



NEWFOUNDLAND AND LABRADOR REGULATION 33/22

Rules of Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed June 2, 2022)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Supreme Court make the following Rules.

Dated at St. John's, May 31, 2022.

Raymond P. Whalen
Chairperson, Rules Committee

RULES

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1. Rule 4.02(1) of the *Rules of Supreme Court, 1986* is amended by deleting the word "and" at the end of rule 4.02(1)(b), deleting the period at the end of rule 4.02(1)(c) and substituting a semi-colon and the word "and" and adding immediately after rule 4.02(1)(c) the following:

(d) all original signatures on the document shall be in blue ink.

2. Rule 18A.03(3) of the rules is amended by deleting the words "after hearing from the parties".

3. (1) Rules 29.08(1)(b) of the rules is repealed and the following substituted:

(b) one original and one copy of a memorandum listing any authority and the applicable provisions of any statute, regulation or rule that are to be relied upon by the applicant on the application.

(2) Rule 29.08(2)(b) of the rules is repealed and the following substituted:

(b) one original and one copy of a memorandum listing any authority and the applicable provisions of any statute, regulation or rule that are to be relied upon by the opposing party on the application.

4. Rule 39A.03(1) of the rules is repealed and the following substituted:

(1) At least 5 days before the date of the pre-trial conference, each party shall file one original and one copy of a brief containing a summary of the facts, issues and law and shall deliver on the same date a copy to each other party.

5. Rule 39A.06 of the rules is repealed and the following substituted:

Not precluded from
being trial judge

39A.06 The pre-trial conference judge is not precluded from being the trial judge in the proceeding by virtue of being the pre-trial conference judge.

6. Rule 39B.03(3) of the rules is repealed and the following substituted:

- (3) Upon completion of a settlement conference, the judge shall
 - (a) return to the parties or their counsel the materials delivered for the purpose of the conference; or
 - (b) ensure that the materials delivered for the purpose of the conference are appropriately disposed of.

7. Rule 40.10 of the rules is repealed and the following substituted:

Brief for trial judge

40.10 (1) Each party shall, on or before the fourth day preceding the trial, file with the Court

- (a) an additional copy of the pre-trial brief prepared under rule 39A.03(1), if the party intends to rely on that brief for the trial; or
 - (b) one original and one copy of an amended brief containing a summary of the facts, issues and law relevant to the proceeding.
- (2) Each party shall, within the time limit set out in paragraph (1), provide to each other party either
- (a) confirmation that the party will rely on the pre-trial brief prepared under rule 39A.03(1) with no changes; or

(b) a copy of the amended brief filed under clause (2)(b).

8. Rule 49.12 of the rules is repealed and the following substituted:

Appeals from orders **49.12** A party may appeal from an order in the manner provided for in the *Court of Appeal Rules*, NLR 38/16.

9. Rule 55.17 of the rules is amended by adding immediately after rule 55.17(4) the following:

(5) An agreement mentioned in paragraph (1) that was filed with the Court prior to December 10, 2012, may be disposed of by the Registrar, in accordance with the process that may be approved by the Chief Justice, where 10 years have lapsed since the agreement was filed with the Court.

10. Rule F4.02 of the rules is amended by adding immediately after rule F4.02(5) the following:

(6) Despite subrule F4.08(2), where a statute requires that an individual obtain leave of the court before making an application, the permission of a judge must be obtained before the Originating Application will be issued by a registry clerk.

(7) Where the permission of a judge is required in accordance with subrule (6), a judge may, after reviewing the Originating Application, grant or deny permission summarily or may provide directions regarding the conduct of the proceeding.

(8) Where permission is granted or denied summarily in accordance with subrule (7), the judge must ensure that decision is captured on the Court record.

(9) Where permission is granted in accordance with subrule (6), the Originating Application will be deemed to have been issued on the date it is filed.

11. Rule F4.07 of the rules is amended by adding immediately after rule F4.07(5) the following:

(5.1) Subject to subrule (5.2), every Originating Application must contain the following contact information for each responding party:

- (a) the name, office address, email address, telephone and fax numbers of the party's lawyer, if the party is represented by a lawyer;
- (b) the residential address of the party;
- (c) the email address, telephone number, and fax number of the party, if any; and
- (d) such other contact information that a registry clerk may specify.

(5.2) Where an applicant is unable to obtain a respondent's contact information despite having made reasonable attempts, the applicant may apply in accordance with Rule F16 ("Interim Applications without Notice for a Procedural Order") for an order dispensing with the requirement set out in subrule (5.1).

12. Rule F5.04 of the rules is amended by adding immediately after rule F5.04(5) the following:

(6) Despite rule F5.08(2), where a statute requires that an individual obtain leave of the court before making an application for variation, the permission of a judge must be obtained before the application will be issued by a registry clerk.

(7) Where the permission of a judge is required in accordance with subrule (6), a judge may, after reviewing the Originating Application for Variation, grant or deny permission summarily or may provide directions regarding the conduct of the proceeding.

(8) Where permission is granted or denied summarily in accordance with subrule (7), the judge must ensure that decision is captured on the Court record.

(9) Where permission is granted in accordance with subrule (6), the Originating Application for Variation will be deemed to have been issued on the date it is filed.

13. (1) Rule F5.05(1)(a) of the rules is amended by adding immediately after rule F5.05(1)(a)(ii) the following:

(ii.1) Subject to subrule (1.1), the following contact information for the responding party:

(A) the name, office address, email address, telephone and fax numbers of the party's lawyer, if the party is represented by a lawyer;

(B) the residential address of the party;

(C) the email address, telephone number, and fax number of the party, if any; and

(D) such other contact information that a registry clerk may specify.

(2) Rule F5.05 of the rules is amended by adding immediately after rule F5.05(1) the following:

(1.1) Where a person applying to vary a final order is unable to obtain a respondent's contact information despite having made reasonable attempts, the person may apply in accordance with Rule F16 ("Interim Applications without Notice for a Procedural Order") for an order dispensing with the requirement set out in subrule (1)(a)(ii.1).

14. Rule F6.06(1)(b) of the rules is repealed and the following substituted:

(b) the respondent either

(i) fails to file a Response within the prescribed time, or

(ii) files a Demand for Notice.

15. Rule F16.02(1) of the rules is amended by adding immediately after rule F16.02(1)(c) the following:

(c.1) the person applying is seeking an order to dispense with the requirement to include the responding party's contact information in the Originating Application in accordance with rule F4.07(5.2) or the Originating Application to Vary in accordance with rule F5.05(1.1);

16. Rule F18.08 is amended by repealing the name of the rule and substituting the following:

What a judge can do at an interim hearing

17. The rules are amended by adding immediately after the title to section 8 the following:

Rule F25A – Discontinuance and Withdrawal

Application of rule
19

F25A. (1) Subject to subrules (2), (3) and (4), Rule 19 (“Discontinuance and Withdrawal”) in Part I applies, with any necessary modifications, to proceedings started in accordance with this Part.

(2) An applicant may not discontinue a proceeding started in accordance with this Part without the permission of a judge where an order for interim relief has been made in the proceeding.

(3) Where a proceeding started by an applicant in accordance with this Part is stayed, discontinued or dismissed, a respondent may proceed with a claim made in a Response and a judge may provide directions regarding the conduct of the proceeding.

(4) Rule 19.03, providing for automatic costs, does not apply to proceedings started in accordance with this Part but a party affected by a discontinuance or withdrawal may make an interim application with notice for costs in accordance with Rule F18 (“Interim Applications with Notice”).

18. The rules are amended by repealing and substituting the following forms:

(a) F4.03A;

(b) F4.04A;

(c) F5.05A;

(d) F5.06A;

(e) F6.02A;

- (f) F11.02B;
- (g) F14.04A;
- (h) F16.03A;
- (i) F18.03A;
- (j) F23.01A;
- (k) F23.02A;
- (l) F23.05A;
- (m) F25.03A;
- (n) F26.02A;
- (o) F34.02A;
- (p) F34.02B;
- (q) F35.03A; and
- (r) F38.06A.

Commencement

19. These regulations come into force on July 4, 2022.

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How to Make an Originating Application

Instructions for the Applicant

An **Originating Application (Form 4.03A)** is a document you must use to start a family law court proceeding. Your Originating Application tells the Court that there are family law issues that you would like to have resolved. If you start an Originating Application, you are the *Applicant*. The other person is the *Respondent*.

If you are making an application together with the other person (ie. a joint application), you cannot use this form. You must do a **Joint Originating Application (Form F4.04A)**.

Completing Your Originating Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the Respondent).

You must fill out pages 1-5 of the Originating Application and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Originating Application, attach an extra page and indicate which section is continued on the extra page.

Filing Your Originating Application

You must make **3 extra copies** of your completed and signed Originating Application (including any additional documents). To file your Originating Application, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html

Serving Your Originating Application

You must give a copy of the Originating Application to the Respondent. This is called *service*. You have **180 days** to serve the Respondent after you have filed the Application. If you do not serve the Application in 180 days, it will expire and you may have to file a new Originating Application.

If your Application involves divorce and/or parenting, an adult (who is not you) must hand-deliver the Application to the Respondent. This is called *personal service*. You will have to file an **Affidavit of Service (Form F8.03A)** with the Court.

If your Application does *not* involve divorce or parenting, you can serve the Respondent by personal service, leaving a copy with the Respondent's lawyer, leaving a copy at the Respondent's address, registered mail/courier, or regular mail. You can also serve by fax, email, or electronic document exchange, if the Respondent has provided that information. You will have to file an **Affidavit of Service (Form F8.03A)**, **Acknowledgement of Service (Form F8.04A)**, a copy of the document with the recipient's lawyer's endorsement on it, a reply email, or a delivery confirmation with the Court.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SERVING THE APPLICATION ON THE RESPONDENT ---

How to Respond to an Originating Application

Instructions for the Respondent

A family law proceeding has been started against you. You are the *Respondent* in this proceeding.

The person who has started this family law proceeding is the *Applicant*.

Read the attached **Originating Application (Form F4.03A)** carefully. The Applicant has explained the family law issues that they would like to have resolved. If you want to oppose any of the Applicant's claims or if you want to make your own claims, you must file and serve a **Response (Form F6.02A)**.

You can get a Response form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

You have only **30 days** after this Originating Application has been served on you to file and serve your Response (You have 60 days if you have been served outside of Canada or the United States).

For more information on how to fill out, file, and serve a Response, read the "Instructions for the Respondent" page attached to the Response form.

If you do not respond, the Court may proceed and make an order without hearing from you.

More Information

Questions? You can go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F4.03A: Originating Application (Family Law)

**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If your application is required to be heard in...	...then you must file your documents in...
<input type="checkbox"/> Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
<input type="checkbox"/> Corner Brook	Corner Brook Supreme (Family Division)
<input type="checkbox"/> Gander	Gander Supreme Court
<input type="checkbox"/> Grand Bank	Grand Bank Supreme Court
<input type="checkbox"/> Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
<input type="checkbox"/> Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
<input type="checkbox"/> Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. John's	St. John's Supreme Court (Family Division)
<input type="checkbox"/> Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

Check the type of order(s) that you are seeking:

You must fill out the Schedule(s) that relate to your claim(s) and attach any additional forms or documents required.

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (Decision-making and parenting time)	2	-
<input type="checkbox"/> Contact Order / Third Party Time with Child*	3	-
<input type="checkbox"/> Child Support	4	Financial Statement (Form F10.02A) and/or income information, if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property, Common Law (<i>unmarried</i>) Property, or Property under the <i>FHRMIR Act</i>	6	Property Statement (Form F10.04A)
<input type="checkbox"/> Return of Child (within Canada)	7	Emergency Interim Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order or Agreement	8	Signed consent order or agreement
<input type="checkbox"/> Other: _____	8	-

***Under the *Divorce Act*, a judge's permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.**

Applicant Information

Fill in your information below. Note: If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name		Last Name at Birth:	
First Name			
Middle Name(s) (if any)			
Gender			
Residential Address			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Mailing Address (if different from Residential Address)			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:	
Fax Number (if any)			
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.		
Date of Birth	Month:	Day:	Year:
Occupation(s) or Job(s)			
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band? Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)			

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Respondent Information

Fill in the Respondent's information below (to the best of your knowledge).

Current Last Name		Last Name at Birth:		
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:		Cell:	
Fax Number (if any)				
Email Address (if any)				
Date of Birth	Month:		Day:	Year:
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Is the Respondent a registered Indian under the Indian Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of the Respondent's band?	
			Does the Respondent live on a reserve?	
Lawyer's name, office address, email address, telephone number and fax number (if any)				

Fill in the information about your relationship with the Respondent:

Your relationship with the Respondent				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, you were	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Prior to the marriage, the Respondent was	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

- ☐ Check this box if you are starting a proceeding against more than one Respondent. Attach an extra page to provide the information of the other Respondent(s) and the details of your relationship with the other Respondent(s).

Fill in the information for every child of your relationship (Include children under and over 19 and non-dependent children):

	Child 1	Child 2
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

☐ Check this box if there are no children.

☐ Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

Have child protection services, in this province or elsewhere, ever been involved with you, the Respondent(s), and/or any of the children listed above?

- ☐ No
☐ Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving you, the Respondent(s), and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- ☐ Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 8.)

Schedule 1 Divorce

In order to apply for a divorce, ***you must be able to satisfy all 4 of the requirements below:***

1	<input type="checkbox"/> There has been a breakdown in our marriage and there is no likelihood that we will get back together.	
2	<input type="checkbox"/> I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.	OR <input type="checkbox"/> My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.
3	<input type="checkbox"/> I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. <i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i> <input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation and an Affidavit from the translator.	<input type="checkbox"/> I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. <i>You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.</i>
4	<input type="checkbox"/> There has been no collusion in relation to this application for a divorce.	

I am seeking a divorce because there has been a permanent breakdown in our marriage based upon:

☐ **Separation:**

Check this box if you and your spouse currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding.

If you and your spouse have been living separate and apart for less than 1 year, you may still file an Originating Application for divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.

☐ **Adultery:**

Check this box if you are seeking divorce because the Respondent has committed adultery. Attach an extra page with details of the adultery.

You may be required to present further evidence of the adultery. You do not need to name any other person involved. If you choose to name another person, you must serve this Originating Application on that person by personal service. That other person(s) will have the same rights as the Respondent in relation to the adultery claim and may file a Response.

☐ Check this box to declare that you have not condoned or connived in the adultery.

☐ **Cruelty:**

Check this box if you are seeking divorce because your spouse has treated you with physical or mental cruelty that makes continued cohabitation intolerable. Attach an extra page with details of the cruelty.

You may be required to present further evidence of the physical or mental cruelty.

☐ Check this box to declare that you have not condoned or connived in the cruelty.

