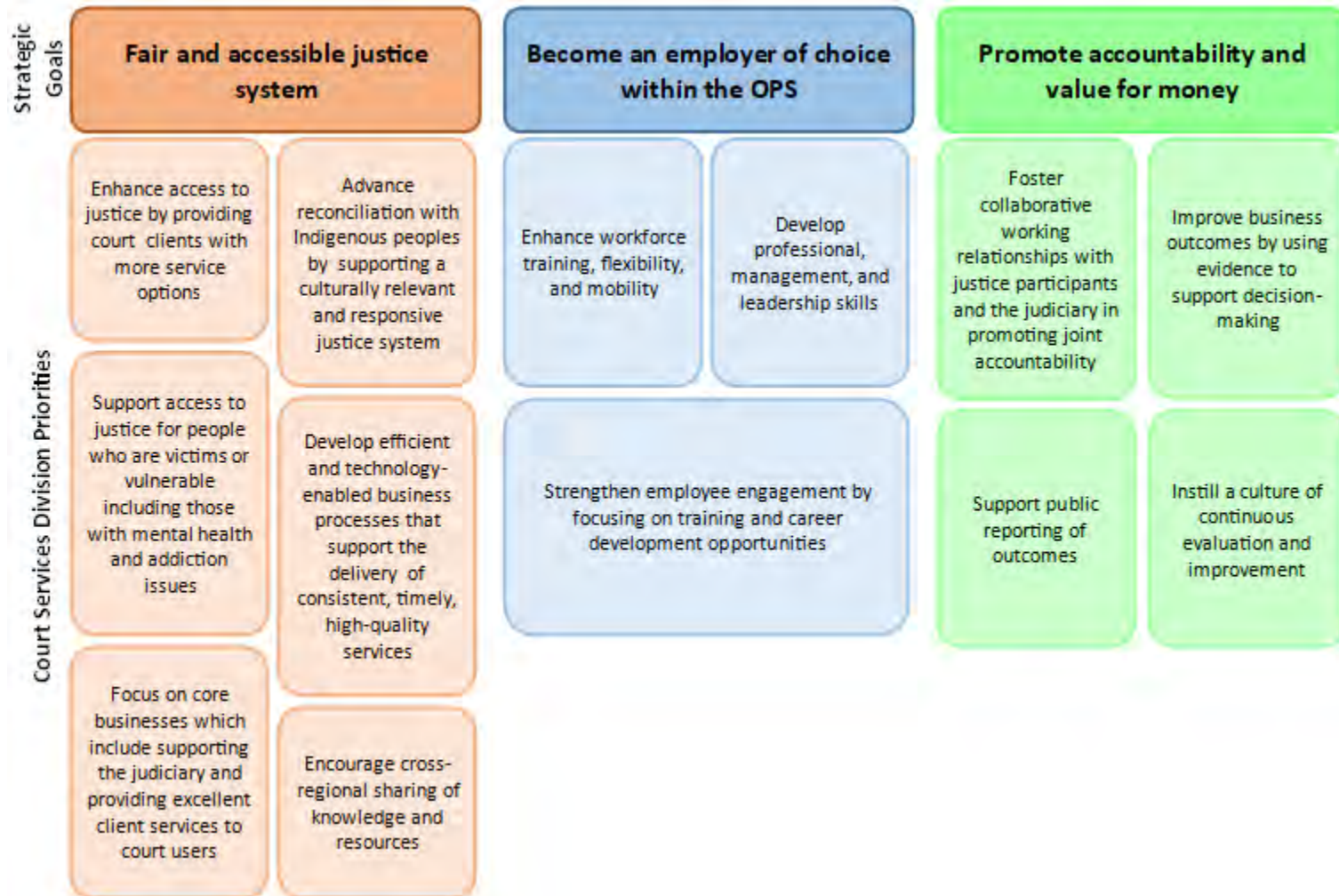
A modern and professional court service that supports accessible, fair, timely, and effective justice services.

Our Values



Court Services Division Strategic Plan

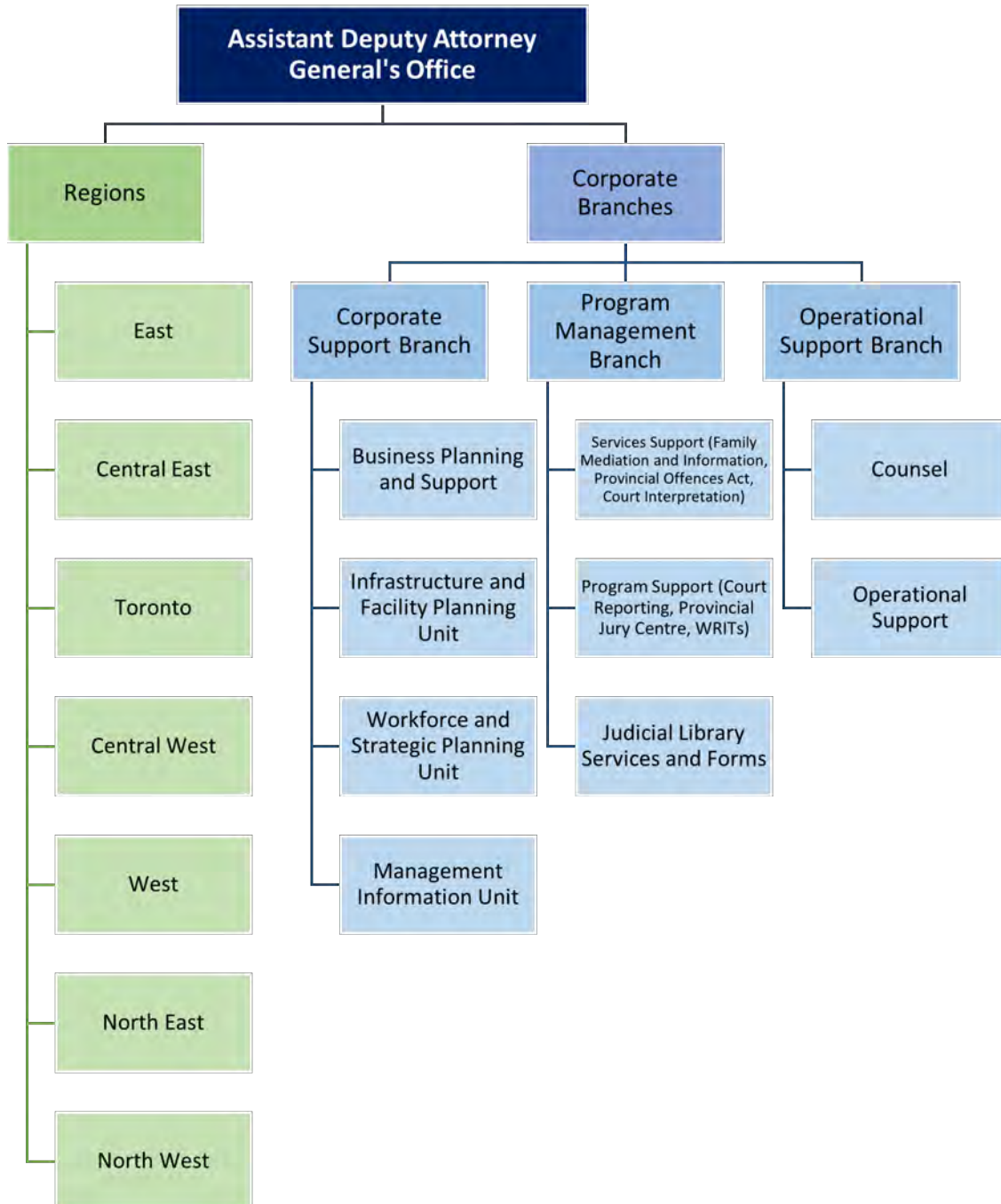
The Court Services Division’s Strategic Plan was launched in the fall of 2014 and revised in 2017. It outlines our division’s vision, mission, values ([see previous page](#)), strategic goals, and our key priorities. The plan aligns with and supports the Ministry of the Attorney General Strategic Plan and focuses on our division’s vision for the future.



