



## *COUR SUPÉRIEURE DU QUÉBEC*

Montréal, October 22, 2021

### **NOTICE TO MEMBERS OF THE BAR**

### **SUPERIOR COURT – DISTRICT OF MONTRÉAL**

### **CONDUCT GOVERNING APPLICATIONS PROCEEDING BY DEFAULT (Family Division)**

**As of November 1st, 2021**, the Superior Court will modify some of the measures announced on February 26, 2021, in order to improve the conduct governing applications proceeding by default.

Additions to the text “Plan for the Maintenance of the Activities of the Superior Court in Civil and Family Matters (District of Montreal)” (**Plan for the Maintenance of Activities**), set forth hereafter are underlined and deletions are indicated using parentheses and ellipses.

#### **II. D) iv) Applications proceeding by default**

**Applications for divorce, for separation from bed and board, for annulment of marriage, and in matters of filiation (to claim or contest status, for rectification of the register of civil status, and for deprivation of parental authority)**

If the expected duration of the hearing is more than 30 minutes, these applications will continue to be scheduled by the master of the roll in Courtroom 2.01, according to the availabilities of the Court.

If the expected duration of the hearing is 30 minutes or less, these applications will be scheduled by the master of the roll in Courtroom 2.11, according to the availabilities of the Court.

All cases proceeding by default involving an application for compensatory allowance, a lump sum, and/or an unequal partition of the family patrimony, regardless of the expected duration of the hearing, will be scheduled by the master of the roll in Courtroom 2.01, according to the availabilities of the Court.

**Applications proceeding by default and to be presented by notice of presentation (custody or to vary custody (jurisdictions 04 and 12), support or to vary support (jurisdictions 04 and 12), and provisional measures (jurisdictions 04 and 12))**

The default must be recorded by the special clerk during the calling of the roll. Thus, it is not necessary to send the *Request for a hearing in family matters form*.

All such applications will be scheduled by the special clerk in collaboration with the master of the roll in Courtroom 2.11, every day (...) in accordance with the availabilities of the Court, regardless of the expected duration of the hearing.

At the discretion of the special clerk, all cases without testimonial evidence, with an affidavit and a draft judgment, may be referred to the judge in Courtroom 2.11, on the day of the presentation.

The attorney or the unrepresented party seeking the authorization of a judge to proceed in person in one of Courtrooms 2.01 and 2.11 (...) must send his or her request by email to [courpratique-217@justice.gouv.qc.ca](mailto:courpratique-217@justice.gouv.qc.ca), **before 12:30 p.m.** on the last working day before the date of the hearing scheduled by default.

Eva Petras  
Associate Chief Justice

Chantal Tremblay  
Coordinating Judge in civil and  
family matters – District of Montréal