Schedule 2 Parenting Order

If you are making an application for a parenting order (decision-making and/or parenting time), or are a person looking to step into the role of parent, fill in the information below.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone or internet):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 3 Contact Order/ Third Party Time with Child

If you are a non-parent making an application for contact or time with a child, fill in the information below:

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

What contact/ time do you presently have or have you had with the child?:

What contact/ time with the child are you seeking?:

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request for contact/ time with the child (i.e. previous convictions, involvement with child protection authorities)?:

Other information that may be relevant to the court in determining whether to grant you contact/time with the child:

Schedule 4 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the basic table amount as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking special and/or extraordinary expenses . <i>You must complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . <i>Depending on your reason(s) for seeking an amount different from the <i>Child Support Guidelines</i>, you may have to attach further documentation.</i> List your reason(s) for seeking an amount of child support different from the <i>Child Support Guidelines</i> : <div style="margin-left: 20px;"> <input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month. <input type="checkbox"/> I have parenting time with the child(ren) for 40% or more of the year. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> The child(ren) is(are) 19 years of age or older. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> I am claiming undue hardship for the following reason(s): <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> <i>You must complete and attach a Financial Statement (Form F10.02A).</i> </div> <div style="margin-left: 20px;"> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> </div> <div style="margin-top: 10px;"> <i>Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).</i> </div>
<input type="checkbox"/> I am seeking retroactive child support . What is the amount of retroactive child support that you are seeking? \$ _____ What is the date from which you are seeking retroactive child support? (month/day/year) _____ Describe the facts and your reason(s) for seeking retroactive child support: <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>

Schedule 5**Spousal, Partner, Parental, or Dependant Support**

*If you are seeking spousal, partner, parental, or dependant support, you must complete and attach a **Financial Statement (Form F10.02A)***

Check all of the boxes that apply and fill in the information required:

☐ I am seeking :

- ☐ **Spousal support**
- ☐ **Partner support**
- ☐ **Parental support**
- ☐ **Dependant support**

Describe the facts and your reason(s) for seeking support:

☐ I am seeking:

- ☐ **Retroactive spousal support**
- ☐ **Retroactive partner support**
- ☐ **Retroactive parental support**
- ☐ **Retroactive dependant support**

What is the amount of retroactive support that you are seeking? \$ _____

What is the date from which you are seeking retroactive support? (month/day/year) _____

Describe the facts and your reason(s) for seeking retroactive support:

Schedule 6 Division of Property

*If you are seeking a division of matrimonial property or common law property, you must complete and attach a **Property Statement (Form F10.04)***

Check all of the boxes that apply and fill in any information required:

☐ I am seeking an **equal division of matrimonial property**.

☐ I am seeking an **unequal division of matrimonial property**.

Describe the facts and your reason(s) for seeking an unequal division of property:

☐ I am seeking **exclusive possession of the matrimonial home**.

Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home:

☐ I am seeking a **division of common law property**.

Describe your property claim, the facts, and your reason(s) for seeking the claim:

☐ I am making a claim under the ***Family Homes on Reserves and Matrimonial Interests or Rights Act***.

Describe your property claim, the facts, and your reason(s) for seeking the claim:

☐ Other:

Describe your property claim, the facts, and your reason(s) for seeking the claim:

Schedule 7 **Return of Child (within Canada)**

*If you are seeking a court order for the return of a child or children (within Canada), answer the questions below:
You may provide any additional affidavit(s) necessary.*

At what address does the child(ren) habitually (normally) live?

Set out all of the available facts and information that you have relating to the whereabouts of the child(ren):

Set out all the available facts and information that you have regarding the identity of the person that the child(ren) is/are presumed to be with:

Set out your reasons for making the application:

Schedule 8 **Other Applications**

If you are seeking a court order for something other than the claims requested in the other Schedules, state what you are seeking, describe the facts, and give reasons:

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Originating Application and the attached Schedule(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information in this Originating Application are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.

Signature of Applicant

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

Party's Certificate

If you are applying for relief under the Divorce Act, you must complete this certificate.

I, _____,
(Print Party's Name)

the Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20____.

Signature of Applicant

If you are applying for relief under the Divorce Act and you are represented by a lawyer, your lawyer must complete this certificate.

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

Address of Lawyer

How to Make a Joint Originating Application

Instructions for Co-Applicants

You may use a **Joint Originating Application (Form F4.04A)** if you and the other person(s) consent to your family law issues and want to apply for a family law order together.

If you and the other person(s) disagree on any family law issues, you cannot use this form. Instead, you must do an **Originating Application (Form F4.03A)**.

Completing Your Joint Originating Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court).

You must fill out all of the pages in this Joint Originating Application and attach an agreement or a **Consent Order (Form F34.02A and/or F34.02B)**. If you need more space to fill out any section of this Joint Originating Application, attach an extra page and indicate which section is continued on the extra page.

Filing Your Joint Originating Application

You must make **2 extra copies** of your completed and signed Joint Originating Application (including any attachments). File your original Joint Originating Application with the Court. To file your Joint Originating Application, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you.

Serving Your Joint Originating Application

Since all of the Co-Applicants have signed the filed Joint Originating Application, you do NOT need to serve the Joint Originating Application on the other Co-Applicant(s). However, you should still make sure all the Co-Applicants have a copy of the Joint Originating Application and all attachments.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F4.04A: Joint Originating Application (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ CO-APPLICANT
(Print full name)

AND: _____ CO-APPLICANT
(Print full name)

AND: _____ ☐ NOT APPLICABLE
(Print full name) ☐ CO-APPLICANT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If your application is required to be heard in...	...then you must file your documents in...
<input type="checkbox"/> Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
<input type="checkbox"/> Corner Brook	Corner Brook Supreme (Family Division)
<input type="checkbox"/> Gander	Gander Supreme Court
<input type="checkbox"/> Grand Bank	Grand Bank Supreme Court
<input type="checkbox"/> Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
<input type="checkbox"/> Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
<input type="checkbox"/> Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. John's	St. John's Supreme Court (Family Division)
<input type="checkbox"/> Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

Check the type of order(s) that you are seeking:

You must fill out and file the Schedule(s) and any additional documents that relate to your claim(s).

Type of Order	Fill Out Schedule	Attachment(s)
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (Decision-making and parenting time)	2	Consent Order or agreement
<input type="checkbox"/> Contact Order / Third Party Time with Child*	3	-
<input type="checkbox"/> Child Support	4	Consent Order or agreement
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	5	Consent Order or agreement
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	5	Consent Order or agreement
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property, Common Law (<i>unmarried</i>) Property, or Property under the <i>FHRMIR Act</i>	6	Consent Order or agreement
<input type="checkbox"/> Other: _____	7	Consent Order or agreement

***Under the Divorce Act, a judge's permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.**

Fill in the information below for the first Co-Applicant:

Current Last Name			Last Name at Birth:
First Name			
Middle Name(s) (if any)			
Gender			
Residential Address			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Mailing Address (if different from Residential Address)			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:	
Fax Number (if any)			
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.		
Date of Birth	Month:	Day:	Year:
Occupation(s) or Job(s)			
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band? Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number(if any)			

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information below for the second Co-Applicant:

Current Last Name			Last Name at Birth:	
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address				
	Street Address	City	Province	Postal Code
Mailing Address (if different from Residential Address)				
	Street Address or PO Box	City	Province	Postal Code
Telephone Number (if any)	Home:		Cell:	
Fax Number (if any)				
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of your band?	
			Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)				

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information about your relationship below:

Relationship of the parties				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, the first Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the second Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

- ☐ Check this box if there are more than 2 Co-Applicants. Attach an extra page to provide the information of the other Co-Applicant(s) and details of your relationship with the other Co-Applicant(s).

Fill in the information for every child of your relationship (Include children under and over 19 and non-dependent children):

	Child 1	Child 2
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

- ☐ Check this box if there are no children.
- ☐ Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

Have child protection services, in this province or elsewhere, ever been involved with any of the co-applicants and/or children listed above?

- ☐ No
☐ Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving any of the co-applicants and/or children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

☐ Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 6.)

Schedule 1 Divorce

In order to apply for a divorce, **you must be able to satisfy all 4 of the requirements below:**

1	<input type="checkbox"/> There has been a breakdown in our marriage and there is no likelihood that we will get back together.	
2	<input type="checkbox"/> I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.	OR <input type="checkbox"/> My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.
3	<input type="checkbox"/> I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. <i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i> <input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation and an Affidavit from the translator.	OR <input type="checkbox"/> I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. <i>You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.</i>
4	<input type="checkbox"/> There has been no collusion in relation to this application for a divorce.	

We are seeking a divorce because there has been a permanent breakdown in our marriage based upon separation:

<input type="checkbox"/> Check this box if the parties currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding. <i>If the parties have been living separate and apart for less than 1 year, you may still file an Application for divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.</i>

Check the box that applies to you and fill out any information needed:

<input type="checkbox"/> There are no children of the marriage	OR	<input type="checkbox"/> Reasonable arrangements have been made for the support of the children (Give details and include your annual incomes):

Schedule 2 **Parenting Order**

If you are making an application for a parenting order (decision-making and/or parenting time), or are a person looking to step into the role of parent, fill in the information below.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone or internet):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 3 Contact Order/ Third Party Time with Child

If you are a non-parent making an application for contact or time with a child, fill in the information below:

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

What contact/ time do you presently have or have you had with the child?:

What contact/ time with the child are you seeking?:

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request for contact/ time with the child (i.e. previous convictions, involvement with child protection authorities)?:

Other information that may be relevant to the court in determining whether to grant you contact/time with the child:

Schedule 4 Child Support

Check all of the boxes that apply:

- ☐ We agree to the **basic table amount** as per the *Child Support Guidelines*.
- ☐ We agree on **special and/or extraordinary expenses**.
- ☐ We agree to **an amount of child support that is different from the *Child Support Guidelines* basic table amount**.

What are your incomes?

Co-Applicant 1's Annual Income:	\$
Co-Applicant 2's Annual Income:	\$

What are your reason(s) for an amount of child support that is different from the *Child Support Guidelines*?

- ☐ We agree to child support in the amount of \$ _____ per month.
- ☐ Each of us has parenting time with the child(ren) for 40% or more of the year.
- ☐ The child(ren) is(are) 19 years of age or older.
- ☐ One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually.
- ☐ One or more of us is claiming undue hardship for the following reason(s):

☐ Other:

- ☐ We agree to **an amount of retroactive child support**.

Describe the reason(s) for retroactive child support:

Schedule 5**Spousal, Partner, Parental, or Dependent Support**

Check all of the boxes that apply and fill in the information required:

☐ We have agreed to an amount of :

- ☐ **Spousal support**
- ☐ **Partner support**
- ☐ **Parental support**
- ☐ **Dependent support**

Describe the reason(s) for support:

☐ We have agreed to an amount of:

- ☐ **Retroactive spousal support**
- ☐ **Retroactive partner support**
- ☐ **Retroactive parental support**
- ☐ **Retroactive dependent support**

Describe the reason(s) for retroactive support:

Schedule 6 **Division of Property**

Check all of the boxes that apply and fill in any information required:

☐ We agree to an **equal division of matrimonial property**.

☐ We agree to an **unequal division of matrimonial property**.

Describe the reason(s) for an unequal division of property:

☐ We agree to a **division of common law property**.

Describe the property claim and the reason(s) for the property claim:

☐ We agree to a **division of property under the *Family Homes on Reserves and Matrimonial Interests or Rights Act***.

Describe your property claim, the facts, and your reason(s) for seeking the claim:

☐ Other:

Describe the property claim and the reason(s) for the property claim:

Schedule 7 Other Applications

If you have come to an agreement on something other than the claims listed in the other Schedules, state what you are agreeing to and give reasons:

If there are more than 2 Co-Applicants, attach an extra page with the signatures required below.

Statement of Truth

All Co-Applicants must swear or affirm that the facts and information in this Application, the attached schedules, and the attached Consent Order(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

First Co-Applicant

I declare the facts and information in this Joint Originating Application are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____,
this _____ day of _____, 20_____.

Signature of First Co-Applicant

Commissioner of Oaths / Justice of the Peace

Second Co-Applicant

I declare the facts and information in this Joint Originating Application are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____,
this _____ day of _____, 20_____.

Signature of Second Co-Applicant

Commissioner of Oaths / Justice of the Peace

Party's Certificate

If you are applying for relief under the Divorce Act, each applicant must complete this certificate.

First Co-Applicant's Certificate

I, _____,
(Print Party's Name)

a Co-Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20____.

Signature of Co-Applicant

Second Co-Applicant's Certificate

I, _____ ,
(Print Party's Name)

a Co-Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____.

Signature of Co-Applicant

Lawyer's Certificate

If any of the Co-Applicants has a lawyer and you have applied for relief under the Divorce Act, your lawyer(s) must complete the Certificate(s) below.

First Co-Applicant's Lawyer

I, _____, the Lawyer for _____,
(Print Lawyer's Name) (Print Co-Applicant's Name)

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

- 7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.
- (3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer

Address of Lawyer

Second Co-Applicant's Lawyer

I, _____, the Lawyer for _____,
(Print Lawyer's Name) (Print Co-Applicant's Name)

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act,
and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties' duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer

Address of Lawyer

How to Make an Originating Application for Variation**Instructions for the Applicant**

You may use an **Originating Application for Variation (Form F5.05A)** if you want to change a final family law order or domestic contract, such as a marriage contract, separation agreement, cohabitation agreement or paternity agreement, that has been filed with the Court under s. 42 of the *Family Law Act*. If you start an Originating Application for Variation, you are the *Applicant*. The other person is the *Respondent*. If you are making an application together with the other person (i.e. a joint application), you cannot use this form. You must make a **Joint Originating Application for Variation (Form F5.06A)**.

Completing Your Originating Application for Variation

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the Respondent).

You must fill out pages 1-5 of the Originating Application for Variation and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Originating Application for Variation, attach an extra page and indicate which section is continued on the extra page.

Filing Your Originating Application for Variation

You must make **3 extra copies** of your completed and signed Originating Application for Variation (including any attachments). File the original Originating Application for Variation with the Court. To file your Originating Application for Variation, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html

Serving Your Originating Application for Variation

Once you have filed your completed Originating Application for Variation with the Court, you must give a copy of the Application and the 'Instructions for the Respondent' page to the Respondent. This is called *service*. You have **180 days** to serve the Respondent after you have filed the Application. If you do not serve the Application in 180 days, it will expire and you may have to file a new Application.

If your Application involves parenting, an adult (who is not you) must hand-deliver the Application to the Respondent. This is called *personal service*. If your Application does *not* involve parenting, you can serve the Respondent by leaving a copy with the Respondent's lawyer, leaving a copy at the Respondent's address, registered mail/courier, or regular mail. You may also serve the Respondent using fax, email, or electronic document exchange, if the Respondent has provided that information.

You may have to file an **Affidavit of Service (Form F8.03A)** or **Acknowledgement of Service (Form F8.04A)** with the Court. These forms are available online: www.court.nl.ca/supreme/family/forms.html

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SERVING THE APPLICATION ---

How to Respond to an Originating Application for Variation

Instructions for the Respondent

A family law proceeding has been started against you to vary a family law order or domestic contract. You are the *Respondent* in this proceeding.

The person who has started this family law proceeding is the *Applicant*.

Read the attached **Originating Application for Variation (Form F5.05A)** carefully. The Applicant has explained the family law issues that they would like to have resolved. If you want to oppose any of the Applicant's claims or if you want to make your own claims, you must file and serve a **Response (Form F6.02A)**.

You can find the Response form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html

You have only **30 days** after this Originating Application for Variation has been served on you to file and serve your Response (You have 60 days if you have been served outside of Canada or the United States).

If the Applicant is making an application to vary a support order made under the *Divorce Act* and you reside in a different province, you may, within **40 days** of receiving the application, request that the Court convert the application to an inter-jurisdictional proceeding. For more information on this process, you can contact the Court.

For more information on how to fill out, file, and serve a Response, read the "Instructions for the Respondent" page attached to the Response form.

If you do not respond, the Court may proceed and make an order without hearing from you.

More Information

Questions? You can go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F5.05A: Originating Application for Variation (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If your application is required to be heard in...	...then you must file your documents in...
<input type="checkbox"/> Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
<input type="checkbox"/> Corner Brook	Corner Brook Supreme (Family Division)
<input type="checkbox"/> Gander	Gander Supreme Court
<input type="checkbox"/> Grand Bank	Grand Bank Supreme Court
<input type="checkbox"/> Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
<input type="checkbox"/> Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
<input type="checkbox"/> Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. John's	St. John's Supreme Court (Family Division)
<input type="checkbox"/> Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

If you would like to change the terms of an order or domestic contract dealing with one or more of the issues listed in the table below, check the corresponding box(es), fill out the schedule(s) indicated, and attach the additional forms or documents specified in the right-hand column.

