

CANADA
PROVINCE OF SASKATCHEWAN

IN THE QUEEN'S BENCH
FAMILY LAW DIVISION
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

[REDACTED]

PETITIONER

AND:

[REDACTED]

RESPONDENT

AND:

**THE MINISTER OF COMMUNITY RESOURCES
FOR SASKATCHEWAN**

RESPONDENT

AND:

SASKATOON REGIONAL HEALTH AUTHORITY

RESPONDENT

AMENDED NOTICE OF MOTION

TAKE NOTICE that an application will be made to the presiding judge in chambers at the court house in Saskatoon, Saskatchewan, located at 9th Floor 224 4th Avenue South Saskatoon, Saskatchewan, at 10 o'clock in the forenoon on the 15th day of September, 2006, or so soon thereafter as the matter may be heard on behalf of the Petitioner for an order:

1. Pursuant to section 43 of *The Children's Law Act* for Saskatchewan that the Petitioner be declared the natural father of the child, namely, Baby Doe, born [REDACTED]
[REDACTED]
2. ~~Pursuant to section 48 of *The Children's Law Act* for Saskatchewan that blood or other genetic testing of the Petitioner, Respondent and the child be obtained forthwith and the results submitted into evidence;~~

[REDACTED]

3. Pursuant to section 6 of *The Children's Law Act* for Saskatchewan that the Petitioner have interim sole custody of the child;
4. Pursuant to section 25 of *The Children's Law Act, 1997*, an interim order preventing the individual Respondent(s) from removing the said child from the Province of Saskatchewan without the written consent of the Petitioner or further order of this Honourable Court;
5. That both Respondents, namely The Minister of Community Resources for Saskatchewan, and the Saskatchewan Regional Health Authority, inform the Petitioner pursuant to section 6 of *The Children's Law Act* for Saskatchewan, that the Petitioner, as a parent of said child, or alternatively, as a person of sufficient interest, of the following:
 - a) The name of the child;
 - b) The identity and contact information of the child's present caregivers;
 - c) The identity and contact information of the individual(s) into whose care the child was discharged from Royal University Hospital in Saskatoon; and
 - d) Access to any and all information concerning said child from both Respondents named in this paragraph to which a parent or person of sufficient interest pursuant to said *Act* would be entitled.
6. The current care-givers of the child, Baby Doe, be added as third party Respondents to these proceedings, pursuant to *Queen's Bench Rules* 38(1) and 585(2);
7. The Petitioner be permitted to serve and file a Notice of Third Party Claim on the proposed third parties, [REDACTED] and [REDACTED] and on the Respondents, [REDACTED]. The Minister of Community Resources for Saskatchewan and the Saskatoon Regional Health Authority, pursuant to *Queen's Bench Rules* 107A;

[REDACTED]

8. Leave to amend the Petition and/or other of the Petitioner's pleadings as may be necessary to procedurally accommodate the third party relief;
9. An order for the abridgment of time if necessary for the service and filing of the within motion pursuant to Queen's Bench Rules 534(1).
10. Costs of this application;
11. Such further and other relief as this Honourable Court may deem just.

ON THE FOLLOWING GROUNDS:

1. The Petitioner is the natural father of the child.
2. As outlined in the Affidavit of the Petitioner, it is in the best interests of the child that it benefit from the paternal care and resources of the Petitioner.
3. The identity and circumstances of the child are unknown to the Petitioner, which is information necessary to determine the Petitioner's prospective custodial and/ or access rights.
4. The addition of the child's current caregivers, [REDACTED] and [REDACTED] as Respondents to this action by way of third party proceedings is necessary to do justice to the issue(s) raised in the action and outstanding motion brought on behalf of the Petitioner, [REDACTED]

AND FURTHER TAKE NOTICE that in support of this application will be read the following:

1. Amended Notice of Motion, with proof of service;
 2. Supplemental Affidavit of [REDACTED]
 3. Affidavit of [REDACTED]
 4. Draft Notice of Third Party Claim with proof of service;
 5. Pleading and proceedings had and taken herein; and
- [REDACTED]

6. Such further and other material as this Honourable Court may allow.

AND FURTHER TAKE NOTICE if you wish to oppose the motion, you or your lawyer must prepare an affidavit in response, serve a copy at the address for service given at the end of this document, and file it in the court office, with proof of service, at least 7 days before the date set for hearing the motion. You or your lawyer must also come to court for the hearing of the motion on the date set.

AND FURTHER TAKE NOTICE that whether or not you oppose this motion, you must serve and file a Financial Statement in Form 609A at least 7 days before the date set for hearing the motion. If this motion includes a claim for child support, and you do not comply with this notice or the Notice to File Income Information which has also been served on you, **THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME.** If you have been served with a motion for child support, please consult the Federal Child Support Guidelines.

AND FURTHER TAKE NOTICE that if you do not appear at the hearing or fail to provide the required financial information] an order may be made in your absence and enforced against you. **YOU WILL NOT RECEIVE FURTHER NOTICE OF THIS MOTION.**

DATED at Saskatoon, in the Province of Saskatchewan this 1st day of Sept., 2006.

ROE & COMPANY

Per: _____

Mark Vanstone
Solicitor for the Petitioner

TO: Curtis Law Office
Barrister & Solicitor
2505 William Avenue
Saskatoon, SK S7J 2B1

Attention: Gregory J. Curtis (Counsel for [REDACTED])

[REDACTED]

AND TO: **Child and Family Services**
(Department of Community Resources and Employment)
122 3rd Avenue North
Saskatoon, SK S7K 2H6

Attention: Lori Sandstrom-Smith (Counsel)

AND TO: **Saskatoon Regional Health Authority**
3rd Floor, 410 – 22nd Street East
Saskatoon, SK S7K 5T6

Attention: Lesley Hunter
Evert Van Olst (Counsel)

AND TO: **Arnot Heffernan Blenner-Hassett**
Barristers, Solicitors & Mediators
1250 1st Avenue East
Prince Albert, SK S6V 2A8

Attention: Dale N. Blenner-Hassett
(Counsel for [REDACTED] & [REDACTED])

This document was delivered by:

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Barristers and Solicitors
313 – 220 3rd Avenue South
SASKATOON SK S7K 1M1

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