Role of the Assistant Deputy Attorney General (ADAG)

The ADAG of CSD oversees the administration of Ontario's courts and is responsible for legislative, regulatory and operational policy and program development related to improving the court system.

Court Services Division Organization



Regional Structure

For the provision of court services, the division is organized into seven administrative regions. Each region is managed by a Director of Court Operations who reports to the Assistant Deputy Attorney General of Court Services Division. Regions are responsible for:

- Delivering local criminal, civil, small claims, and family court services as well as providing frontline services to the public at court counters;
- Maintaining records, court recordings, files, exhibits, and databases;
- Providing judicial support services, including courtroom and administrative support;
- Managing and supporting juries;
- Overseeing the enforcement of court orders;
- Managing and overseeing fines, fees, and trust funds;
- Providing support for local court security committees, emergency management planning and business continuity priorities and projects;
- Managing regional stakeholder relationships and communications on local and regional matters;
- Implementing divisional modernization initiatives at courthouse locations; and
- Reporting on monthly/annual performance measures and key performance indicators (KPIs).



Map: <http://www.ontariocourts.ca/ocj/ocj/structure-of-the-ocj/>

CSD Corporate Structure

CSD is also consists of three corporate branches, each of which is managed by a director who reports to the Assistant Deputy Attorney General of Court Services Division. The corporate branches are responsible for:

<p>Corporate Support Branch</p>	<ul style="list-style-type: none"> • Business planning, controllership/audit and financial reporting for expenditures and revenue • Infrastructure and facilities planning • Workforce and strategic planning • Management of court operational information and data • Centralized front-line services, such as: Defaulted Fines Control Centre, bail & restitution and deputy judge per diem/expense processing.
<p>Operational Support Branch</p>	<ul style="list-style-type: none"> • Legislative and regulatory changes with respect to the criminal, civil and family justice systems, including participation on Civil and Family Rules Committees • Legal support and advice in all practice areas • Operational policy, program development and justice reform strategies in all practice areas.
<p>Program Management Branch</p>	<ul style="list-style-type: none"> • Program support in the areas of court interpretation, court reporting and jury management • Family mediation and information services development and contract management, delivered by external fee-for-service providers • Oversight of the municipally-administered courts that hear <i>Provincial Offences Act</i> matters • Management of obligations, relationships and activities under the Writs System Licence Agreement with Teranet, Inc. • Judicial library services and court website services.

Chapter 2: Introduction to Ontario's Courts

Authority over the judicial system in Canada is divided between Parliament and the provincial legislatures. In Ontario, the *Courts of Justice Act* is a key part of the legislative framework for Ontario courts. The act, among other matters, establishes the primary jurisdiction of each of the province's three (3) courts: Court of Appeal for Ontario, Superior Court of Justice, and Ontario Court of Justice.

The Court of Appeal for Ontario

The Court of Appeal for Ontario is Ontario's highest court. The court hears:

- Criminal appeals of decisions of the Superior Court of Justice and the Ontario Court of Justice in relation to indictable offences;
- Appeals from inmates, including unrepresented inmates who are assisted by duty counsel (heard on alternate months in Kingston and heard monthly in Toronto);
- Motions for leave to appeal and appeals from lower court appellate decisions in relation to summary convictions and provincial offences;
- Appeals of final decisions of the Superior Court of Justice in relation to civil and family disputes;
- Appeals of final decisions from the Ontario Review Board;
- Motions for leave to appeal and appeals of appellate decisions of the Divisional Court;
- Single judge and panel motions brought in relation to appeals before the court; and
- Matters remanded to the Court of Appeal for Ontario by the Supreme Court of Canada, and matters referred to the Court of Appeal by the Lieutenant Governor in Council or the Federal Minister of Justice.

The Court of Appeal for Ontario is situated in downtown Toronto at Osgoode Hall. The Chief Justice of Ontario is the Honourable George R. Strathy; the Associate Chief Justice of Ontario is the Honourable Alexandra Hoy.

The Court of Appeal for Ontario is the last avenue of appeal for most Ontario litigants. Although the court's decisions can be appealed to the Supreme Court of Canada, this usually requires leave. The Supreme Court of Canada hears less than three (3) percent of the cases that have already been heard by the Court of Appeal.

For more information and history on the Court of Appeal for Ontario, visit the website at:

<http://www.ontariocourts.ca/coa/en/>

The Superior Court of Justice

The Superior Court of Justice hears civil, family, and criminal matters, including the following:

- Criminal prosecutions of indictable offences, including some prosecutions involving young persons;
- Summary conviction appeals and bail reviews from the Ontario Court of Justice;
- All civil proceedings (civil claims under \$25,000 are dealt with in Small Claims Court, a branch of the Superior Court of Justice);
- Family law disputes involving divorce or property claims, child and spousal support, equalization of property and parenting claims (in its 17 Family Court Branch locations, the Superior Court hears all family law cases, including child protection, adoption and enforcement proceedings);
- Certain family law, child protection and civil appeals; and
- The Divisional Court, which is branch of the Superior Court of Justice, hears applications for judicial review and statutory appeals from decisions of provincial administrative tribunals, as well as family law, child protection and civil appeals.

Ontario's Superior Court of Justice sits in over 50 court locations, with its headquarters being at Osgoode Hall in Toronto. Chief Justice Heather J. Smith retired on June 30, 2019 and Chief Justice Geoffrey B. Morawetz was appointed on June 27, 2019.

The Chief Justice of the Superior Court of Justice is supported by Associate Chief Justice Frank Marrocco, who also oversees the Divisional Court and the Small Claims Court. As of 2017, the Superior Court also has a provincially appointed Small Claims Court Administrative Judge.

The Chief Justice of the Superior Court of Justice has the statutory authority to direct and supervise the sittings of the court as well as the assignment of judicial duties. These powers are delegated, subject to the direction of the chief justice, to eight regional senior judges to exercise in their respective regions. In turn, the regional senior judges may designate local administrative or lead judges to assign and schedule cases at certain court sites. Senior Family Justice George Czutrín advises the chief justice on specific matters related to the family court and performs other duties relating to family justice throughout the province, as assigned by the chief justice.

In addition to the judges of the Superior Court of Justice, there are also case management masters, which are provincially-appointed judicial officials who hear and determine certain matters in civil cases, and deputy judges, who are senior lawyers appointed by the regional senior judge (with the approval of the Attorney General) to preside over proceedings in the Small Claims Court.

