CANADA

PROVINCE OF QUÉBEC SUPERIOR COURT

District <Select district> (Family Division)

File No.: <Enter file number>

Plaintiff

v.

Defendant

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| **FIRST CASE PROTOCOL IN FAMILY MATTERS**  **PRESENTATION PAGE**  Superior Court of Québec |

1. **You are required** to complete this presentation page when filing a **first case protocol** (but not when filing a modified protocol).
2. Place this page **before** the case protocol (before page 1) and staple them together.

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| A compensatory allowance is requested, or an unjust enrichment is disclosed.  (lines 31 and 32) | **YES**  **NO** |
| The parties do not agree on the duration, location, or format of the examinations.  (lines 17 and 18) | **YES  NO** |
| The parties do not agree on the number or content of expert opinions to be produced.  (lines 19-22) | **YES  NO** |
| At least one party intends to seek authorization to file a written defence.  (line 24) | **YES  NO** |
| The parties request a time limit extension.  (lines 4 and 35) | **YES  NO** |

RESERVED FOR CLERK: Check if protocol or proposed protocol was sorted for CHEM\*EXA input

CANADA

PROVINCE OF QUÉBEC SUPERIOR COURT

District <Select district> (Family Division)

File No.: <Enter file number>

Plaintiff

v.

Defendant

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| --- |
| Select an option **IN FAMILY MATTERS**  Superior Court of Québec  (art. 148 C.C.P.) |

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| **General provisions** | | | | | | |
| 1. | Date originating application was served | | | | | Enter the date |
| 2. | Nature of dispute: | | | | | |
| 3. | Issues in dispute (the two parties must check all the issues disputed in the case): | | | | | |
| Child custody / Parenting time | Access rights / Parenting time | | Parental authority | | |
| Child support | Spousal support | | Arrears | | |
| Income of the party: | Income of the children | | Special expenses | | |
| Plaintiff |  | |  | | |
| Defendant |  | |  | | |
| Hardship (or excessive demands) | Partition of family patrimony | | Partition of regime | | |
| Lump sum | Compensatory allowance | | Unjust enrichment | | |
| Filiation | Provision for costs | | Other: | | |
| 4. | All parties request an extension on the time limit for setting down  **yes**  **no** | | | | | |
| 3 months | 6 months | | 9 months | | |
| **(see line 35)** | | | | | |
| 5. | A settlement conference: | | | | | |
| is requested by all parties | is probable | is possible | | is out of the question | |

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| **Preliminary exceptions** | | **Filing Deadline** |
| 6. | Declinatory exception (art. 167 C.C.P.) by Party concerned | Enter the date |
| 7. | Exception to dismiss / abuse of procedure (arts 168 / 51 C.C.P.)  by Party concerned | Enter the date |
| 8. | Document clarification / disclosure (art. 169 C.C.P.) by Party concerned | Enter the date |
| 9. | Striking of allegations (art. 169 C.C.P.) by Party concerned | Enter the date |
| 10. | Other:       by Party concerned | Enter the date |

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| **Incidental procedures** | | **Filing Deadline** |
| 11. | Amendment of pleading (art. 206 C.C.P.) by Party concerned | Enter the date |
| 12. | Other: by Party concerned | Enter the date |

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| **Safeguard measures** (arts. 158 para. 5 and 169 para. 1 C.C.P.) | | **Filing Deadline** |
| 13. | Already obtained by Party concerned |  |
| Nature and term: |  |
| 14. | Requested by Party concerned | Enter the date |
| Nature: |  |

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| **Provisional measures** (art. 411 C.C.P.) | | **Filing Deadline** |
| 15. | Requested by Party concerned | Enter the date |

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| **Lawyer for a minor child** | | |
| 16. | Requested by Party concerned |  |
| The proposed lawyer is Mtre. | |

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| **Necessary pre-trial examinations** (art. 221 C.C.P.) | | | | **Date agreed upon** | |
| 17. | **Witnesses for the Plaintiff** | | | |
| Name: | Duration:      hrs. | **oral**  **written** | Enter the date | |
| Name: | Duration:      hrs. | **oral**  **written** | Enter the date | |

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| **Necessary pre-trial examinations** (art. 221 C.C.P.) - cont’d | | | | **Date agreed upon** |
| 18. | **Witnesses for the Defendant** | | | |
| Name: | Duration:      hrs. | **oral**  **written** | Enter the date |
| Name: | Duration:      hrs. | **oral**  **written** | Enter the date |
|  | **NOTE: The examining party will request all documents to be discussed with the witness at least 14 days before the examination. The witness must provide those documents at least 3 days before the examination. Undertakings that are still missing will be disclosed to all parties no later than 14 days after the examination. Counsel is strongly encouraged not to wait on stenographer’s notes to disclose.** | | | |