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Parenting (Decision-making and parenting time)	1	-
<input type="checkbox"/> Contact Order / Third Party Time with Child*	2	-
<input type="checkbox"/> Child Support	3	Financial Statement (Form F10.02A) and/or income information, if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	4	Financial Statement (Form F10.02A)
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	4	Financial Statement (Form F10.02A)
<input type="checkbox"/> Consent Order or Agreement	5	Signed consent order or agreement
<input type="checkbox"/> Other: _____	5	-

* Under the Divorce Act, a judge's permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.

Fill in the details of the order or domestic contract that you are seeking to change and, **if the order or domestic contract is not already filed with the Supreme Court, include a copy of it with this application:**

Date Order issued/Agreement signed	Month: _____ Day: _____ Year: _____
Court that granted Order/filed Agreement	_____
Place Order made/Agreement filed	City: _____ Province: _____ Country: _____
Name of Justice or Judge that granted Order (if applicable)	_____

- ☐ Check this box if you have more than 1 order or domestic contract that you are seeking to change. Attach an extra-copy of this page in your document and fill in the details for each other order or domestic contract you are applying to change.

Applicant Information

Fill in your information below:

If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name			Last Name at Birth:
First Name			
Middle Name(s) (if any)			
Gender			
Residential Address			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Mailing Address (if different from Residential Address)			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:	
Fax Number (if any)			
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.		
Date of Birth	Month:	Day:	Year:
Occupation(s) or Job(s)			
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band? Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)			

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Respondent Information

Fill in the Respondent's information below (to the best of your knowledge):

Current Last Name		Last Name at Birth:
First Name		
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)		
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Is the Respondent a registered Indian under the Indian Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of the Respondent's band? Does the Respondent live on a reserve?
Lawyer's name, office address, email address, telephone number and fax number (if any)		

Fill in the information about your relationship with the Respondent:

Your relationship with the Respondent					
Date the parties started living together	Month:	Day:	Year:	OR	<input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR	<input type="checkbox"/> Not applicable
Place of marriage					OR <input type="checkbox"/> Not applicable
Prior to the marriage, I was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable				
Prior to the marriage, the Respondent was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable				
Date of separation	Month:	Day:	Year:	OR	<input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR	<input type="checkbox"/> Not applicable

- ☐ Check this box if you are starting a proceeding against more than one Respondent. Attach an extra page to this Application to provide the information of the other Respondent(s) and the details of your relationship with the other Respondent(s).

Fill in the information for every child of your relationship (Include children under and over 19 and non-dependent children):

	Child 1	Child 2
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

☐ Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

Have child protection services, in this province or elsewhere, ever been involved with you, the Respondent(s), and/or any of the children listed above?

- ☐ No
☐ Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving you, the Respondent(s), and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- ☐ Check this box if not applicable.

Schedule 1 Parenting Order

Complete this schedule if you are applying to change the terms of an order or domestic contract dealing with parenting issues (decision-making and/or parenting time).

Why are you asking to have the parenting order or domestic contract changed?

Describe what has changed since the time the order or contract was made.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 2 Contact Order/ Third Party Time with Child

Complete this schedule if you are applying to change the terms an order or domestic contract providing for a non-parent's contact or time with a child.

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

Why are you asking to have the order or domestic contract changed?

(Describe what has changed since the time the original order or domestic contract was made.)

What is the current contact arrangement set out in the order or domestic contract?

What changes to the contact arrangement with the child are you seeking?

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request to change the contact order or domestic contract (i.e. previous convictions, involvement with child protection authorities)?

Other information that may be relevant to the court in determining whether to grant a change to the contact order or domestic contract:

Schedule 3 Child Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for child support.

What is your current child support arrangement?	
Are there arrears or unpaid support?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, attach the most current Support Enforcement (SED) statement and specify:</i> Amount: \$ _____ As of (date) (month/day/year): _____
Is child support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills and Labour)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, provide the details of the assignment arrangement:</i>

Check all of the boxes that apply and fill in the information required:

<input type="checkbox"/> I am seeking a change in the <i>Child Support Guidelines</i> basic table amount of child support:			
For the following child(ren):			
Effective Date:	Month:	Day:	Year:
Describe the facts and your reason(s) for seeking a change in the amount of child support:			
<div style="border: 1px solid black; height: 150px; width: 100%;"></div>			
<p align="center">You must attach all of the financial documents required by page 4 of the Financial Statement (Form F10.02A).</p>			

- ☐ I am seeking a **change in child support to an amount that is different from the *Child Support Guidelines basic table amount***.

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

List your reason(s) for seeking an amount of child support different from the *Child Support Guidelines*:

Depending on your reasons for seeking an amount different from the Child Support Guidelines, you may have to file additional documentation.

- ☐ The Respondent and I have agreed to child support in the amount of \$ _____ per month.
- ☐ I have parenting time with the child(ren) for 40% or more of the year.
*You must complete and attach a **Financial Statement (Form F10.02A)**.*
- ☐ The child(ren) is(are) 19 years of age or older.
*You must complete and attach a **Financial Statement (Form F10.02A)**.*
- ☐ One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually.
*You must complete and attach a **Financial Statement (Form F10.02A)**.*
- ☐ I am claiming undue hardship for the following reason(s):

--

*You must complete and attach a **Financial Statement (Form F10.02A)**.*

- ☐ Other:

--

*Depending on your claim, you may be required to complete and attach a **Financial Statement (Form F10.02A)**.*

- ☐ I am seeking a **change in the amount of special and/or extraordinary expenses.**

*You must complete and attach a **Financial Statement (Form F10.02A)**. You must also provide the information below:*

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary expenses:

--

☐ I am seeking **retroactive child support**.

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

What is the amount of retroactive child support that you are seeking? \$ _____

Describe the facts and your reason(s) for seeking retroactive child support:

--

☐ I am seeking a **termination of child support**.

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

List your reason(s) for terminating child support:

--

☐ I am seeking **child support** because a change in our parenting arrangement(s) has given rise to child support and there is no child support order currently in place.

*You must file and complete **Schedule 1 – Parenting** of this form. If you are seeking an amount different from the Child Support Guidelines basic table amount, you must also complete and attach a **Financial Statement (Form F10.02A)**.*

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

What is the amount of child support that you are seeking? \$ _____

Describe your claim, the facts, and your reason(s) for seeking support:

--

☐ Other changes to child support:

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

What is the amount of child support that you are seeking? \$ _____

Describe your claim, the facts, and your reason(s) for seeking a change in support:

Schedule 4 Spousal, Partner, Parental, or Dependant Support

*If you are seeking a change in spousal, partner, parental or dependant support, you must complete and attach a **Financial Statement (Form F10.02A)***

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for spousal, partner, parental, and/or dependant support.

What is your current spousal, partner, parental, and/or dependant support arrangement?	
Are there arrears or unpaid support?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, attach the most current Support Enforcement (SED) statement and specify:</i> Amount: \$ _____ As of (date) (month/day/year): _____
Is support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills and Labour)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, provide the details of the assignment arrangement:</i>

Check all of the boxes that apply and fill in the information required:

<input type="checkbox"/> I am seeking a change in spousal, partner, parental, or dependant support.			
For the following person(s):			
Effective Date:	Month:	Day:	Year:
Describe the facts and your reason(s) for seeking a change in support:			

- ☐ I am seeking **retroactive spousal, partner, parental, or dependant support**.

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe the facts and your reason(s) for seeking retroactive support:

--

- ☐ I am seeking a **termination of spousal, partner, parental, or dependant support**.

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe the facts and your reason(s) for terminating support:

--

- ☐ Other change(s) to spousal, partner, parental, or dependant support:

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe your claim, the facts, and your reason(s) for seeking a change in support:

--

Schedule 5**Other**

If you want to change a term of a court order or domestic contract dealing with an issue not listed in the schedules, state why you are applying for the change, describe the current arrangement specified in the order or contract, and describe the change you are seeking to the arrangement:

Statement of Truth

You must swear or affirm that the facts and information you have written in this Application and the attached Schedule(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. You may also do this at the court registry.

I declare that the facts and information in this Originating Application for Variation are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.

Signature of Applicant

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

Party's Certificate

If you are applying for relief under the Divorce Act, you must complete this certificate.

I, _____,
(Print Party's Name)

the Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____.

Signature of Applicant

Lawyer's Certificate

If you are applying for relief under the *Divorce Act* and you are represented by a lawyer, your lawyer must complete this certificate.

I, _____, the Lawyer for _____,
 (Print Lawyer's Name) (Print Applicant's Name)

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

- 7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.
- (3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20____.

 Signature of Lawyer

 Address of Lawyer

How to Make a Joint Originating Application for Variation

Instructions for Co-Applicants

You may use a **Joint Originating Application for Variation (Form F5.06A)** if you and the other person(s) would like to change a family law order or a domestic contract, such as a marriage contract, separation agreement, cohabitation agreement or paternity agreement, that has been filed with the Court under s. 42 of the *Family Law Act* together. You and the other person(s) are *Co-Applicants*.

If there are any issues that you do not agree on, you must use the general **Originating Application for Variation (Form F5.05A)**. However, you can still do Consent Order(s) on the issues you agree on.

Completing Your Joint Originating Application for Variation

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court).

You must fill out the entire Joint Originating Application for Variation and attach an agreement or a **Consent Order (Form F34.02A and/or F34.02B)**. If you need more space to fill out any section of this Joint Originating Application for Variation, attach an extra page and indicate which section is continued on the extra page.

Filing Your Joint Originating Application for Variation

You must make **2 extra copies** of your completed and signed Joint Originating Application for Variation (including any additional documentation). File your original Joint Originating Application for Variation with the Court.

To file your Joint Originating Application for Variation, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you.

Serving Your Joint Originating Application for Variation

Since all of the Co-Applicants have signed the Joint Originating Application for Variation, it does NOT need to be served on the other Co-Applicant(s). However, you should still make sure all of the Co-Applicants have a copy of the Joint Originating Application for Variation and all attachments.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

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If you need help finding a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F5.06A: Joint Originating Application for Variation (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ CO-APPLICANT
(Print full name)

AND: _____ CO-APPLICANT
(Print full name)

AND: _____ ☐ NOT APPLICABLE
(Print full name) ☐ CO-APPLICANT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If your application is required to be heard in...	...then you must file your documents in...
<input type="checkbox"/> Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
<input type="checkbox"/> Corner Brook	Corner Brook Supreme (Family Division)
<input type="checkbox"/> Gander	Gander Supreme Court
<input type="checkbox"/> Grand Bank	Grand Bank Supreme Court
<input type="checkbox"/> Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
<input type="checkbox"/> Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
<input type="checkbox"/> Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> St. John's	St. John's Supreme Court (Family Division)
<input type="checkbox"/> Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
<input type="checkbox"/> Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

If you would like to change the terms of an order or domestic contract dealing with one or more of the issues listed in the table below, check the corresponding box(es), fill out the schedule(s) indicated, and attach the additional forms or documents specified in the right-hand column.

Type of Order	Fill Out Schedule	Fill Out Form(s) or Attach Document(s)
<input type="checkbox"/> Parenting (Decision-making and parenting time)	1	Consent Order or Agreement
<input type="checkbox"/> Contact Order / Third Party Time with Child*	2	-
<input type="checkbox"/> Child Support	3	Consent Order or Agreement
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	4	Consent Order or Agreement
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	4	Consent Order or Agreement
<input type="checkbox"/> Other: _____	5	Consent Order or Agreement

* Under the *Divorce Act*, a judge's permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.

Fill in the details of the order or domestic contract that you are seeking to change and, **if the order or domestic contract is not already filed with the Supreme Court, include a copy of it with this application:**

Date Order issued/Agreement signed	Month: _____ Day: _____ Year: _____
Court that granted Order/filed Agreement	_____
Place Order made/Agreement filed	City: _____ Province: _____ Country: _____
Name of Justice or Judge that granted Order	_____

- ☐ Check this box if you have more than 1 order or domestic contract that you are seeking to change. Attach an extra-copy of this page in your document and fill in the details for each other order or domestic contract you are applying to change.

Fill in the information below for the first Co-Applicant:

Current Last Name			Last Name at Birth:
First Name			
Middle Name(s) (if any)			
Gender			
Residential Address			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Mailing Address (if different from Residential Address)			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:	
Fax Number (if any)			
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.		
Date of Birth	Month:	Day:	Year:
Occupation(s) or Job(s)			
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band? Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)			

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information below for the second Co-Applicant:

Current Last Name			Last Name at Birth:	
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address				
	Street Address	City	Province	Postal Code
Mailing Address (if different from Residential Address)				
	Street Address or PO Box	City	Province	Postal Code
Telephone Number (if any)	Home:		Cell:	
Fax Number (if any)				
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of your band?	
			Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)				

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information about your relationship below:

Relationship of the parties				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, the first Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the second Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

- ☐ Check this box if there are more than 2 Co-Applicants. Attach an extra page to provide the information of the other Co-Applicant(s) and details of your relationship with the other Co-Applicant(s).

Fill in the information for every child of your relationship (Include children under and over 19 and non-dependent children):

	Child 1	Child 2
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

- ☐ Check this box if there are no children.
- ☐ Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

Have child protection services, in this province or elsewhere, ever been involved with any of the co-applicants and/or children listed above?

- ☐ No
☐ Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving any of the co-applicants and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- ☐ Check this box if not applicable.

Schedule 1 Parenting Order

Complete this schedule if you are applying to change the terms of an order or domestic contract dealing with parenting issues (decision-making and/or parenting time).

Why are you asking to have the parenting order changed?

(Describe what has changed since the time the parenting order was made)

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 2 Contact Order/ Third Party Time with Child

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for a non-parent's contact or time with a child.

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

Why are you asking to have the order or domestic contract changed?

(Describe what has changed since the time the original order or domestic contract was made.)

What is the current contact arrangement set out in the order or domestic contract?

What changes to the contact arrangement with the child are you seeking?

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request to change the contact order or domestic contract (i.e. previous convictions, involvement with child protection authorities)?

Other information that may be relevant to the court in determining whether to grant a change to the contact order or domestic contract:

Schedule 3 Child Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for child support.

Fill in the information below:

What is your current child support arrangement?	
Are there arrears or unpaid support?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach the most current Support Enforcement (SED) statement and specify: Amount: \$ _____ As of (date) (month/day/year): _____
Is child support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills, and Labour)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide the details of the assignment arrangement:

Check all of the boxes that apply and fill in the information required:

<input type="checkbox"/> We agree to calculate child support using the <i>Child Support Guidelines</i> basic table amount but agree to change the amount:			
For the following child(ren):			
Effective Date:	Month:	Day:	Year:
Describe the reason(s) for changing the amount of child support:			

- ☐ We agree to **change child support to an amount that is different from the *Child Support Guidelines* basic table amount.**

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

What are your incomes?

Co-Applicant 1's Annual Income:	\$
Co-Applicant 2's Annual Income:	\$

Check off the reason(s) for changing the amount of child support to an amount different from the *Child Support Guidelines*:

Both Co-Applicants must each file an Affidavit regarding your incomes and your ability to support your children.

- ☐ We agree to child support in the amount of \$ _____ per month.
- ☐ Each of us has parenting time with the child(ren) for 40% or more of the year.
- ☐ The child(ren) is(are) 19 years of age or older.
- ☐ One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually.
- ☐ One or more of us is claiming undue hardship for the following reason(s):

--

- ☐ Other:

--

- ☐ We agree to **change the amount of special and/or extraordinary expenses.**

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

Describe the reason(s) for changing the amount of special and/or extraordinary expenses:

--

☐ We agree to an **amount of retroactive child support**.

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

What amount of retroactive child support do you agree to? \$ _____

Describe the reason(s) for retroactive child support:

--

☐ We agree to **terminate child support**.

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

Describe the reason(s) for terminating child support:

--

☐ We agree to other changes to child support:

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

What amount of child support do you agree to? \$ _____

Describe the reason(s) for changing support:

--

Schedule 4 Spousal, Partner, Parental, or Dependent Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for spousal, partner, parental, and/or dependant support.

