

YORK REGIONAL POLICE STANDARD TERMS FOR S. 36 CLRA ORDER

THIS COURT, having been satisfied upon a motion/application that, pursuant to section 36(2), there are reasonable and probable grounds for believing that,

- (a) Any person is or has been unlawfully withholding a child/children, as identified in this Order, from a person entitled to decision-making responsibility, parenting time or contact with respect to the child(ren);
- (b) A person who is prohibited by court order or separation agreement from removing a child/children, as identified in this Order, from Ontario proposes to remove the child(ren) or have the child(ren) removed from Ontario; or
- (c) A person who is entitled to parenting time or contact with respect to a child/the children, as identified in this Order, proposes to remove the child(ren) or to have the child(ren) removed from Ontario and that the child(ren) is not likely to return.

AND FURTHER, THIS COURT, having been satisfied that the motion/application was brought with notice to any party to the proceedings or party with an interest in the motion/application, including any police service/agency named or having jurisdiction where the child(ren) as identified in this Order may be. [*or, in the alternative, where the motion/application has been made without notice, it is necessary that action be taken without delay, pursuant to section 36(3).*].

THEREFORE, THIS COURT MAKES THE FOLLOWING ORDERS,

- 1) **THIS COURT ORDERS** that the Respondent shall immediately return the child(ren), _____, born _____, to the Applicant.
- 2) **THIS COURT ORDERS** that, pursuant to section 36(2) of the *Children's Law Reform Act*, the York Regional Police and any other police service having jurisdiction where the child(ren) may be found are directed to forthwith locate, apprehend and deliver the child(ren) to the Applicant.
- 3) **THIS COURT ORDERS** that, pursuant to section 36(4) of the *Children's Law Reform Act*, the police service / agency named in clause 2 of this Order and any other police service having jurisdiction where the child(ren) may be found shall do all things reasonably able to be done to locate, apprehend and deliver the child(ren) in accordance with this Order.
- 4) **THIS COURT ORDERS** that, pursuant to section 36(5) of the *Children's Law Reform Act*, for the purpose of locating and apprehending the child(ren) in accordance with this Order, any member of the police service/agency named in clause 2 of this Order and any member of any other police service having jurisdiction where the child(ren) may be found may enter and search any place where he or she has reasonable and probable grounds for believing that the child(ren) may be, with such assistance and such force as are reasonable in the circumstances.
- 5) **THIS COURT ORDERS** that, pursuant to section 36(6) of the *Children's Law Reform Act*, an entry or a search referred to in paragraph 4 of this Order,
 - shall be made between the hours of 6:00 a.m. and 9:00 p.m., standard time; **OR**

is authorized during the following times _____ .

- 6) **THIS ORDER** shall expire ____ days [*months*] following the date of this Order [*this Order should expire no later than six months after is made, subject to any further Order of this Court*].
- 7) **THIS ORDER** does not direct or authorize police to locate, apprehend and deliver the child(ren) where the child(ren) have been returned or delivered to the Applicant following the date of this Order.
- 8) **THIS ORDER** shall be delivered forthwith by the Applicant to the Chief of Police/Commissioner or their designate of the the police service/agency named in clause 2 of this Order and any other police service having jurisdiction where the child(ren), as identified in this Order, may be.
- 9) **THIS ORDER** is made with leave to any police service/agency with an interest in the motion/application, to bring this matter back to Court for further direction and submissions, if required, where the motion/application was brought without notice under s. 36(3).