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| **Necessary expert opinions** (art. 232 C.C.P.) | | | **Filing Deadline** |
| 19. | **Psychosocial assessment** | **yes**  **no** | Enter the date |
| If yes, on what grounds: | |  |
| 20. | **Joint expert opinion(s)** | **yes**  **no** | Enter the date |
| If yes, describe the nature: | |  |
| If no, state grounds for refusal: | |  |
| 21. | **Expert opinions for the Plaintiff**  (only one per area) | **yes**  **no** | Enter the date |
| Nature: | |  |
| Nature: | |  |
| 22. | **Expert opinions for the Defendant**  (only one per area) | **yes**  **no** | Enter the date |
| Nature: | |  |
| Nature: | |  |

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| **Defence** (art. 171 C.C.P.) | | | **Filing Deadline** |
| 23. | The defence will be produced by means of a **brief statement** | | Enter the date |
| 24. | Authorization requested to file a **written** defence | | Enter the date |
| State the basis for a written defence: | |  |
| 25. | Cross-application | **yes**  **no** | Enter the date |
| 26. | Defence to cross-application  **oral  written** | | Enter the date |

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| **Disclosure of evidence** (art. 247, 248 C.C.P.) | | | | **Filing Deadline** |
| 27. | **Child support** | **by the Plaintiff** | **yes**  **no** | Enter the date |
| **by the Defendant** | **yes**  **no** | Enter the date |
| File all relevant documents (Appendix I, last 3 pay statements, last Revenu Québec notices of assessment and income tax return, federal tax returns and applicable federal tables). | | |  |
| 28. | **Spousal support** | **by the Plaintiff** | **yes**  **no** | Enter the date |
| **by the Defendant** | **yes**  **no** | Enter the date |
| File all relevant documents (Form III, last 3 pay statements, last Revenu Québec notices of assessment and income tax return, federal income tax return). | | |  |
| 29. | **Partition of family patrimony** | | **yes**  **no** |  |
| Each party must complete and enclose with the protocol the *Statement of family patrimony property and other property* (art. 413, para. 1 C.C.P.) − **Appendix A.** | | |  |
| In signing the protocol, each party certifies that it requested an evaluation of its own pension fund (if applicable). | | |  |
| The Plaintiff must file the form used to calculate the state of the family patrimony within **180 days of service of the application**. | | | Enter the date |
| If the Defendant **contests** this form, the Defendant must file their own form within **30 days** after the plaintiff submitted the original form (s. 27 RSCQFM). | | | Enter the date |
| 30. | **Partition of the partnership of acquests** | | **yes**  **no** |  |
| When completing **Appendix A,** each party must indicate whether the property designated therein is personal property or an acquest. | | |  |
| The Plaintiff must file the form used to calculate the state of the partnership of acquests within **180 days of service of the application.** | | | Enter the date |
| If the defendant **contests** the form, the defendant must file their own form within 30 days after the plaintiff submitted the original form (s. 29 RSCQFM). | | | Enter the date |
| 31. | **Compensatory allowance** | | **yes**  **no** |  |
| Each party undertakes to file its exhibits **no later than when filing the request for setting down** for trial and judgment. | | | Enter the date |
| 32. | **Unjust enrichment** | | **yes**  **no** |  |
| Each party undertakes to file its exhibits **no later than when filing the request for setting down** for trial and judgment. | | | Enter the date |

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| **Legal costs** (art. 339 C.C.P.) | | **Foreseeable costs** |
| 33. | Assessment of Plaintiff legal costs (including expert opinions) | $[Amount] |
| 34. | Assessment of Defendant legal costs (including expert opinions) | $[Amount] |

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| **Request for setting down for trial and judgment** (arts. 173, 174 C.C.P.) | |
| 35. | It will be filed within the strict time limit determined in accordance with article 173 of the C.C.P.  or  An extension is granted until **Enter the date.** |

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| **The parties intend to use the following notification method** (arts. 110 *et seq.* C.C.P.):**[[1]](#footnote-1)** | | | |
| 36. | bailiff | email (address below) | other: |

**NOTE: Non-compliance with this protocol may constitute a breach within the meaning of articles 341 and 342 C.C.P.**

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| Signed on Enter the date |  | Signed on Enter the date |
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| Plaintiff |  | Defendant |
| or |  | or |
| **Mtre** |  | **Mtre** |
| Counsel for the Plaintiff |  | Counsel for the Defendant |
| Telephone: |  | Telephone: |
| Email: |  | Email: |

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| Signed on Enter the date |  | Signed on Enter the date |
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| Party |  | Party |
| or |  | or |
| **Mtre** |  | **Mtre** |
| Counsel for |  | Counsel for |
| Telephone: |  | Telephone: |
| Email: |  | Email: |

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| **APPENDIX A** | | | |
| **Statement of family patrimony property and other property (art. 413 para. 1 C.C.P.)** | | | |
| Statement of: | | Plaintiff | |
| Statement of: | | Defendant | |
| **Below is the property in my possession, and its status:** | | | |
| **Patrimonial property** | **Personal property** | **Acquests** | **Other** |
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1. **This protocol must be notified to the parties, unless they have signed it (art. 149 C.C.P.). Proof of notification must be enclosed with the protocol.** [↑](#footnote-ref-1)