



NOTICE TO MEMBERS OF THE LAW SOCIETY

Date: May 14, 2020
From: Krista J. MacKay, Q.C., Prothonotary/Registrar
Re: Director of Child Protection matters

Given the current restrictions under which the court continues to operate, it is essential to streamline matters wherever possible. In an effort to make the best use of time at Pre-trial Conferences in Director of Child Protection ("DCP") matters, and to provide for efficient scheduling of DCP trials in the upcoming months, the court has determined that until further notice, the filing of the attached modified Form 50A will be required by the parties prior to all DCP Pre-trial conferences. Time lines for filing this document will be as set out in Rule 50.

Any questions regarding this may be directed to my attention.

Krista J. MacKay, Q.C.

Prothonotary and Registrar of the Court of Appeal
and Supreme Court

FORM 50A (MODIFIED)
PRE-APPLICATION CONFERENCE MEMORANDUM
FOR DIRECTOR OF CHILD PROTECTION
MATTERS

(General heading)

(Cause no.)

(Date)

PRE-APPLICATION CONFERENCE MEMORANDUM
FOR DIRECTOR OF CHILD PROTECTION
MATTERS

This pre-application conference memorandum is prepared on behalf of the (party):

PART I

STATE THE NATURE OF THE ACTION, THE RELIEF CLAIMED AND THE THEORY OF THE PARTY PREPARING THE MEMORANDUM:

(include reference to applicable sections of the Child Protection Act, and any relevant time lines)

PART II

PLEADINGS:

1. Are the pleadings complete? _____
2. Are any amendments required? _____
3. Are any preliminary motions being contemplated? Please explain. _____
4. Are productions complete? _____
5. When will you be ready for the hearing? _____
6. Please indicate if there are any times when the case cannot proceed because of the availability of witnesses or for other good reasons. _____
7. How long should the hearing last? _____
8. Are there any Rules of Court which you or other parties have not complied with? Please explain. _____

PART III

ISSUES:

1. What are the legal issues to be determined?
2. What facts must the applicant prove?
3. Are there any issues which place the onus of proof on the respondent? If so, please identify.

PART IV

PROOF:

1. Please list any relevant facts that are admitted.
2. Please identify any fact of which the court will be asked to take judicial notice.
3. Will any affidavit evidence be tendered?
4. Will cross-examination be sought?

5. Will an agreed statement of facts be filed?
6. Will any business records be tendered and has the appropriate notice been given?
7. Please list the documents to be introduced and opposite each, state the purpose for introducing it.
8. What evidentiary problems, if any, do you foresee?
9. Please list the name of each non-expert witness you plan to call and opposite the name, briefly indicate the nature of the witness' testimony. *(Leave of the court will be required to call witnesses not identified. The court may also fix deadlines for serving and filing Summonses to Witness).*
10. Please list the name of each non-expert witness for whom you intend to rely exclusively upon affidavit evidence. Will cross-examination be sought by the opposing party?
11. Please list the name of each expert witness you plan to call and opposite the name, list the witness' field of expertise and the issue on which the expert will be testifying. Indicate whether or not expert reports have been filed and all required notices given.

PART V

RELIEF:

1. Please provide the details of the Director's proposed plan of care.
2. Will any alternative plan of care be proposed? What is the anticipated time line for this?

PART VI

AUTHORITIES:

1. What statutory provisions apply to this case?
2. Please list the main authorities on which you intend to rely and indicate which issues they relate to. *(It is not necessary to cite authorities for the well-known basic legal concepts. It is only necessary to cite authorities that have peculiar reference to this case).*

(Date)

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

TO: *(Identify party)*