



## NEWFOUNDLAND AND LABRADOR REGULATION 11/17

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

*(Filed February 21, 2017)*

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Trial Division makes the following Rules.

Dated at St. John's, February 9, 2017.

Raymond P. Whalen  
Chairperson, Rules Committee

### REGULATIONS

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**1. Part II.1 of the *Rules of the Supreme Court, 1986* is repealed.**

**2. The rules are amended by adding immediately after Part III the following:**

**PART IV**  
**TRIAL DIVISION FAMILY RULES**

**Section 1 - How to Refer to this Part, What Proceedings this Part Applies to, and How to Interpret this Part**

**Rule F1 - Reference, Application, and Interpretation**

Referring to this Part

F1.01 Part IV of the rules may be referred to separately as the *Trial Division Family Rules*.

Application of this Part

F1.02 (1) This Part applies to proceedings in the Court, other than appeals, related to any of the following matters:

- (a) child protection;
- (b) parenting;
- (c) child, spousal, partner, dependant, or parental support;
- (d) enforcement of support orders;
- (e) adoption;
- (f) dividing property of spouses, former spouses, partners, and former partners;
- (g) formation, dissolution, and annulment of a marriage;
- (h) separation;
- (i) divorce;
- (j) consent to medical treatment of minors;
- (k) change of name of minors;
- (l) declaration of parentage or validity of a marriage;
- (m) adult protection;

- (n) applications under the *Family Relief Act*;
- (o) interspousal and familial torts;
- (p) applications under the *Family Homes on Reserves and Matrimonial Interests or Rights Act*; and
- (q) any other matter listed in subsection 43.9(1) of the *Judicature Act*.

(2) Where an issue respecting practice or procedure arises which is not covered by this Part or by an applicable statute, any of rules 1 to 4 or the rules in Part I may be applied as required, with any necessary modifications.

Purpose of this Part

F1.03 (1) The purpose of this Part is to

- (a) promote the just, timely, and cost effective resolution of every proceeding;
- (b) minimize conflict and promote cooperation between the parties; and
- (c) minimize the impact that the conduct of a proceeding may have on a child.

(2) Promoting the just, timely, and cost effective resolution of a proceeding includes, so far as is practical, conducting the proceeding in a way that is proportionate to

- (a) the interests of any party or child affected;
- (b) the importance of the issues in dispute; and
- (c) the complexity of the proceeding.

(3) Every party to a proceeding must act in a manner which promotes the purpose of this Part.

(4) A judge, in determining whether to permit or restrict a particular procedural step, must consider whether the procedural step is required after considering the purpose of this Part.

Definitions

F1.04 The following definitions apply to this Part

- (a) "circuit location" means a court location, other than a judicial center, designated by the Chief Justice and published in a practice note;
- (b) "corollary relief proceeding" means a proceeding under the *Divorce Act* (Canada) in which either or both former spouses seek a child support order, a spousal support order, or a parenting order;
- (c) "divorce proceeding" includes a proceeding in which a party seeks an order for divorce or an order for corollary relief;
- (d) "Family Justice Services" is a division of the Department of Justice and Public Safety offering education and information sessions, mediation and counselling services, or any combination of these services
  - (i) to parties or their children where such services are required by the Court, or
  - (ii) to those persons who have not yet started a proceeding but wish to avail of the services in order to assist in the non-adversarial resolution of their dispute;
- (e) "guidelines" means the *Federal Child Support Guidelines* established under the *Divorce Act* (Canada) and the *Child Support Guidelines Regulations* established under the *Family Law Act*;
- (f) "hearing" includes a trial;
- (g) "interim application" means an application for an order of a judge in an ongoing proceeding or, for the purpose of determining a matter relating to a final order, following final judgment but does not include an application to vary a final order;
- (h) "judicial centre" means a judicial centre of the Trial Division under the *Judicature Act* and includes the following Court locations:

Corner Brook;

Gander;

Grand Bank;

Grand Falls-Windsor;

Happy Valley-Goose Bay;

St. John's;

- (i) "Note to Court" is a document, the form of which has been approved by the Chief Justice, filed with the Court by Family Justice Services, which indicates whether the parties participated in a parenting information session and mediation and whether the family law dispute was resolved;
- (j) "officer of the court" includes a member of the Law Society of Newfoundland and Labrador in good standing;
- (k) "originating application" includes a joint originating application unless the context requires otherwise;
- (l) "originating application for variation" includes a joint originating application for variation unless the context requires otherwise;
- (m) "parenting order" means any order relating to custody or access;
- (n) "partial recovery costs" means party and party costs or costs awarded in accordance with the scale of costs included as an appendix to rule 55 in Part I, and "on a partial recovery basis" has a corresponding meaning;
- (o) "party" means a party to a proceeding;
- (p) "pleadings" include any document required to make, respond to, or reply to a claim in a proceeding required by these rules, including:
  - (i) an Originating Application in Form F4.03A or F4.04A,

- (ii) an Originating Application for Variation in Form F5.05A or F5.06A,
- (iii) a Response in Form F6.02A,
- (iv) a Reply in Form F7.02A,
- (v) a Financial Statement in Form F10.02A,
- (vi) a Property Statement in Form F10.04A,
- (vii) an Interim Application for a Procedural Order in Form F16.03A,
- (viii) an Emergency Interim Application in Form F17.03A,
- (ix) an Interim Application in Form F18.03A,
- (x) an Affidavit in Response,
- (xi) an Affidavit in Reply;
- (q) "proceeding" means a proceeding described in rule F1.02(1);
- (r) "property claim" means a claim in a proceeding for division of property by a spouse, former spouse, partner, or former partner;
- (s) "shared custody" means a parenting arrangement where each party exercises a right of access to, or has physical custody of, a child for not less than 40 per cent of the time over the course of a year;
- (t) "special and extraordinary expenses" means those expenses set out in section 7 of the guidelines;
- (u) "split custody" means a parenting arrangement in which each party has custody of one or more children;
- (v) "substantial recovery costs" means costs awarded in an amount that is 1.5 times what would otherwise be awarded in accordance with the scale of costs included as an appen-

dix to rule 55 in Part I, and "on a substantial recovery basis" has a corresponding meaning;

(w) "support order" means an order for child, spousal, partner, dependant, or parental support;

(x) "uncontested proceeding" means a proceeding in which

(i) the respondent has failed to file and serve a Response within the prescribed time,

(ii) the Response has been withdrawn or struck out,

(iii) the respondent has filed a Response stating that he or she is not contesting a claim in the application,

(iv) the applicant has failed to file a Reply in relation to a claim against them made in the Response within the prescribed time,

(v) the Reply has been withdrawn or struck out,

(vi) the applicant has filed a Reply stating that he or she is not contesting a claim in the Response,

(vii) the parties have applied together for the same relief, or

(viii) each party to the proceeding has indicated their consent on a draft judgment or order;

(y) "undue hardship" means the undue hardship that would be incurred by a person ordered to pay a support order or a person entitled to receive support payments as described in section 9 of the guidelines;

(z) "vary" or "variation" includes rescind and suspend, or rescission and suspension.

Proceedings under  
this Part

F1.05 (1) The Court must conduct proceedings under this Part as the judge directs and as informally as the circumstances permit.

(2) A judge may, in proceedings under this Part,

- (a) provide directions and make procedural orders that advance the purpose of this Part; and
- (b) relieve a party from strict compliance with a rule where it would cause injustice.

Transitional

F1.06 (1) These rules govern proceedings commenced, but not completed, prior to the coming into force of these rules, without prejudice to anything lawfully done under the former rules.

(2) A party may request a case management hearing to get directions if there is doubt about the application or operation of these rules to a proceeding or if any difficulty, injustice, or impossibility arises as a result.

(3) For the purpose of calculating time limitations,

- (a) where no time limit was provided under the former rules, the time limit under these rules applies, calculated from the date on which these rules come into force;
- (b) where a time limit under these rules is shorter than the time limit under the former rules, the time limit under these rules applies, calculated from the date on which these rules come into force; and
- (c) where a time limit under these rules is longer than the time limit under the former rules, the time limit under these rules applies, calculated from the time when the thing was to be done under the former rules.