For more information on the Superior Court of Justice and its history, visit the website at:

<https://www.ontariocourts.ca/scj/>

Ontario Court of Justice

The Ontario Court of Justice hears criminal, family, and provincial offences matters in over 200 locations across the province. Ontario Court of Justice's judicial officers preside over:

- Criminal bail hearings, summary conviction prosecutions and preliminary hearings or trials for most indictable offences. For certain offences, an accused person can "elect" (or choose) to have a trial by a provincial court judge. If an accused person elects to be tried by a superior court judge (alone or with a jury) or if there is no election, an accused person is entitled to have a preliminary hearing before a provincial court judge, if requested. All criminal cases against youth and adults are commenced in the Ontario Court of Justice and over 98 percent of these cases are completed in this court;
- Child protection applications, family law disputes involving custody, access and support, and adoption applications; and
- *Provincial Offences Act* prosecutions and appeals.

Chief Justice Lise Maisonneuve is the Chief Justice of the Ontario Court of Justice. Associate Chief Justice Peter DeFreitas and Associate Chief Justice-Coordinator of Justices of the Peace Faith Finnestad provide support to the Chief justice. Both associate chief justices have special delegated responsibilities as well as those set out by statute.

There are several other positions that provide important leadership and support in their respective areas of the Ontario Court of Justice. For the period of April 1, 2016 to December 31, 2016 the Senior Advisory Family Judge was Debra Paulseth; from January 1, 2017 to March 31, 2018 this position was held by Wendy Malcolm. For the entirety of the reporting period (April 1, 2016 to March 31, 2018), the Senior Advisory Justice of the Peace was Bernard Swords, the Senior Justice of the Peace was Kathy Lou Johnson, and the Senior Indigenous Justice of the Peace was Marcel Donio.

For the purposes of judicial administration, the Ontario Court of Justice has seven regions, each of which has a regional senior judge and a regional senior justice of the peace. Local administrative judges and justices of the peace assist the regional senior judges and regional senior justices of the peace respectively.

For more information and history on the Ontario Court of Justice, visit the website at:

www.ontariocourts.ca/oci

Chapter 3: 2018-19 Overview and Initiatives

In 2018-19, each of CSD's regions and corporate branches continued to deliver on their independent operational plans (drafted in 2017-18). These operational plans ensure the division is meeting its strategic goals and priorities as identified in the [CSD Strategic Plan](#).

The initiatives below are samples of how the division is implementing its strategic plan. The success of these initiatives can be attributed to the unique blend of policy, program, and operational expertise that CSD staff across the province bring to delivering high quality justice services.

Fair and Accessible Justice System

- Enhance access to justice by providing court clients with more service options.
- Develop efficient and technology-enabled business processes that support the delivery of consistent, timely, high quality services.
- Advance reconciliation with Indigenous peoples by supporting a culturally relevant and responsive justice system.
- Support access to justice for people who are victims or vulnerable including those with mental health and addiction issues.
- Focus on core businesses which include supporting the judiciary and providing excellent client services to court users.
- Encourage cross-regional sharing of knowledge and resources.

Unified Family Court

The Unified Family Court (UFC) is a court model that brings all family law and child protection issues, whether under provincial or federal legislation, into one court. A phased UFC expansion proposal was developed in consultation with the Office of the Chief Justice for the Superior Court of Justice and Office of the Chief Justice for the Ontario Court of Justice. UFC expansion aims to improve the family court user's overall experience with the court process by:

- Eliminating confusion regarding the appropriate court to address a particular matter
- Resolving conflicts in a more efficient manner
- Reducing the cost to families of using the court system to address their family law matters

Ontario, with a total of 17 UFCs, submitted a proposal to the federal government to

support the phased, province-wide expansion of UFC. Phase 1 sought expansion to the following eight (8) new sites: Belleville, Picton and Pembroke, Kitchener, Welland, Simcoe, Cayuga, and St. Thomas. In its 2018 Budget, the federal government committed to funding, as of April 1, 2019, the expansion of UFCs by creating thirty-nine (39) new judicial positions in Alberta, Ontario, Nova Scotia, and Newfoundland and Labrador. Twelve (12) of these positions were allocated to Ontario to support its Phase 1 plan, and in 2018-19, the ministry worked collaboratively with the courts to develop an implementation plan for May 2019.

Civil Claims Online

Civil Claims Online is a service that was introduced in 2017 to allow documents to be filed online in civil court actions in the Superior Court of Justice. The service allows individuals and businesses to file certain

civil court documents 24/7 without having to make a trip to the courthouse. The service was expanded in May 2018 to allow the online filing of certain defence documents.

The next wave of the online filing service, planned for release in March 2020, will enable the online filing of additional defence documents, jury notices, notices of discontinuance and consents to discontinuance.

Family Claims Online

After a successful pilot period, the Family Claims Online service launched province-wide in November 2018 to enable Ontarians to file joint divorce applications online at any time (24/7), including custody, access, child support, and spousal support claims on consent.

In February 2019, the service expanded to enable Ontarians to initiate simple divorce applications online at any time. The existing joint divorce online filing process was also enhanced to permit property claims on consent. The regions continue to provide support and staff training for the expansion of Family Claims Online.

To complement Family Claims Online, the ministry also partnered with Community Legal Education Ontario (CLEO) to deliver Guided Pathways to Family Court Forms. This online, interactive tool helps users complete court forms and understand the court process by taking them through a series of plain-language questions. Based on

the user's answers, the pathways populate the applicable court forms, provide tailored legal information, and generate a next steps checklist.

Courthouse WiFi

Wi-Fi was installed in 73 of 75 base courts across the province in three phases, which was completed in spring 2019. Two base courts have been deferred to a later date pending completion of ongoing assessments and construction.

Online Child Support Service

The online Child Support Service (CSS) continues to be available province-wide to allow parents to set up and update child support online without going to court, diverting simple child support proceedings from the court system. This allows separated parents to save time and money when having to resolve new and ongoing support obligations. The online CSS provides eligible applicants with an easy-to-use alternative to attending court, which improves the experience of justice stakeholders as well as saving divisional and judicial resources.

There are ongoing public communication efforts by the regions, service providers, and partners at the Family Responsibility Office to promote the online CSS.

Financial Process Modernization: Trust Management System

The Trust Management System (TMS) project will replace the existing system for processing and managing enforcement proceeds with a new single, sustainable, provincewide electronic trust management system (TMS). The ministry worked with Justice Technology Services to develop this modernized application. A pilot of the new TMS system occurred in the fall of 2019.

TMS is part of a broader Financial Process Modernization (FPM) initiative that will streamline financial processes, increase oversight and introduce new electronic banking options for clients in civil, small claims court and family enforcement.

Central Divorce Registry Integration

In January 2018, MAG launched a pilot to replace the paper-based process of requesting and obtaining a clearance certificate from the federal Central Registry of Divorce Proceedings (CRDP) office for divorce claims. The Central Divorce Registry Initiative (CDRI) replaces the manual collection of information with an electronic exchange of information between the court case tracking system and the federal CRDP databases.

