

How to Make an Emergency Interim Application

Instructions

You can make an **Emergency Interim Application (Form F17.03A)** if your family law issue requires urgent attention. This application can be made at any time, but you can ONLY make this applicant in a true emergency.

When You Can Make an Emergency Interim Application

You can ONLY make an Emergency Interim Application if at least one of these situations applies to you:

- There is an immediate danger of a child's removal from the jurisdiction;
- There is an immediate danger to the physical, emotional or psychological safety and security of a child or another person; or
- Not granting an order would have immediate and irreversible consequences;

AND a judge is satisfied that notice to the other person is NOT required for one of the following reasons:

- The delay caused by providing notice would (or might) cause serious harm to you or your child(ren);
- There is urgency for another reason; or
- The circumstances make notice unnecessary.

Completing Your Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire form. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Application

You must file your completed and signed Emergency Interim Application with the Court (including any additional documents). To file the Emergency Interim Application, you must bring it to the Supreme Court location where your file is or you can mail it to that location (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html

Serving Your Application

You do not need to give a copy of this application to the other person (unless the Court orders otherwise). However, if your Emergency Interim order is granted, the Court will contact you with a hearing date within 7 days. You will need to give a copy of the application (with the hearing date), the Instructions on "How to Respond to an Emergency Interim Application" and a copy of the order to the other person immediately by *personal service*. This means that an adult (who is not you) must hand-deliver the documents to the other person.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get professional legal advice ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THE APPLICATION ---

How to Respond to an Emergency Interim Application Instructions

You have been served with an Emergency Interim Order.

This means that the other person in your family law proceeding has asked the Court to grant an emergency interim order and this order was granted by the Court.

Read the attached Court Order (or Endorsement) and the Emergency Interim Application carefully.

If you want to oppose the Order (or Endorsement), you must file ONE affidavit in response. You can find an Affidavit template form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

Your affidavit should set out your position on the issues in the Emergency Interim Application and any important details or information.

You must give a copy of your Affidavit to the other person **at least 2 days before** the hearing date indicated on the front page of the Emergency Interim Application.

If you do not respond or do not appear at the scheduled court hearing, the Court may proceed and make another Order (or Endorsement) without hearing from you.

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

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Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or (709) 722-2643

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form (F17.03A): Emergency Interim Application – For a Temporary Order (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY
COURT FILE NO: _____
CENTRAL DIVORCE REGISTRY NO: _____
Filed at _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____ NOT APPLICABLE
(Print full name) SECOND APPLICANT
 SECOND RESPONDENT

FOR COURT USE ONLY
HEARING DATE
The hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:
Location: Supreme Court in _____, Newfoundland and Labrador
Address: _____
Date: _____
Time: _____ am / pm

I, _____, the Applicant Respondent Other:
 (Print Name)

am seeking an emergency interim order without notice to any other party.

Part A Basis of request

In order to make an Emergency Interim Application, you must be able check AT LEAST ONE of the requirements below:

- There is an immediate danger of a child's removal from the jurisdiction
- There is an immediate danger to the physical, emotional or psychological safety and security of a child or another person
- There would be immediate and irreversible consequences if the order is not granted

In order to make an Emergency Interim Application, you must also be able check AT LEAST ONE of the requirements below:

- The delay in giving notice would or may impose serious harm or prejudice on you or your child(ren).
- There is a degree of urgency or another reason that makes it inappropriate to give notice.
- The circumstances of the case make notice to the other party unnecessary.
- A statute permits (*indicate the title and section of the statute*): _____

Part B Emergency order sought

Fill in the details of the emergency order that you are seeking:

Part C **Reasons for seeking emergency order (Affidavit)**

Fill in the facts and reasons why you are seeking an emergency order:

[Empty box for providing facts and reasons for seeking an emergency order]

Part D Steps to minimize prejudice

What have you done (and/or what will you do) so that the other party will not be disadvantaged by not being immediately notified of this application?

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Emergency Interim Application and any attachments is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information in this Emergency Interim Application are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.

Signature

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)