## **Section 2 - Access to the Court and Confidentiality**

### **Rule F2 - Access to Court Records**

Who may access  
Court records

F2.01 The Court record of a proceeding, including the file and exhibits, may only be accessed by

- (a) a party;
- (b) a party's lawyer;

- (c) an authorized Court staff member;
- (d) a judge; or
- (e) a person authorized in accordance with rules F2.02 or F2.03.

Request for access  
to Court record

F2.02 (1) A person may, at any time, apply for an order permitting access to the Court record of a proceeding.

(2) The application must be made in accordance with the procedure set out in rule F18.04 ("Making an interim application after the first case management hearing").

(3) Despite subrule (2), an officer of the court may apply in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order") for a judge's permission to access the Court record.

(4) Where a judge grants access to all or part of the Court record, the judge may do one or more of the following:

- (a) require that the following information be redacted from any documents provided
  - (i) personal data identifiers,
  - (ii) personal information, and
  - (iii) information that may be harmful to a child's best interests;
- (b) require that the person granted access sign an undertaking, before such access is provided, to keep information obtained from the Court record in confidence;
- (c) impose any condition on the access that the judge considers appropriate.

Access for author-  
ized person

F2.03 (1) A registry clerk may permit a person authorized by a party or by a party's lawyer to access a document in the Court record.

(2) Despite subrule (1), the registry clerk may require that the person sign an undertaking to keep the information obtained from the Court record in confidence before providing access.

**Rule F3 - Access to Proceedings**

When proceedings  
may be held in  
private

F3.01 A judge may exclude members of the public from all or part of the proceeding where the judge considers that person's presence to be unnecessary to the conduct of the proceeding and where the judge is of the opinion

- (a) that the disclosure of evidence or information presented to the Court would be seriously injurious or seriously prejudicial to
  - (i) the person who is being dealt with in the proceeding, or
  - (ii) a person under the age of majority who is a witness in or is affected by the proceeding; or
- (b) that it would be in the best interest of the proper administration of justice.

**Section 3 - How to Start or Respond  
to a Proceeding**

**Rule F4 - How to Start a Proceeding**

Scope of rule

F4.01 (1) This rule sets out

- (a) the form to complete and the documents to file to start a proceeding;
  - (b) the information to include in the form;
  - (c) where to file the form and required documents;
  - (d) how to notify the other party that a proceeding has been started; and
  - (e) how to apply to have a proceeding transferred from one court location to another.
- (2) This rule only applies to starting new proceedings.

(3) A proceeding to vary a final order for parenting or support must be started in accordance with rule F5 ("How to Apply to Vary a Final Order").

Starting a proceeding

F4.02 (1) A proceeding may be started under this rule by one or more persons.

(2) Subject to subrule (4), each person who starts a proceeding must be named as an applicant.

(3) Each person against whom a claim is made must be named as a respondent.

(4) Where two or more persons start a proceeding together in accordance with rule F4.04, each party must be named as a co-applicant.

(5) The description of the parties in the title of proceedings must remain the same in any subsequent pleadings in that proceeding, subject to rule F4.04(7).

How to start a proceeding (where one or more claims in dispute)

F4.03 (1) A person intending to start a proceeding where one or more claims are in dispute must file

(a) one signed original and three copies of the signed Originating Application in Form F4.03A; and

(b) the documents required under rule F10 ("Disclosure Requirements") with three additional copies of each document.

(2) A person who starts a divorce proceeding under the *Divorce Act* (Canada) must file the following in addition to the documents required under subrule (1)

(a) an original marriage certificate or registration of marriage, subject to rule F4.05; and

(b) a certified translation of the marriage certificate or registration of marriage, where the certificate or registration is in a language other than English or French.

(3) For greater certainty, two or more persons may jointly file an Originating Application for a claim against one or more respondents under subrule (1).

(4) Where an applicant claims for divorce on the ground that the other spouse committed adultery with another person, the other person does not need to be named but, if named, the party claiming divorce must provide notice to that named person by arranging for a copy of the Originating Application, to be served, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), on the named person.

(5) A person named under subrule (4) has all the rights of a respondent in relation to the claim of adultery.

How to start a proceeding (where relief claimed is not in dispute)

F4.04 (1) Two or more persons intending to jointly start a proceeding where the relief claimed is not in dispute must file

(a) one signed original and three copies of the signed Joint Originating Application in Form F4.04A; and

(b) draft consent orders in

(i) Form F34.02A, for consent orders for support, and

(ii) Form F34.02B for all consent orders other than support.

(2) The Joint Originating Application filed under subrule (1)(a)

(a) must be signed by the co-applicants;

(b) must be signed and issued by a registry clerk following the signatures of the co-applicants; and

(c) must not be noted for default.

(3) Co-applicants who start a divorce proceeding under the *Divorce Act* (Canada) must file the following in addition to the documents required under subrule (1)

(a) an original marriage certificate or registration of marriage, subject to rule F4.05; and

- (b) a certified translation of the marriage certificate or registration of marriage, where the certificate or registration is in a language other than English or French.
- (4) A co-applicant who intends to withdraw from a joint originating application must immediately
  - (a) file a Withdrawal of Joint Originating Application in Form F4.04B; and
  - (b) serve a copy of the Withdrawal of Joint Originating Application on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").
- (5) A Withdrawal of Joint Originating Application must not be filed after a divorce judgment is issued.
- (6) If a co-applicant files and serves a Withdrawal of Joint Originating Application under subrule (4) and intends to oppose a claim made in the application, or intends to claim other relief, that co-applicant must file and serve a Response on the other party at the time of filing and serving the Withdrawal of Joint Originating Application.
- (7) Where a former co-applicant has filed a Response under subrule (6),
  - (a) that former co-applicant must be named as the respondent on all subsequent pleadings filed; and
  - (b) the other co-applicant must be named as the applicant on all subsequent pleadings filed.

Where a certificate of marriage cannot be obtained

F4.05 (1) Where it is impossible or impractical to obtain a certificate of the marriage or the registration of the marriage, the applicant or respondent may apply without notice in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order") for an order dispensing with the requirement to file a certificate or registration of the marriage.

(2) A person may apply in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order") for permission to file an Originating Application or Response without a certificate of the

marriage or registration of the marriage if the person claiming divorce undertakes to file that certificate within a time specified by a judge.

(3) The Court may accept a document that provides proof of marriage in a foreign jurisdiction as proof of the marriage unless the contrary is proven.

Multiple claims

F4.06 (1) An Originating Application may contain any claim related to or connected with a claim made under rule F1.02 a person wishes to make against one or more persons.

(2) A judge may, with the consent of the parties and in accordance with section 43.11 of the *Judicature Act*, direct a non-family claim to be continued in a proceeding if the claim is related to or connected with a claim in that proceeding.

(3) A judge may deal with all issues in any way relating to the claims made in an Originating Application, Originating Application for Variation, or Response even if an issue is not specifically referred to in the pleading and the judge may make any judgment or order that the judge considers appropriate.

Information which must be included in the Originating Application

F4.07 (1) An Originating Application containing a claim for divorce, parenting, or child support must include

(a) subject to subrule (2), the name, birth date, and place of residence of every child of the parties' relationship whether or not the children are over the age of majority and whether or not any relief is claimed in relation to the child; or

(b) a statement that there are no children of the parties' relationship.

(2) A party need not provide a residential address under subrule (1) where there is a concern of risk of harm to a party or child.

(3) An Originating Application containing a claim for child support must also include the following information:

(a) whether child support is sought in accordance with the table amount determined under the guidelines;

(b) whether the party claims

- (i) support is payable for a child of the age of majority or over,
  - (ii) the income of the payor is over \$150,000.00,
  - (iii) the payor stands in the place of a parent for the child, or
  - (iv) there is split or shared custody;
- (c) whether a claim for undue hardship is being advanced; and
- (d) whether special or extraordinary expenses are sought, the child to whom the expense relates and the particulars of the expense and amount claimed.
- (4) An applicant claiming one or more of the following must state the material facts supporting the claim:
- (a) unequal division of matrimonial property;
  - (b) entitlement to a share of business assets;
  - (c) undue hardship in a child support proceeding;
  - (d) division of property between common law spouses;
  - (e) spousal support, partner support, parental support, or dependant support.
- (5) Subject to subrule (6), every Originating Application and Joint Originating Application must contain the following contact information for the filing party or parties:
- (a) the office address, email address, and telephone and fax numbers of the party's lawyer, if the party is represented by a lawyer in the proceeding;
  - (b) the residential address of the party or, if the party does not reside within the province, a postal address within this province;

(c) where available, the email address, telephone number, and fax number of the party, if the party is not represented by a lawyer in the proceeding; and

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

(6) Where, for reasons of risk of harm to a party or a child, the party does not wish to provide the contact information set out in subrule (5), the party

(a) need not provide the information required under subrule (5) (b), where the party is represented by a lawyer; or

(b) where the party is not represented by a lawyer,

(i) need not provide the information required under subrule (5) (b) or (c), but must designate an alternate person to receive service on the party's behalf, provide that person's information on the Originating Application or Joint Originating Application, and provide their own contact information in a separate envelope marked "Confidential", or

(ii) make a request to the registry for directions from a judge.

