

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 application in a true emergency and if there is an **Originating Application (Form 4.03A)** or an **Originating Application for Variation (Form F5.05A)** before the Court.

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 <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (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: <https://www.court.nl.ca/supreme/schedule-of-fees/>.

You must also file: 1) a draft **Order** along with 1 extra copy of that Order. You can get an Order form from any Supreme Court location or online: <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

The Order form for this application is titled **Order (Family Law)**, and on Page 1, you can select **Emergency Temporary Order**.

Serving Your Application and Directions on the Proceeding

You do not need to serve a copy of this application on the other person(s) (unless the Court orders otherwise). However, if your Emergency Interim Order is granted, the Court will schedule a date for the application, to be heard within 7 days of the date the order was made. If the Court provides a hearing date on Page 1, you will need to serve 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 on the other person(s) immediately by *personal service*. This means that an adult (who is not you) must hand-deliver the documents to the other person(s). Read any Court Order (or Endorsement) that you receive from the Court after filing this application carefully, as it will provide directions with respect to the proceeding and any future court dates that are not listed on Page 1. You must follow all directions given in any Court Order (or Endorsement) that you receive from the Court after filing this application.

More Information

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> 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 Application.

This means that the other person(s) in your family law proceeding asked the Court to grant an Emergency Interim Order. If the Court granted an Emergency Interim Order, a hearing date will be listed on Page 1 of the Emergency Interim Application. If you want to oppose the Emergency Interim Application, 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/rules-practice-notes-and-forms/family/general/

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

You must serve a copy of your Affidavit on the other person(s) **at least 2 days before** the hearing date listed on the first page of the Emergency Interim Application. If an Emergency Interim Order is not granted, action may be required by you.

Read any attached Court Order (or Endorsement) and the Emergency Interim Application carefully. A Court Order (or Endorsement) will provide directions with respect to the proceeding. If there is no notice of hearing completed by the Court on the first page of the Emergency Interim Application, please read any attached Court Order (or Endorsement) to see if there are any further court dates set. You must follow all directions given in any attached Court Order (or Endorsement).

If you do not respond as directed or do not appear at a 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

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 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:

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)