

YOUR STEP-BY-STEP GUIDE FOR A BINDING JDR HEARING

STEP 1: HOW TO SCHEDULE A BINDING JDR HEARING (“JDR HEARING”)

- To be eligible to proceed to a JDR Hearing, you must have first completed a case conference and you must have the consent (agreement) of the other party or parties in your case. This process is only suitable for cases that can be completed in a hearing of less than three hours, with no witnesses other than the parties, and no need for cross-examination of the other party.
- You may request a JDR Hearing date through the Trial Coordinator, once a judge has approved your request to use this process.

How to Request a JDR Hearing at Your Case Conference

- At the case conference, you and the other party can request that the next step in your proceeding be a JDR Hearing. The judge or associate judge will decide if your case is appropriate and, if approved, make a note in the endorsement.
- If you are unsure if you will be proceeding to a JDR Hearing, or need some time to exchange disclosure and get ready, you may still request that the presiding judge indicate in the endorsement that your case is suitable for a JDR hearing and note the approval in the endorsement.
- You may schedule the date of the hearing by filing your duly completed [Request and Consent Form](#) with the court filing office and provide a copy of the judge’s endorsement from the case conference to the Trial Coordinator to schedule a date for the hearing.
- You must be ready to proceed on your booked date, as adjournments are unlikely to be granted.

How to Request a Binding JDR Hearing After Your Case Conference

- If you do not have an endorsement from your case conference judge allowing your case to proceed to a JDR Hearing, you can still request approval after your case conference, provided that you have the consent of all parties. You will need to submit a 14B Motion Form and Affidavit. Your Affidavit should include reasons why the parties wish to participate in JDR Hearing and enough information to allow a judge to decide if the case is appropriate for a JDR Hearing. The last endorsement (usually a case conference or motion) and both parties’ request and consent forms should also be attached.
- If approved, the parties should send the judge’s endorsement from the 14B motion to the trial coordinator to obtain a date for the hearing.
 - o A sample 14B motion form can be [found here](#);
 - o A sample Affidavit in support of the 14B motion can be [found here](#);
 - o A sample endorsement that the court will use to decide if your case is appropriate can be [found here](#).

STEP 2: THE 2 DOCUMENTS TO FILE IN ADVANCE OF YOUR JDR HEARING

1. Affidavits: This is meant to be a simple process and the judge will not have time allotted in their schedule to read lengthy material in advance. Each party must file an affidavit of no more than 10 pages that sets out the background and key facts in support of the order that they are seeking. Unless you and

the other party obtain prior leave of the court to change these timelines, the applicant or moving party's affidavit must be served and filed at least 20 days before the hearing, the responding affidavit must be served and filed at least 10 days before the hearing, and any necessary reply affidavit must be served and filed at least 5 days before the hearing. Reply is only to address matters raised in the responding affidavit that have not yet been dealt with – it is not to raise new issues or evidence that could have been dealt with in the original affidavit.

2. The following documents may be attached to the affidavit and do not count towards the 10 page limit:

- a. Children's Lawyer Reports: As these reports can be lengthy, it is helpful if you can indicate in your affidavit what sections of the report you are asking the judge to read in advance, or if you just want it available for you to refer to during the hearing.
- b. Financial statements;
- c. Comparative net family property statements, and
- d. Support calculations

3. You are encouraged to use the [*Affidavit in Support of a Binding Judicial Dispute Resolution hearing.*](#) You may amend it to delete information that does not apply to your case. Alternatively, you may use the Form 14A Affidavit (General). If [Form 14A](#) is used, be sure to provide the information that is sought in the *Affidavit in Support of a Binding Judicial Dispute Resolution hearing*, as applicable in the circumstances, so that the judge will understand what your case is about, what issues need to be dealt with in the JDR Hearing and what your proposals are about the outstanding issues.

4. Draft Order: You must file a draft order, in a format that can be edited by the presiding judge, containing all of the requested terms. This document can be used by the judge at the end of the hearing if the orders are granted.

STEP 3: ATTEND THE JDR HEARING

- Once you have obtained the date for your JDR Hearing, you do not need to file any confirmation form. As long as you have filed all of your documents as set out above, and exchanged all necessary disclosure, you are ready for your hearing.
- This is your final hearing and should be treated as seriously as a trial and you must be ready to proceed on your scheduled date. As there are very limited dates available for JDR hearings, adjournments are unlikely to be granted, unless there are very compelling circumstances.