SCHEDULE 8

JOINT DECLARATION FOR THE PURPOSE OF SCHEDULING A HEARING

LASTING MORE THAN TWO HOURS IN FAMILY MATTERS

# SUPERIOR COURT

# FAMILY DIVISION

# DISTRICT OF GATINEAU

|  |
| --- |
| **File number:**  |

**JOINT DECLARATION FOR THE PURPOSE OF SCHEDULING A HEARING**

**WITH PROOF AND ARGUMENT LASTING MORE THAN TWO HOURS**

**(Complete only the relevant sections)**

**1. THE PARTIES' NAMES** **THE LAWYERS' NAMES OR THE NAMES OF SELF-REPRESENTED PARTIES**

(Include the mailing address, e-mail, telephone and fax numbers)

|  |  |  |
| --- | --- | --- |
| **APPLICANT** |  |  |
| **RESPONDENT** |  |  |
| **CHILDREN OR****OTHERS** |  |  |

**2. DESCRIPTION OF THE MOTION(S)** Demand in modification of the accessory measures and interim measures

**3. THE ISSUES TO BE DEALT WITH IN PRACTICE COURT**

[ ]  Custody – Child Abduction [ ]  Parental Alienation [ ]  Access Rights [ ]  International

[ ]  Child Support [ ]  Spousal Support [ ]  Special Expenses [ ]  Undue Hardship

[ ]  The Husband's Income [ ]  The Wife's Income [ ]  The Child's Income [ ]  Arrears

[ ]  The Husband is self employed [ ]  The Wife is self employed [ ]  Provision for costs [ ]  Contempt of Court

 [ ]  Other : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Is it a request to modify a judgment? [ ]  Yes [ ]  No

Is a Safeguard Order in force? [ ]  Yes [ ]  No

Does the case involve the *Act Respecting the Civil Aspects of International and Interprovincial Child Abduction*, R.S.Q., ch. A-23.01? [ ]  Yes [ ]  No

**4. NUMBER OF POSTPONEMENTS (Indicate the number of postponements of the motion, including those done pro forma)** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**5. EXHIBITS REQUIRED FOR THE MOTION**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Exhibit Number | Description | Admitted[x]  | For Filing Only[x]  |
| APPLICANT **[ ]**  Previously Filed |  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Exhibit Number | Description | Admitted[x]  | For Filing Only[x]  |
| RESPONDENT**[ ]**  Previously Filed |  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |
| CHILDREN OR OTHERS**[ ]**  Previously Filed |  |  | [ ]  | [ ]  |
|  |  | [ ]  | [ ]  |

**6. EXPERTS, REPORTS (where applicable)**

The parties have used the Service d'expertises psychosociales of the Superior Court to obtain a joint psychosocial evaluation at no charge that has been filed into the Court record [ ]  Yes [ ]  No

The Applicant [ ]  and/or the Respondent [ ]  has/have the intention of examining the expert from the Service d'expertises psychosociales of the Superior Court at the hearing [ ]  Yes [ ]  No

**If yes, explain why**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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**The reports of any privately-engaged experts to be used for the motions have been communicated to the other parties (where applicable)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Exhibit Number | Expert's Name | Area of Expertise | Qualification as an expert |
|  | Admitted[x]  | Not AdmittedREASON |
| APPLICANT |  |  |  | [ ]  |  |
|  |  |  | [ ]  |  |
| RESPONDENT |  |  |  | [ ]  |  |
|  |  |  | [ ]  |  |
| CHILDREN OR OTHER |  |  |  | [ ]  |  |
|  |  |  | [ ]  |  |

**7. SUGGESTED ADMISSIONS (for the hearing of the motion(s))**

|  |  |
| --- | --- |
| **APPLICANT** | **1.** |
| **2.** |
| **3.** |
| **RESPONDENT** | **1.** |
| **2.** |
| **3.** |
| **CHILDREN OR OTHER** | **1.** |
| **2.** |

**8. LIST OF WITNESSES (N.B. - IF A WITNESS IS NOT IDENTIFIED, EXPLAIN WHY AND COMPLETE THE SECTION : SUBJECT OF THE TESTIMONY)**

**The APPLICANT will examine the following witnesses at the hearing :**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Subject of the testimony** | **French** | **English** | **Interpreter** | **Duration** |
| **in chief** | **cross examination** |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
| TOTAL  |  |  |

 **The APPLICANT confirms that she/he has produced in the Court file the following written statements as per section 292 C.P.C.:**

|  |  |  |
| --- | --- | --- |
| - Name :       | - date of the statement :       | Presence required : **[ ]**  |
| - Name :       | - date of the statement :       | Presence required : **[ ]**  |
| - Name :       | - date of the statement :       | Presence required : **[ ]**  |

 **The RESPONDENT will examine the following witnesses at the hearing :**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Subject of the testimony** | **French** | **English** | **Interpreter** | **Duration** |
| **in chief** | **cross examination** |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
| TOTAL  |  |  |

