

## EXPLANATORY NOTES

### APPLICATION FOR REVIEW (ss. 74.2 and 95 of the Youth Protection Act) (SJ-174A)

The *Application for Review* form is used to apply for the review of an order or decision rendered by the Director of Youth Protection, the executive director of an institution providing foster care to the child, or the Court.

For further information, as well as the contact information for courthouses in the province of Québec, consult the [list of courthouses](#) on the website of the ministère de la Justice.

#### TYPES OF FORMS

This form is available in dynamic PDF format, meaning the form can be downloaded from [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca) and completed directly on screen.

- Dynamic PDF:

After completing the form, you must print it on letter-sized paper, i.e. 8.5 inches by 11 inches (215.9 mm by 279.4 mm). Be sure to set your printer to this paper size.

- Paper:

If you complete the form by hand, please write legibly in block letters.

#### PROCEDURE

Once the form is completed, keep a copy for your files. The form must be sworn, either before a commissioner for oaths, by the clerk of the appropriate court, or by any other person authorized to administer the oath.

You can contact the clerk of the appropriate court to find out the date, time and place where your application may be submitted in order to complete the *Notice of Presentation* section of this form.

The application for review must be notified at least 10 days, but no more than 60 days, before the date set for the hearing in the notice of presentation. It must be notified to each of the following persons and bodies, in the manner indicated:

- to the child's parents, to the child, if he or she is 14 years of age or over, and to any person who has been granted the status of party. In that case, notification must be made by a bailiff personally or by registered mail provided receipt is attested to by the addressee.
- to the attorneys of the parents, the child and any person who has been granted the status of party, to the Director of Youth Protection, to the Commission des droits de la personne et des droits de la jeunesse **if** the application raises an encroachment of rights, and to the Public Curator, in tutorship or emancipation matters. In that case, notification must be made by any appropriate method that makes it possible to prove that the document was remitted to its recipient (for example, by bailiff or by registered mail).

You must then go to the courthouse to file your application for review. Any applicable court costs are payable on filing. To find out what the costs are, consult the website of the ministère de la Justice at [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca).

**APPLICATION FOR REVIEW**  
(ss. 74.2 and 95 of Youth Protection Act)

Given name and family name of child	Date of birth Year      Month      Day
Address	
Given name and family name of father	
Address	
Given name and family name of mother	
Address	

I, \_\_\_\_\_, ask the intervention of the Court of Québec, Youth Division, for the following reasons:

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**THEREFORE, THE PLAINTIFF ASKS THE COURT TO:**

- REVIEW the decision of the Director of Youth Protection to the effect that the security or development of the child is in danger (s. 74.2(a)).
- REVIEW the decision of the Director of Youth Protection to the effect that the security or development of the child is not in danger (s. 74.2(a)).
- REVIEW the decision of the Director of Youth Protection as to the directing of the child (s. 74.2(b)).
- REVIEW the decision to prolong the period of a voluntary measure entrusting the child to an alternative environment (s. 74.2(c)).
- REVIEW the decision not to prolong the period of a voluntary measure entrusting the child to an alternative environment (s. 74.2(c)).
- REVIEW the decision of the Director of Youth Protection further to a review of the child's situation (s. 74.2(d)).
- REVIEW the decision of the executive director of the institution operating the rehabilitation centre or the hospital centre to forbid contact with \_\_\_\_\_ (s. 9).
- REVIEW the decision of the executive director of the institution operating the rehabilitation centre to proceed with placement in an intensive supervision unit (s. 11.1.1).

REVIEW the decision of the executive director of the institution operating the rehabilitation centre to implement a measure intended to prevent the child from leaving the facilities maintained by the institution (s. 11.1.2).

REVIEW the decision or order of the court rendered on \_\_\_\_\_ (s. 95).

At \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

### SWORN STATEMENT

I, the undersigned, \_\_\_\_\_

domiciled at (address and postal code) \_\_\_\_\_

declare the following under oath:

1. I am the Plaintiff.

2.  The child concerned by this proceeding is not the subject of a motion, action, or judgment of the Court of Québec or another court, or an agreement with a director of youth protection.

The child concerned by this proceeding is the subject of:

a) an agreement with the Director of Youth Protection or a decision of the Court of Québec, Youth Division under the Youth Protection Act, the details of which are set out in proceeding;

b) a decision of the Court of Québec, Youth Division, under the *Youth Criminal Justice Act*, the details of which are set out in the proceeding;

c) a judgment of the Superior Court, the details of which are set out in the proceeding;

d) an adoption proceeding or judgment, the details of which are set in the proceeding.

3. I certify that the facts alleged in the application are true.

And I have signed

\_\_\_\_\_  
Plaintiff

Sworn before me

At \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Person authorized to receive the oath

**NOTICE OF PRESENTATION**

To: Director of Youth Protection

To: \_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

To: \_\_\_\_\_

To: \_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_  
\_\_\_\_\_

TAKE NOTICE that this application will be presented before the Youth Division of the Court of Québec of the district of \_\_\_\_\_ at the courthouse in \_\_\_\_\_, room \_\_\_\_\_, on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Please act accordingly.

At \_\_\_\_\_, on \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

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**COURT OF QUÉBEC**  
Youth Division

District: \_\_\_\_\_

Locality: \_\_\_\_\_

File No.: \_\_\_\_\_

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Name of child

Plaintiff

**APPLICATION FOR REVIEW**  
(ss. 74.2 and 95 Y.P.A.)

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