Court File No:\_\_\_\_\_\_\_\_\_

**SUPREME COURT OF PRINCE EDWARD ISLAND**

***(FAMILY SECTION)***

BETWEEN

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

APPLICANT

AND

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

RESPONDENT

**PRE-APPLICATION CONFERENCE MEMORANDUM
(CHILD PROTECTION MATTERS)**

This pre-application conference memorandum is prepared on behalf of: *\_\_\_\_\_\_\_\_\_\_\_\_ (party)*.

**PART I – OVERVIEW**

State the nature of the application, the relief claimed and the theory of the party preparing the memorandum (include reference to the applicable sections of the *Child, Youth and Family Services Act*, R.S.P.E.I. 1988, c. C-6.01, including relevant timelines: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PART II – NOTICE/PLEADINGS/DOCUMENTS**

**A. INDIGENOUS GOVERNING BODY**

1. Has notice been given to the Indigenous governing body? Yes [ ]  No [ ]  N/A [ ]  If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. What is the anticipated scope of the role of the Indigenous governing body at the hearing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. Are there any issues related to the Indigenous governing body that should be addressed and if so, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**B. PLEADINGS**

 1. Are the pleadings complete? Yes [ ]  No [ ]

 2. Have the *Rules of Court* pertaining to the pleadings Yes [ ]  No [ ]
 been complied with?

 3. Are any amendments required? Yes [ ]  No [ ]

 4. If amendments are required, provide details and timeline: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **C. DOCUMENTS**

 1. Are there any outstanding production obligations? Yes [ ]  No [ ]

 2. If yes, details of outstanding productions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **D. CHILD(REN) LEGAL REPRESENTATION**

1. Is there legal counsel for the child(ren)? Yes [ ]  No [ ]

 2. If yes, what is the anticipated scope of the role of legal counsel for the child(ren)? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. Are there any issues related to the role of legal counsel for the child(ren) that should be addressed and if so, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PART III – ISSUES/PROOF**

 1. What are the legal issues to be determined at the hearing? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. What facts must the applicant prove? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. Are there any issues which place an onus of proof on the
 respondent(s)? Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 4. Could the determination of any issue(s) of law before the hearing have the effect of substantially disposing of the whole case? Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 5. List any relevant facts that are admitted: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 6. Will an agreed statement of facts be filed? Yes [ ]  No [ ]

 7. Will the court be asked to take judicial notice of any fact? Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 8. Identify any presumption(s) of law that will be relied on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 9. Will any affidavit evidence be tendered? Yes [ ]  No [ ]
 If yes, list names: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 10. Will cross-examination be sought? Yes [ ]  No [ ]
 If yes, list names: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 11. Will evidence of a party or other witness taken in any
 prior proceedings be tendered? Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 13. Will any business records be tendered? Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 If yes, has the appropriate notice been given? Yes [ ]  No [ ]

 14. List the documents to be introduced and opposite each state the purpose for introducing it: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PART IV – WITNESSES/EXPERTS**

**A. APPLICANT: NON-EXPERT WITNESSES**

 1. List the name of witness; nature of testimony (issue testimony relates to); and, estimated duration of testimony:

 a. Name of Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Nature of testimony (issue testimony relates to): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 b. Name of Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Nature of testimony (issue testimony relates to): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. Total estimated number of days for applicant’s non-expert witnesses:
 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**B. RESPONDENT: NON-EXPERT WITNESSES**

 1. List the name of witness; nature of testimony (issue testimony relates to); and, estimated duration of testimony:

 a. Name of Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Nature of testimony (issue testimony relates to): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 b. Name of Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Nature of testimony (issue testimony relates to): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. Total estimated number of days for respondent’s non-expert witnesses:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**C. APPLICANT: EXPERT WITNESSES**

 1. Are any experts being called? Yes [ ]  No [ ]

 2. If yes, list: name of expert; proposed field of expertise; issue testimony relates to; whether report has been provided to opposing party; and, estimated duration of testimony:

 a. Name of Expert: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Field of expertise: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Issue testimony relates to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iii) Has report been provided to opposing party and all
 required notices given? Yes [ ]  No [ ]
 If not, when will report be provided to opposing party? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iv) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 b. Name of Expert: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Field of expertise: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Issue testimony relates to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iii) Has report been provided to opposing party and all
 required notices given? Yes [ ]  No [ ]
 If not, when will report be provided to opposing party? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iv) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. Total estimated number of days for applicant’s expert witnesses: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**D.** **RESPONDENT: EXPERT WITNESSES** 1. Are any experts being called? Yes [ ]  No [ ]