What is your current spousal, partner, parental, and/or dependent support arrangement?	
Are there arrears or unpaid support?	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, attach the most current Support Enforcement (SED) statement and specify:</i> Amount: \$ _____ As of (date) (month/day/year): _____
Is support assigned to be paid to someone else? <i>(eg. Department of Advanced Education, Skills and Labour)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, provide the details of the assignment arrangement (to the best of your knowledge):</i>

Check all of the boxes that apply and fill in the information required:

<input type="checkbox"/> We agree to change spousal, partner, parental, or dependent support.			
For the following person(s):			
Effective Date:	Month:	Day:	Year:
Describe the facts and your reason(s) for seeking a change in support:			

- ☐ We agree to change **retroactive spousal, partner, parental, or dependent support**.

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe the facts and your reason(s) for seeking retroactive support:

--

- ☐ We agree to **terminate spousal, partner, parental, or dependent support**.

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe the facts and your reason(s) for terminating support:

--

- ☐ We agree to other change(s) to spousal, partner, parental, or dependent support:

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe your claim, the facts, and your reason(s) for seeking a change in support:

--

Schedule 5**Other**

If you want to change a term of a court order or domestic contract dealing with an issue not listed in the schedules, state why you are applying for the change, describe the current arrangement specified in the order or contract, and describe the change you are seeking to the arrangement:

If there are more than 2 Co-Applicants, attach an extra page with the signatures required below.

Statement of Truth

All Co-Applicants must swear or affirm that the facts and information in this Application and the attached Consent Order is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

First Co-Applicant

I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____,

this _____ day of _____, 20____.

Signature of First Co-Applicant

Signature of Person Authorized to Administer Oaths

Second Co-Applicant

I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____,

this _____ day of _____, 20____.

Signature of Second Co-Applicant

Signature of Person Authorized to Administer Oaths

Parties' Certificates

If you are applying for relief under the Divorce Act, each Co-Applicant must complete one of these certificates.

First Co-Applicant

I, _____,
(Print Party's Name)

the Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20____.

Signature of Co-Applicant

Second Co-Applicant

I, _____ ,
(Print Party's Name)

a Co-Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____ .

Signature of Co-Applicant

If any of the Co-Applicants has a lawyer and you have applied for relief under the Divorce Act, your lawyer(s) must complete the Certificate(s) below.

I, _____, the Lawyer for _____,
(Print Lawyer's Name) (Print Co-Applicant's Name)

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(i) in resolving the matters that may be the subject of an order under this Act,
and

(c) to inform the person of the parties' duties under this Act.

DATED at _____, this _____ day of _____, 20_____.

Address of Lawyer

I, _____, the Lawyer for _____,
(Print Lawyer's Name) (Print Co-Applicant's Name)

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
- (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
- (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
- (c) to inform the person of the parties' duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20____.

Address of Lawyer

How to Respond to an Originating Application or Originating Application for Variation**Instructions for the Respondent**

If you have been served with an Origination Application or an Originating Application for Variation, you are the *Respondent* in a family law court proceeding. The person who has started this proceeding is the *Applicant*. A **Response (Form F6.02A)** is a form you use to respond to an Application. In the Response, you set out what your position is on the family law issues. You may also make your own claims in your Response.

If you do not respond, the Court may proceed and make an order without hearing from you.

Completing Your Response

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the Applicant). You must fill out pages 1-4 of the Response and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Response, attach an extra page.

If you are Responding to a claim for child support, you must attach all of the applicable financial documents set out on page 4 of the Financial Statement (Form F10.02A).

Filing Your Response

You must make **3 extra copies** of your completed and signed Response (including any additional documentation). File your original Response with the Court. To file your Response, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html. You have only **30 days** after the Application has been served on you to file your Response (You have 60 days if you have been served outside of Canada or the United States).

If the Applicant is making an application to vary a support order made under the *Divorce Act* and you reside in a different province, you may, within **40 days** after receiving the application, request that the Court convert the application to an inter-jurisdictional proceeding. For more information on this process, you can contact the Court.

Serving Your Response

You must give a copy of the Response to the Applicant. This is called *service*. You have only **30 days** after the Application has been served on you to serve your Response (You have 60 days if you have been served outside of Canada or the United States). If you are making a new claim for parenting or divorce in your Response, an adult (who is not you) must hand-deliver the Response to the Applicant. This is called *personal service*. If you are not making a new claim for parenting or divorce, you may also serve the Applicant by personal service or by leaving a copy with the Applicant's lawyer, leaving a copy at the Applicant's address, registered mail/courier, or regular mail. You may also serve the Applicant using fax, email, or electronic document exchange, if the Applicant has provided that information.

You may have to file an **Affidavit of Service (Form F8.03A)** or **Acknowledgement of Service (Form F8.04A)** with the Court. These forms are available online: www.court.nl.ca/supreme/family/forms.html

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or

1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THESE PAGES BEFORE SERVING THE RESPONSE ---

How to Reply to a Response**Instructions for the Applicant**

Read the attached **Response (Form F6.02A)** carefully. The Respondent has responded to the issues that you raised in your Originating Application or Originating Application for Variation.

The Respondent may have also made some new claims in his/her Response. If you want to respond to any of these new claims, you must file and serve a **Reply (Form F7.02A)**.

You can find the Response form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html

You have only **10 days** after this Response has been served on you to file and serve your Reply.

If you do not reply, the Court may proceed and make an order without hearing from you.

For more information on how to fill out, file, and serve a Reply, read the “Instructions for the Applicant” page attached to the Reply form.

More Information

Questions? You can go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding a lawyer, you can contact:

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Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F6.02A: Response (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

Check all of the boxes that apply:

☐ I do not contest any of the claims made by the Applicant.

☐ I disagree with some or all of the claims made by the Applicant.

Which claim(s) do you agree with (if any)?

It is helpful to indicate the page and section of the Applicant's application that you agree with.

Which claim(s) do you disagree with?

It is helpful to indicate the page and section of the Applicant's application that you disagree with.

☐ I am making my own claims.

Only check this box if you are making new claims that were not addressed in the Originating Application or Originating Application for Variation. You must fill out and file the Schedule(s) and any additional Form(s) that correspond with your claim(s).

I am seeking:

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (Decision-making and parenting time)	2	-
<input type="checkbox"/> Contact Order / Third Party Time with Child*	3	-
<input type="checkbox"/> Child Support	4	Financial Statement (Form F10.02A) if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property	6	Property Statement (Form F10.04A)
<input type="checkbox"/> Return of Child (within Canada)	7	Emergency Temporary Relief Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order	8	Consent Order (Form F34.02A and/or F34.02B)
<input type="checkbox"/> Other: _____	8	-

***Under the *Divorce Act*, a judge's permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.**

Respondent Information

Fill in your information below. Note: If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name			Last Name at Birth:	
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address				
	Street Address	City	Province	Postal Code
Mailing Address (if different from Residential Address)				
	Street Address or PO Box	City	Province	Postal Code
Telephone Number (if any)	Home:		Cell:	
Fax Number (if any)				
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of your band?	
			Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)				

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

☐ Check this box if there is more than 1 Respondent. Attach an extra page to provide the information of the other Respondent(s).

Fill in the information about your relationship with the Applicant

Your relationship with the Applicant				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, you were	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

Have child protection services, in this province or elsewhere, ever been involved with you, the Applicant(s), and/or any of the children listed above?

- ☐ No
☐ Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving you, the Applicant(s), and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

☐ Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 8.)

Schedule 1 Divorce

In order to apply for a divorce, ***you must be able to satisfy all 4 of the requirements below:***

1	<input type="checkbox"/> There has been a breakdown in our marriage and there is no likelihood that we will get back together.	
2	<input type="checkbox"/> I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.	OR <input type="checkbox"/> My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.
3	<input type="checkbox"/> I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. <i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i> <input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation.	<input type="checkbox"/> I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. <i>You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.</i>
4	<input type="checkbox"/> There has been no collusion in relation to this application for a divorce.	

I am seeking a divorce because there has been a permanent breakdown in our marriage based upon:

☐ **Separation:**

Check this box if you and your spouse currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding.

If you and your spouse have been living separate and apart for less than 1 year, you may still claim a divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.

☐ **Adultery:**

Check this box if you are seeking divorce because the Applicant has committed adultery. Attach an extra page with details of the adultery.

You may be required to present further evidence of the adultery. You do not need to name any other person involved. If you choose to name another person, you must serve this Response on that person by personal service. That other person(s) will have the same rights as a Respondent in relation to the adultery claim and may file a Response.

☐ Check this box to declare that you have not condoned or connived in the adultery.

☐ **Cruelty:**

Check this box if you are seeking divorce because your spouse has treated you with physical or mental cruelty that makes continued cohabitation intolerable. Attach an extra page with details of the cruelty.

You may be required to present further evidence of the physical or mental cruelty.

☐ Check this box to declare that you have not condoned or connived in the cruelty.

Schedule 2 **Parenting Order**

If you are making an application for a parenting order (decision-making and/or parenting time), or are a person looking to step into the role of parent, fill in the information below.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone or internet):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 3 Contact Order/ Third Party Time with Child

If you are a non-parent making an application for contact or time with a child, fill in the information below:

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

What contact/ time do you presently have or have you had with the child?:

What contact/ time with the child are you seeking?:

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request for contact/ time with the child (i.e. previous convictions, involvement with child protection authorities)?:

Other information that may be relevant to the court in determining whether to grant you contact/time with the child:

Schedule 4 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the basic table amount as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking special and/or extraordinary expenses . <i>You must complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . <i>Depending on your reason(s) for seeking an amount different from the <i>Child Support Guidelines</i>, you may have to attach further documentation.</i> List your reason(s) for seeking an amount of child support different from the <i>Child Support Guidelines</i> : <div style="margin-left: 20px;"> <input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month. <input type="checkbox"/> I have parenting time with the child(ren) for 40% or more of the year. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> The child(ren) is(are) 19 years of age or older. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> I am claiming undue hardship for the following reason(s): <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> </div> <div style="margin-left: 20px;"> <i>You must complete and attach a Financial Statement (Form F10.02A).</i> </div> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>
<div style="margin-left: 20px;"> <i>Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).</i> </div>
<input type="checkbox"/> I am seeking retroactive child support . What is the amount of retroactive child support that you are seeking? \$ _____ What is the date from which you are seeking retroactive child support? (month/day/year) _____ Describe the facts and your reason(s) for seeking retroactive child support: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>

Schedule 5**Spousal, Partner, Parental, or Dependent Support**

*If you are seeking spousal, partner, parental, or dependent support, you must complete and attach a
Financial Statement (Form F10.02A)*

Check all of the boxes that apply and fill in the information required:

☐ I am seeking :

- ☐ Spousal support
- ☐ Partner support
- ☐ Parental support
- ☐ Dependant support

Describe the facts and your reason(s) for seeking support:

☐ I am seeking:

- ☐ Retroactive spousal support
- ☐ Retroactive partner support
- ☐ Retroactive parental support
- ☐ Retroactive dependant support

What is the amount of retroactive support that you are seeking? \$ _____

What is the date from which you are seeking retroactive support? (month/day/year) _____

Describe the facts and your reason(s) for seeking retroactive support:

Schedule 6 Division of Property

*If you are seeking a division of matrimonial property or common law property, you must complete and attach a **Property Statement (Form F10.04A)***

Check all of the boxes that apply and fill in any information required:

<input type="checkbox"/> I am seeking an equal division of matrimonial property .
<input type="checkbox"/> I am seeking an unequal division of matrimonial property . Describe the facts and your reason(s) for seeking an unequal division of property: <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>
<input type="checkbox"/> I am seeking exclusive possession of the matrimonial home . Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home: <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>
<input type="checkbox"/> I am seeking a division of common law property . Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>
<input type="checkbox"/> Other: Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>

Schedule 7 Return of Child (within Canada)

*If you are seeking a court order for the return of a child or children (within Canada), answer the questions below:
You may provide any additional affidavit(s) necessary.*

At what address does the child(ren) habitually (normally) live?

Set out all of the available facts and information that you have relating to the whereabouts of the child(ren):

Set out all the available facts and information that you have regarding the identity of the person that the child(ren) is/are presumed to be with:

Set out your reasons for making the application:

Schedule 8 **Consent Order or Other Claims**

If you are seeking a court order for something other than the claims requested in the other Schedules, state what you are seeking, describe the facts, and give reasons:

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Response and the attached Schedule(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Response at the Court when you file it.

If there is more than 1 Respondent, attach an extra page with the signatures required below.

I declare the facts and information in this Response are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.

Signature of Respondent

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

Party's Certificate

If you or the Applicant are applying for relief under the Divorce Act, you must complete this certificate.

I, _____ ,
(Print Party's Name)

the Respondent, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____.

Signature of Respondent

Lawyer's Certificate

If you or the Applicant are applying for relief under the Divorce Act and you are represented by a lawyer, your lawyer must complete this certificate.

I, _____, the Lawyer for _____,
 (Print Lawyer's Name) (Print Respondent's Name)

the Respondent, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

- 7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding
- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - (i) in resolving the matters that may be the subject of an order under this Act, and
 - (ii) in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.
- (3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

 Signature of Lawyer

 Address of Lawyer

How to Respond to a Demand to Disclose**Instructions**

A **Response to Demand to Disclose (Form F11.02B)** is a form that you can use to respond to the other person's Demand to Disclose (Form F11.02A).

You have only **30 days** (from the date you received the Demand to Disclose) to provide the other person and the Court with the documents and information along with the Response to a Demand to Disclose form.

If you do not respond, the Court may proceed and make an order without hearing from you.

Completing Your Response to Demand to Disclose

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

List the documents that you are attaching and the documents that you are not attaching.

If you cannot provide the requested documents or information for any reason, you may be able to give authorization to a person or institution (eg. your employer) to provide the information. Otherwise, you must explain why you cannot provide the documents.

If you object to providing any or all of the documents requested, you must write this in your Response to Demand to Disclose and provide reasons.

Filing Your Response to Demand to Disclose

You must make **3 extra copies** of your completed and signed Response to Demand to Disclosure.

To file the Response to Demand to Disclose, you must bring the original Response to Demand to Disclose to the Supreme Court location where your file is or you can mail it to that location. You must file your Response to Demand to Disclose with the Court **within 30 days** from the date you were served.

Serving Your Response to Demand to Disclose

You may serve your Response to Demand to Disclose with your Originating Application, Originating Application for Variation, Response, or Reply. If you are serving just the Demand to Disclose alone, you can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You may also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SERVING THE RESPONSE ---

Form F11.02B: Response to Demand to Disclose (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

In response to the Demand to Disclose served by, _____,
(Print the other party's name)

dated _____, I am the ☐ Applicant ☐ Respondent ☐ Other:
(Date: month/day/year)

in the within matter .

I have provided the following requested documents and information to all parties:
(List the documents below)

I object to attaching the following requested documents and information for the reasons set out below:

(List the documents below and provide reasons for your objection)

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Response to Demand to Disclose is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Response at the Court when you file it.

I declare the facts and information of this Response to Demand to Disclose are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20_____.

Signature

Signature of Person Authorized to Administer Oaths

Form F14.04A: Request for Case Management Hearing (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

I, _____ the ☐ Applicant ☐ Respondent ☐ Other:
(Print Name)

am requesting a case management hearing on the following issues:

List the issue(s) you want to address in a Case Management Hearing. You may also provide brief details of the issue(s): (These listed issues must be in accordance with Rule 14.07(1) of the Supreme Court Family Division Rules)

Check the box(es) for any additional requests that you wish to make in your Case Management Hearing:
You must fill out and file any additional Form(s) that correspond to your request.