Effective February 2019, the CDRI initiative expanded province wide making Ontario the first jurisdiction in Canada to successfully launch and implement an electronic file transfer process to request and receive clearance certificates.

Video Conferencing

The regions continue to use video conferencing to enhance access to justice and provide other options to attend court proceedings when travel is prohibitive. The Northwest Region piloted Justice Video Network (JVN) JVN-Me, a laptop-based video conferencing solution for advance day court in Armstrong. This allowed clients to request adjournments or plea on advance days as an alternative to attending court. In turn, court days could be utilized for other appearances, such as trials. The JVN-Me technology has also been used for remote testimony when approved by the presiding justice.

As part of the division's modernization initiatives, a significant investment in courtroom technology was made to a courtroom at the Superior Court of Justice in Windsor. The equipment is used regularly for remote witness testimony and electronic evidence presentation, and has supported video appearances of in-custody individuals for criminal assignment court and 90-day detention reviews.

Investments were made in a number of other court locations to enhance or add to their existing digital courtroom technology and included evidence display screens, remote and/or vulnerable witness testimony equipment, or courtroom audio improvements.

Video Strategy

The ministry is working to make the criminal justice system faster and more accessible through the expansion of remote video technology. Pilots are underway to test the use of remote defence access and expanded remote video appearances at four locations. Collectively, over 2600 consultations have taken place with clients and their lawyers remotely over video at the four locations where remote defence access is offered.

The video initiatives have been used to inform the development of a Criminal Justice Video Strategy. The strategy aims to modernize and integrate the criminal justice system in Ontario; improve effectiveness and efficiencies; promote public safety and security; and increase access to justice.

The strategy focuses on a “video-first” approach that prioritizes video conferencing for most types of pre-trial in-custody appearances.

Electronic Scheduling Program

The Electronic Scheduling Program (ESP) is an online application that provides trial coordinators (TCs) with a consistent provincewide scheduling tool to manage the Ontario Court of Justice (OCJ) criminal cases.

ESP brings modernization to the scheduling of judges, court appearances and courtrooms, and allows the court to better manage its criminal scheduling, including:

- Auto population of Jordan flags showing the 15- and 18-month dates for each case
- Effective identification and arrangement of courtroom resource requirement (security, video, etc.)
- Effective management of judicial schedules (vacation, conferences, etc.)
- Common, consistent processes that will simplify staff training between courthouses

In order to ensure minimal disruption in services, provincewide implementation has been planned to occur in waves.

ESP was implemented in six courthouses between 2016 and 2018 (Milton, Oshawa, London, Peterborough, Brampton and Thunder Bay). Implementation of ESP will occur in the six Toronto criminal courthouses in July 2019. Site readiness activities are also underway for the implementation of ESP in central east and central west regions, and it is anticipated that ESP will be fully implemented provincewide by spring 2020.

Mental Health Initiatives

Court Services Division continues to participate on the Interministerial Mental Health and Justice Committee, a forum for ongoing discussions about various mental health issues affecting the justice system. This committee is comprised of officials from the Ministries of the Attorney General, Health and Long-Term Care, Community Safety and Correctional Services (now

Solicitor General), Children and Youth Services, and Community and Social Services (now Ministry of Children, Community and Social Services).

The division is working collaboratively with colleagues in the Criminal Law Division and other ministries to ensure timely and better-coordinated access to mental health assessments for accused persons across the province.

Coordination of Accessibility Services

The division reviews and updates guidance materials and procedures for accessibility coordinators and supports accessibility training in partnership with MAG's Diversity, Inclusion and Accessibility Office.

The ADAG is the co-chair of the Ontario Courts Accessibility Committee (OCAC), along with Justice Pardu (now Justice Fairburn) of the Court of Appeal for Ontario. The OCAC has representatives from all levels of court, legal organizations, government senior management, and advocacy organizations for persons with disabilities. The committee meets every three months to discuss community and facility needs as well as accessibility support in courthouses. The committee was established in 2007 to provide advice to the court system on accessibility-related matters, including the recommendations outlined in the Report of the Committee on Accessibility to the Justice System for Persons with Disabilities, in support of an

accessible, barrier-free court system in Ontario.

Based on the client satisfaction survey for 2018-19, 78% of respondents were satisfied with accessibility for persons with disability-related needs.

Accessible Court Forms

In partnership with Ontario Shared Services, CSD continues to ensure that all new forms and changes to forms on the Ontario Court Forms website reflect the principles of accessibility. Currently, there are over 500 court forms and documents posted on the website in accessible-compliant PDF and Word formats for both English and French. In addition to the PDF accessible versions, the ministry continues to extend an active offer for alternative formats to ensure accessibility for all Ontarians in compliance with the *Accessibility for Ontarians with Disability Act, 2005*.

Access to French Language Services

The Ministry of the Attorney General, in partnership with the Superior Court of Justice and the Ontario Court of Justice, launched a new initiative to identify more opportunities to deliver enhancements to Franco-Ontarians accessing court services and court proceedings heard in French in Sudbury. The initiative entitled Sudbury Action Plan to Enhance Access to Justice in French builds on the important and successful work that was piloted and eventually implemented in Ottawa. Between 2015 and 2017, the

ministry carried out a pilot project at the Ottawa courthouse to provide timely and seamless access to justice in French. The division also supported the launch of the ministry wide French Language Services-Service Standards. An annual review confirms adequate FLS capacity to deliver court services throughout the province in French. Based on the client satisfaction survey conducted for 2018-19, 80% of respondents were satisfied with the French language services.

Cultural Awareness

The division has established a working group to develop a protocol to support the Indigenous practice of smudging in ministry buildings, including courthouses.

Led by the ministry's Indigenous Justice Division, the Bimickaway program was arranged and provided for working group members. The name Bimickaway is an Anishinabemowin word that means "to leave footprints". The delivery of Bimickaway is unique, as it is delivered to small groups in person and uses participatory exercises in an attempt to challenge the participants to consider what they think they know and how they learned about Indigenous peoples. The overall goal of this initiative is to ensure that the Ontario government is advancing toward cultural competency and respectful and accurate communications with, and about, Indigenous people and realities in Ontario.

The Bimickaway program has been delivered in several regions and corporate branches throughout CSD with extremely positive feedback being provided by participants. Regions work closely with their Indigenous communities to support cultural awareness within our courthouses. Locations across the province have trained staff for Gladue court, affirmation using an eagle feather, and other Indigenous practices that assist in supporting clients.

Indigenous Cultural Competency Training

Court Services Division, along with the broader Ontario Public Service (OPS), has committed to participating in comprehensive Indigenous Cultural Competency Training. This initiative has participants attending a multi-module virtual training with interactive feedback. This virtual training also hosts numerous online discussions with facilitators and fellow participants over an eight (8) week period.

The division is committed to ensuring all managers, corporate and non-frontline employees attend the training. Many frontline employees in communities with large Indigenous populations have also taken the training.

Juror Support Program

In January 2017, CSD launched the Juror Support Program (JSP). The program, delivered by Morneau Shepell provides free, confidential counselling to jurors at the end of a trial or coroner's inquest, if and when they choose to make use of it.

