

EXPLANATORY NOTES

Application for custody/access rights/exercise of parental authority

(Article 37 (3) *Code of Civil Procedure*)

This form permits an applicant to address to the Court of Quebec, Youth Division, an application for custody, access rights and/or exercise of parental authority in view of obtaining a consequent judgment on these matters. This application can be presented before the Court of Quebec, Youth Division, if such relates to a pending youth protection application presented in virtue of the *Youth Protection Act*.

TYPES OF FORMS

. Dynamic PDF: (not yet available)

. Copy, complete and print: If you complete this form by hand, it must be written legibly and in block letters.

STEPS TO FOLLOW

The application must be accompanied by an affidavit sworn before a commissioner of oaths, a court clerk or any other person authorized to receive an oath.

You must communicate with the court office of Court of Quebec, Youth Division, of the concerned judicial district to open a court file and obtain the pertinent information to be inscribed in the « *notice of presentation* » section of the form.

Once completed, it is recommended to conserve a copy of the application for your personal use.

NOTIFICATION AND PRODUCTION OF THE APPLICATION

You must produce the signed application as well as a court copy, to the court office of the Court of Quebec, Youth Division, in the judicial district of presentation.

The application must be notified to the Defendant and other parties, either by court bailiff, by the party receiving copy on the application or by any other means authorized by the Court of Quebec, Youth Division, and this, **at least 10 ten days before the date of presentation**. Proof of service or of notification must be produced in the court file **at least 24 hours before the date of presentation**.

GENERAL INFORMATION

The application must contain the following information:

- 1) From the union of the parties was (were) born: full name and birthdate of each of the children (you must file in evidence of the original of their respective birth certificates);
- 2) If such is the case, the pertinent details as to the last Superior Court judgment rendered concerning the custody and access rights (you must file in evidence a certified copy of said judgment);
- 3) The nature of the pending proceeding presented in virtue of the *Youth Protection Act*, including the court case number as well as the measures of protection in place (provisional or final order);
- 4) The objective of the application and pertinent reasons justifying the conclusions sought.

Heading

Inscribe the name of the judicial district, of the locality and the court file number attributed by the court office.

Designation of the parties

Write the full name and address of each of the parties (parents, Director of Youth Protection).

Title of the proceeding

Specify the nature of your application (custody, access rights and/or exercise of parental authority).

Conclusions

Specify the conclusions sought, for example: GRANT the custody of the child to the (father or mother), ORDER the following access rights to the (father or mother) and detail these.

Appose your signature while indicating the place and date. Specify as indicated your full name and your position in the proceeding.

Affidavit

Indicate your name and full address. Sign the affidavit before a commissioner of oaths or a person able to attest a sworn declaration.

Notice of presentation

Indicate the first and last names as well as complete address of the parties to receive the notice. Further complete the notice with the date, time, and place of presentation of the application (including the specific courthouse with the address and the courtroom). You must date and sign the notice of presentation while adding your complete name in block letters and your position in the proceeding (applicant).

Reverse side/Back of proceeding

Inscribe the same information as on the heading with your full name and address at the bottom.

Parenting and mediation information session

In virtue of article 417 of the *Code of Civil Procedure*, any case in which the interests of the parties and their children are at stake in connection with child custody cannot proceed to trial unless the parties have jointly or separately participated in a parenting and medication information session. Are exempted the persons who have filed with the court office a certificate attesting that they have already participated in such an information session in connection with a prior dispute or confirming that they have gone to a victim assistance organization recognized by the Minister of Justice for help as a person who is victim of domestic violence. In any such case, the court, in the children's interests, may nonetheless order participation in such an information session.

In order to assist to a parenting and mediation information session, you must register your participation by calling the following number: **1 866 536-5140 (option 4)**.