Request	Fill Out Form
<input type="checkbox"/> Disclosure	Demand to Disclose (Form F11.02A)
<input type="checkbox"/> Answers to Written Questions	Demand for Answers (Form F11.03A)
<input type="checkbox"/> Formal Trial	Request for Trial (Form F29.02A)
<input type="checkbox"/> Informal Trial	Request for Informal Trial (Form F31.02A)
<input type="checkbox"/> Summary Judgment Hearing	Request for Summary Judgment Hearing (Form F28.02A)
<input type="checkbox"/> Pre-Trial Determination of a Question of Law or Fact	Request for Pre-Trial Determination (Form F27.02A)
<input type="checkbox"/> Settlement Conference	Request for Settlement Conference (Form F25.03A)
<input type="checkbox"/> Binding Settlement Conference	Request for Settlement Conference (Form F25.03A) (include Schedule 1 of Request for Settlement Conference)

Addresses for Notice of Case Management

Applicant or Applicant's Lawyer:	Mailing Address:
	Email Address:
	Phone Number:
Respondent or Respondent's Lawyer:	Mailing Address:
	Email Address:
	Phone Number:
Second Applicant/Respondent or second Applicant/Respondent's Lawyer: (if applicable)	Mailing Address:
	Email Address:
	Phone Number:

Signature and Date

DATED at _____, this _____ day of _____, 20____.

Signature

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

How to Make an Interim Application for a Procedural Order Instructions

You can make an **Interim Application for a Procedural Order (Form 16.03A)** in your family law proceeding if you need an order that does not directly deal with your family law issues (for divorce, parenting, support, etc.).

For example, if you cannot serve the other person with court documents, you can make an application for substituted service.

When You Can Make an Interim Application for a Procedural Order

You can make an Interim Application for a Procedural Order at any time. You can make an Interim Application for a Procedural Order for a number of reasons. For example:

- 1) You are seeking access to a court file;
- 2) You cannot obtain your marriage certificate (or registration of marriage);
- 3) You are seeking an extension of time to file financial information;
- 4) You are seeking an order to dispense with the requirement to include the respondent's contact information in your Originating Application or Originating Application to Vary;
- 5) You are seeking a renewal of an Application;
- 6) You are seeking an order relating to the manner or timing of service of a document;
- 7) A rule in the *Supreme Court Family Rules* allows you to make an Interim Application for a Procedural Order;
- 8) A judge has given you permission to make an Interim Application for a Procedural Order.

Completing Your Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire form. If you require more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Application

To file your Interim Application, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html. You do not need to give a copy of this Application to the other person unless a judge orders you to do so.

The Court will contact you to let you know if your procedural order is granted or not. Sometimes a judge will ask that you attend a court hearing to hear your application. If you need to attend a hearing, the Court will contact you with a date and time. If your procedural order is granted, you will need to give a copy of the order to the other person immediately.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THIS APPLICATION ---

Form F16.03A: Interim Application for a Procedural Order (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20_____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

FOR COURT USE ONLY

HEARING DATE (if applicable)

The hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:

Location: Supreme Court in _____, Newfoundland and
Labrador

Address:

Date:

Time: _____ am / pm

am seeking an procedural order without providing notice to any other party.

Check the box that applies to you:

<input type="checkbox"/>	I am an officer of the Court and I am seeking access to a Court file. (If you are not an officer of the Court and you are seeking access to a Court file, you must file an Interim Application (Form F18.03A))
<input type="checkbox"/>	I cannot obtain my original marriage certificate (or registration of marriage).
<input type="checkbox"/>	I am seeking an extension of time to file financial information which must accompany an Originating Application or Originating Application for Variation.
<input type="checkbox"/>	I cannot obtain the Respondent's contact information, despite having made reasonable attempts.
<input type="checkbox"/>	I am seeking an order to renew an Originating Application or Originating Application for Variation.
<input type="checkbox"/>	I am seeking an order relating to the manner or timing of service of a document. (eg. substituted service, dispensing with service, etc.)
<input type="checkbox"/>	Rule (<i>specify rule number</i>) _____ permits this application to be made.
<input type="checkbox"/>	Other: _____

Fill in what you are seeking:

Part C Reasons for seeking procedural order(s) (Affidavit)

Fill in the reasons why you are seeking the procedural order(s):

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Interim Application for a Procedural Order and any attachments is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information in this Interim Application for a Procedural Order are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.

Signature

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

How to Make an Interim Application

Instructions

You can make an **Interim Application (Form F18.03A)** if your family law issue needs a temporary order in place until your issue gets a final resolution.

When You Can Make an Interim Application

You can **ONLY** make an interim application if either of the following applies to you:

- 1) There has been a case management hearing about the same issue(s) that your interim application is about (For example, you can only apply for interim child support if a case management hearing for child support has already taken place) **AND** your matter is urgent; or
- 2) You have permission from a judge to apply for an interim application. You can use this form to request permission.

Completing Your Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire form.

Filing Your Interim Application

You must make **2 extra copies** of your completed and signed Interim Application (including any additional documents). To file the Interim Application, you must bring the Application to the Supreme Court location where your family law file is or you can mail it to that location (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html

If you have had a case management meeting already, the Court will schedule a date for an Interim Application hearing on the front page of this form.

If your Interim Application requires permission from a judge, the Court will contact you to let you know if permission is granted or not. If permission is granted, the Court will schedule a date for an Interim Application hearing (and write that date on the front page of this form).

Serving Your Application

You must give a copy of your Interim Application and the hearing date to the other person **at least 10 days** before the hearing date that the Court provides to you. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SERVING THE APPLICATION ---

How to Respond to an Interim Application

Instructions

You have been served with an Interim Application.

This means that the other person in your family law proceeding is asking the Court to grant a temporary order until final resolution of your family law issue.

Read the attached Interim Application carefully.

If you want to oppose any claim(s) made in the interim application, you must file ONE affidavit in response. You can find an Affidavit template form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

Your affidavit should set out your position on the issues in the Interim Application and any important details or information.

You must give a copy of your Affidavit to the other person **at least 4 days before** the hearing date indicated on the front page of the Interim Application.

If you do not respond or do not appear at the scheduled court hearing, the Court may proceed and make an order without hearing from you.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

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Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F18.03A: Interim Application (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

FOR COURT USE ONLY

☐ **PERMISSION REQUIRED**

(for an interim application made before case
management)

☐ **PERMISSION NOT REQUIRED**

(for an interim application made after case management,
application to be removed as lawyer of record, or
application to access a court record)

☐ **PERMISSION GRANTED** ☐ **PERMISSION GRANTED IN PART** ☐ **PERMISSION DENIED**

FOR COURT USE ONLY

HEARING DATE

A hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:

Location: Supreme Court in _____, Newfoundland and
Labrador

Address:

Date: _____ **Time:** _____ am /
pm

I, _____, the ☐ Applicant ☐ Respondent ☐ Other:
(Print your name)

am seeking an interim order.

Part A Interim order(s) sought

Fill in what you are seeking:

Part B Reasons for seeking interim relief (Affidavit)

Fill in the reasons why you are seeking the Interim Order(s):

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Interim Application any attachments is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information in this Interim Application are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20_____.

Signature

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

How to Make an Offer to Settle**Instructions**

You can use this **Offer to Settle (Form F23.01A)** form to settle your family law issues outside of court.

Completing Your Offer to Settle

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and give a copy to the other person).

Make sure to fill out the first page of this form and attach any Schedules that apply to you. If you need more space to fill out any section of this Offer to Settle, attach an extra page and indicate which section is continued on the extra page.

After You Have Completed Your Offer to Settle

DO NOT file your Offer to Settle with the Court.

DO NOT disclose any information about the Offer to Settle to the Court.

You can only tell the Court that you made an Offer to Settle AFTER the judge has made a decision on all the issues in dispute (except costs).

Delivering Your Offer to Settle

You will need to give the completed and signed Offer to Settle to the other person. You do not have to formally serve the Offer to Settle. Remember to make a copy of the Offer to Settle for yourself.

Acceptance or Refusal of Offer to Settle

Once you have made your Offer to Settle, the other person may respond to your offer with an **Acceptance of Offer (Form F23.05A)**. If the other person accepts your offer, you and other person may draft and sign an agreement or a **Consent Order (Form F34.02A and/or F34.02B)**. You can then file the agreement or Consent Order with the Court.

If you change your mind before the other person responds, you can withdraw your offer with a **Withdrawal of Offer to Settle (Form F23.02A)**.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SENDING THE OFFER TO SETTLE ---

How to Respond to an Offer to Settle**Instructions**

You have received an Offer to Settle from the other person in your current family law proceeding.

DO NOT file any forms related to the Offer to Settle with the Court.
DO NOT disclose any information about the Offer to Settle to the Court.

Read the attached **Offer to Settle (Form F23.01A)** carefully.

To respond to the offer, you can send the other person an **Acceptance of Offer to Settle (Form F23.05A)**. You can find the Acceptance of Offer to Settle form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html

On page 1 of the Offer to Settle, you may find that there is a time limit to accept the offer. If you plan to accept the offer, be sure to send the other person a written and signed acceptance by that deadline. If you do not accept the offer by the deadline, the offer will be deemed to be rejected.

If the other person has indicated on page 1 that the offer may be accepted in part, you do not have to accept all of the terms of the offer. You may be able to negotiate some of the terms of the offer.

If you accept the offer or come up with terms that both you agree to, you and other person can draft and sign an agreement or a **Consent Order (Form F34.02A and/or F34.02B)**. You can then file the agreement or Consent Order with the Court.

You can also make your own Offer to Settle, using the Offer to Settle form (**Form F23.01A**). Please see the instructions on the form for more information on how to make an Offer to Settle.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

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--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F23.01A: Offer to Settle (Family Law)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

Check the issues that are in your Offer to Settle and fill out the corresponding Schedules. Remember to sign and date this page of the Offer to Settle:

<input type="checkbox"/> Parenting (Decision-making and/or Parenting time)	Schedule 1
<input type="checkbox"/> Contact Order/ Third Party Time with Child	Schedule 2
<input type="checkbox"/> Child Support	Schedule 3
<input type="checkbox"/> Spousal, Partner, Parental, or Dependent Support	Schedule 4
<input type="checkbox"/> Division of (Matrimonial or Common Law) Property	Schedule 5
<input type="checkbox"/> Other offers	Schedule 6

Check whether this offer may be accepted in part:

<input type="checkbox"/> This offer can be accepted in part.
<input type="checkbox"/> This offer cannot be accepted in part; all terms of this offer must be accepted.

Provide the details on any time limits for this offer:

<input type="checkbox"/> Acceptance of this offer must be made on or before (date: month/day/year): _____ at (time) _____
<input type="checkbox"/> Other: _____

DATED at _____, this _____ day of _____, 20____.

Signature

Signature of Lawyer (if any)

**--- THIS OFFER SHALL NOT BE FILED WITH OR DISCLOSED TO THE COURT UNTIL ALL ISSUES
IN THIS OFFER (other than costs) HAVE BEEN DETERMINED ---**

Schedule 1 **Parenting Order**

If you are making an offer to settle outstanding parenting issues (relating to decision-making and/or parenting time), fill in the terms of your proposal below:

Your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 2 Contact Order/ Third Party Time with Child

If you are making an offer to settle outstanding issues relating to contact or time with a child, fill in the terms of your proposal below:

Your proposed arrangements for:

Regular contact/time (weekly, bi-weekly, monthly, or other):

Contact/time on holidays and special occasions:

Contact/time over the phone, internet, etc.:

Schedule 3 Child Support

If you are making an offer to settle outstanding child support issues, fill in the terms of your proposal below:

☐ The basic Child Support Guidelines table amount of \$ _____ per month,
paid by the payor, _____, to the recipient, _____,
(Name of payor) (Name of recipient)
commencing _____.
(Date: month/day/year)

☐ Contribution to special and extraordinary expenses:

<input type="checkbox"/> Child care	\$ _____	per month	or	% of expense
<input type="checkbox"/> Medical and dental insurance premiums for the child(ren)	\$ _____	per month	or	% of expense
<input type="checkbox"/> Health related expenses (that exceed insurance reimbursement by at least \$100 annually)	\$ _____	per month	or	% of expense
<input type="checkbox"/> Extra-ordinary expenses for primary or secondary school education or for any other educational programs that meet the child(ren)'s particular needs	\$ _____	per month	or	% of expense
<input type="checkbox"/> Expenses for post-secondary education	\$ _____	per month	or	% of expense
<input type="checkbox"/> Extraordinary expenses for extracurricular activities	\$ _____	per month	or	% of expense
<input type="checkbox"/> Other:	\$ _____	per month	or	% of expense

paid by the payor, _____, to the recipient, _____,
(Name of payor) (Name of recipient)
, commencing _____.
(Date: month/day/year)

☐ Child support not in accordance with the Child Support Guidelines table amount of \$ _____,
paid by the payor, _____, to the recipient, _____,
(Name of payor) (Name of recipient)
, commencing _____.
(Date: month/day/year)

☐ Other child support amount of \$ _____ per month (eg. arrears or retroactive support),
paid by the payor, _____, to the recipient, _____,
(Name of payor) (Name of recipient)
, commencing _____.
(Date: month/day/year)

Schedule 4 Spousal, Partner, Parental, or Dependent Support

If you are making an offer to settle outstanding spousal, partner, parental, or dependent support issues, fill in the terms of your proposal below:

Your **proposed** support arrangements are for:

- ☐ Spousal support
- ☐ Partner support
- ☐ Parental support
- ☐ Dependent support

Your **proposed** support arrangements:

<input type="checkbox"/> Support amount of \$_____ to be paid monthly (or <input type="checkbox"/> other: _____), by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> (Name of payor) (Name of recipient) </div> <input type="checkbox"/> for a duration of _____ months, commencing _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> (Number of months) (Date: month/day/year) </div> <input type="checkbox"/> for an indefinite period.
--

<input type="checkbox"/> Support amount of \$_____ to be paid in lump sum , by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> (Name of payor) (Name of recipient) </div> , on or before _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> (Date: month/day/year) </div>

<input type="checkbox"/> Other support (eg. arrears/retroactive) amount of \$_____ to be paid monthly (or <input type="checkbox"/> other: _____), by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> (Name of payor) (Name of recipient) </div> , for a duration of _____ months, commencing _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> (Number of months) (Date: month/day/year) </div>

<input type="checkbox"/> Other support (eg. arrears/retroactive) amount of \$_____ to be paid in lump sum , paid by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> (Name of payor) (Name of recipient) </div> , on or before _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> (Date: month/day/year) </div>
--

Schedule 5 **Division of Property**

If you are making an offer to settle outstanding issues relating to division of property, fill in the terms of your proposal below:

Check all of the boxes that apply and fill in any information required:

What type of property are you making an offer for:

- ☐ Matrimonial property (where the parties are/were married)
- ☐ Common law property (where the parties were never married, but cohabitated in a conjugal relationship)

Your proposed division of property arrangement for:

Assets (eg. houses, land, cabins, vehicles, pensions, investments, RRSPs, etc.):

Debts (eg. mortgages, credit card debt, loans, lines of credit, etc.):

Other (eg. business assets, etc.):

Schedule 6 Other Offers

If you are making an offer to settle other issues, provide the terms of your proposal below:

How to Withdraw an Offer to Settle

Instructions

A **Withdrawal of Offer to Settle (Form F23.02A)** is a document that you can fill out if you want to withdraw certain terms or all of the terms in your Offer to Settle.

Completing Your Withdrawal of Offer to Settle

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and give a copy to the other person).

To complete a Withdrawal of Offer to Settle, make sure to fill out the sections of the form that apply to you. If you need more space to fill out any section of this Withdrawal of Offer to Settle, attach an extra page and indicate which section is continued on the extra page.

After You Have Completed Your Withdrawal of Offer to Settle

DO NOT file your Withdrawal of Offer to Settle with the Court.

DO NOT disclose any information about the Withdrawal of Offer to Settle to the Court.

You can only tell the Court that you withdrew your Offer to Settle AFTER the judge has made a decision on all the issues in dispute (except costs).

