

Family Law: Issues for Today, Preparing for Tomorrow



Date: Friday, February 7, 2014 | 9:00 am – 4:50 pm

Location: Westin Harbour Castle Conference Centre, 2 Harbour Square, Toronto

This program contains 1.5 Professionalism Hours.

This program is eligible for up to 5.25 Substantive Hours

Program Chairs: **Sharon R. Shore**, Epstein Cole LLP
Dan L. Goldberg, General Counsel, Office of the Children's Lawyer

Whether you are a novice or a seasoned practitioner, stay up-to-date on current trends and emerging issues in family law with this essential program. Gain practical advice on dealing with vulnerable or difficult participants in the family law process, and an in-depth analysis of recent case law on key property and support issues. Join our expert panel, including the Honourable Mr. Justice Thomas Cromwell of the Supreme Court of Canada, to engage in an insightful and important discussion on the future of family law.

9:00 am **OPENING REMARKS**

9:10 am **MAKING SENSE OF RETROACTIVE CHILD SUPPORT**

- How the law of retroactive child support has developed since the 2006 Supreme Court of Canada decision in *D.B.S. v. S.R.G.*
- What are the important steps to take to protect your client's retroactive child support claim?

Gerri Wong, Barrister & Solicitor (Windsor)

9:30 am **CLARIFYING THE EFFECT OF EARLY RETIREMENT ON SUPPORT**

- When will the Courts vary support upon the early retirement of the payee? A review of the case law.
- Factors to consider in determining the reasonableness of early retirement

Llana Nakonechny, Dickson MacGregor Appell LLP

9:50 am **MASTERING ACCESS AND SUPPORT ISSUES FOR CHILDREN WITH SPECIAL NEEDS**

- When does support end for a child with special needs?
- What is the effect of disability tax credits or Ontario Disability Support Program payments on support?
- Particular considerations for access in assessing the best interests of a child with special needs

Judith Huddart, Dranoff & Huddart, Barristers & Solicitors

Elizabeth McCarty, Counsel, Office of the Children's Lawyer

10:15 am **NAVIGATING THE CONFLICT BETWEEN DISCLOSURE OBLIGATIONS AND PRIVACY CONCERNS**

- What are the common disclosure activities that give rise to privacy concerns?
- What can you do to protect your client's privacy while still complying with disclosure obligations?

Kenneth Cole, Epstein Cole LLP

10:35 am **NETWORKING BREAK**

10:55 am **DEALING WITH DIFFICULT TEENAGERS**

Family law lawyers commonly refer to teenagers "voting with their feet". Our expert faculty will clarify the law and the reality on access for teenage children.

- When will the Courts order access for a teenager?
- What are the custodial parent's obligations in ensuring a teenager attends access visits?
- Practical strategies for encouraging a resistant teen to attend access visits

Stephen Cudas, Epstein Cole LLP

Mindy Mitnick, Psychologist (Minneapolis)

Questions? Toll Free: 1-800-668-8900 | Tel: 416-869-1047 | pd@oba.org



11:30 am **NEED-TO-KNOW IMMIGRATION ISSUES FOR FAMILY LAW LAWYERS**

- How immigration sponsorship undertakings impact or are impacted by separation and support obligations
- Avoiding negative implications for your client's permanent resident status

Lorne Waldman, Lorne Waldman & Associates

11:55 am **WHAT TO DO WHEN YOUR CLIENT CALLS AND SAYS "THE POLICE ARE HERE"?**

- What is the scope of police obligations and discretion when responding to a domestic call?
- Balancing co-operation against self-incrimination
- Practical advice for handling the call

Marie Heinen, Heinen Hutchison LLP

12:30pm **NETWORKING LUNCH**

1:30 pm **HOW TO MANAGE PARTIES WITH MENTAL HEALTH AND/OR ADDICTION ISSUES**

- What are your professional obligations when your client may be incapable?
- How to prove or disprove allegations of mental health or addiction issues
- Using section 30 of the *Children's Law Reform Act* to obtain a psychological assessment
- When does the Children's Aid Society need to become involved?
- What resources are available to assist families with mental health or addiction issues?

Carolyn Leach, Counsel, Office of the Children's Lawyer

Mindy Mitnick, Psychologist (Minneapolis)

2:10 pm **WEIGHING THE VALUE OF A BUSINESS VALUATION**

- Pros and cons of obtaining a business valuation
- What are the key considerations in determining whether a valuation is necessary?
- How to make your case in the absence of a valuation

Ohran Gobrin, Duff & Phelps

Cheryl Goldhart, Goldhart & Associates

2:35 pm **NETWORKING BREAK**

2:55 pm **YEAR IN REVIEW**

- Get up-to-date with this annual analysis of the most interesting and ground-breaking cases of 2013.

Philip Epstein, QC, Epstein Cole LLP

3:15 pm **THE FUTURE OF FAMILY LAW**

In April 2013, the Family Justice Working Group, chaired by the Honourable Justice Cromwell, released its Final Report (the "Cromwell Report"), which outlined 33 recommendations to improve access to justice in the family justice system.

Hear from a leading panel of experts, as they grapple with the following issues:

- The importance of change to the family justice system
- What is the anticipated effect of the Cromwell Report?
- What steps, if any, have been taken or likely will be taken, to implement the recommendations outlined in the Cromwell Report?
- Are there other recommendations, in addition to the Cromwell Report, which would improve the family justice system?

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- The need for all family law lawyers to pursue improvements to the family justice system and what you can do to promote change
- Where do we go from here?

The Honourable Thomas Cromwell, Supreme Court of Canada (Ottawa)

The Honourable George Czutrin, Ontario Superior Court of Justice

The Honourable Debra Paulseth, Ontario Court of Justice

Professor Nicholas Bala, Queen's University Faculty of Law (Kingston)

Lesley Kendall, Cunningham, Swan, Carty, Little & Bonham LLP (Kingston)

Elissa Lief, Senior General Counsel, Family, Children and Youth Section, Department of Justice Canada (Ottawa)

Anne Marie Predko, Director, Family Policy & Programs Branch, Ministry of the Attorney General of Ontario

Mary P. Reilly, The Law Office of T. Edgar Reilly

Philip Epstein, QC, Epstein Cole LLP (Moderator)

4:30 pm **QUESTIONS AND CONCLUDING REMARKS**

4:50 pm **PROGRAM CONCLUDES**

4:55 pm **RECEPTION**

Register at oba.org/institute2014

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