In 2018, the Prime Minister's Committee on Justice and Human Rights invited Ontario to speak to the development and implementation of this initiative given the positive feedback received from the media and mental health community.

Improving Juror Experience

In April 2018, the Debwewin Jury Review Implementation Committee released its final report, which can be found online at <https://www.attorneygeneral.ius.gov.on.ca/english/about/pubs/debwewin/>. In response to recommendations 8 and 9 of the Debwewin Committee, the ministry received approval to change the source list from The Municipal Property Assessment Corporation to Ontario Health Insurance Plan. This transition also responds to other recommendations, such as recommendation 11 in relation to Returns to Post Office, by improving the quality of the source data used to create the jury roll.

A public consultation survey to gauge interest in enhancing new channels of electronic communication to the jury process was conducted in late 2017. The survey indicated that there was support to modernize the way in which jurors engage

with the jury process by introducing more digital options. Work continues to develop and implement the jury modernization initiative.

Jury Operations Town Hall and Recording Management Coordinator Town Hall

To encourage cross-regional sharing of knowledge and resources, the division held a Jury Operations Town Hall and a Recording Management Coordinator Town Hall for management and staff across the division. The town halls provided information, tools and support to assist staff in effectively performing their duties.

Criminal e-Orders

Since the launch of the Criminal e-Orders initiative in 2014, staff continue to receive positive feedback on this initiative. These e-orders are created on-screen using an electronic form, printed on multi-functional devices, and signed in the courtroom. They are then shared electronically with justice partners, such as police, probation officers, and victim services. This has significantly expedited the production of court orders.

In July 2018, phase 2 was launched provincially. This phase involved the design, development, and implementation of a comprehensive electronic Youth Sentence Order as well as adult ancillary orders (relating to DNA analysis, the *Sex Offender Information Registration Act*, and driving and weapons prohibitions).

Criminal e-Intake

The ministry is working to modernize and digitize how criminal charges laid by police are brought into court and processed.

In Ontario, most criminal court cases are initiated when the police physically attend a court to “lay” an Information by appearing in front of a justice of the peace and swearing that the charges in the Information are true to the best of his or her knowledge or belief. In this way, over 225,000 Informations are manually processed across the province each year.

The ministry is developing a digital communications channel between the police and the courts, which will significantly reduce the need for in-person presentation of an Information and related processing of documents by the police and the court.

The application electronically transfers a charge package from police to the court. Once the justice of the peace receives the package, they are able to enter their decisions regarding process, digitally sign documents or request further information. The application automatically sends decisions and court-issued process documents back to the police. The decision will also be directly uploaded for new case creation in the courts case tracking system (ICON), eliminating the need for manual data entry by court staff.

By enabling faster, modernized data sharing with the police, the application will

establish an important step toward the modernization of processes for the criminal practice area and create efficiencies in intake courts across the province.

A pilot was launched in Barrie on November 19, 2019.

Family Law Rules Amendments

Court Services Division continues to lead and participate in the Family Rules Committee’s ongoing work to improve procedures for family law litigants. For example, the *Family Law Rules* were amended to:

- Require parties to file a completed Trial Scheduling Endorsement Form prior to a family law trial at the Superior Court of Justice to ensure that cases are ready for trial
- Reflect the new *Child, Youth and Family Services Act, 2017*
- Extend the timeline to serve and file motion and conference materials, giving more notice to parties and the court in preparation of these appearances
- Improve confirmation procedures to encourage better communication between parties and the courtChange the cost rules to promote reasonableness and proportionality in family cases

Civil Court Rules

Court Services Division continues to participate in the Civil Rules Committee's ongoing work to improve procedures for litigants in civil proceedings in the Superior Court of Justice (SCJ) and Small Claims Court.

During the April 1, 2018 to March 31, 2019 period, court rule changes were made to:

- Authorize the online filings of additional documents in SCJ civil proceedings (a Statement of Claim subsequent to a Notice of Action, Statement of Defence, Notice of Intent to Defend and proof of service of documents that are electronically filed)
- Authorize a court registrar to automatically dismiss Divisional Court cases (appeals and applications for judicial review) that are not set down for a hearing or terminated by any means within 5 years (rule 61 and rule 68 were amended and form amendments were made to support the rule changes)
- Require a hearing in writing for Divisional Court motions for leave to appeal from final cost orders made by a judge in the SCJ by amending rule 62.02;
- Simplify estate court application forms to clarify the instruction on how to disclose the value of an

estate, clarify the questions about the deceased's marital status

- Revise the Information for Court Use form to identify the new tort of human trafficking as a case type

Court Interpreters

The division recognizes the changing needs of Ontario's diverse society by providing interpretation in all languages, including visual language services.

The division continues to access interpreters in the most commonly used languages, as well as other languages that are increasing in demand. CSD offers regular test preparation sessions to current and prospective court interpreters, which includes providing resource materials to support the development of their interpretation skills. Once accredited, freelance court interpreters are required to consistently abide by the ministry's Rules of Professional Conduct for Court Interpreters.

Currently, there is an increase in the "accredited" status of court interpreters on the Registry of Accredited Freelance Court Interpreters. The interpreter registry has 91 more accredited interpreters than conditionally accredited.

The Court Interpretation Unit continues to recruit for high demand languages, while also focusing on retesting conditionally accredited interpreters in order to reach the accredited status. Ensuring accredited interpreters are in place addresses quality

complaints, potential mistrials, as well as “voir dire” requests.

Support for Family Mediation and Information Services Improvements

Family Mediation and Information Services (FMIS) is the suite of services currently funded by the ministry for family law clients. These services include Information and Referral Coordinators (IRCs), the Mandatory Information Program (MIP), and on-site and off-site mediation. CSD has contracted with external service providers to deliver these services across Ontario.

Public Access Computers and Printers in Family Law Information Centres (FLICs)

In order to improve public access to family justice information, the Court Services Division continues to pilot public access computers and printers in 16 Family Law Information Centres (FLIC) across Ontario. This initiative allows FLIC clients to use this equipment to access online family justice resources and complete and print court forms for filing.

An initial evaluation was completed in 2018-19. The pilot phase will continue for one additional year in 2019-20 to inform any future plans.

Dispute Resolution Officer (DRO) Program

DROs are private family lawyers who have been selected by the regional senior justice to hear case conferences in family matters,

primarily in motions to change cases, but in other cases as well if they have been specifically referred to them by a judge. The DRO program is offered in nine Superior Court of Justice locations: Barrie, Brampton, Durham, Hamilton, Milton, Newmarket, London, St. Catharines and Toronto.

The DRO program supports the delivery of a streamlined and effective court system by maximizing the likelihood of the earliest possible resolution without the need for judicial attendance. When conducting a first case conference, DROs may:

- Attempt to identify, resolve, or settle outstanding issues on a consent basis
- Assist the parties in organizing their issues and disclosure documents to make the case “judge-ready”
- Assist the parties in obtaining a signed order where the parties have consented in writing, or alternatively a disclosure order from the court

The ministry has been working with the SCJ to develop tools to evaluate the program, including surveys to measure client satisfaction. The results of the evaluation will be used to identify opportunities for program enhancements.

Provincial Offences Act Cases

In collaboration with the Ontario Court of Justice and municipalities, the ministry’s Modernization Division and Court Services Division implemented the *Provincial Offences Act* online service in August 2018.