Where to start a proceeding (filing your form)

F4.08 (1) The applicant must file the Originating Application at the judicial centre indicated on Form F4.03A or F4.04A that is closest to the applicant's or respondent's residence or, where the application includes a claim for child support or parenting, closest to the children's residence if the children do not normally reside with the applicant.

(2) A registry clerk must issue the Originating Application when it is filed.

(3) All documents in a proceeding must be filed in the same judicial centre as the Originating Application, unless a judge orders otherwise.

(4) Where a party requests that a proceeding be heard at a circuit location, a registry clerk may, if the registry clerk considers it neces-

sary, set the proceeding to be heard at a location other than the requested circuit location.

Notifying the other party (service)

F4.09 (1) The applicant must arrange for a copy of the Originating Application and accompanying documents to be served, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), on the respondent within 180 days of the date of issuance of the Originating Application.

(2) The applicant may, before or after the 180 days expires, apply in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order") to extend the time for serving.

(3) A judge may order that a person who may have an interest in the matters in issue be served with a notice of the proceeding with or without adding that person as a party.

(4) Where a judge makes an order under subrule (3), the judge may provide directions about how to serve the notice on that person and how to conduct the proceeding.

(5) An applicant does not need to serve the Joint Originating Application or accompanying documents on a co-applicant.

Transfer of a proceeding

F4.10 (1) A judge may, upon request of a party at a case management hearing or at the judge's discretion, order that a proceeding be transferred to another judicial centre.

(2) A party may request to transfer a proceeding by filing a Request for Case Management, in accordance with rule F14, after the respondent to the proceeding has filed a Response.

(3) An application made under section 6 of the *Divorce Act* (Canada) to transfer a divorce proceeding to this Court from a Court outside of this province must be accompanied by certified copies of all pleadings and orders made in the out of province proceeding.

#### **Rule F5 - How to Apply to Vary a Final Order**

Scope of rule

F5.01 (1) This rule sets out

- (a) when to make an application to vary a final order for parenting, child support, spousal support, partner support, parental support, or dependant support;
- (b) the form to complete and the documents to include with the application;
- (c) where to file the application and required documents; and
- (d) how to notify the other party that a variation proceeding has been started.

(2) This rule does not apply to the recalculation of child support orders made under the *Child Support Service Regulations* (under the *Family Law Act*).

Restriction

F5.02 (1) A person may only apply for variation of a final order for parenting, child support, spousal support, partner support, parental support, or dependant support where

- (a) the person can demonstrate a material change in circumstances from the time the original order was made; and
- (b) either
  - (i) 180 days have expired from the date of the original order, or
  - (ii) a judge grants permission.

(2) Where a person intends to make an application under subrule (1) before 180 days have expired from the date of the original order, the person must first apply under rule F16 ("Interim Applications without Notice for a Procedural Order") for permission to proceed with the application.

Applicability of rule F35 ("Provisional Support Orders")

F5.03 Where a judge determines that section 18(2) of the *Divorce Act* (Canada) applies to an application for variation of a support order, the application will proceed in accordance with the *Divorce Act* (Canada) and rule F35 ("Provisional Support Orders").

Applying to vary a final order

F5.04 (1) An application for variation of a final order may be started under this rule by one or more persons.

(2) Subject to subrule (4), each person who starts a proceeding must be named as an applicant.

(3) Each person against whom a claim is made must be named as a respondent.

(4) Where two or more persons start a proceeding together in accordance with rule F5.06, each person must be named as a co-applicant.

(5) The description of the parties in the title of proceedings must remain the same in any subsequent pleadings in that proceeding, subject to rule F5.06(6).

How to apply to vary a final order (where one or more claims in dispute)

F5.05 (1) A person intending to start an application to vary a final order where one or more claims is in dispute must file

(a) one signed original and three copies of the signed Originating Application for Variation in Form F5.05A which must include:

(i) subject to subrule (4), the place where the parties ordinarily reside,

(ii) subject to subrule (4), the following contact information for the filing party:

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

(B) the residential address of the party or, if the party does not reside within the province, a postal address within this province;

(C) where available, the email address, telephone number, and fax number of the party if the party is not represented by a lawyer; and

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

- (iii) subject to subrule (3), the name, birth date, and place of residence of every child of the parties' relationship regardless of whether the children are over the age of majority and regardless of whether any relief is claimed in relation to the child,
  - (iv) the party's marital status,
  - (v) details of the current parenting arrangements,
  - (vi) details of current support arrangements, including details of any unpaid support,
  - (vii) details of the variation asked for and of the changed circumstances that justify a variation of the order, and
  - (viii) in an application to vary a final order for support, whether the support was assigned to be paid to someone else and any details of that arrangement known to the party asking for the variation;
- (b) the documents required under rule F10 ("Disclosure Requirements") with three additional copies of each document;
  - (c) a copy of any existing agreement that deals with parenting or support; and
  - (d) a copy of any existing order that deals with parenting or support that is not already part of the Court file.
- (2) A person applying to vary a final order does not need to attach a document that has been previously filed with the Court if the Originating Application for Variation
- (a) identifies the document;
  - (b) states that the document is in the Court file; and
  - (c) specifies either the date of the order or the filing date of the document.
- (3) A party need not provide a residential address under subrule (1) where there is a concern of risk of harm to a party or child.

(4) Where, for reasons of risk of harm to a party or a child, the party does not wish to provide the contact information set out in subrule (1)(a)(i) and (ii), the party

(a) need not provide the information required under subrule (1)(a)(i) or (ii)(B), where the party is represented by a lawyer; or

(b) where the party is not represented by a lawyer,

(i) need not provide the information required under subrule (1)(a)(i) or (ii)(B) but must designate an alternate person to receive service on the party's behalf, provide that person's information on the Originating Application or Joint Originating Application, and provide their own contact information in a separate envelope marked "Confidential", or

(ii) make a request to the registry for directions from a judge.

(5) For greater certainty, two or more persons may jointly file an Originating Application for Variation against one or more respondents under subrule (1).

How to apply to vary a final order (where relief claimed is not in dispute)

F5.06 (1) Two or more persons intending to start an application to vary a final order where the relief claimed is not in dispute must file

(a) one signed original and three copies of a signed Joint Originating Application for Variation in Form F5.06A which must include

(i) subject to subrule (8), the place where the parties ordinarily reside,

(ii) subject to subrule (8), the following contact information for the filing parties:

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

- (B) the residential address of the party or, if the party does not reside within the province, a postal address within this province;
  - (C) where available, the email address, telephone number, and fax number of the party, if the party is not represented by a lawyer; and
  - (D) such other contact information that a registry clerk may specify;
- (iii) subject to subrule (2), the name, birth date, and place of residence of every child of the parties' relationship regardless of whether the children are over the age of majority and regardless of whether any relief is claimed in relation to the child,
  - (iv) the party's marital status,
  - (v) details of the current parenting arrangements,
  - (vi) details of current support arrangements, including details of any unpaid support,
  - (vii) details of the variation asked for and of the changed circumstances that justify a variation of the order,
  - (viii) in an application to vary a final order for support, whether the support was assigned to be paid to someone else and any details of that arrangement known to the party asking for the variation, and
  - (ix) where child support is agreed to that is different from the guideline table amounts or where there is a shared parenting arrangement, information from each co-applicant as to their respective incomes and their ability to support their children; and
- (b) draft consent orders
    - (i) in Form F34.02A, for consent orders for support, and

- (ii) in Form F34.02B for all consent orders other than support.
- (2) A party need not provide a residential address under subrule (1) where there is a concern of risk of harm to a party or child.
- (3) The Joint Originating Application for Variation filed under subrule (1)(a)
  - (a) must be signed by the co-applicants;
  - (b) must be signed and issued by a registry clerk following the signatures of the co-applicants; and
  - (c) must not be noted for default.
- (4) A co-applicant who intends to withdraw from a Joint Originating Application for Variation of a final order must immediately
  - (a) file a Withdrawal of Joint Originating Application in Form F4.04B; and
  - (b) serve a copy of the Withdrawal of Joint Originating Application on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").
- (5) A Withdrawal of Joint Originating Application must not be filed after a judgment on the variation is issued.
- (6) If a co-applicant files and serves a Withdrawal of Joint Originating Application under subrule (4) and intends to oppose the claim for divorce or other relief claimed, or intends to claim other relief, that co-applicant must file and serve a Response on the other party at the time of filing and serving the Withdrawal of Joint Originating Application.
- (7) Where a former co-applicant has filed a Response under subrule (6),
  - (a) that former co-applicant must be named as the respondent on all subsequent pleadings filed; and

(b) the other co-applicant must be named as the applicant on all subsequent pleadings filed.

