

Publisher's Note

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EVIDENCE IN FAMILY LAW Harold Niman Release No. 8, December 2021

Publisher's Special Release Note 2021

The pages in this work were reissued in December 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the December 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This unique resource is structured to follow the evolution of a family law case through trial and appeal and provides detailed analysis regarding how to best obtain, preserve and present evidence. It also examines specialized areas of family law such as Charter litigation and child protection proceedings, looking at how to establish the proper evidentiary framework.

What's New in this Update

This release features updates to the Words and Phrases section.

Highlights:

Notable new entries to the Words and Phrases section are:

- **Activities** – ... the reference to “activities” in para. 3(b) refers to extracurricular activities occurring on a regular basis: *GAGNON v. MARTYNIUK* (2019), 2019 CarswellOnt 3335, 2019 ONSC 1518 (Ont. S.C.J.) at para. 105 Healey J.
- **Balance of Convenience** – Balance of convenience [in context of seeking stay of decisions pending hearing of application for judicial review] involves weighing the harm that will occur if the stay is granted against the resulting harm if it is not: *Dilico Anishinabek Family Care v. Her Majesty the Queen (Ontario)* (2020), 2020 ONSC 892, 2020 CarswellOnt 1671 (Ont. Div. Ct.) at para. 65 Penny J.
- **Crown Ward** – There were many changes [when Child and Family Services Act R.S.O. 1990, c. C.11 was replaced by Child, Youth and Family Services Act, 2017 S.O. 2017, c. 14]. Children who were previously described as “Crown wards” are now referred to as “in extended [Children’s Aid] Society care”: *Children’s Aid Society of Toronto v. J.G.* (2020), 41 R.F.L. (8th) 1, 2020 ONCA 415, 2020 CarswellOnt 8820, 151 O.R. (3d) 320 (Ont. C.A.) at para. 19 Benotto J.A. (Doherty and Hourigan JJ.A. concurring)

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed

- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages

