

# Hague Convention Proceedings – a Treaty in Transition

## *OBA Family Law Section*

**Date:** Wednesday November 14, 2018 | 1:00 pm – 4:30 pm

**Location:** Twenty Toronto Street Conferences and Events  
20 Toronto Street, 2nd Floor, Toronto



In-Person



Webcast



**Substantive Hours:** This program is eligible for up to **3.5 hours**

Program Chair: **Steven Bookman**, Bookman Law P.C.

The Supreme Court of Canada's decision of April 2018 in *OCL v Balev* revamped the law of Hague Convention proceedings in Canada. Attend this unique program to understand how this case affects your practice. Explore and analyze the current state of the law with our expert panel of lawyers and judges. Our faculty will help you navigate the law by analyzing the Balev case, discussing how this decision interacts with international jurisprudence, assessing the challenge of addressing a child's habitual residence, reviewing the process for bringing a Hague Application, and exploring the future of Hague cases in Canada. Register now to secure your spot.

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12:30 pm Registration

1:00 pm Welcome and Opening Remarks from Chair

1:05 pm **Implications of OCL v. Balev: Practice and Procedure**

**Steven Bookman**, Bookman Law P.C.

- What is the hybrid approach for determining the habitual residence of ch
- How is the hybrid approach applied in other jurisdictions
- Process for bringing/defending a Hague Application
- Practical Strategies for counsel: what to do and not to do

1:35 pm **Analysis Part 1: The Interplay between Article 12/Article 13(a) Acquiescence Defence**

**Michael Stangarone**, MacDonald & Partners LLP

- What is the acquiescence defence?
- How is it applied?
- What is the evidentiary burden?
- What is Article 12?
- What is the effect of Article 12 on acquiescence cases?
- How to avoid falling into the acquiescence trap
- Examples of how to counter an acquiescence claim

2:05 pm Networking Break

**PROGRAM REGISTRATION IS ONLINE** [www.oba.org/pd](http://www.oba.org/pd)

**Questions?** [pd@oba.org](mailto:pd@oba.org)

300-20 Toronto St. Toronto, ON M5C 2B8 | Toll Free: 1-800-668-8900 | Tel: 416-869-1047 | Fax: 416-642-0424

2:20 pm **Analysis Part 2: The Voice of the Child in Hague Convention Proceedings**

**Cynthia Mancia**, Chappell Partners LLP

- Is it necessary to involve the OCL in Hague Proceedings?
- What facilities are available to make certain the child is heard
- Practical tips when you want the child's voice before the court

2:50 pm **Moving Forward with OCL v. Balev**

**Tammy Law**, Tammy Law Barristers and Solicitors

**Patric Senson**, Office of the Children's Lawyer

- How we got to the hybrid test
- Survey of jurisprudence post-Balev
- Future trends in Canadian Hague cases

3:25 pm **Judicial Analysis: Delving into the Legal Issues of OCL v Balev**

**The Honourable Associate Chief Justice Lawrence O'Neil**, Nova Scotia Supreme Court

**The Honourable Justice Ellen B. Murray**, Ontario Court of Justice

**Steven Bookman**, Bookman Law P.C. (Moderator)

- Direct judicial communication in Hague cases
- Possible implications of Balev on the use of time limited consents
- Is it easier or more difficult to determining habitual residence at the Article 3 stage
- Insight on effective Hague Convention advocacy

4:15 pm Questions and Concluding Remarks

4:30 pm Program Concludes