(8) Where, for reasons of risk of harm to a party or a child, the party does not wish to provide the contact information set out in sub-rule (1)(a)(i) and (ii), the party

(a) need not provide the information required under subrule (1)(a)(i) or (ii)(B), where the party is represented by a lawyer; or

(b) where the party is not represented by a lawyer,

(i) need not provide the information required under subrule (1)(a)(i) or (ii)(B) but must designate an alternate person to receive service on the party's behalf, provide that person's information on the Originating Application or Joint Originating Application, and provide their own contact information in a separate envelope marked "Confidential", or

(ii) make a request to the registry for directions from a judge.

Additional information required for variation of child support order

F5.07 An applicant claiming a variation of child support must include the following information in the Originating Application for Variation:

(a) whether child support is sought in accordance with the table amount determined under the guidelines;

(b) whether the party claims

(i) support is payable for a child of the age of majority or over,

(ii) the income of the payor is over \$150,000.00,

(iii) the payor stands in the place of a parent for the child,

(iv) there is split custody or shared custody;

(c) whether a claim for undue hardship is being advanced; and

- (d) whether special or extraordinary expenses are sought and, if so, the child to whom the expense relates and the particulars of the expense and amount claimed.

Where to start a proceeding to vary a final order (filing the form)

F5.08 (1) The applicant must file the Originating Application for Variation at the judicial centre indicated on Form F5.05A or F5.06A that is closest to the applicant's or respondent's residence or, where the application includes a claim for child support or parenting, closest to the children's residence if the children do not normally reside with the applicant.

(2) A registry clerk must issue the Originating Application for Variation when it is filed, subject to rule F5.02(2).

(3) All documents in a proceeding must be filed in the same judicial centre as the Originating Application for Variation, unless a judge orders otherwise.

(4) Where a party requests that a proceeding be heard at a circuit location, a registry clerk may, if registry clerk considers it necessary, set the proceeding to be heard at a location other than the requested circuit location.

Notifying the other party (service)

F5.09 (1) The applicant must arrange for a copy of the Originating Application for Variation and accompanying documents to be served on the respondent, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), within 180 days of the date of issuance of the Originating Application for Variation.

(2) The applicant may, before or after the 180 days expires, apply in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order") to extend the time for serving.

(3) A judge may order that a person who may have an interest in the matters in issue be served with a notice of the proceeding with or without adding that person as a party.

(4) Where a judge makes an order under subrule (3), the judge may provide directions about how to serve the notice on that person and how to conduct the proceeding.

(5) A co-applicant does not need to serve the Joint Originating Application for Variation or accompanying documents on a co-applicant.

**Rule F6 - How to Respond to an Originating Application or an Originating Application for Variation**

Scope of rule

F6.01 This rule sets out

- (a) the form to complete and the documents to file to
  - (i) contest a claim made in an Originating Application or an Originating Application for Variation,
  - (ii) make a claim in response to an Originating Application or an Originating Application for Variation, or
  - (iii) respond to an Originating Application or an Originating Application for Variation without contesting the claims;
- (b) the information to include in or with the Response Form;
- (c) where to file the Response Form and required documents; and
- (d) how to notify the other party that a response has been made to the claims made in the Originating Application or Originating Application for Variation.

How to oppose a claim or make a claim in response

F6.02 (1) A respondent who intends to oppose a claim made in an Originating Application or Originating Application for Variation or make a claim against the applicant must file

- (a) one signed original and three copies of the signed Response in Form F6.02A; and
- (b) the documents required under rule F10 ("Disclosure Requirements") with three additional copies of each document.

(2) The respondent must arrange for a copy of the Response and accompanying documents to be served on the applicant, in accordance

with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"),

(a) within 30 days after the date of service of the Originating Application or Originating Application for Variation if the respondent was served in Canada or the United States of America; or

(b) within 60 days after the date of service of the Originating Application or Originating Application for Variation if the respondent was served outside Canada or the United States of America.

(3) Despite subrule (2), a Response may be filed and served after the time for responding has expired, provided that a Notice of Default in Form F6.06A has not been filed.

(4) Where a respondent makes a claim for divorce in their Response, the respondent must also file

(a) an original marriage certificate or registration of marriage, subject to rule F4.05 ("Where a certificate of marriage cannot be obtained"); and

(b) a certified translation of the marriage certificate or registration of marriage, where the certificate or registration is in a language other than English or French.

(5) Rule F4.05 ("Where a certificate of marriage cannot be obtained") applies, with any necessary modifications, to a Response.

Information which must be included in the Response

F6.03 (1) A Response claiming divorce, parenting, or child support must include

(a) subject to subrule (2), the name, birth date, and place of residence of every child of the parties' relationship whether or not the children are over the age of majority and whether or not any relief is claimed in relation to the child; or

(b) a statement that there are no children of the parties' relationship.

(2) A party need not provide a residential address under subrule (1) where there is a concern of risk of harm to a party or child.

(3) A Response containing a claim for child support must include the following:

(a) whether child support is sought in accordance with the table amount determined under the guidelines;

(b) whether the party claims

(i) support is payable for a child of the age of majority or over,

(ii) the income of the payor is over \$150,000.00,

(iii) the payor stands in the place of a parent for the child, or

(iv) there is split or shared custody;

(c) whether a claim for undue hardship is being advanced; and

(d) whether special or extraordinary expenses are sought, the child to whom the expense relates and the particulars of the expense and amount claimed.

(4) A respondent claiming one or more of the following must state the material facts supporting the claim:

(a) unequal division of matrimonial property;

(b) entitlement to a share of business assets;

(c) undue hardship in a child support proceeding;

(d) division of property between common law spouses;

(e) spousal support, partner support, parental support, or dependant support.

(5) Subject to subrule (6), every Response must contain the following contact information for the filing party or parties:

- (a) the office address, email address, and telephone and fax numbers of the party's lawyer, if the party is represented by a lawyer in the proceeding;
- (b) the residential address of the party or, if the party does not reside within the province, a postal address within this province;
- (c) where available, the email address, telephone number, and fax number of the party, if the party is not represented by a lawyer in the proceeding; and
- (d) such other contact information that a registry clerk may specify.

(6) Where, for reasons of risk of harm to a party or a child, the party does not wish to provide the contact information set out in subrule (5), the party

- (a) need not provide the information required under subrule (5) (b), where the party is represented by a lawyer;
- (b) where the party is not represented by a lawyer,
  - (i) need not provide the information required under subrule (5) (b) or (c) but must designate an alternate person to receive service on the party's behalf, provide that person's information on the Response and provide their own contact information in a separate envelope marked "Confidential", or
  - (ii) make a request to the registry for directions from a judge.

How to respond to a claim without contesting

F6.04 (1) A respondent who does not contest the claims made in the Originating Application or Originating Application for Variation may continue to be advised of the progress of the application by filing a Demand for Notice in Form F6.04A.

(2) If the respondent files a Demand for Notice, the respondent must serve the applicant with the Demand for Notice in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons") within

- (a) 30 days after service of the Originating Application or Originating Application for Variation if the respondent was served in Canada or the United States of America; or
- (b) 60 days after service of the Originating Application or Originating Application for Variation if the respondent was served outside Canada or the United States of America.

