**Form 60A.10**

20 No.

Supreme Court of Nova Scotia

(Family Division)

Between: [copy standard heading]

[name] Applicant

and

[name] Respondent

**Notice to Band**

**TAKE NOTICE: Sharing identifying information, including copies of documents, from this proceeding verbally, in writing or through the internet, including Facebook, Snapchat, Instagram or any other social media, is an offence** **pursuant to section 94(1) of the *Children and Family Services Act*,punishable by a fine of up to $10,000 and imprisonment for 2 years.**

**To:** [name of band council member]

**The applicant requests a child protection order that a child is in need of protective services** The applicant is applying to the Supreme Court (Family Division) for an order determining that the child [name, birth date and sex] is in need of protective services under the *Children and Family Services Act*.

The applicant started this application by filing a Notice of Application on the date certified by the prothonotary.

**Grounds for the order**

The applicant is applying for the order on the following grounds:

1 [refer to section(s) in subsection 22(2) of the *Act*] ;

2 ;

3 .

**Notice of interim hearing**

At [*a.m.*/*p.m.*] on [date] , 20 , an interim hearing will take place before a judge in Chambers at the Courthouse, [insert address] , Nova Scotia to hear a motion for an order [custodial term of interim order requested only] . The judge may grant the interim order in your absence if you or your counsel do not attend.

[or]

**Notice of disposition or review hearing**

At [*a.m.*/*p.m.*] on [date] , 20 , a disposition/review hearing will take place before a judge in Chambers at the Courthouse,  [insert address] , Nova Scotia to hear a motion for an order [custodial term of order requested only] . The judge may grant the disposition/review order in your absence if you or your counsel do not attend.

**You may participate**

Pursuant to section 36(4A) of the *Children and Family Services Act*, the band may participate in every hearing. Section 36(4A) of the *Children and Family Services Act* provides:

**36(4A)** Where the child who is the subject of a proceeding is or is entitled to be a Mi’kmaq child,

(a) at an interim hearing;

(b) at a disposition hearing;

(c) on a hearing to review a disposition order pursuant to section 46; or

(d) on an application to terminate, or vary access under, an order for permanent care and custody pursuant to section 48, the child’s band, if known,

(e) is entitled to the same notice of the proceeding as a party, which notice may be served upon any member of the band council;

(f) may have a designate present at the hearing;

(g) may be represented by counsel; and

(h) may make submissions to the court, but shall take no further part in the hearing without leave of the court.

You are entitled to notice of further steps in the proceeding, unless a judge orders otherwise.

**Agency contact person**

The social worker for the Mi’kmaw Family and Children’s Services/the Minister of Community Services is [name] of the [office, with address] who may be contacted at [telephone number(s)] .

**Notice of band’s intentions**

You must advise the court and the parties of the band’s interest in the proceeding by way of the notice of band’s intentions, a copy of which is attached to this notice. This document should be filed with the court and provided to all parties to the proceeding.

**Possible interim or final order against you**

The judge may grant an interim or final order without further notice to you if you or your counsel do not appear at the time, date, and place for any hearing.

**Counsel**

You may retain and instruct counsel to represent you at the hearing.

**Filing and delivering documents**

Any documents you file with the court must be filed at the office of the Supreme Court of Nova Scotia (Family Division), [insert address][telephone number(s)] .

The *Nova Scotia Civil Procedure Rules* require that whenever you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Documents you deliver to the applicant may be delivered to the applicant’s designated address shown in the contact information for applicant on this notice, and documents delivered there are considered received by the applicant on delivery.

**Contact information**

The applicant designates the following address:

Further contact information is available from the prothonotary.

**Signature**

Signed [date] , 20

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of applicant

Print name:

[or]

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of counsel

[name] as counsel for [name]