This service allows people to look up the status of certain provincial offence proceedings, such as traffic tickets, and request early resolution meetings at participating municipal court locations. This online system makes it easier for people across the province to find information about millions of provincial offence proceedings without having to visit or telephone a municipal court office. People can use the service to find out how much is owing, how to pay and, for those who have chosen to dispute a provincial offence, where and when their trial is scheduled.

Guide to Applying for Probate in Ontario

In January 2019, a comprehensive new guide was published to assist the public with navigating probate court processes. This online guide explains the purpose of probate and provides guidance with respect to the gathering of the required information and the completion of the documents which are required to be filed with the court. By increasing public awareness of probate processes, the guide helps to achieve efficiencies in estates courts.

Become an Employer of Choice within the OPS

- Enhance workforce flexibility and mobility.
- Develop professional, management, and leadership skills.
- Strengthen employee engagement by focusing on training and career development opportunities.

Review of Courtroom Staffing Model

Beginning in March 2016, CSD engaged in a review of courtroom staffing aimed at addressing frontline workforce challenges, strengthening excellence in service to the public and judiciary, and better aligning Ontario's courtroom staffing with other Canadian jurisdictions. The review has been conducted in collaboration with the judiciary and the Ontario Public Service Employees Union (OPSEU) to arrive at co-created solutions that are reflective of CSD's commitment to judicial and jury support, and our labour relations obligations.

In September 2017, CSD announced a new vision for court staffing that focuses on the multi-functional position of court and client representative (CCR). CSD committed to focusing on hiring more full-time CCRs who, supported by training, will have the knowledge and skills required to carry out both in-court and out-of-court functions. Fixed term positions continue to be an essential part of the courtroom staffing model to support the fluctuating nature of our work.

By hiring CCRs, CSD is able to offer more opportunities for full-time work at a higher classification than historical single function positions.

Committing to Employee Engagement

CSD employees participate in the annual OPS Employee Experience Survey which provides the division with valuable statistics and understanding of our organization. CSD is committed to using the findings from this survey to continually improve the experience of our employees. A divisional committee is responsible for analyzing the findings, comparing them to the broader OPS, and reporting back on the initiatives that are undertaken to ensure CSD is responsive to issues identified by our workforce.

Employee Engagement Committee

Court Services Division Employee Engagement (EE) Committee consists of staff and management representatives from the operational regions, chief offices,

and corporate branches. Meetings take place on a quarterly basis where EE members discuss the division's EE Action Plan, which is based on priorities identified through the annual Ontario Public Service (OPS) Employee Experience Survey. The survey is hosted by an independent third-party organization and runs for 10 business days. The survey explores a variety of EE themes, such as leadership practices, organizational communication, performance barriers, recognition, hiring practices, workplace morale, etc. Survey results are tallied by the independent organization before it is released to the OPS.

The EE Committee is also a platform where representatives can request support and feedback from their counterparts, share ideas and accomplishments from their local EE committees.

Learning and Development

Supporting employee and manager learning and development is a key priority for Court Services Division (CSD). In the strategic plan, CSD has committed to attracting, developing and retaining a professional, skilled, engaged and inclusive workforce which promotes accountability and service excellence.

CSD has developed new learning and development strategies to improve the onboarding process for new hires, as well as business line specific materials to enable cross-training initiatives. It has also

developed consistent baseline training that is used across the province.

Two provincial trainers were in place for the duration of the 2018-19 fiscal year. One focused on the criminal and civil business lines, and the other focused on the family business line. The two provincial trainers developed standardized curriculum and training materials in accordance with applicable legislation and directives.

Provincial trainers delivered training directly to staff, supervisors and managers, or to regional subject matter experts (i.e. regional trainers), who then delivered training within their regions. The standardized training material is housed on a shared drive that is accessible provincially. Provincial trainers supported the regional trainers in their work and provided them with a principles of adult education course prior to delivering training.

In addition to provincial trainers, two subject matter experts were contracted to create FRANK User Reference Guides for frontline staff. The FRANK User Reference Guides are being developed for the family and civil business lines in response to identified needs.

Leadership Education and Development (LEAD) Program

The Leadership Education and Development (LEAD) program focuses on the development of the OPS competencies and the MAG leadership standards that are

required to support the division's strategic plan.

LEAD training was successfully delivered to over 50 managers between April 1, 2018 and March 31, 2019.

Each session is developed and delivered to provide participants with the critical tools they will require in their roles as managers and aligns with the division's strategic plan.

The sessions offered are as follows:

- Manager Awareness – fostering a professional and respectful workplace
- Managing Human Resources in the Workplace
- Fostering a Culture of Customer Service in Courts – becoming a leader in service excellence within the Ontario Public Service.
- Self-Aware Leader
- Performance Review and Management

Talent Management Strategy

Court Services Division actively embraces the MAG Talent Strategy to enhance the development of current incumbents and potential successors to ensure:

- a skilled and diverse workforce at all levels are ready to take on more complex roles
- greater leadership strength in the senior and middle manager, and supervisory roles

CSD is experiencing ongoing modernization initiatives, dynamic business environments and multigenerational demographics in the

workplace. Throughout this time, the division remains focused on talent management efforts as a means of ensuring strong high-quality leaders for the future. The division closely follows the ministry's talent management roadmap that aims to provide a holistic approach to talent management through assessing business critical positions, identifying high potential talent, and developing high potential talent for critical roles.

Unconscious Bias and Barrier-Free Recruitment Training

Regional Management Teams (RMTs) continue to participate in training on unconscious bias and barrier-free recruitment provided by the ministry's Diversity, Inclusion and Accessibility Office. The sessions generate thoughtful discussions on how unconscious bias can create barriers in hiring practices.

Vicarious Trauma Support for Employees

The division has co-led a ministry-wide vicarious trauma committee, with the ADAG as one of the four co-champions (CSD, Criminal Law Division, Victims and Vulnerable Persons Division, and Indigenous Justice Division). The MAG Vicarious Trauma committee has been in existence since 2013. CSD has co-chaired the committee since 2016. The mandate of the committee is to research and develop programs for ministry staff and managers that will assist them in recognizing when they are being

impacted by vicarious trauma and then access the appropriate level of assistance.

The MAG Vicarious Trauma Committee is currently working with Morneau Shepell (the Employee and Family Assistance Program provider for the Ontario Public

Service) to develop an e-learning vicarious trauma awareness program for all staff and managers. It is anticipated that this program will be implemented early in 2020.

Promoting Accountability and Value for Money

- Instill a culture of continuous evaluation and improvement.
- Support public reporting of outcomes.
- Improve business outcomes by using evidence to support decision-making.
- Foster collaborative working relationships with justice participants and the judiciary in promoting joint accountability.

Memoranda of Understanding between the Attorney General and the Chief Justices

In accordance with section 72 of Ontario's Courts of Justice Act, the Attorney General may enter into a Memorandum of Understanding ("MOU") with each of the chief justices governing any matter relating to the administration of the respective court.

On August 24, 2016, a revised MOU was signed by the Attorney General and the Chief Justice of the Ontario Court of Justice, which sets out a framework and set of principles governing the financial, operational and administrative responsibility and accountability between the ministry and the Ontario Court of Justice.