(3) The applicant may proceed against a respondent who has filed and served a Demand for Notice as if that respondent had failed to file and serve a Response, but must serve notice of all subsequent pleadings and proceedings on that respondent.

Where to file your response

F6.05 The respondent must file the documents required under rule F6 in the judicial centre where the Originating Application or Originating Application for Variation was filed, unless a judge orders otherwise.

Consequences of not responding

F6.06 (1) The applicant may require a registry clerk to issue a Notice of Default in Form F6.06A where

- (a) the applicant files proof of service of the Originating Application or Originating Application for Variation; and
- (b) the respondent either
  - (i) fails to file and serve a Response within the prescribed time, or
  - (ii) files and serves a Demand for Notice.

(2) A Notice of Default must not be filed in relation to a parenting or child support claim until seven days after a Note to Court has been filed with the Court by Family Justice Services.

(3) Where a Notice of Default has been filed, the respondent is not permitted to file or serve a Response without

- (a) the written consent of the applicant filed with the Court; or
- (b) a judge's permission.

(4) Where a Notice of Default has been filed, a judge may proceed to decide the matter without hearing from the respondent, in accordance with rule F26 ("Uncontested Proceedings").

**Rule F7 - How to Reply to a Response**

Scope of rule

F7.01 This rule sets out

- (a) the form to complete and the documents to file to contest a claim made in a Response; and
- (b) how to notify the other party that a Reply has been made to claims made in the Response.

Replying to a Response

F7.02 (1) An applicant who intends to oppose an allegation or a claim made in a Response must file:

- (a) one signed original and three copies of the signed Reply in Form F7.02A; and
- (b) the documents required under rule F10 ("Disclosure Requirements") with three additional copies of each document.

(2) The applicant must file the documents required under subrule (1) with the Court and serve a copy on the respondent, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), within 10 days of service of the Response.

(3) Despite subrule (2), a Reply may be filed and served after the time for replying has expired provided that a Notice of Default in Form F6.06A has not been filed.

How to reply to a claim in a Response without contesting

F7.03 (1) An applicant who does not contest the claims made in the Response may continue to be advised of the progress of those claims by filing a Demand for Notice in Form F6.04A.

(2) If the applicant files a Demand for Notice, the applicant must serve the respondent with the Demand for Notice in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons") within 10 days of service of the Response.

(3) The respondent may proceed against an applicant who has filed and served a Demand for Notice as if that applicant had failed to

file and serve a Reply, but must serve notice of all subsequent pleadings and proceedings on that respondent.

Consequences of not replying

F7.04 (1) The respondent may require a registry clerk to issue a Notice of Default in Form F6.06A where

- (a) the respondent files proof of service of the Response; and
- (b) the applicant either
  - (i) fails to file and serve a Reply within the prescribed time, or
  - (ii) files and serves a Demand for Notice.

(2) A Notice of Default must not be filed in relation to a parenting or child support claim until seven days after a Note to Court has been filed with the Court by Family Justice Services.

(3) Where a Notice of Default has been filed, the applicant is not permitted to file or serve a Reply without

- (a) the written consent of the respondent filed with the Court; or
- (b) a judge's permission.

(4) Where a Notice of Default has been filed in relation to a claim made in a Response, a judge may proceed to decide the claim without hearing from the applicant in relation to that claim, in accordance with rule F26 ("Uncontested Proceedings").

**Rule F8 - Providing Notice and Serving Documents on Other Parties or Persons**

Scope of rule

F8.01 (1) This rule sets out

- (a) the addresses and information that must be provided to the Court and the other parties to enable service of documents between parties;
- (b) how to serve particular documents on a person;

- (c) the circumstances in which service of documents is not required;
- (d) how to serve documents outside of this province;
- (e) specific requirements for the service of documents by electronic methods of communication;
- (f) how to prove that a document was served on a person;
- (g) how to get an order of the Court dispensing with the need to serve a document;
- (h) how to validate service which was not done in accordance with this rule;
- (i) how to challenge the service of a document where the document was not brought to a person's attention; and
- (j) restrictions on who can serve documents.

(2) Where these rules require a document to be served on a person, the document must be served in accordance with this rule.

Address for service

F8.02 (1) Unless a judge permits otherwise, a party is required to provide an address for the service of documents which must be either:

- (a) the office address of the party's lawyer, if the party is represented by a lawyer in the proceeding; or
- (b) a residential address or, where the party does not reside within the province, a postal address within this province, if the party is not represented by a lawyer in the proceeding.

(2) A party may provide, in addition to the address for service provided under subrule (1), one or more of the following as an address for service of documents:

- (a) a postal address;
- (b) a fax number;
- (c) an email address; or

(d) an account with an electronic document delivery service.

(3) A party may change their address or addresses for service of documents by filing and serving on the other parties

(a) the address for service of documents required under subrule (1); and

(b) any additional address for service of documents referred to in subrule (2) that the party intends to include.

(4) The address for service of a person whose address for service is not shown on the Originating Application, Originating Application for Variation, Response, or other pleading is

(a) the office address of the lawyer who is representing that person in the proceeding; or

(b) in the case of an individual, their usual or last known address.

(5) If a party files a pleading that does not include a valid address for the filing party in accordance with subrule (1), a judge may order that the pleading be struck.

(6) Despite the requirements of this rule, where a party is not represented by a lawyer and for reasons of risk of harm to a party or a child, the party does not wish to provide the contact information set out, the party may

(a) designate an alternate person to receive service on the party's behalf, provide that person's information on the Originating Application, Originating Application for Variation, Response, or other pleading and provide their own contact information in a separate envelope marked "Confidential"; or

(b) make a request to the registry for directions from a judge.

Documents which must be personally served (hand-delivery)

F8.03 (1) The following documents must be personally served in accordance with subrule (2), (3), (4) or (5), as applicable, unless a judge orders otherwise:

- (a) an Originating Application initiating a claim for parenting or divorce;
- (b) an Originating Application for Variation seeking variation of a parenting order;
- (c) a Response initiating a claim for parenting or divorce;
- (d) an Application for the Return of a Child;
- (e) a notice of contempt application;
- (f) a pleading, order or other document served on a person who is not a party, including a subpoena to a witness;
- (g) a notice of application or notice of default hearing in which the person to be served faces a possibility of imprisonment;
- (h) a notice of a hearing of an emergency interim application;
- (i) a copy of a temporary order granted under rule F17.04(a), F17.04(h), or rule F14.07(6); and
- (j) a document which is required under legislation to be served by personal service.

(2) To personally serve a document on a mentally competent, adult person, a copy of the document must be hand-delivered to that person, subject to rule F8.13.

(3) To personally serve a document on a mentally disabled person or a minor, a copy of the document must be hand-delivered to that person, subject to rule F8.13, and

- (a) the person's litigation representative, if one has been appointed;
- (b) the person's parent or guardian, if no litigation representative has been appointed;
- (c) an adult with whom the person resides, if there is no litigation representative, parent or guardian; or

(d) another person appointed by the Court.

(4) To personally serve a document on a manager, as defined in the *Children and Youth Care and Protection Act*, a copy of the document must be hand-delivered to the manager subject to rule F8.13.

(5) A document may be personally served upon a corporation in accordance with the *Corporations Act*.

*When service under rule F8.03 is effective*

(6) Service by personal service under rules F8.03(2) through (5) is effective on the day the copy was left with the person to be served.

*Proof of service of documents under rule F8.03*

(7) A party may prove that a document has been served in accordance with rules F8.03(2) through (5) by filing an Affidavit of Service in Form F8.03A setting out the details of the service, completed by the person who served the document.

Serving other  
originating docu-  
ments

F8.04 (1) Unless a judge orders otherwise, the following documents must be either personally served in accordance with rule F8.03, or served in one of the alternative methods listed in subrules (2), (3), (4) or (5):

- (a) an Originating Application which does not include a claim for parenting or divorce;
- (b) an Originating Application for Variation which does not include a claim for the variation of a parenting order;
- (c) a Response initiating a new claim other than one for parenting or divorce.

(2) Where the person to be served has a lawyer, service of a document may be carried out by

- (a) leaving a copy of the document with the lawyer; or
- (b) emailing a copy of the document to the lawyer,

but service under this subrule is only effective if the lawyer, either on the document or in a reply email, acknowledges service through the following, or similar words:

"I, [name of lawyer], accept service of this document on behalf of [name of recipient] on [date]".

(3) Service of a document may be carried out by sending, by regular mail, a copy of the document together with an Acknowledgment of Service in Form F8.04A to the recipient, but service under this subrule is only effective if the recipient returns a completed Acknowledgment of Service to the sender.

(4) Subject to rule F8.09, service of a document may be carried out by sending, by email, or other electronic form of communication, a copy of the document together with an Acknowledgment of Service in Form F8.04A to the recipient, but service under this subrule is only effective if the recipient returns a completed Acknowledgment of Service to the sender or if the recipient sends a reply email acknowledging service through the following words:

"I, [name of recipient], accept service of [specify document received] on [date document was received]".

(5) Service of a document may be carried out by sending a copy of the document by registered mail, certified mail, or courier to the last known address of the person to be served, but service under this subrule is only effective where the carrier is able to confirm delivery.

(6) Service of a document may be carried out by

(a) leaving a copy, in a sealed envelope addressed to the person, at the place of residence with anyone who appears to be an adult member of the same household; and

(b) on the same day or the following day mailing another copy of the document to the person at the place of residence.

*When service under rule F8.04 is effective*

(7) Service of a document under rule F8.04(2) is effective on the date in the acknowledgement provided by the lawyer on the document or in the reply email.

(8) Service of a document under rule F8.04(3) is effective on the date indicated by the recipient on the Acknowledgment of Service.

(9) Service of a document under rule F8.04(4) is effective on the earlier of the date indicated by the recipient on the Acknowledgment of Service or the date of receipt specified in the reply e-mail.

(10) Service of a document under rule F8.04(5) is effective on the date shown on the confirmation of delivery as provided by the carrier.

(11) Service of a document under rule F8.04(6) is effective five days after the document was mailed.

*Proof of service of documents under rule F8.04*

(12) A party may prove that a document has been served in accordance with rule F8.04(2) by filing a copy of the document with the recipient's lawyer's endorsement on the document or attaching the lawyer's email reply indicating the acceptance of service and the date of the acceptance.

(13) A party may prove that a document has been served in accordance with rule F8.04(3) by filing an Acknowledgment of Service in Form F8.04A completed by the recipient.

(14) A party may prove that a document has been served in accordance with rule F8.04(4) by filing an Acknowledgment of Service in Form F8.04A completed by the recipient or a copy of the reply e-mail received from the recipient.

(15) A party may prove that a document has been served in accordance with rule F8.04(5) by filing confirmation of delivery obtained from the registered or certified mail carrier or courier.

(16) A party may prove that a document has been served in accordance with rule F8.04(6) by filing an Affidavit of Service in Form F8.03A setting out the details of the service, completed by the person who served the document.

Serving subsequent documents

F8.05 (1) Subject to rule F8.09, service of any other document not listed in rule F8.03 or F8.04 may be carried out by:

- (a) leaving the document or a copy at the party's address provided in accordance with rule F8.02;
- (b) emailing the document or a copy addressed to the party at the party's address provided in accordance with rule F8.02;
- (c) faxing a copy of the document, where the party has provided a fax number in accordance with rule F8.02;
- (d) emailing a copy of the document, where the party has provided an email address in accordance with rule F8.02;
- (e) use of an electronic document exchange of which the party is a member or subscriber; or
- (f) any other method ordered by a judge.

(2) Nothing in this rule shall be taken as prohibiting personal service of any document or as affecting any statute which provides for the manner in which a document may be served.

*When service under rule F8.05 is effective*

(3) Service of a document under rule F8.05(1)(a) is effective on the day the copy of the document was left at the party's address or, if the document was left after 4:00 p.m., the following day.

(4) Service of a document by ordinary mail under rule F8.05(1)(b) is effective on the fifth day after it was mailed.

(5) Service of a document by fax or email under rule F8.05(1)(c) or (d) is effective on,

- (a) the date shown on the first page of the fax or in the email message, as the case may be; or
- (b) if the first page of the fax or the email message shows that the document was served after 4:00 p.m., the following day.

(6) Service of a document through an electronic document exchange under rule F8.05(1)(e) is effective only if the electronic document exchange provides a record of service showing the date and time of service and then service is effective on

- (a) the date shown on the record of service; or
- (b) if the record of service shows that the document was served after 4:00 p.m., the following day

*Proof of service of document under rule F8.05*

(7) Where necessary, a party may prove that a document has been served in accordance with subrule (1) by filing an Affidavit of Service in Form F8.03A setting out the details of the service, completed by the person who served the document.

Where service is not required

F8.06 Unless a judge orders otherwise, a party taking a step or filing a document in a proceeding does not need to provide notice of the step or serve the document on another party or person where

- (a) a Notice of Default has been filed against that party and the party has not filed a Demand for Notice; or
- (b) the party to be notified or served has already taken a step or filed a document in response to the document to be served.

Service outside of this province

F8.07 A document may be served on a person outside of this province in any of the following ways:

- (a) in accordance with this rule; or
- (b) in a manner permitted by the *Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters*, if the country in which it is being served is a contracting state under the Convention.

Default under Hague Convention on Service Abroad

F8.08 (1) Where a commencement document has been transmitted abroad for the purpose of service under the provisions of the *Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters* and no certificate of service has been received, despite the provision of the first paragraph of Article 15 of the *Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters*, the Court may give judgment if the conditions set out in the second paragraph of Article 15 of the *Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters* are fulfilled.

(2) Despite subrule (1), a judge may order, in case of urgency, any provisional or protective measures.

(3) Where an originating document has been transmitted abroad for the purpose of service under the provisions of the *Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters* and a judgment has been entered against a respondent who has not filed a Response, the Court, on application, may relieve the respondent from the effects of the expiration of the time for appeal from the judgment if the conditions set out in the first paragraph of Article 16 of the *Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters* have been fulfilled, but the Court will not entertain an application for such relief filed after the expiration of one year following the date of judgment.

(4) Subrule (3) does not apply to judgments concerning the status or capacity of persons.

Additional requirements for service by electronic communication

F8.09 (1) Service of a document may be carried out by electronic communication only if the total number of pages (including the cover page) to be transmitted:

- (a) is 30 pages or fewer; or
- (b) does not exceed an amount agreed to by the parties.

(2) A document served by electronic communication must indicate:

- (a) the sender's name and address;
- (b) the name of the person to be served;
- (c) the date and time of transmission;
- (d) the total number of pages, including a cover page, if applicable, transmitted;
- (e) that the transmission is for service of court documents;
- (f) the name and telephone number of a person to contact if there is a problem with transmission; and

(g) a return electronic address.

Where service  
impractical

F8.10 (1) A party attempting to serve a document on a person in accordance with this rule may apply for an order in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order")

(a) permitting the party to serve the document on the intended recipient by some other means; or

(b) dispensing with the requirement that the document be served.

(2) A party who applies for an order under subrule (1)(a) must set out the following in the application:

(a) an explanation of why service in accordance with the rule is impractical, with the details of any previous attempts to serve the document;

(b) a proposal for a means of serving the document; and

(c) an explanation of why the proposed means of service is likely to bring the document to the attention of the intended recipient.

(3) Unless a judge permits otherwise, an order permitting service of a document by another means must be

(a) attached to a document to be served; or

(b) referenced in an advertisement, where service is permitted by advertisement.

(4) A judge must, in an order permitting service by some other means, specify when service is considered to be effective, for the purpose of computation of time under these rules.

(5) A party who applies for an order under subrule (1)(b) must set out the following in the application:

(a) evidence which enables the judge to draw the inference that the person is likely to be aware that process has been or is about to be issued against them and is evading service; or

- (b) other evidence which satisfies the judge that the benefit the party would gain in being permitted to proceed without notifying the intended recipient outweighs the potential detriment to the intended recipient.

(6) Where an order is made dispensing with the requirement to serve the document, the document is considered to have been served on the date the order is signed, for the purpose of computation of time under these rules.

Validating service

F8.11 Where a document has been served in a manner other than one provided for under applicable legislation, these rules, or a court order, a judge may make an order validating the service where the judge is satisfied that

- (a) the document came to the attention of the person to be served; or
- (b) the document would have come to the attention of the person to be served, were it not for the intended recipient's attempts to evade service.

Where document served but not brought to recipient's attention

F8.12 An intended recipient may, where necessary, challenge the service of a document by establishing that even though the document was served in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons") the document

- (a) did not come to the intended recipient's attention; or
- (b) came to the intended recipient's attention at a time later than when it was served.