Serving Your Withdrawal of Offer to Settle

You will need to give the completed and signed Withdrawal of Offer to Settle to the other person. You do not have to formally serve the Withdrawal of Offer to Settle. Remember to make a copy of the Withdrawal of Offer to Settle for yourself.

Remaining Offer Terms

If your Withdrawal of Offer to Settle only partially withdraws your offer, the other person can respond to the remaining offer terms with an **Acceptance of Offer (Form F23.05A)** or they can refuse your offer.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can get more information from:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SENDING THE WITHDRAWAL ---

How to Respond to a Withdrawal of Offer to Settle Instructions

The Offer to Settle that you received from the other person has been withdrawn.

DO NOT file any forms related to the Offer to Settle or Withdrawal with the Court.
DO NOT disclose any information about the Offer to Settle or Withdrawal to the Court.

Read the attached **Withdrawal of Offer to Settle (Form F23.02A)** carefully.

You may find that only some of the terms of Offer to Settle were withdrawn, while others are still open for you to accept or refuse. The time limits of the Offer to Settle may still apply.

If you want to accept the remaining terms of the offer (if applicable), you can send the other person an **Acceptance of Offer (Form F23.05A)**.

You may also make your own Offer to Settle, using the **Offer to Settle form (Form F23.01A)**. Please see the instructions on the form for more information on how to make an Offer to Settle. You can get the Offer to Settle form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

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Grand Falls-Windsor: (709) 292-4260

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Grand Bank: (709) 832-1720

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Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F23.02A: Withdrawal of Offer to Settle (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

I, _____ the ☐ Applicant ☐ Respondent ☐ Other:
(Print your name)

withdraw my Offer to Settle, dated _____ in relation to the following:
(Date: month/day/year)

Where you wish to withdraw the Offer to Settle in its ENTIRETY, please check the following section:

☐ **All terms and issues**

Where you wish to withdraw ONE OR MORE OF THE TERMS of the Offer to Settle, please indicate which terms you withdraw below:

☐ **Parenting (Decision-making and Parenting time)**
List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Contact Order/ Third Party Time with Child**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Child Support**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Spousal, Partner, Parental, or Dependent Support**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Division of (Matrimonial or Common Law) Property**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Other Offers**

List the term(s) of the Offer to Settle that you are withdrawing:

DATED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>

--- DO NOT FILE THIS WITHDRAWAL WITH THE COURT ---
--- DO NOT DISCLOSE THIS WITHDRAWAL TO THE COURT UNTIL ALL ISSUES IN THE
OFFER (other than costs) HAVE BEEN RESOLVED ---

How to Withdraw an Offer to Settle

Instructions

A **Withdrawal of Offer to Settle (Form F23.02A)** is a document that you can fill out if you want to withdraw certain terms or all of the terms in your Offer to Settle.

Completing Your Withdrawal of Offer to Settle

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and give a copy to the other person).

To complete a Withdrawal of Offer to Settle, make sure to fill out the sections of the form that apply to you. If you need more space to fill out any section of this Withdrawal of Offer to Settle, attach an extra page and indicate which section is continued on the extra page.

After You Have Completed Your Withdrawal of Offer to Settle

DO NOT file your Withdrawal of Offer to Settle with the Court.

DO NOT disclose any information about the Withdrawal of Offer to Settle to the Court.

You can only tell the Court that you withdrew your Offer to Settle AFTER the judge has made a decision on all the issues in dispute (except costs).

Serving Your Withdrawal of Offer to Settle

You will need to give the completed and signed Withdrawal of Offer to Settle to the other person. You do not have to formally serve the Withdrawal of Offer to Settle. Remember to make a copy of the Withdrawal of Offer to Settle for yourself.

Remaining Offer Terms

If your Withdrawal of Offer to Settle only partially withdraws your offer, the other person can respond to the remaining offer terms with an **Acceptance of Offer (Form F23.05A)** or they can refuse your offer.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

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Grand Falls-Windsor: (709) 292-4260

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Grand Bank: (709) 832-1720

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Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SENDING THE WITHDRAWAL ---

How to Respond to a Withdrawal of Offer to Settle Instructions

The Offer to Settle that you received from the other person has been withdrawn.

DO NOT file any forms related to the Offer to Settle or Withdrawal with the Court.
DO NOT disclose any information about the Offer to Settle or Withdrawal to the Court.

Read the attached **Withdrawal of Offer to Settle (Form F23.02A)** carefully.

You may find that only some of the terms of Offer to Settle were withdrawn, while others are still open for you to accept or refuse. The time limits of the Offer to Settle may still apply.

If you want to accept the remaining terms of the offer (if applicable), you can send the other person an **Acceptance of Offer (Form F23.05A)**.

You may also make your own Offer to Settle, using the **Offer to Settle form (Form F23.01A)**. Please see the instructions on the form for more information on how to make an Offer to Settle. You can get the Offer to Settle form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

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Grand Falls-Windsor: (709) 292-4260

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Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F23.02A: Withdrawal of Offer to Settle (Family Law)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

I, _____ the ☐ Applicant ☐ Respondent ☐ Other:
(Print your name)

withdraw my Offer to Settle, dated _____ in relation to the following:
(Date: month/day/year)

Where you wish to withdraw the Offer to Settle in its ENTIRETY, please check the following section:

☐ All terms and issues

Where you wish to withdraw ONE OR MORE OF THE TERMS of the Offer to Settle, please indicate which terms you withdraw below:

☐ Parenting (Decision-making and Parenting time)
List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Contact Order/ Third Party Time with Child**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Child Support**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Spousal, Partner, Parental, or Dependent Support**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Division of (Matrimonial or Common Law) Property**

List the term(s) of the Offer to Settle that you are withdrawing:

☐ **Other Offers**

List the term(s) of the Offer to Settle that you are withdrawing:

DATED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>

--- DO NOT FILE THIS WITHDRAWAL WITH THE COURT ---
--- DO NOT DISCLOSE THIS WITHDRAWAL TO THE COURT UNTIL ALL ISSUES IN THE
OFFER (other than costs) HAVE BEEN RESOLVED ---

How to Accept an Offer to Settle

Instructions

An **Acceptance of Offer to Settle (Form F23.05A)** is a document that you can fill out if you want to accept the terms of an Offer to Settle (or, where permitted, certain terms of the offer).

If you wish to accept the Offer to Settle (or part of it) and there is a time limit in the Offer to Settle, you must send your Acceptance of Offer to Settle form to the other person before the time limit expires. If you do not send anything, the Offer to Settle will be deemed rejected.

Completing Your Acceptance of Offer to Settle

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and give a copy to the other person).

To complete an Acceptance of Offer to Settle, fill out the sections of the form that apply to you and remember to sign and date the last page. If you need more space to fill out any section of this Acceptance of Offer to Settle, attach an extra page and indicate which section is continued on the extra page.

Delivering Your Acceptance of Offer to Settle

You will need to give a copy of your completed and signed Acceptance of Offer to Settle to the other person. You do not have to formally serve the Acceptance of Offer to Settle and you do not have to provide proof of service to the Court.

Remember to make a copy of the Acceptance of Offer to Settle for yourself.

After You Have Completed and Delivered Your Acceptance of Offer to Settle

DO NOT file your Acceptance of Offer to Settle with the Court.

If you and the other person come to an agreement on some or all of the issues, you can draft either a agreement or a consent order. You can draft a consent order using the Consent Order template form. You can get the form from any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html. File the agreement or consent order with the Court.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SENDING THE ACCEPTANCE ---

What to Do When Your Offer to Settle Is Accepted

Instructions

Your Offer to Settle has been accepted (in whole or in part).

**DO NOT file any forms related to the Offer to Settle or Acceptance with the Court.
DO NOT disclose any information about the Offer to Settle or Acceptance to the Court.**

Read the attached **Acceptance of Offer to Settle (Form F23.05A)** carefully. You may find that some of the terms in your Offer to Settle were accepted, while others were not accepted. You may have to do some further negotiation with the other person if this is the case.

If you and the other person come to an agreement on some or all of the issues, you can draft either an agreement or a consent order. You can draft a consent order using the Consent Order template form. You can get the form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html. File the agreement or consent order with the Court.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or (709) 722-2643

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F23.05A: Acceptance of Offer to Settle (Family Law)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

I, _____ the ☐ Applicant ☐ Respondent ☐ Other:
(Print Name)

accept the formal Offer to Settle, dated _____ in relation to the following:
(Date: month/day/year)

If you wish to accept the offering party's Offer to Settle in its ENTIRETY, check the following section:

☐ All terms of the Offer to Settle

If you wish to accept ONE OR MORE of the terms of the Offer to Settle (and the Offer to Settle has specified that the offer to may be accepted in part), indicate which terms you accept below:

☐ Parenting (Decision-making and Parenting)

List the term(s) of the Offer to Settle that you accept:

☐ **Contact Order/ Third Party Time with Child**

List the term(s) of the Offer to Settle that you accept:

☐ **Child Support**

List the term(s) of the Offer to Settle that you accept:

☐ **Spousal, Partner, Parental, or Dependent Support**

List the term(s) of the Offer to Settle that you accept:

☐ **Division of (Matrimonial or Common Law) Property**

List the term(s) of the Offer to Settle that you accept:

☐ **Other Offers**

List the term(s) of the Offer to Settle that you accept:

DATED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>

**--- THIS ACCEPTANCE SHALL NOT BE FILED WITH OR DISCLOSED TO THE COURT UNTIL
ALL ISSUES IN THE OFFER (other than costs) HAVE BEEN DETERMINED ---**

How to Request a Settlement Conference

Instructions

A **settlement conference** is an informal meeting where you and the other person meet to hear each other's proposals and look for solutions that are acceptable to everyone. A judge will assist you. You can request a settlement conference if you want to negotiate a resolution and have more control over the outcome of your case. If your settlement conference is unsuccessful, you can go to trial.

Any discussions that take place in a settlement conference cannot be brought up or used against you if you go to trial. If you go to trial, your trial judge will be different from your settlement conference judge, unless you and the other person agree otherwise.

A binding settlement conference is similar to a settlement conference, except that you both agree that the settlement conference judge can make a decision. This decision becomes a final order and is binding.

Before you can file a **Request for a Settlement Conference (Form F25.03A)**, you must already have a scheduled date for a case management hearing. A judge will consider your request at that case management hearing.

Completing a Request for a Settlement Conference

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html. (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

You must fill out pages 1-3 of the form. If you are requesting a binding settlement conference, you must also fill out and attach Schedule 1. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing a Request for a Settlement Conference

You must make **2 extra copies** of your signed Request for a Settlement Conference. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Settlement Conference

You must give a copy of this Request form to the other person **at least 7 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information. The other person can respond by filing their own Request for a Settlement Conference form.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SERVING AND FILING YOUR REQUEST ---

How to Respond to a Request for a Settlement Conference

Instructions

You have been served with a **Request for a Settlement Conference (Form 25.03A)**. This means that the other person wants to schedule a settlement conference or binding settlement conference. At your next case management hearing, the judge will decide whether you should go to a settlement conference.

A **settlement conference** is an informal meeting where you and the other person meet to hear each other's proposals and look for solutions that are acceptable to everyone. A judge will assist you. You can request a settlement conference if you want to negotiate a resolution and have more control over the outcome of your case. If your settlement conference is unsuccessful, you can go to trial.

Any discussions that take place in a settlement conference cannot be brought up or used against you if you go to trial. If you go to trial, your trial judge will be different from your settlement conference judge, unless you and the other person agree otherwise.

A binding settlement conference is similar to a settlement conference, except that you both agree that the settlement conference judge can make a decision. This decision becomes a final order and is binding.

Responding to a Request for a Settlement Conference

To respond to the other person's request, you must fill out your own **Request for a Settlement Conference** form. You can get this form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html. Even if you do not agree to a settlement conference, you must still fill out your own Request form. You can check off the option on the form to indicate that you do not agree to a settlement conference. A judge may still order you to attend a settlement conference.

Filing a Request for a Settlement Conference

You must make **2 extra copies** of your signed Request for a Settlement Conference. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Settlement Conference

You must give a copy of this Request form to the other person **at least 2 days** before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F25.03A: Request for a Settlement Conference (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

I, _____ the ☐ Applicant ☐ Respondent ☐ Other:
(Print your name)

- ☐ am requesting a settlement conference. (Fill out Parts A, B, C, D, and E)
- ☐ am requesting a binding settlement conference. (Fill out Parts A, B, C, D, E, and Schedule 1)
- ☐ am responding to a request for a settlement conference.
- ☐ I agree to the request for a settlement conference. (Fill out Parts A, B, C, D, and E)
- ☐ I reject the request for a settlement conference because:

- ☐ am responding to a request for a binding settlement conference.
- ☐ I agree to the request for a binding settlement conference. (Fill out Parts A, B, C, D, E, and Schedule 1)
- ☐ I reject the request for a binding settlement conference.

Part A Resolved Issues

Check the issues that have already been resolved (by court order, agreement, consent, or otherwise):

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (Decision-making and Parenting time)
<input type="checkbox"/> Contact Order/ Third Party Time with Child
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> Other:

Part B Issues for Settlement Conference

Check the issues that you would like to address at the settlement conference and provide a brief description:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (Decision-making and Parenting time):
<input type="checkbox"/> Contact Order/ Third Party Time with Child:
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support:
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>):
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property:
<input type="checkbox"/> Other:

Part C Time Required for Settlement Conference

How much time do you estimate the settlement conference will require?

<input type="checkbox"/> Half day	<input type="checkbox"/> Full day	<input type="checkbox"/> Other:
-----------------------------------	-----------------------------------	---------------------------------

Part D Undertakings

You must indicate that you will do all of the following:

<input type="checkbox"/> I will serve and file a settlement conference brief at least 7 days before the settlement conference date.
<input type="checkbox"/> I will keep my financial information current by filing with the Court and delivering to the opposing party the updated financial information at least 7 days before the settlement conference date.
<input type="checkbox"/> I will promptly advise the Court if a settlement has been reached prior to the settlement conference date.
<input type="checkbox"/> I will provide the Court and the other party with all documents I intend to rely on in the settlement conference.

Part E Legal Representation

Fill in the details of your legal representation below:

<input type="checkbox"/> I am currently represented by (Name of lawyer)_____. <div style="margin-left: 40px;"> <input type="checkbox"/> The above named lawyer will represent me at the settlement conference. <input type="checkbox"/> I will be represented by a different lawyer at the settlement conference: (Name of lawyer)_____. <input type="checkbox"/> I will be representing myself at the settlement conference. </div>
<input type="checkbox"/> I am not currently represented by a lawyer. <div style="margin-left: 40px;"> <input type="checkbox"/> I anticipate having a lawyer for the settlement conference: (Name of lawyer)_____. <input type="checkbox"/> I will be representing myself at the settlement conference. </div>

Signature and Date

DATED at _____, this _____ day of _____, 20_____. 	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer (if any)</i>

Schedule 1 Agreement to Binding Settlement Conference

Outstanding Issues for Binding Settlement Conference:

Check the issues that you would like to address at the binding settlement conference:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (Decision-making and Parenting time):
<input type="checkbox"/> Contact Order/ Third Party Time with Child:
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support:
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>):
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property:
<input type="checkbox"/> Other:

Preference of Judge

If you prefer to have a particular judge for your binding settlement conference, please indicate the judge's (or judges') name(s):

--

Consent and Waiver

I, _____ the ☐ Applicant ☐ Respondent ☐ Other:
(Print your name)

consent to a binding settlement conference to resolve the outstanding issue(s).

I understand the binding settlement conference process.

I have chosen a binding settlement conference to resolve the outstanding issue(s) instead of a trial of the issue(s).

I agree to be bound by the decision of the settlement conference judge should the judge find it appropriate to decide the issue(s).

I understand that the settlement conference judge is not bound by the strict rules of evidence, but may receive and use any information submitted to the Court.