 **The RESPONDENT confirms that she/he has produced in the Court file the following written statements as per section 292 C.P.C.:**

|  |  |  |
| --- | --- | --- |
| - Name :       | - date of the statement :       | Presence required : **[ ]**  |
| - Name :       | - date of the statement :       | Presence required : **[ ]**  |
| - Name :       | - date of the statement :       | Presence required : **[ ]**  |

 **The CHILDREN OR OTHER PARTICIPANTS will examine the following witnesses at the hearing :**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Name** | **Subject of the testimony** | **French** | **English** | **Interpreter** | **Duration** |
| **In chief** | **cross examination** |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
|  |  | [ ]  | [ ]  | [ ]  |  |  |
| TOTAL  |  |  |

**9. DURATION OF THE HEARING**

|  |  |
| --- | --- |
| **READING TIME REQUIRED FOR THE JUDGE (affidavits or transcripts)**  |  |

|  |  |
| --- | --- |
| **DURATION OF THE ORAL EVIDENCE (in chief and cross examination)** | **ARGUMENT** |
| **Applicant** |  |  |
| **Respondent** |  |  |
| **Children or other** |  |  |
| **SUB-TOTAL** |  |  |
| **TOTAL FOR THE HEARING** |  |

1. **INCOME OF THE PARTIES**

$

 **The Husband** declares that his annual income is :

$

 **The Wife** declares that her annual income is :

**11. REPRÉSENTATIONS AND UNDERTAKINGS**

**I hereby declare that I am ready to proceed in accordance with the representations (and exhibits and experts' opinion, where applicable) made herein.**

**All forms and relevant documents required under the Code of Civil Procedure and the Rules of Practice in Family Matters have been updated, filed and communicated to the opposing party.**

**[ ]  Mediator's Report**

**[ ]  Schedule 1 duly completed**

**[ ]  Income Tax Return**

**[ ]  Art. 444 C.C.P.**

**I undertake to respect the hearing time indicated above for my proof and argument.**

**I have informed my client of the contents of the present declaration and of the policy of the Court to the effect that a postponement is to be granted only for serious reasons and that a postponement may result in an order to pay the costs of the opposing party caused thereby.**

**I have also informed my client that, in lieu of the hearing requested herein, it is possible to attempt to negotiate a partial or complete settlement of the matter through either private mediation or a settlement conference presided by a judge.**

**I believe that the costs (fees and disbursements) related to the preparation of and attendance at the hearing requested, in accordance with the criteria indicated herein, are proportionate in terms of the nature and the complexity of the motions (article 18 C.C.P.). IF NOT, INDICATE THE REASON.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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And I have signed this\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Applicant, or Applicant

 **REPRESENTATIONS AND UNDERTAKINGS**

**I hereby declare that I am ready to proceed in accordance with the representations (and exhibits and experts' opinion, where applicable) made herein.**

**All forms and relevant documents required under the Code of Civil Procedure and the Rules of Practice in Family Matters have been updated, filed and communicated to the opposing party.**

**[ ]  Mediator's Report**

**[ ]  Schedule 1 duly completed**

**[ ]  Income Tax Return**

**[ ]  Art. 444 C.C.P.**

**I undertake to respect the hearing time indicated above for my proof and argument.**

**I have informed my client of the contents of the present declaration and of the policy of the Court to the effect that a postponement is to be granted only for serious reasons and that a postponement may result in an order to pay the costs of the opposing party caused thereby.**

**I have also informed my client that, in lieu of the hearing requested herein, it is possible to attempt to negotiate a partial or complete settlement of the matter through either private mediation or a settlement conference presided by a judge of the Superior Court.**

**I believe that the costs (fees and disbursements) related to the preparation of and attendance at the hearing requested, in accordance with the criteria indicated herein, are proportionate in terms of the nature and the complexity of the motions (article 18 C.C.P.). IF NOT, INDICATE THE REASON.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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And I have signed this\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_

Attorney for Respondent, or Respondent

**REPRESENTATIONS AND UNDERTAKINGS**

**I hereby declare that I am ready to proceed in accordance with the representations (and exhibits and experts' opinion, where applicable) made herein.**

**All forms and relevant documents required under the Code of Civil Procedure and the Rules of Practice in Family Matters have been updated, filed and communicated to the opposing party.**

**[ ]  Mediator's Report**

**[ ]  Schedule 1 duly completed**

**[ ]  Income Tax Return**

**[ ]  Art. 444 C.C.P.**

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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And I have signed this\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for Children, or Other

Réservé au juge ou au greffier spécial

Sur la foi des représentations ci-dessus faites par les parties, l’audition de la ou des requêtes (cote(s) \_\_\_\_\_\_\_\_\_\_\_\_) est fixée pour
une durée de \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ jours.

Date(s) de l'audience : Salle \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

du palais de justice de \_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_, le 2016

Signature

Honorable (NOM)

ou Greffier spécial (NOM)

Réservé au juge

Modifications (à l’appel du rôle, indiquer ici les changements intervenus de nature à réduire les questions en litige et/ou le temps de l’instruction)

Date(s) de l'audience : Salle \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

du palais de justice de\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_, le 2016

Signature

Honorable (NOM)