Restrictions

F8.13 (1) A person may only serve a document under these rules if that person is at least 19 years of age.

(2) A document requiring hand-delivery in accordance with this rule must be served by a person other than a party.

**Section 4 - How to Get Information for your Case**

**Rule F9 - General Rules Relating to Exchanging Information and Documents**

- |  |  |
|--|--|
| Purpose of section   | <p>F9.01 (1) The purpose of this section is to:</p> <ul style="list-style-type: none"><li>(a) allow parties to obtain evidence that will be relied on in the proceeding;</li><li>(b) narrow and define the issues between the parties;</li><li>(c) encourage early disclosure of information and documents;</li><li>(d) facilitate evaluation of the parties' positions and, if possible, facilitate the resolution of issues in dispute; and</li><li>(e) discourage conduct that unnecessarily or improperly delays proceedings or unnecessarily increases the cost of proceedings.</li></ul> <p>(2) A judge may do any of the following in order to achieve the purposes of this section:</p> <ul style="list-style-type: none"><li>(a) give directions;</li><li>(b) modify or waive any right under this section;</li><li>(c) make a costs award; and</li><li>(d) make any order the judge considers appropriate.</li></ul> |
| Restrictions on the use of information obtained under this section | <p>F9.02 (1) A party to a proceeding</p> <ul style="list-style-type: none"><li>(a) must keep the information and documents obtained under this section in confidence; and</li><li>(b) must only use the information and documents obtained under this section for the purposes of the proceeding in which the information or document was obtained.</li></ul> <p>(2) Subrule (1) does not apply</p>  |

- (a) where the person who disclosed the information or document consents to the information or document being released;
- (b) where the information or document is referred to or used as evidence in a proceeding and a judge has made no order restricting its use or access to it;
- (c) where the information or document is used as evidence to impeach the testimony of a witness in another proceeding;
- (d) to prevent the information or document from being used in a later proceeding between the same parties;
- (e) where the person is ordered by a judge to disclose the information or document;
- (f) where the disclosure of information or documentation is required by law; or
- (g) where a judge orders otherwise.

(3) A judge may, on an interim application by a party or at the judge's discretion, require a person to disclose information or a document that would normally be confidential, if the interests of justice outweigh any harm that would result to

- (a) the person who provided the information or document;
- (b) the parties to the proceeding; or
- (c) a child affected by the proceeding.

(4) A person who fails to uphold this rule may be held in contempt of Court.

Requirement to  
keep information  
current

F9.03 If a party discovers that information that has been disclosed to another party under this section was incorrect or incomplete when made, or requires updating, the party must file and, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), serve the corrected, completed, or updated information, together with any supporting documents, on the other party

- (a) at least four days before the hearing of an interim application in which the information is required or will be relied upon;
- (b) at least seven days before a case management hearing, settlement conference, trial readiness conference, or trial, in which the information is required or will be relied upon; or
- (c) as otherwise ordered by a judge.

Consequence of non-disclosure

F9.04 (1) Where a party has not disclosed or provided information or a document as required under this section, a judge may do one or more of the following:

- (a) where support is in issue, conclude that the party has no answer to the claims against the party and impute income to the party in the amount that the judge considers appropriate;
- (b) direct that the party file and serve one or more of the following within a specified time:
  - (i) a Financial Statement,
  - (ii) a Property Statement,
  - (iii) the information requested in a Demand to Disclose,
  - (iv) the answers requested in a Demand for Answers,
  - (v) the income information required under rule F10.02(4) for a child support claim for the basic table amount as prescribed by the guidelines,
  - (vi) any other disclosure required by these rules or that the party has undertaken to disclose;
- (c) grant any remedy requested or that the judge considers appropriate.

(2) If a party does not comply with an order requiring disclosure, a judge may

- (a) dismiss that party's proceeding;

- (b) strike out any document filed by that party;
  - (c) make a contempt order against that party or grant a party permission to apply for a contempt order;
  - (d) order that any information that should have appeared on a Financial Statement or Property Statement may not be used by that party at the hearing of an interim application or trial;
  - (e) order a person that is not a party, including a corporation or government institution, to provide information in that person's custody or control that may be relevant to the issues in the proceeding; or
  - (f) make any order the judge considers appropriate, including those orders that may be made under subrule (1).
- (3) A person served with an order granted under subrule (2)(e) must do one of the following within 30 days after service:
- (a) provide a written statement to the requesting party detailing the information requested or a statement that the information is not in the custody or control of that person; or
  - (b) apply for an exemption from providing any or all of the requested information in accordance with rule F18 ("Interim Application with Notice").
- (4) A judge may order that the expense of providing the information requested and the costs of the parties under this rule be paid to or by
- (a) either of the parties to the proceeding; or
  - (b) the person ordered to provide information.

**Rule F10 - Disclosure Requirements**

Scope of rule

F10.01 This rule sets out

- (a) the documentation which must be included with an Originating Application, Originating Application to Vary, Response, or Reply, as applicable; and

- (b) how to get an extension of time for filing a Response, a Reply, or the required documents.

Information that must be disclosed where there is a child support claim

F10.02 (1) A party to a proceeding involving a claim for child support must file a Financial Statement in Form F10.02A if

- (a) the party is making or responding to a claim for child support different from the basic table amount set out in the guidelines;
- (b) the party is making or responding to a claim for variation of child support different from the basic table amount set out in the guidelines;
- (c) the party is making or responding to a claim for special or extraordinary expenses under section 7 of the guidelines; or
- (d) the party making or responding to a claim for child support is claiming undue hardship under section 10 of the guidelines.

(2) Where a Financial Statement is required under subrule (1), the party filing the Financial Statement must include all of the documentation required under section 19 of the *Child Support Guidelines Regulations* or section 21 of the *Federal Child Support Guidelines*, as applicable.

(3) A registry clerk must not accept an Originating Application, Originating Application for Variation, Response or Reply where the party filing it has not attached a Financial Statement and the documentation required under subrule (2).

(4) A party responding or replying to a claim for child support in the basic table amount must file:

- (a) four copies of the party's three most recent statements of earnings indicating the total earnings paid in the year to date, including overtime, or where such a statement is not provided by an employer, a letter from the employer setting out that information including the rate of annual salary or remuneration;
- (b) one of the following, as applicable:

- (i) copies of the party's personal Income Tax Returns and copies of the party's Notices of Assessment (and any Notices of Reassessment) for each of the three most recent taxation years,
  - (ii) proof of Income Statements ("Option C" or "Income and Deduction" printouts) from the Canadian Revenue Agency for the three most recent taxation years, or
  - (iii) a statement from the Canadian Revenue Agency that the party has not filed income tax returns for one or more of the three most recent taxation years; and
- (c) if the party has income from self-employment, a partnership or a corporation in which the party has a controlling interest, or is a beneficiary of a trust, the documents required under section 21(1) of the *Federal Child Support Guidelines* or section 19 of the provincial *Child Support Guidelines Regulations*, as applicable.

Information that must be disclosed where there is a claim for spousal, partner, parental, or dependant support

F10.03 A party to a claim for spousal support, partner support, parental support, or dependant support must file a Financial Statement in Form F10.02A, unless the parties have agreed on the relief to be granted and a draft consent order in Form F34.02A has been filed.

Information that must be disclosed where there is a property claim

F10.04 A party to a property claim must file a Property Statement in Form F10.04A unless the parties have agreed on the relief to be granted and a draft consent order in Form F34.02B has been filed.

Where information is not available when the Response or the Reply is required to be filed

F10.05 (1) If the financial information required under these rules is not available at the time the Response or Reply is filed, a party must complete schedule 4 of the Financial Statement, undertaking to provide the Court and the other party with the required financial information within 60 days from the date the undertaking is filed.

(2) If the financial information is not available at the expiry of 60 days from the date the undertaking is filed, the party providing the undertaking must request a case management hearing to request an extension of time to file the required information upon providing an adequate explanation for the delay.

(3) Where the party does not provide the required information or an adequate explanation for the delay in providing the required information, a judge may do one or more of the following

- (a) strike out the Response or Reply filed;
- (b) make a costs award against the party; or
- (c) make any order the judge considers appropriate.