I understand that the settlement conference judge has full power and authority to rule on any questions of law and/or fact applying to the admission of evidence or determination of the issues in the same manner as a judge at trial.

I understand that a decision of the settlement conference judge is enforceable in the same manner as any other Judgment of the Court.

I understand that having a binding settlement conference will impact any right of appeal following the binding settlement conference.

I agree to keep all communications and discussions from the entire binding settlement conference process confidential.

I understand that my participation in this binding settlement conference is strictly voluntary and that I can withdraw consent to proceed with a binding settlement conference at any time prior to the conference date.

I have not been coerced or threatened in any way to agree to this binding settlement conference process and I have not been promised anything to get me to agree to this binding settlement conference process.

I understand that I can seek independent legal advice from a lawyer before consenting to this binding settlement conference process, and

- ☐ I have received independent legal advice; or
☐ I have chosen not to seek independent legal advice.

DATED at _____, this _____ day of _____, 20____.

Signature

Signature of Lawyer (if any)

Print Name of Lawyer

How to Make an Application for Judgment**Instructions**

An **Application for Judgment (Form F26.02A)** is a form that you may use to apply for judgment in an uncontested proceeding. If any of the following applies to your situation, your matter is an uncontested proceeding:

- The Respondent failed to file and serve a Response within the prescribed time (and a Notice of Default (Form F6.06A) has been filed);
- The Response has been withdrawn or struck out;
- The Respondent filed a Response stating that they are not contesting a claim in the Application;
- The Applicant failed to file a Reply in relation to a claim against them made in the Response within the prescribed time (and a Notice of Default (Form F6.06A) has been filed);
- The Reply has been withdrawn or struck out;
- The Applicant filed a Reply stating that they are not contesting a claim in the Response;
- The parties have applied together for the same relief; or
- Each party to the proceeding consents to a draft judgment or order.

Completing Your Application for Judgment

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire Application for Judgment form. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Application for Judgment

To file your Application for Judgment, bring it to the Supreme Court location where your family law file is or mail the Application to that Supreme Court location. Before you file it, you should make an extra copy of your completed and signed Application for Judgment for your own records.

If you are applying for a divorce, you must also file: 1) a draft **Divorce Judgment (Form F26.03A)** along with 2 extra copies of that Divorce Judgment. You can get a Divorce Judgment form from any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html and 2) a **Notice of Default (Form F6.06A)** if the other party failed to file a Response or Reply within the prescribed time.

Serving Your Application for Judgment

You do not have to give a copy of this Application to the other person unless they have filed a **Demand for Notice (Form F6.04A)**.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THIS APPLICATION --

Form F26.02A: Application for Judgment (Family Law)

(for uncontested family law proceedings)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT or CO-APPLICANT
(Print full name)

AND: _____ RESPONDENT or CO-APPLICANT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT
☐ CO-APPLICANT

Part A The Order(s) Sought

Check the type of order(s) that you are seeking and provide a brief description:

<input type="checkbox"/> Divorce:
<input type="checkbox"/> Parenting (Decision-making and/or Parenting time):
<input type="checkbox"/> Contact Order/ Third Party Time with Child:
<input type="checkbox"/> Child Support:
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support:
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for someone other than parents or child</i>):
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property:
<input type="checkbox"/> Consent Order:
<input type="checkbox"/> Other:

Part B Basis for Application for Judgment

Check the box that applies to your situation:

<input type="checkbox"/> The Respondent failed to file and serve a Response within the prescribed time.
<input type="checkbox"/> The Response has been withdrawn or struck out.
<input type="checkbox"/> The Respondent filed a Response stating that they are not contesting the claim(s) made in the Application.
<input type="checkbox"/> The Applicant failed to file a Reply in relation to a claim against them made in the Response within the prescribed time.
<input type="checkbox"/> The Reply has been withdrawn or struck out.
<input type="checkbox"/> The Applicant filed a Reply stating that they are not contesting the claim(s) made in the Response.
<input type="checkbox"/> The Co-Applicants filed a Joint Originating Application for the same relief.
<input type="checkbox"/> The Applicant and the Respondent have consented to the draft judgment or draft order.

Part C Relevant Documents

Check the following documents that support your claims as they relate to the order that you are seeking:
(Attach any documents that you have not already filed with the court)

<input type="checkbox"/> Originating Application	<input type="checkbox"/> Property Statement of the Applicant
<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Property Statement of the Respondent
<input type="checkbox"/> Joint Originating Application	<input type="checkbox"/> Affidavit of Service
<input type="checkbox"/> Joint Originating Application for Variation	<input type="checkbox"/> Previous Court Order(s)
<input type="checkbox"/> Response	<input type="checkbox"/> Domestic Contract (eg. Separation Agreement)
<input type="checkbox"/> Demand for Notice	<input type="checkbox"/> Certificate (or Registration) of Marriage
<input type="checkbox"/> Notice of Default	<input type="checkbox"/> Order dispensing with Certificate of Marriage
<input type="checkbox"/> Reply	<input type="checkbox"/> 1 self-addressed, stamped envelope with the Applicant's address
<input type="checkbox"/> Financial Statement of the Applicant	<input type="checkbox"/> 1 self-addressed, stamped envelope with the Respondent's address
<input type="checkbox"/> Financial Statement of the Respondent	<input type="checkbox"/> Draft Divorce Judgment and/or other draft orders
<input type="checkbox"/> Other:	

- ☐ Check this box if you are Co-Applicants (filed a Joint Originating Application or Joint Originating Application for Variation). If you are Co-Applicants, you do not need to fill in Part D.

Part D Service of Originating Application or Response

Fill in the details of the service of the Originating Application, Originating Application for Variation, or Response.

Name of person served:				
Date of service:	Month:	Day:	Year:	
Address of service:				
	Street Address	City	Province	Postal Code
Method of service:	For Originating Application or Response (involving divorce and/or parenting): <input type="checkbox"/> Personal service <input type="checkbox"/> Substituted service as ordered by the Court			
	For Originating Application or Response (involving claims other than divorce and/or parenting): <input type="checkbox"/> Personal service <input type="checkbox"/> Leaving a copy with the Respondent's lawyer <input type="checkbox"/> Leaving a copy at the Respondent's address (and mailing a copy to the same address that day or the following day) <input type="checkbox"/> Regular mail <input type="checkbox"/> Registered mail/Courier <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Electronic document exchange or other electronic form of communication <input type="checkbox"/> Substituted service as ordered by the Court			

- ## Part E Affidavit

June 3, 2022

Fill in the details of the changes to the contents:

If there is a change in your financial circumstances since the filing of the Originating Application, Originating Application for Variation, Interim Application, Response, Financial Statement, and/or Property Statement, you must file and serve updated documents.

5. Divorce (if applicable)

In order to apply for a divorce, you must be able to satisfy ALL of the requirements below:

- ☐ There is no prospect of reconciliation of the marriage between the other party and myself.
- ☐ The other party and I have remained living separate and apart from the date of our separation to the date of this Affidavit.

If you have a child or children:

Applicant or Co-Applicant's Annual Income: \$

Respondent or Co-Applicant's Annual Income: \$

- ☐ Reasonable arrangements have been made for the support of the child(ren). Provide details:

- ☐ Check this box if you are seeking an earlier date of effect for a divorce judgment. You must fill out a Request for Earlier Date for a Divorce Judgment form.

6. Support (if applicable)

Check the box that applies to your situation:

- ☐ I am claiming support.
- I know/believe the other party's income to be: \$ _____ per year.
- If you are seeking child support and the other party has not filed income information, you must provide sufficient information of the other party's income.*
- ☐ I am not claiming support.
- ☐ Sufficient financial arrangements have been made for the care of the child(ren).

7. Costs (if applicable)

<input type="checkbox"/>	Costs are claimed in the amount of \$_____ for the following reasons:

8. Service of Judgment:

<input type="checkbox"/>	The present address of the other party where service of the judgment may be made is:
I know/believe that this is the address of the other party because:	
<input type="checkbox"/>	Service of the judgment upon the other party should be dispensed with for the following reasons:

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Application for Judgment and Affidavit is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information of this Application for Judgment and Affidavit are true to the best of my knowledge and belief.	
SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

How to do a Consent Order**Instructions**

If you and the other person have come to an agreement on all of your family law issues, you can do a Consent Order. You can use this **Consent Order (Form F34.02A)** template to draft the agreement between you and the other person. By signing a Consent Order, you acknowledge that the terms of the Order will be enforced. Before you sign a Consent Order, both you and the other person should get advice from separate lawyers.

You can only file a Consent Order if you already have an **Originating Application (Form F4.03A)**, **Originating Application for Variation (Form F5.05A)**, **Joint Originating Application (Form F4.04A)**, or **Joint Originating Application for Variation (Form F5.06A)** filed with the Court. If you do not one of those documents filed with the Court, you must complete one and file it at the same time as your Consent Order.

If there are any issues that you and the other person do not agree on, you must set out these issues in an **Originating Application (Form F4.03A)** or **Originating Application for Variation (Form F5.05A)**. You can still do a Consent Order on the issues you agree on.

Completing Your Consent Order

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court).

Check off “Final Order on Consent” (on the first page) if you are consenting to a final order. Check off “Interim Order on Consent” (on the first page) if you are consenting to an interim order.

Consent Orders dealing with child, spousal, partner, parental, or dependant support, must be separated from other types of orders. If you are consenting to support, fill out this **Consent Order – Support**. For all other Consent Orders (eg. parenting or property), fill out a **Consent Order – Other than Support (Form F34.02B)**.

If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Consent Order

You must make **2 extra copies** of your completed and signed consent Order. To file it, you must bring the original Consent Order to the same Court location where the Originating Application, Originating Application for Variation, Joint Originating Application, or Joint Originating Application for Variation was filed. You can also mail the Consent Order to that Supreme Court location.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THE ORDER ---

F34.02A: Consent Order – Support (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____
(Print full name)

☐ APPLICANT
☐ CO-APPLICANT

AND: _____
(Print full name)

☐ RESPONDENT
☐ CO-APPLICANT

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT
☐ CO-APPLICANT

BEFORE the Honourable Justice _____, on _____.
(Print Name) (Date: month/day/year)

☐ Final Order on Consent

☐ Interim Order on Consent

IT IS ORDERED THAT under the:

☐ Family Law Act (Newfoundland and Labrador):

☐ Divorce Act (Canada):

☐ _____

Child Support☐ **Basic Table Amount**

The parties agree to an amount of child support according to the basic table amount as per the *Child Support Guidelines* of (province) _____ as follows:

Payment amount: \$ _____ Payor's annual income: \$ _____

To be paid: (eg. 1st day of every month, weekly, etc.) _____

Paid by: (name) _____ to: (name) _____

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

OR

☐ **Amount Different from the Basic Table Amount (☐ Shared Parenting or ☐ Split Parenting)**

The parties agree to an amount of child support that is different from the *Child Support Guidelines* of (province) _____ as follows:

Applicant or Co-Applicant 1's annual income: \$ _____

Payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

--- AND ---

Respondent or Co-Applicant 2's annual income: \$ _____

Payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

To be paid: (eg. 1st day of every month, weekly, etc.) _____

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

--- SET OFF (if split parenting) or AMOUNT (if shared parenting) ---

Payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

To be paid: (eg. 1st day of every month, weekly, etc.) _____

Commencement date: (month/day/year) _____

OR

☐ **Amount Different from the Basic Table Amount**

The parties agree to an amount of child support that is different from the *Child Support Guidelines of (province)* _____ as follows:

Payment amount: \$ _____

To be paid: (eg. 1st day of every month, weekly, etc.) _____

Paid by: (name) _____ to: (name) _____

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

Payor's annual income: \$ _____ Recipient's annual income: \$ _____

Reason or further details:

--

☐ **Special and/or Extraordinary Expenses**

The parties agree to an amount of special and/or extraordinary expenses as follows:

Child's Name and date of birth	Description of Expense	Total Amount of Expense (per month)	Payor's Share or Contribution (\$ or %) (per month)	Frequency of Payment	Commence- ment Date (month/day/year)
		\$			
		\$			
		\$			
		\$			
		\$			

Other special expenses and/or details:

--

Paid by: (name) _____ to: (name) _____

Payor's annual income: \$ _____ Recipient's annual income: \$ _____

☐ Parties will send receipts to Support Enforcement.

☐ **Retroactive Child Support**

The parties agree to an amount of retroactive child support as follows:

Payment amount: \$ _____ per month OR \$ _____ lump sum

Paid by: (name) _____ to: (name) _____,

representing the payor's child support obligations from (date: month/day/year) _____

to (date: month/day/year) _____

For the following child(ren): (names and dates of birth) _____

Commencement/Payment date: (month/day/year) _____

☐ **Arrears**

The parties agree that the outstanding child support amount owed, fixed at (arrears) \$ _____

as of (date) (month/day/year) _____, shall be paid as follows:

Payment amount: \$ _____ per month OR \$ _____ lump sum

Paid by: (name) _____

to: (name or agency, if assigned) _____

For the following child(ren): (names and dates of birth) _____

Commencement/Payment date: (month/day/year) _____

☐ **Disclosure (Payor)**

Pursuant to section 25 of the *Federal Child Support Guidelines* (Canada) (or section 23 of the provincial *Child Support Guidelines Regulations*), (name) _____ shall provide a copy

of the his/her income tax return and notice of assessment to (name) _____

on or before (date: month/day/year) _____ each year, commencing in the year _____.

☐ **Disclosure (Recipient) (if applicable)**

Pursuant to section 25 of the *Federal Child Support Guidelines* (Canada) (or section 23 of the provincial *Child Support Guidelines Regulations*), (name) _____ shall provide a copy

of the his/her income tax return and notice of assessment to (name) _____

on or before (date: month/day/year) _____ each year, commencing in the year _____.

☒ **Support Enforcement**

All amounts owing under this Order shall be paid directly to the Director of Support Enforcement at:

Support Enforcement Division

P.O. Box 2006

Corner Brook, Newfoundland and Labrador A2H 6J8

This order shall be enforced by the Director of Support Enforcement pursuant to the *Support Orders Enforcement Act*, 2006, SNL 2006, Chapter S-31.1, unless the Order is withdrawn from the Director, pursuant to s.7 of the Act.

☐ **Support Recalculation**

(You can only check this box if all parties have agreed to basic table amount of child support and either primary residence parenting or split parenting.)

The amount of child support shall be reviewed each year and, where necessary, will be recalculated by the Recalculation Office in accordance with the *Administrative Recalculation of Child Support Regulations*.

COMMENCEMENT DATE OF CHILD SUPPORT:

- (a) The commencement date of child support pursuant to this order is the ____ day of (month) _____ of (year) _____.

REVIEW DATE:

- (b) The child support amount will be reviewed one year after the date set out in clause (a) above.

INCOME INFORMATION REQUIREMENTS AND DUE DATE:

- (c) The person required to pay child support must provide the following income information to the Recalculation Office:
- (i) Personal income tax return for the most recent taxation year; and
 - (ii) Notice of assessment and any reassessments for the most recent taxation year; or
 - (iii) other document(s) acceptable to the Recalculation Office.

- (d) The income information must be provided to the Recalculation Office **not later than 45 days before the review date** at:

Recalculation Office
9th floor, Sir Richard Squires Building
P.O. Box 2006, Corner Brook, NL A2H 6J8
Tel: (709) 634-4172 | Fax: (709) 634-4155
E-mail: recalculation@gov.nl.ca

RECALCULATION – WHERE INCOME INFORMATION IS PROVIDED

- (e) If satisfactory income information is received by the Recalculation Office at least 45 days before the review date, the Recalculation Office will issue a Recalculation Notice setting out the proposed recalculated child support amount.
- (f) If, as a result of the recalculation, the amount of child support would increase or decrease less than \$5.00 per month, the Recalculation Office will not recalculate the amount of child support. The Recalculation Office will notify the parties that there will be no change for that year.