The MOUs for the Ontario Court of Appeal, dated May 24, 2012, and the Superior Court of Justice, dated May 5, 2008, remain in place.

In the fall of 2018, the Ministry of the Attorney General ("MAG"), the Office of the Chief Justice of the Superior Court of Justice and the Ministry of Finance entered into a

new MOU to authorize the disclosure of bulk records from the estates system, the court's electronic database for estates proceedings, to the Ministry of Finance to allow it to fulfill its statutory responsibility to administer the Estate Administration Tax Act scheme.

Resource Based Allocation Model

Court Services Division is responsible for ensuring the allocation of funds and human resources based on evidence and data. CSD relies on a number of data sources and tools to support and manage our business.

The division is responsible for collecting, storing, managing, and analysing operational data on court activity, human resources, and financial expenditures. This data is collected from many sources, such as court information databases, surveys, and enterprise-wide financial and human resources systems. The information gathered from these sources is used to support the maintenance of a defined and metric-based methodology to build budgets based on practice area on an annual basis.

This approach to resource allocation ensures that CSD is meeting or exceeding the benchmarks identified and supporting the government's commitment to being accountable and fiscally sustainable. CSD is committed to being an open and transparent organization. To this end, financial statements are included in the Expenditure Estimates Briefing Book, which is available to the public. The goal for CSD's resource allocation model is to ensure that financial and human resources are allocated to where the work is.

Establishing and Maintaining Key Performance Indicators

Performance indicators are an important method that contribute to the goal of public confidence and trust in the justice system.

CSD tracks key performance indicators to ensure it meets its own vision of being a modern and professional court service that supports accessible, fair, timely, and effective justice services. As a division within the Ministry of the Attorney General, CSD's performance measures also support the ministry's vision of being an innovative, sustainable and responsive justice system that inspires public confidence and upholds the rule of law.

CSD's performance indicators include the overall cost per capita of administering justice to Ontarians, the percentage of clients who are satisfied with the service they receive, the number of clients who are engaging in the use of electronic service

channels, and the maintenance of service standards. These performance indicators are reflected in the ministry's results, and also are reported to Treasury Board on an annual and ad hoc basis.

A summary of KPI findings can be found in the Performance and Achievements section of Chapter 4 below.

Supporting Client Focused Service

The division evaluates services to ensure the efficient and optimal allocation of court resources, enhanced access to justice, and the provision of alternate service options.

Data is collected regularly to monitor court counter wait times and client satisfaction with services provided (see Performance and Achievements section below). The division also collects information to ensure the accessibility needs of clients are met and clients are aware of the option to request French language services. Metrics reflecting client satisfaction with both accessibility and French language services are included below.

Client Satisfaction Survey

In January and February of each year, the division conducts its annual Client Satisfaction Survey, which measures organizational performance at court locations across the province. The 2018-19 survey was conducted online and at 17 in-person court locations. The survey focused on client satisfaction with court counter

services for the civil, family, criminal, and Small Claims Court practice areas. The following are some of the key findings:

- In 2018-19, there were 1,407 surveys collected from across Ontario (an increase of 3% from 2017-18).
- 87% of the respondents surveyed in 2018-19 were satisfied with the services they received (an increase of 1% from 2017-18).
- 90% of the qualitative comments received for general customer service were positive (a 15% increase from 2017-18).
- 68% of the qualitative comments received when respondents were asked if staff treated them in a courteous, professional and respectful way were positive (a 20% increase from 2017-18).

Family Mediation and Information Services

The Program Management Branch measures the percentage of clients satisfied with the Family Mediation Services, Mandatory Information Program and Family Law Information Centres (see Performance and Achievement section below). The evaluation of these measures supports the following divisional strategic priorities:

- Focusing on core businesses, which include supporting the judiciary and providing excellent client services to court users;
- Instilling a culture of continuous evaluation and improvement; and

- Supporting the public reporting of outcomes.

The following are some of the key findings (the below and additional metrics can be found in the Performance Measures and Achievements section):

Family Law Information Centre (FLIC) satisfaction*

- In 2018-19, there were 1,134 Family Law Information Centre (FLIC) satisfaction surveys collected provincially (a decrease of 16.9% from 2017-18).
- Client satisfaction surveys indicated that 83.9% of family court clients who completed surveys were satisfied with FLIC services (a decrease of 2.5% from 2017-18).

Mandatory Information Program (MIP) satisfaction*

- In 2018-19, there were 5,036 Mandatory Information Program (MIP) satisfaction surveys collected provincially (a decrease of 11.2% from 2017-18).
- Client satisfaction surveys indicated that 80.5% of family court clients who completed surveys were satisfied with the Mandatory Information Program (MIP, a decrease of 1.2% from 2017-18).

Family Mediation Services satisfaction*

- In 2018-19, there were 1,222 Family Mediation Services satisfaction surveys

collected provincially (a decrease of 2.7% from 2017-18).

- Client satisfaction surveys indicated that 92.1% of family court clients who completed surveys were satisfied with Family Mediation Services (a decrease of 0.3% from 2017-18).

Family Mediation settlement rates

The overall mediation settlement rate for service users (combined full and partial agreements) for on-site and off-site was 77.8% (a decrease of 2.4% from 2017-18).

*NOTE: all figures exclude incomplete surveys received that could not be entered into SurveyMonkey.

