

**12.1: Protective supervision****44.1: Letter format****50.1: Abusive proceedings****Chapter XIII****70: Purpose****71: Consent****72: Authorization****73: Stay of proceedings****74: Procedure****75: Agreement of transaction****76: Confidentiality****77: Pre-trial conference****78: Adjournment**

(b) the indication that Rule 48 and Form IV have been repealed.

7. These Rules come into force ten days after their publication in the *Gazette officielle du Québec*.

4473

### **Amendments to the Rules of practice of the Superior Court of Québec in family matters**

Notice is hereby given that the Rules to amend the Rules of practice of the Superior Court of Québec in family matters, the text of which appears below, were made by the judges of the Superior Court of Québec by way of a consultation by mail, on June 14, 2001, in accordance with article 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Montréal, July 13, 2001

LYSE LEMIEUX,  
*Chief Justice*

### **Rules amending the Rules of practice of the Superior Court in family matters**

Code of Civil Procedure  
(R.S.Q., c. C-25, s. 47)

1. The following rule is added after Rule 41:

“**41.1** Extract of judgment. Upon request, the Clerk may issue an extract of a judgment that is limited to the conclusions.

2. Form VIII is amended by the replacement of the words:

“WHEREFORE:

The Court renders a judgment of divorce between”

by the words:

“WHEREFORE THE COURT:  
Pronounces the divorce of”.

3. The Table of Contents is amended by the addition in the required place of a new rule, that is:

#### **41.1 Extract of judgment**

4. These rules come into force ten days after their publication in the *Gazette officielle du Québec*.

4475

### **Amendments to the Rules of Practice of the Superior Court of the district of Québec in civil matters and family matters**

Notice is hereby given that the Rules to amend the Rules of Practice of the Superior Court for the district of Québec in civil matters, the text of which appears below, were established by the judges of the Superior Court appointed for the district of Québec, at their annual meeting on June 1<sup>st</sup>, 2001, in accordance with section 47 of the Code of Civil Procedure (R.S.Q., c. C-25).

Québec, 26 July 2001

RENÉ W. DIONNE,  
*Associate Chief Justice*

## Amendments to the Rules of practice of the Superior Court of the district of Québec in civil matters and family matters

Code of Civil Procedure  
(R.S.Q., c. C-25, a. 47)

1. The Rules of Practice of the Superior Court for the district of Québec in civil matters are rescinded and the following Rules are established:

### Rules of Practice<sup>1</sup> of the Superior Court for the district of Québec in civil matters

#### DIVISION I AT THE OFFICE OF THE COURT

**1. Confidential exhibit.** The party who wishes that be kept confidential a medical report or any report prepared by a physician, a psychologist or a social worker shall file the same with the Office of the Court in a sealed envelope, identified like the backing of a proceeding, and marked "Confidential" (3 *R.p.S.c.*).

#### DIVISION II IN THE PRACTICE DIVISION

**2. Evidence out of Court.** A Judge who authorizes that a witness be heard out of Court under 196 *C.c.p.* must keep the matter before him.

#### 3. Joinder of actions

**3.1 Service.** All motions for joinder of actions made under section 270 and 271 of the Code of Civil Procedure shall be served on all the parties named in each action.

**3.2 Consolidated certificate.** The Clerk who joins actions shall issue one consolidated certificate of readiness for all the cases; he may ask each party for a new declaration (Form II, paragraph 4) on the estimated duration of the joined cases.

#### 4. Administrative Division

**4.1** A lengthy Practice Division matter which cannot be heard on the day of its presentation because of the state of the roll, may be referred by the Judge to the roll of the Administrative Division.

The roll of the Administrative Division is kept by the Office of the Chief Justice, where one must obtain a set date of hearing when the case is ready to proceed.

#### DIVISION III FAMILY DIVISION

**5. Instructions.** The procedure in the Family Division is established by written instructions from the Chief Justice; copies of same are available at the Office of the Court.

#### 6. Date of hearing

**6.1** Before completing the notice of presentation of a motion or an inscription by default or *ex parte*, the party must obtain from the Office of the Court, a date for hearing in the Practice Division (193 *C.c.p.*).

**6.2** The party who files a joint demand must immediately require the Office of the Court to set a date for hearing (814.1 *C.c.p.*).

**7. Proof by means of affidavit.** If the proof is made by means of affidavits, a Judge may dispose without hearing of the joint demands and the cases by default and *ex parte* (38 *C.c.p.*) (25, Divorce Act).

#### DIVISION IV PROOF AND HEARING

**8.** A hearing which has begun shall be terminated without delay (288 *C.c.p.*).

**9. Judgment at the hearing.** When a Judge renders a judgment in open court, any request for transcription of recording or translation of stenographic notes shall be presented to the same Judge.

#### 10. Lengthy cases (275, 276 *C.c.p.*)

**10.1** A lengthy case is one where the estimated duration of the hearing as per the Certificate of Readiness is more than five days.

**10.2** The Chief Justice designates a Judge responsible for all lengthy cases for all the districts of the Division.

**10.3** The Judge responsible for a district countersigns the Certificate of Readiness issued by the Clerk, after checking the duration, and the file is then forwarded to the Judge responsible for lengthy cases.

<sup>1</sup> Adopted in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure of Québec.

**10.4** Once the Certificate of Readiness is issued, copy of any incidental demand shall be reported to the Judge in charge of lengthy cases until the case has been referred to a Judge for proof and hearing, after which, notification shall be given to that Judge who may decide to keep the proceeding before him.

#### **DIVISION V** **BEFORE THE CHIEF JUSTICE**

**11. Jurisdiction.** The following motions shall be made before the Chief Justice: for adjournment made prior to the beginning of the trial, for preferential hearing and for joinder of actions if either case is already inscribed on a roll for hearing.

**12. Hearings.** Hearings before the Chief Justice are held in his chambers twice a week, on Wednesdays and Fridays, between 10 h and 12 h a.m., but on Wednesdays only during the judicial vacation: if a matter is urgent, one may request a hearing at any time.

#### **DIVISION VI** **CASE MANAGEMENT**

**13. Forclusion in accordance with Rule 15.** A party who omits to file her declaration of inscription on the roll for hearing may be summoned before the Court to remedy the situation.

**14. Inactive files.** If a case remains inactive for a long period of time, a Judge may summon the parties before him and, after discussion, make the appropriate orders to remedy the situation.

**2.** These Rules come into force ten days after their publication in the *Gazette officielle du Québec*.