RECALCULATION – WHERE INCOME INFORMATION IS NOT PROVIDED

- (g) If satisfactory income information is not received by the Recalculation Office at least 45 days before the review date, the Recalculation Office will issue a Recalculation Notice setting out the proposed recalculated child support amount. This amount will be:

- (i) the income amount on which the most recent child support order, agreement, or Recalculation Notice was based; plus
- (ii) 20% of the payor's income as determined under (g)(i) above.

EFFECTIVE DATE OF RECALCULATED AMOUNT

- (h) Unless a Notice of Objection is filed, the recalculated amount of child support stated in the Recalculation Notice will come into effect on the date set out in the Recalculation Notice. The Recalculation Office will file a copy of the Recalculation Notice with the court that made the child support order (or where the agreement is filed) and the Support Enforcement Agency.
- (i) The recalculated amount of child support is payable to the Support Enforcement Agency:

Support Enforcement Division
2nd floor, Sir Richard Squires Building
P.O. Box 2006, Corner Brook, NL A2H 6J8
Tel: (709) 637-2608

OBJECTION TO RECALCULATION

- (j) If a party objects to the change in child support amount in the Recalculation Notice, the party must file a Notice of Objection with the court that made the child support order, or where the agreement was filed. The party must also provide a copy of the Notice of Objection to the Recalculation Office.
- (k) The Notice of Objection must be filed within 30 days after the Notice of Recalculation is deemed to be received.
- (l) If a Notice of Objection is filed, no change shall be made to the amount of child support payable unless:
 - (i) a court order is made at the conclusion of the objection hearing; or
 - (ii) the Notice of Objection is withdrawn before the objection hearing, in which case the recalculated amount of child support is considered to have come into effect on the date set out in the Recalculation Notice.

CHANGE OF CONTACT INFORMATION

Parties must notify the Recalculation Office of any change to their mailing address, email address, telephone number, or fax number within 10 days of the change.

☐

Other:

Spousal, Partner, Parental, or Dependant Support

☐ **No Spousal, Partner, Parental, and/or Dependant Support**

The parties agree that there will be no spousal, partner, parental, and/or dependant support to either party.

☐ **Ongoing Support**

The parties agree to an amount of:

☐ **Spousal support** ☐ **Parental support** ☐ **Partner support** ☐ **Dependant support**

as follows:

Payment amount: \$ _____ per month

Paid by: (name) _____ to: (name) _____

For the following person(s): (names) _____

Commencement date: (month/day/year) _____

Duration (if applicable): _____

Review date (if applicable): (month/day/year) _____

Nature of Review (if applicable): _____

☐ **Retroactive Support**

The parties agree to an amount of **retroactive**:

☐ **Spousal support** ☐ **Parental support** ☐ **Partner support** ☐ **Dependant support**

as follows:

Payment amount: \$ _____ per month

Paid by: (name) _____ to: (name) _____, representing

the payor's support obligations from (date: month/day/year) _____ to (date: month/day/year) _____

For the following person(s): (names) _____

Commencement date: (month/day/year) _____

☐ **Arrears**

The parties agree that the outstanding support amount owed, fixed at (arrears) \$ _____

as of (date: month/day/year) _____, shall be paid off as follows:

Payment amount: \$ _____ per month OR \$ _____ lump sum

Paid by: (name) _____

to: (name or agency, if assigned) _____

Commencement/Payment date: (month/day/year) _____

☐ **The parties agree to the financial arrangement for support as follows:**

Consent Signatures (if applicable)

If applicable, both parties must sign the Consent Order in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Consent Order at the Court when you file it.

Applicant (or Co-Applicant)

DATE (month/day/year): _____
<i>Signature of Applicant (or Co-Applicant)</i>
<i>Address of Applicant (or Co-Applicant)</i>
<i>Signature of Person Authorized to Administer Oaths</i>

Respondent (or Co-Applicant)

DATE (month/day/year): _____
<i>Signature of Respondent (or Co-Applicant)</i>
<i>Address of Respondent (or Co-Applicant)</i>
<i>Signature of Person Authorized to Administer Oaths</i>

Applicant's (or Co-Applicant's) Lawyer (if any)

DATE (month/day/year): _____
<i>Signature of Lawyer</i>
<i>Print name of Lawyer</i>

Respondent's (or Co-Applicant's) Lawyer (if any)

DATE (month/day/year): _____
<i>Signature of Lawyer</i>
<i>Print name of Lawyer</i>

Order Issued at:	FOR COURT USE ONLY
Location: Supreme Court in _____, Newfoundland and Labrador	
Date: _____	

Justice or Registry Clerk of the Supreme Court of Newfoundland and Labrador	

How to do a Consent Order**Instructions**

If you and the other person have come to an agreement on all of your family law issues, you can do a Consent Order. You can use this **Consent Order** template to draft the consent order between you and the other person.

By signing a Consent Order, you acknowledge that the terms of the Order will be enforced. Before you sign a Consent Order, both you and the other person should get advice from separate lawyers.

You can only file a Consent Order if you already have an **Originating Application (Form F4.03A)**, **Originating Application for Variation (Form F5.05A)**, **Joint Originating Application (Form F4.04A)**, or **Joint Originating Application for Variation (Form F5.06A)** filed with the Court. If you do not one of those documents filed with the Court, you must complete one and file it at the same time as your Consent Order.

If there are any issues that you and the other person do not agree on, you must set out these issues in an **Originating Application (Form F4.03A)** or **Originating Application for Variation (Form F5.05A)**. You can still do a Consent Order on the issues you agree on.

Completing Your Consent Order

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court).

Check off “Final Order on Consent” (on the first page) if you are consenting to a final order. Check off “Interim Order on Consent” (on the first page) if you are consenting to an interim order.

Consent orders dealing with child, spousal, partner, parental, or dependant support, must be separated from other types of orders. If you are consenting to support, fill out an **Consent Order – Support**. For all other Consent orders (eg. parenting or property), fill out this **Consent Order – Other than Support**.

If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Consent Order

You must make **2 extra copies** of your completed and signed Consent Order. To file it, you must bring the original Consent Order to the same Court location where the Originating Application, Originating Application for Variation, Joint Originating Application, or Joint Originating Application for Variation was filed. You can also mail the Consent Order to that Supreme Court location.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John's: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding or getting a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THE ORDER ---

F34.02B: Consent Order – Other than Support (Family Law)



**In the Supreme Court of
Newfoundland and Labrador
(General/Family)**

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____
(Print full name)

☐ APPLICANT
☐ CO-APPLICANT

AND: _____
(Print full name)

☐ RESPONDENT
☐ CO-APPLICANT

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT
☐ CO-APPLICANT

BEFORE the Honourable Justice _____, on _____.
(Print Name) (Date: month/day/year)

☐ Final Order on Consent

☐ Interim Order on Consent

IT IS ORDERED THAT under the:

- ☐ Family Law Act (Newfoundland and Labrador):
- ☐ Divorce Act (Canada):
- ☐ Children's Law Act (Newfoundland and Labrador):
- ☐ _____

Parenting**Decision-Making**☐ **One parent makes all the decisions (Sole Decision-Making)**

The parties agree that _____
(Print name)

shall make all of the major decisions regarding the following children: (Name(s) and date(s) of birth of children)

--

Other details (decision-making and information):

--

OR☐ **Both parents make the decisions together (Joint Decision-Making)**

The parties agree that _____
(Names of Co-Applicants or parties)

shall make all of the major decisions jointly for the following children: (Name(s) and dates(s) of birth of children)

--

OR☐ **Other (Qualified Joint Decision-Making)**

The parties agree that _____
(Names of Co-Applicants or parties)

shall make the decisions for the following children: (Name(s) and dates(s) of birth of children)

--

as follows:

--

Parenting Time

The parties agree that there shall be:

- ☐ Shared parenting. *(Fill in the details of your arrangement below)*
- ☐ Primary residence with *(name)* _____ and parenting time arrangements. *(Fill in the details of your arrangement below)*
- ☐ Primary residence with *(name)* _____ and no parenting time.
- ☐ Split parenting. *(Fill in the details of your arrangement below)*

Details:

Regular parenting schedule (daily, weekly, monthly or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone, internet, etc.):

Other important issues in relation to parenting the child(ren)

Contact Order / Third Party Time with Child

The parties agree that _____ (name of person) should have contact with the child(ren). Fill in the details of your arrangement below:

Details:

Division of Property

The parties agree that there shall be:

- ☐ Equal division of matrimonial property. *(Fill in the details of your arrangement below)*
- ☐ Unequal division of matrimonial property. *(Fill in the details of your arrangement below)*
- ☐ Division of common law property. *(Fill in the details of your arrangement below)*
- ☐ Property arrangement. *(Fill in the details of your arrangement below)*

Details:

Other

If you are consenting to something other than the orders provided for in this Form, fill in the details below:

Consent Signatures (if applicable)

If applicable, both parties must sign the Consent Order in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Consent Order at the Court when you file it.

Applicant (or Co-Applicant)

DATE (month/day/year): _____
Signature of Applicant (or Co-Applicant)
Address of Applicant (or Co-Applicant)
Signature of Person Authorized to Administer Oaths

Respondent (or Co-Applicant)

DATE (month/day/year): _____
Signature of Respondent (or Co-Applicant)
Address of Respondent (or Co-Applicant)
Signature of Person Authorized to Administer Oaths

Applicant's (or Co-Applicant's) Lawyer (if any)

DATE (month/day/year): _____
Signature of Lawyer
Print name of Lawyer

Respondent's (or Co-Applicant's) Lawyer (if any)

DATE (month/day/year): _____
Signature of Lawyer
Print name of Lawyer

Order Issued at:	FOR COURT USE ONLY
Location: Supreme Court in _____, Newfoundland and Labrador	
Date:	

Justice or Registry Clerk of the Supreme Court of Newfoundland and Labrador	

Notice of Inter-Jurisdictional Support Application

Instructions

You are receiving this Notice of Inter-Jurisdictional Support Application because a former spouse (referred to throughout these documents as the “Applicant”) who lives in another jurisdiction has started an application to obtain, vary, rescind or suspend a support order, naming you as the Respondent. This application will be heard in the Supreme Court of Newfoundland and Labrador.

A copy of the application is attached to this Notice.

This instruction sheet sets out how to respond to this application.

What documents do I have to complete and file?

The Response (Form F6.02A) is the form you use to respond to an Application. A copy of that Form is included with this Notice (you can get a PDF or Word copy of this Form on the Supreme Court’s website – see the link below). In the Response, you set out what your position is on the family law issues. You may also make your own claims in your Response. There are additional instructions for filing out the Response included with that Form.

You must also complete a Financial Statement (Form F10.02A). A copy of that Form is also attached (you can get a PDF or Word copy of this Form on the Supreme Court’s website – see the link below). There are additional instructions for filing out the Financial Statement included with that Form.

When do the Response and Financial Statement have to be filed with the Court?

You have 30 days from the date this Notice is served upon you to file your Response and Financial Statement with the court’s Registry. You must also serve a copy of these documents on the Applicant. More information on filing and service is provided in the instructions for the Response form.

If you do not respond, the Court may proceed and make an order without hearing from you.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

Happy Valley-Goose Bay: (709) 896-7892

St. John’s: (709) 729-2258

--- It is highly recommended that you get advice from a lawyer ---

If you need help finding a lawyer, you can contact:

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788

Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F35.03A: Notice of Inter-Jurisdictional Support Application (Family Law)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

You are hereby notified that the Applicant named above has started an application against you to obtain, vary, rescind or suspend, retroactively or prospectively, a support order under the *Divorce Act*. A copy of the application is attached to this Notice. This application will be heard in the Supreme Court of Newfoundland and Labrador.

You must, **within 30 days** of the receipt of this Notice, file a completed Response (Form F6.02A) and Financial Statement (Form F10.02A) with the Registry of the Supreme Court of Newfoundland and Labrador at _____.

If you do not respond as required, the Supreme Court may proceed with this matter in your absence and make an order against you.

Form F38.06A: Notice of Application to the Central Authority and Contact Judge for the Return of a Child (Family Law)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

TAKE NOTICE that an application for the return of a child pursuant to the *Hague Convention on International Child Abduction* has been made in the above noted proceeding.

FOR COURT USE ONLY

HEARING DATE

A hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:

Location: Supreme Court in _____, Newfoundland and
Labrador

Address:

Date:

Time: _____ am / pm

Form F38.04A: Originating Application for the Return of a Child (Family Law)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20_____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

APPLICANT

BETWEEN: _____
(Print full name)

AND: _____
(Print full name)

RESPONDENT

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

Notice to the Respondent

An application for the return of a child pursuant to the *Hague Convention on International Child Abduction* has been made against you. The details are set out in the attached Originating Application for the Return of a Child.

You have **7 days** to file a Response (Form F6.02A) and file it at the Supreme Court of Newfoundland and Labrador, Trial Division. You must also attend the hearing (details below). If you do not file a Response or attend the scheduled hearing, the Court may proceed and make an order without hearing from you.

FOR COURT USE ONLY

HEARING DATE

A return date to schedule the hearing for this application will be heard in the Supreme Court of Newfoundland and Labrador:

Location: Supreme Court in _____, Newfoundland and Labrador

Address:

Date:

Time: _____ am / pm

Part A The Order(s) Sought

I hereby seek an order for the return of the following child(ren) under the *Hague Convention on International Child Abduction*.

	Child 1	Child 2
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

☐ Check this box if there are more than 2 children. Attach an extra page to provide the details of those children.

Part B Details of the Parties

Applicant Information

Fill in your information below:

If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name		Last Name at Birth:		
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:		Cell:	
Fax Number (if any)				
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.			
Date of Birth	Month:		Day:	Year:
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of your band?	
			Do you live on a reserve?	
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, state the language and dialect:	
Lawyer's Name, Telephone Number, and Address (if any)				

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Respondent Information*Fill in the Respondent's information below (to the best of your knowledge):*

Current Last Name		Last Name at Birth:
First Name		
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)		
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Is the Respondent a registered Indian under the Indian Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of his/her band?
		Does he/she live on a reserve?
Lawyer's Name, Telephone Number, and Address (if any)		

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Originating Application for the Return of a Child and the attachments is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information of this Originating Application for the Return of a Child are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____

.

Signature of Applicant

Signature of Person Authorized to Administer Oaths

Lawyer's Signature for Fee Waiver

I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the *Executive Council Act* and I am the lawyer of record in this matter.

Signature of Lawyer (if any)

Print Name of Lawyer (if any)

Form F38.04B: Affidavit in Support of Originating Application for the Return of a Child (Family Law)



In the Supreme Court of
Newfoundland and Labrador
(General/Family)

FOR COURT USE ONLY

COURT FILE NO: _____

CENTRAL DIVORCE REGISTRY NO: _____

Filed at _____, Newfoundland and
Labrador, this _____ day of _____, 20____.

Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____
(Print full name)

☐ NOT APPLICABLE
☐ SECOND APPLICANT
☐ SECOND RESPONDENT

I, _____, the ☐ Applicant ☐ Respondent ☐ Other:
(Print your name)

swear or affirm and say as follows:

I have personal knowledge of the matters referred to herein except where otherwise specified.

I make this application in support of my Application for the return of the following child(ren) under the *Hague Convention on International Child Abduction* (for the return of a child from outside Canada)

Child's Full Name	
Date of Birth (month/day/year)	

Child's Full Name	
Date of Birth (month/day/year)	

At what address does the child(ren) habitually (normally) live?

--

Set out all of the available facts and information that you have relating to the whereabouts of the child(ren):

Set out all the available facts and information that you have regarding the identity of the person that the child(ren) is/are presumed to be with:

Set out your reasons for making the application:

Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving you, the Respondent(s), and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.

☐ Check this box if not applicable.

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Affidavit and any attachments is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information of this Affidavit are true to the best of my knowledge and belief.

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20_____.

Signature

Signature of Person Authorized to Administer Oaths