

CANADA
Province of Québec
District:
Locality:
File No.:

SUPERIOR COURT
(Family Division)

Plaintiff

v.

Defendant

**FIRST CASE PROTOCOL (in family matters)
PRESENTATION PAGE
Superior Court of Québec, Montréal Division**

1. You are **required to complete** this page when filing the **first case protocol** in the record of the Court.
(**Do not complete this presentation page** if you are filing a proposed case protocol or an amended case protocol).
 2. If applicable, place this page before the case protocol (before page 1) and staple them together.
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For each question, you must check an answer, either **Yes** or **No**.
No answer will be deemed to be **Yes**.

The parties are requesting an extension of the time limit: (line 4 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The parties plan to file more than six expert opinions: (lines 16 to 19 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
A party (defendant, third person, person called) intends to file an application for authorization to file a written defence: (line 11 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The parties plan to conduct more than six pre-trial examinations: (lines 20 to 24 of the protocol)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The parties plan to conduct examinations the duration of which is incompatible with article 229 of the Code of Civil Procedure (C.C.P.):	<input type="checkbox"/> Yes <input type="checkbox"/> No
The protocol was not signed by the parties or was not notified to them:	<input type="checkbox"/> Yes <input type="checkbox"/> No

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**Superior Court of Québec, Montréal Division
(article 148 of the *Code of Civil Procedure*)**

1.	Nature of the dispute:	
2.	Date on which the application was served on the defendant:	
3.	All the parties undertake to hold a settlement conference (C.C.P., aa. 9, 2nd para., 148(2) and 161 to 165):	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	All the parties are requesting an extension of the time limit for trial readiness (C.C.P., a. 173): Duration: (where applicable, indicate an additional time limit of 6 months maximum) If the Court allows the application, the one-year time limit will be extended until:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 3 months <input type="checkbox"/> 6 months
5.	At the time of completing this protocol, a safeguard order has already been rendered: If yes, indicate the date on which the last safeguard order was rendered: If applicable, indicate the date of expiry of the last safeguard order: No safeguard order has been rendered, but one of the parties intends to file an application with the Court.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> no

PRELIMINARY APPLICATIONS	
6.	One of the parties intends to file a preliminary application. <input type="checkbox"/> Yes <input type="checkbox"/> No
7.	If yes, indicate: <input type="checkbox"/> the plaintiff or <input type="checkbox"/> the defendant intends to file an application for: <input type="checkbox"/> Referral to the competent court or dismissal (C.C.P., aa. 45, 167, 491; <i>Divorce Act</i> , s. 3) <input type="checkbox"/> Disclosure of documents (C.C.P., a. 169) <input type="checkbox"/> Case management measures (C.C.P., a. 169, 1st para.) <input type="checkbox"/> Other preliminary exception: <input type="checkbox"/> Other application in the course of the proceeding: <input type="checkbox"/> Provision for costs (C.C.P., a. 416)
8.	Deadline for filing the application (C.C.P., a. 166)

PROVISIONAL MEASURES	
9.	One of the parties intends to file an application for provisional measures. <input type="checkbox"/> Yes <input type="checkbox"/> No
10.	Deadline for filing the application

DEFENCE	
11.	<p>Under article 171, 2nd para. C.C.P., the defence is to be oral in all instances where the purpose of the proceeding is to obtain support or a right relating to the custody of a child.</p> <p>In other proceedings in family matters, the defence is also oral except that the defendant may file an application with the Court for authorization to file a written defence if the case presents a <u>high level</u> of complexity or if <u>special circumstances</u> warrant otherwise (C.C.P., a. 171, 1st para.). If these conditions are present, does the defendant intend to file such an application with the Court? (indicate the grounds)</p> <p>If yes, indicate the deadline for filing an application for authorization to file a written defence:</p> <p>In the absence of an application for authorization for a written defence, the defendant must state the grounds by oral defence (C.C.P., aa. 154 and 170, 2nd para.) (indicate the grounds):</p>

12.	The defendant intends to file a cross-application. <input type="checkbox"/> Yes <input type="checkbox"/> No
13.	Deadline for filing the cross-application
14.	Deadline for filing the defence to cross-application

ISSUES IN DISPUTE (C.C.P., a. 148)15. **According to plaintiff** (list the issues in dispute by checking the appropriate boxes):