Chapter 4: Report on Resources

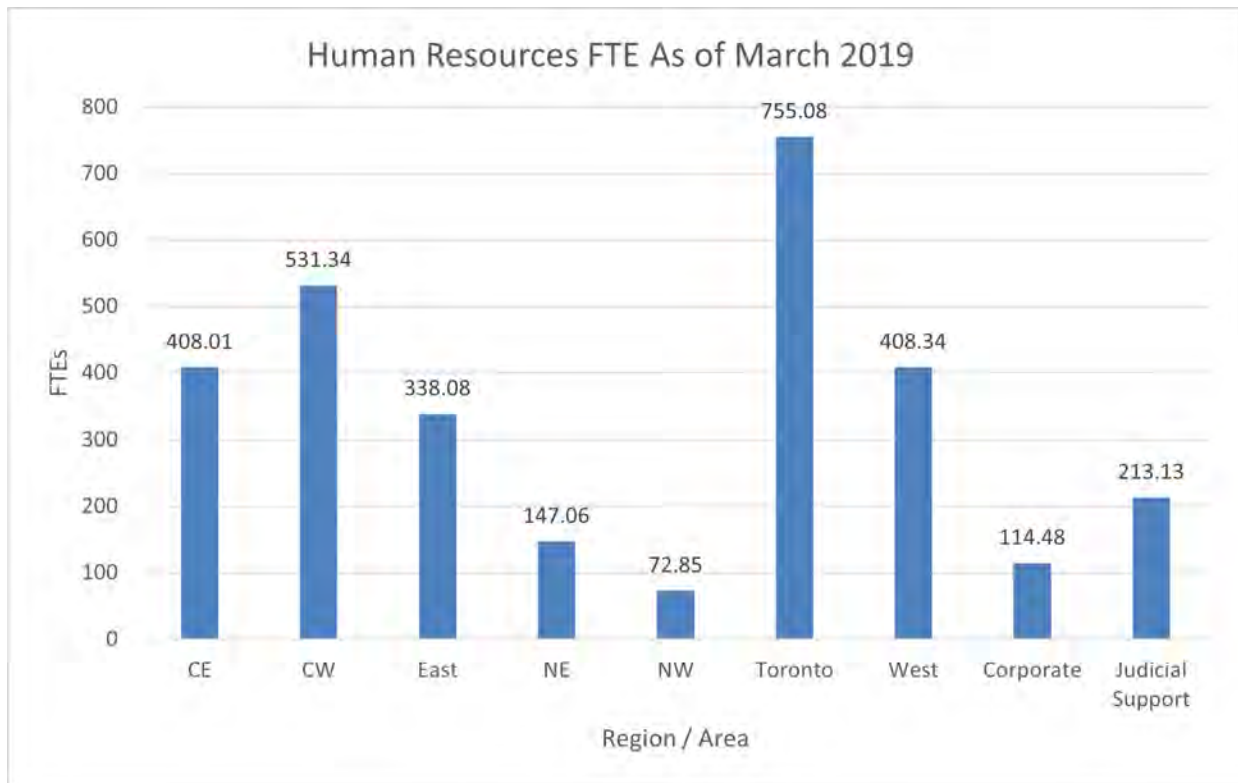
Performance measures and achievements

Performance Measures	2018-19 Achievement (Target)
% of court clients whose maximum wait time for counter service is 30 minutes	89.1% (85%)
% of cases that proceeded to Family Mediation that reached full or partial settlement ****	77.8% (76%)
% of Family Law Information Centre (FLIC) clients satisfied with FLIC services	83.9% (90%)
% of Family Mediation clients satisfied with Family Mediation Services	92.1% (90%)
% of Family Law clients satisfied with the services they received in the Mandatory Information Program (MIP)	80.5% (70%)
% of Small Claims Court customers whose default judgments were issued within 5 business days once the filed requisitions for default judgments were complete and judicial direction, if required, had been obtained	82.7% (90%)
% of Civil Court customers whose default judgments were issued within 5 business days once the filed requisitions for default judgments were complete and judicial direction, if required, had been obtained	85.5% (90%)
% of Civil Court customers whose certificates of Appointment of Estate Trustee were issued within 15 business days once the applications were complete and judicial direction, if required, had been obtained	76.9% (90%)
% of clients with a disability who access court services, and who ask for assistance in meeting their disability-related needs, were satisfied with the help they received	78% (85%)
% of clients who were served in a courteous, professional and respectful manner	92% (100%)
% of court forms and guides that are available in French and English	88.2% (100%)

% of court locations that have an accessibility coordinator assigned	98% (100%)
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**** Full settlement reflects agreement on all issues brought to mediation, whether on a final or temporary basis. A partial agreement reflects an agreement on one or more of the issues brought to mediation, whether on a final or temporary basis. Settlement in this KPI refers to mediation settlement and does not necessarily reflect settlement of the court case itself for those who have also initiated court action.

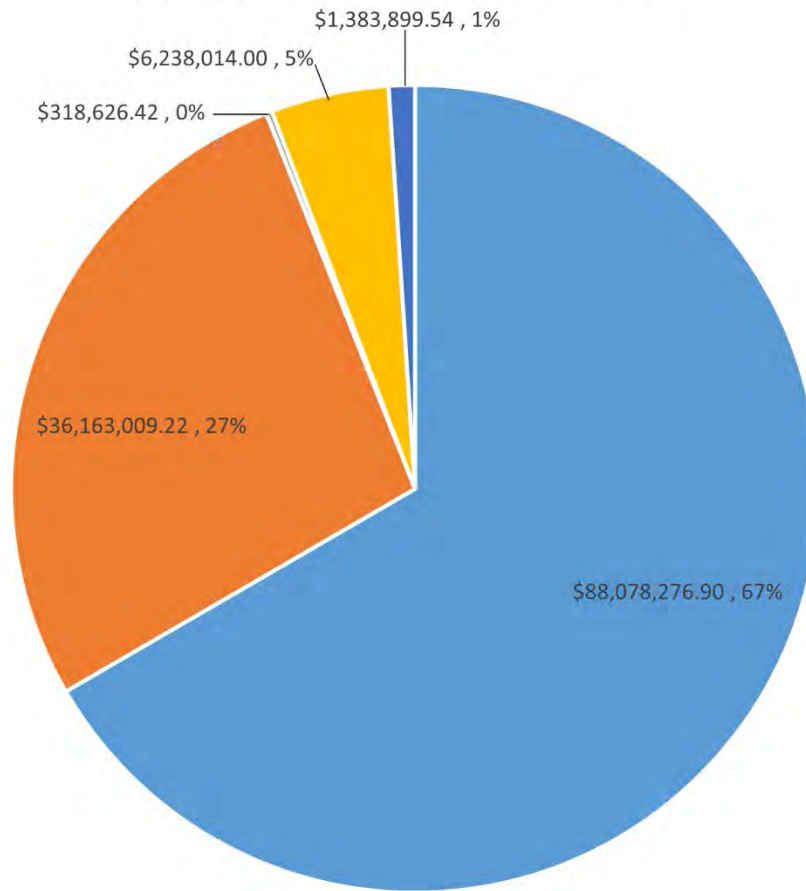
Human Resources by Region/Area



Notes:

1. Data Source: FTE Tracker Tool – MAG Analytics Dashboard
2. FTE (Full Time Equivalent) numbers are a “point in time” count of active employees as of the last business day in March each year.
3. FTE numbers convert all part-time employees to an equivalent full-time number. For example, a regular part-time employee working 21.75 hours per week is counted as 0.6 FTE, while a full-time employee is counted as one FTE.
4. There are a total of 2,988.37 FTEs in Court Services Division as of March 2019
 - Divisional FTEs do not include members of the judiciary.

Revenue 2018-19: Total \$132,181,827



■ FEES ■ FINES AND PENALTIES ■ SALES AND RENTALS ■ OTHER GOVERNMENT OF CANADA ■ RECOVERY OF PRIOR YEAR EXPENDITURE

2018-19 Statement of Expenditures

ADMINISTRATION OF JUSTICE	
Salaries and Wages	\$158,376,224
Employee Benefits	\$31,096,705
Transportation and Communication	\$9,912,180
Services	\$62,793,732
Supplies and Equipment	\$4,782,475
Transfer Payment	\$1,340,451
TOTAL:	\$268,301,767
JUDICIAL SERVICES	
Salaries and Wages	\$149,712,268
Employee Benefits	\$11,733,134
Transportation and Communication	\$2,930,225
Services	\$18,490,332
Supplies and Equipment	\$468,116
Transfer Payments	\$231,951
TOTAL:	\$183,566,026
BAD DEBT EXPENSE	\$2,525,900
TOTAL OPERATING EXPENDITURES	\$454,393,693
TOTAL OPERATING ALLOCATION	\$459,239,500
CAPITAL EXPENDITURES	\$43,196,926
CAPITAL ALLOCATION	\$45,420,200

Source: Public Accounts of Ontario, 2018-19