

**APPLICATION FOR AN ORDER WITHOUT NOTICE
TO THE RESPONDENT CHECKLIST
(Ex Parte)**

APPLICANT

Name _____
Address _____
Telephone _____
D.O.B. _____

RESPONDENT

Name _____
Address _____
Telephone _____
D.O.B. _____

I require interpretation in the _____ language
I have obtained legal advice about this application? _____ Yes _____ No
I have spoken to Family Duty Counsel? _____ Yes _____ No

What is your relationship to the Respondent?

____ Married Date of Marriage _____ Date of Separation _____
____ Common Law Cohabitation start _____ Date of Separation _____
____ Other _____

Why do you need an Order against the Respondent?

____ Fear of injury to yourself ____ Fear of injury to children in your care ____ Fear of injury to others

Is it urgent that an Order be granted without notice to the Respondent? ____ Yes ____ No

If so, why? _____

Have you reported your concerns to the police? ____ Yes ____ No. If yes, what action have they taken?

Have you reported your concerns to a social worker (MCFD)? ____ Yes ____ No If yes, what action have they taken?

If service of this application is required how will the Respondent be served with notice of this application?

____ At home ____ At work ____ With friends ____ With family ____ Other

Address for service: _____

If service cannot be done, why? _____

Telephone Number the Respondent is at right now? _____

Does the Respondent suffer from any mental health or substance abuse issues? ____ Yes ____ No

Do you suffer from any mental health or substance abuse issues? ____ Yes ____ No

Are there any criminal charges or complaints against the Respondent? ____ Yes ____ No

Are there any criminal charges or complaints against you? ____ Yes ____ No

If yes, are there any criminal Court Orders preventing contact between you and the Respondent? Please provide details

Have any other Court proceedings between you and the Respondent been commenced? ____ Yes ____ No

If yes, in which Court, what location and when? Please provide details _____

Is there any property shared with the Respondent? ____ Yes ____ No

If yes, who is entitled to occupy the property? _____

____ Owned ____ Rented

Are there any children affected by this application? _____ Yes _____ No

Have there been any Court Orders or Written Agreements made respecting the children? _____ Yes _____ No

Name of child(ren)	Date of Birth	Details of Court Order or Agreement
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Has the Respondent Threatened to leave your community with the children? _____ Yes _____ No

Sign Your Name : _____ Date: _____

**Notice to Applicant
Regarding a Without Notice Family Application
In the Provincial Court of British Columbia**

An application for an order without notice to the person who will be affected by the order (Without Notice Application) is an exceptional procedure. Normally a Judge must hear from both sides before making a decision.

The Application, Notice of Motion and Affidavit you filed may be reviewed by a Judge in their Office and based on that review the Judge may accept or reject the Application being heard without notice to the other person. In order to assist the Judge in making an appropriate decision you should complete the attached document and the documents you have filed in a truthful and complete manner including information that might not be advantageous to your case.

In the case of urgency, and where it is not reasonable to give the other person notice of the Application Judge may hear your application without the other person who will be affected by the order being present. In these circumstances if an order is made, the Judge will direct that the person against whom the order is made is served with the order and may appear in court within a short period of time to provide evidence why the order should not have been made in the first instance. The Judge may also direct the clerk to telephone the other party while you are in court prior to making any order.

In the event the Judge refuses to allow the Application to be heard without notice to the other person they may direct the manner in which the Application can be brought before the Court on short notice and how you might go about serving the other person with the Application.

Please sign your name and the date below indicating that you understand the processes that may be followed by the Judge.

Sign Your Name Date

JUDGE TO COMPLETE

___ APPLICATION ___ NOTICE OF MOTION ___ AFFIDAVIT

EX PARTE ___ APPROVED ___ REFUSED

SHORT LEAVE ___ APPROVED ___ REFUSED

COMMENTS / DIRECTIONS / ORDERS

Judge's Signature Date