- | | | |
|--|--|---|
| <input type="checkbox"/> Custody | <input type="checkbox"/> Parental authority | <input type="checkbox"/> Right of access |
| <input type="checkbox"/> Child support | <input type="checkbox"/> Income of other party | <input type="checkbox"/> Special expenses |
| <input type="checkbox"/> Arrears | <input type="checkbox"/> Income (children) | <input type="checkbox"/> Undue hardship |
| <input type="checkbox"/> Spousal support | <input type="checkbox"/> Lump sum | <input type="checkbox"/> Provision for costs |
| <input type="checkbox"/> Matrimonial regime | <input type="checkbox"/> Partition of the matrimonial regime | |
| <input type="checkbox"/> Partition of the family patrimony | <input type="checkbox"/> Compensatory allowance | <input type="checkbox"/> Compensatory payment |
| <input type="checkbox"/> International child abduction | <input type="checkbox"/> Contempt of court | |
| <input type="checkbox"/> Other: | | |

According to defendant (list the issues in dispute by checking the appropriate boxes):

- | | | |
|--|--|---|
| <input type="checkbox"/> Custody | <input type="checkbox"/> Parental authority | <input type="checkbox"/> Right of access |
| <input type="checkbox"/> Child support | <input type="checkbox"/> Income of other party | <input type="checkbox"/> Special expenses |
| <input type="checkbox"/> Arrears | <input type="checkbox"/> Income (children) | <input type="checkbox"/> Undue hardship |
| <input type="checkbox"/> Spousal support | <input type="checkbox"/> Lump sum | <input type="checkbox"/> Provision for costs |
| <input type="checkbox"/> Matrimonial regime | <input type="checkbox"/> Partition of the matrimonial regime | |
| <input type="checkbox"/> Partition of the family patrimony | <input type="checkbox"/> Compensatory allowance | <input type="checkbox"/> Compensatory payment |
| <input type="checkbox"/> International child abduction | <input type="checkbox"/> Contempt of court | |
| <input type="checkbox"/> Other: | | |

EXPERT OPINIONS16. **Joint expert opinion** (C.C.P., a. 232) Yes No

Nature of and need for joint expert opinion:

Reasons for refusing joint expert opinion (C.C.P., a. 148(4)):

Deadline for filing joint expert opinion:

17. **Joint application for a psychosocial assessment** (C.C.P., a. 425) (indicate the grounds): Yes No18. **Expert opinion for plaintiff** (C.C.P., aa. 231 to 245) (indicate nature and need) Yes No

Deadline for filing an expert opinion for plaintiff:

19. **Expert opinion for defendant** (C.C.P., aa. 231 to 245) (indicate nature and need) Yes No

Deadline for filing an expert opinion for defendant:

EXAMINATIONS	
20.	<p>The plaintiff wishes to examine the defendant outside the presence of the Court. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(C.C.P., aa. 148(3) and 221)</p> <p>Date: _____ Time: _____ Place: _____</p>
21.	<p>The defendant wishes to examine the plaintiff outside the presence of the Court. <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(C.C.P., aa. 148(3) and 221)</p> <p>Date: _____ Time: _____ Place: _____</p>
22.	<p>In order to avoid service of a subpoena, the parties agree that, in the 20 days preceding the examination outside the presence of the Court, the examining party will disclose in writing to the other party a detailed list of all the documents that must be in the possession of the party to be examined at the examination outside the presence of the Court.</p> <p>List the documents below if the parties are currently able to identify them (an appendix of all the documents may be enclosed with this protocol):</p> <p>_____</p> <p style="text-align: center;">Given name, surname Documents</p> <p>_____</p> <p style="text-align: center;">Given name, surname Documents</p>
23.	<p>Deadline for the disclosure of the undertakings made by the plaintiff during the examination outside the presence of the Court</p>
24.	<p>Deadline for the disclosure of the undertakings made by the defendant during the examination outside the presence of the Court</p>

EXHIBITS	
25.	<p>Deadline for filing all the exhibits and forms, including in particular, if applicable: marriage certificate, birth certificate, marriage contract, statement of income and expenses, child support determination form, family patrimony calculation form, partnership of acquests calculation form, a certificate under article 417 or 419 C.C.P. and a statement under article 444 C.C.P., as well as the other documents prescribed by regulation.</p> <p>Deadline for filing exhibits and forms for plaintiff: _____</p> <p>Deadline for filing exhibits and forms for defendant: _____</p>

OTHER	
26.	<p>Legal costs (C.C.P., aa. 148(1) and 339)</p> <ul style="list-style-type: none"> • Evaluation of legal costs for plaintiff (including expert opinions): \$ _____ • Evaluation of legal costs for defendant (including expert opinions): \$ _____

27.	<p>Application for designating a lawyer to represent the child <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, name of proposed lawyer: _____</p>
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N.B. Non-compliance with this protocol may constitute a breach punished under articles 341 and 342 C.C.P.

On _____

Mtre.
Counsel for

(given name, surname)
Plaintiff

On _____

Mtre.
Counsel for

(given name, surname)
Defendant