 2. If yes, list: name of expert; proposed field of expertise; issue testimony relates to; whether report has been filed; and, estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 a. Name of Expert: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Field of expertise: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Issue testimony relates to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iii) Has report been provided to opposing party and all
 required notices given? Yes [ ]  No [ ]
 If not, when will report be provided to opposing party? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iv) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 b. Name of Expert: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 i) Field of expertise: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 ii) Issue testimony relates to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iii) Has report been provided to opposing party and all
 required notices given? Yes [ ]  No [ ]
 If not, when will report be provided to opposing party? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 iv) Estimated duration of testimony: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. Total estimated number of days for respondent’s expert witnesses: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **E. OTHER ISSUES RELATED TO EXPERTS** 1. Should *voir dires* related to experts be heard in advance of
 the hearing? Yes [ ]  No [ ]

2. Address any additional issues related to experts (i.e. status of report; status of curriculum vitae; scope of proposed expertise; potential consent of opposing party on qualifications
 or scope of expertise): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. Should the court consider appointing its own expert? Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PART V – OTHER PRE-HEARING MATTERS/FILINGS**

**A. PRE-HEARING MOTIONS**

 1. Are any pre-hearing motions anticipated? Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. Are any other steps required before the hearing? Yes [ ]  No [ ]
 If yes, provide details and anticipated timeline: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. Are there any evidentiary or other hearing related matters, and if so, provide details:
 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**B. ADDITIONAL FILINGS**

 1. List the experts’ reports, business records, or other documents that will be filed prior to the hearing in order that the hearing judge may view those reports, records or documents: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. If such reports, records or other documents will not be filed prior to the hearing, indicate reason: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. When will pre-hearing briefs be filed? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PART VI – OTHER HEARING RELATED MATTERS**

**A. ACCOMMODATIONS**

 Are any accommodations required for counsel or witnesses (for example, related to mobility or hearing)? Yes [ ]  No [ ]  If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**B. INTERPRETERS**

 Are interpreters required? Yes [ ]  No [ ]  If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**C. IT/RELATED**

 1. Are there any IT/related needs (i.e. related to video evidence)? Yes [ ]  No [ ]  If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. Are there any requests for counsel or witnesses to
 participate virtually? Yes [ ]  No [ ]
 If yes, list names and reason for request:

 a. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 b. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 c. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
 d. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**D. EAGLE FEATHER OR HOLY BOOK**

 1. Will any witnesses be requesting to affirm with the
 Eagle Feather? Yes [ ]  No [ ]
 If yes, list names:

* 1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Will any witnesses be requesting to swear on a holy book
 other than a Christian Bible? Yes [ ]  No [ ]
 If yes, provide name of witness and requested holy book:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**E. OTHER**

 Are there any additional matters that should be addressed at the

 pre-application conference?:Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VII – RELIEF/AUTHORITIES**

**A. RELIEF**

1. What relief is requested? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. Provide details of the Director’s proposed plan of care: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. Will any alternative plan of care be proposed? Yes [ ]  No [ ]
 If yes, what is the anticipated timeline? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**B. AUTHORITIES**

 1. What statutory provisions apply to the case? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 2. List the main authorities on which you intend to rely and indicate which issue they relate to: (Attach photocopies of any cases you cite, other than cases listed in any Common List of Authorities addressed in the Practice Directions): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**VIII – HEARING STATUS**

 1. Is the matter ready for the hearing? Yes [ ]  No [ ]

 2. If not, what additional steps are required: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 3. When will you be ready for the hearing? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 4. Are there any times at which the hearing cannot proceed because of the unavailability of witnesses or for other good reasons: Yes [ ]  No [ ]
 If yes, provide details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 5. Number of days to present the party’s case: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 6. What is the party’s estimate of the total length of the hearing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
|  |  |  |
| *(Date)* |  | *(Name, address, email address and telephone number of lawyer or party)* |

TO: *(Identify opposing party)*

Updated to June 11, 2025/hm