

F.L.D. No. 717

of 2006

CANADA
PROVINCE OF SASKATCHEWAN

IN THE COURT OF QUEEN'S BENCH FOR SASKATCHEWAN
(FAMILY LAW DIVISION)
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

[REDACTED]

PETITIONER

AND:

[REDACTED]

RESPONDENT

AND:

[REDACTED] and [REDACTED]

THIRD PARTY RESPONDENTS

NOTICE OF MOTION

TAKE NOTICE that an application will be made to the presiding judge in chambers at the Courthouse, 9th Floor, 224 4th Avenue South, in the City of Saskatoon, Saskatchewan, at 10:00 o'clock in the forenoon on Wednesday, the 4th day of OCTOBER, 2006, or so soon thereafter as counsel can be heard on behalf of the Third Party Respondents, for an order that:

1. The Third Party Respondents [REDACTED] and [REDACTED] shall have sole interim custody of the child [REDACTED] born [REDACTED]
2. Such other relief as requested by counsel for the Third Party Respondents, and seen fit by this Honourable Court.
3. The Petitioner, [REDACTED] shall pay to the Third Party Respondents, [REDACTED] and [REDACTED] costs of this application in the amount of \$ 750.00, or such other amount as ordered by this Court.

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ON THE FOLLOWING GROUNDS:

1. [REDACTED] was born on [REDACTED] in the City of Saskatoon, in the Province of Saskatchewan, to the Respondent [REDACTED]
2. The Respondent [REDACTED] executed an agreement with the Third Party Respondents [REDACTED] and [REDACTED] to transfer and grant full custody and guardianship to the [REDACTED]
3. The *Adoption Amendment Act, 2004* does not require that an adoption proceed only if both parents consent at the outset. Subsection 13(1) of *The Adoption Act, 1998* only requires that "a" birth parent may place a child for adoption.
4. While the Petitioner was the biological father of the child, he never cohabited or lived with the Respondent [REDACTED] at any time, either before or after the birth of the child, and their relationship was only of transitory, brief, and non - permanent nature.
5. The Respondent [REDACTED] was, pursuant to subsection 3(2) of *The Children's Act, 1997*, the sole legal custodian of the child. The Petitioner had no rights to custody of the child.
6. The Petitioner is a potential danger, and especially compared to the Third Party Respondents, to the child.
7. It is in the best interests of the child that sole interim custody of the child be granted to the Third Party Respondents, [REDACTED] and [REDACTED]
8. It is not in the best interests of the child that custody of the child be granted to the Petitioner.
9. This application is brought upon the authority *inter alia* of subsection 6(1)(a) and (c) of *The Children's Act, 1997*, *The Adoption Amendment Act, 2004*, S.S. 2004, c. 4, and *The Adoption Act, 1998* S.S. 1998, c. A. A-5.2.

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

- a.) The pleadings and proceedings had and taken herein;
 - b.) The Affidavit of [REDACTED]
 - c.) The Affidavit of [REDACTED] (# 2);
 - d.) The Affidavit of [REDACTED]
 - e.) The Affidavit of [REDACTED]
 - f.) The Affidavit of [REDACTED]
 - g.) The Draft Order,
- all filed.

Dated at the City of Prince Albert, in the Province of Saskatchewan, this 28th day of SEPTEMBER, 2006.

ARNOT HEFFERNAN BLENNER-BASSETT
Barristers, Solicitors & Mediators

Per:  _____

Solicitors for the Third Party Respondents
[REDACTED]

- TO: The Petitioner, [REDACTED]
c/o Roe & Company By Fax, No. (306) 934 - 6827
- TO: The Respondent, [REDACTED]
c/o Curtis Law Office By Fax, No. (306) 244 - 2599