**Rule F11 - Getting Additional Information**

Scope of rule

F11.01 This rule sets out

- (a) how to request disclosure of relevant documents from another party;
- (b) when and how to ask another party questions in writing;
- (c) when and how to ask another party questions in person before the trial; and
- (d) when and how non-parties have to disclose information or documents.

How to request disclosure of relevant documents

F11.02 (1) A party may request that another party disclose one or more relevant documents by

- (a) filing a Demand to Disclose in Form F11.02A; and
- (b) serving a copy of the Demand to Disclose on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

(2) A Demand to Disclose may only be filed and served before a trial date is set, unless a judge orders otherwise.

(3) A party served with a Demand to Disclose who does not object to disclosing the requested documents must, within 30 days of service of the Demand to Disclose,

- (a) file a Response to a Demand to Disclose in Form F11.02B; and

- (b) serve a copy of the Response to a Demand to Disclose on the requesting party, with the requested document attached, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

(4) A party served with a Demand to Disclose who objects to disclosing one or more of the documents requested in the Demand must, within 30 days of service the Demand to Disclose

- (a) file a Response to a Demand to Disclose in Form F11.02B, setting out the objection and the reasons for the objection in writing; and
- (b) serve a copy of the Response to a Demand to Disclose on the requesting party, with all documents the party does not object to disclosing, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

When you can ask questions in writing

F11.03 (1) Where a Financial Statement or a Property Statement is required under these rules, a party may ask the party required to file the Statement to answer questions in writing relating to the financial or property issues by

- (a) filing a Demand for Answers in Form F11.03A; and
- (b) serving the Demand for Answers on that party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

(2) A Demand for Answers may only be filed and served before a trial date is set, unless a judge orders otherwise.

(3) A party served with a Demand for Answers who does not object to answering the questions asked must, within 30 days of service of the Demand,

- (a) file the answers using a Response to a Demand for Answers in Form F11.03B; and
- (b) serve a copy of the completed Response to a Demand for Answers on the party who served the Demand, in accord-

ance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

(4) A party served with a Demand for Answers who objects to answering one or more of the questions asked must, within 30 days of service of the Demand,

- (a) file a Response to a Demand for Answers in Form F11.03B, setting out the reason for the objection; and
- (b) serve a copy of the Response to a Demand for Answers, together with all answers to those questions which the party does not object to answering, on the party who served the Demand, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

When you can ask questions in person before trial (examination for discovery)

F11.04 (1) A party may only ask another party or person questions in person before trial where

- (a) there is a claim for support and the proposed questioning relates to the determination of the income of a party who is self-employed, a beneficiary under a trust, or a shareholder, director, or officer of a corporation;
- (b) there is a claim for the division of property and the proposed questioning relates to an interest in or the valuation of business assets; or
- (c) a judge grants an order permitting it at a case management hearing.

(2) For greater certainty, a party may not ask questions in person in relation to parenting issues unless a judge has granted an order permitting it at a case management hearing.

(3) A party seeking an order under subrule (1)(c) must satisfy a judge that

- (a) the party seeking the order has been unable to obtain the information it is seeking by more informal methods;

- (b) it would be unfair to require the party seeking the order to proceed to a trial without the opportunity to question the person;
- (c) the questioning will not unduly delay the progress of the proceeding;
- (d) the questioning will not entail unreasonable expense for the other party;
- (e) the questioning will not result in unfairness to the person sought to be questioned;
- (f) the questioning is not made in bad faith or calculated to annoy, embarrass, or oppress the person sought to be questioned or another party; and
- (g) the questioning is not otherwise prohibited by law.

(4) Where questioning in person is permitted under this rule, it must be conducted in accordance with rule 30 ("Examination for Discovery") in Part I.

When non-parties  
have to disclose

F11.05 (1) Where there is a claim for undue hardship by either party under the guidelines and a judge considers a claim for undue hardship to be appropriate after considering the pleadings and other evidence filed, the judge may order one or more of the following persons residing with a party to file and serve a Financial Statement in Form F10.02A:

- (a) a person who has a legal duty to support the party or whom the party has a legal duty to support;
- (b) a person who shares living expenses with the party or from whom the party otherwise receives an economic benefit as a result of living with that person if it is reasonable to consider that person as part of the party's household;
- (c) a child over the age of majority whom the party or the person described in subrule (1)(a) or (b) has a legal duty to support.

(2) Where a judge makes an order under subrule (1), the person ordered to provide the Financial Statement must attach the following:

- (a) copies of the person's three most recent statements of earnings indicating the total earnings paid in the year to date, including overtime, or where such a statement is not provided by an employer, a letter from the employer setting out that information including the rate of annual salary or remuneration;
- (b) one of the following, as applicable:
  - (i) copies of the person's personal Income Tax Returns and copies of the person's Notices of Assessment (and any Notices of Reassessment) for each of the three most recent taxation years,
  - (ii) proof of Income Statements ("Option C" or "Income and Deduction" printouts) from the Canadian Revenue Agency for the three most recent taxation years, or
  - (iii) a statement from the Canadian Revenue Agency that the person has not filed income tax returns for one or more of the three most recent taxation years; and
- (c) if the person has income from self-employment, a partnership or a corporation in which the person has a controlling interest, or is a beneficiary of a trust, the documents required under section 21(1) of the *Federal Child Support Guidelines* or section 19 of the provincial *Child Support Guidelines Regulations*, as applicable.

(3) Where a person referred to in subrule (1) has not made satisfactory disclosure after service of an order to file and serve a Financial Statement or has not provided the income information listed in subrule (2), or as further directed by a judge, the judge may:

- (a) order a person other than a party, including a corporation or government institution, to provide information in that person's custody or control that may be relevant to the issues in the proceeding;
- (b) strike out the claim for undue hardship; or

(c) provide any directions the judge considers appropriate.

(4) A party seeking an order under subrule (3) must satisfy a judge that

(a) the party seeking the order has been unable to obtain the information by more informal methods;

(b) it would be unfair to require that party to proceed to a trial without the information; and

(c) the disclosure requested

(i) will not unduly delay the progress of the proceeding,

(ii) will not entail unreasonable expense for any person,

(iii) will not result in unfairness to the person from whom disclosure is sought,

(iv) is not requested in bad faith or to annoy, embarrass, or oppress the person or another party, and

(v) is not otherwise prohibited by law.

(5) A person served with an order granted under rules F11.05 (1) or (3) must do the following within 30 days after service:

(a) provide a written statement to the requesting party including the information requested or a statement that the person is not in control or possession of the information; or

(b) apply in accordance with rule F18 ("Interim Application with Notice") for exemption from providing any or all of the requested information.

(6) A judge may order that the costs of providing the information requested and the costs of the parties in an application under this rule be paid to or by

(a) either of the parties to the proceeding; or

(b) the person ordered to provide information.

Where disclosure  
unsatisfactory

F11.06 (1) Where a party is dissatisfied with the disclosure made or objections raised in response to a request, notice, question, or order made under rule F11, the party may request, at a case management hearing, a determination of the completeness of the disclosure made.

(2) A judge may, at a case management hearing, provide any directions or make any order the judge considers appropriate.

Court may order  
production of  
documents

F11.07 Where an issue arises which is not covered by this rule, a judge may

(a) order the production of any document relevant to any matter in question in a proceeding for inspection by any party or the Court, at such time, place, and manner as the judge considers appropriate; or

(b) where a document is in the possession, custody, or control of a person who is not a party, and the production of the document might be compelled at a trial or hearing, order the production and inspection or the disclosure of a copy of the document on notice to the person and any opposing party .

### **Rule F12 - Expert Reports**

Scope of rule

F12.01 This rule sets out

(a) the duties of an expert engaged by a party to provide opinion evidence in relation to a proceeding; and

(b) the timeline for exchanging expert reports.

Experts' duties

F12.02 (1) Every expert engaged by or on behalf of a party to provide evidence in relation to a proceeding must:

(a) provide opinion evidence that is fair, objective, and non-partisan;

(b) provide opinion evidence that is related only to matters that are within the expert's area of expertise;

(c) provide such additional assistance as the judge may reasonably require to determine a matter in issue; and

(d) immediately disclose any changes in opinion or any new information which might alter the expert's opinion.

(2) The duties in subrule (1) prevail over any obligation owed by the expert to the party on whose behalf the expert is engaged.

Timeline for exchange of expert reports

F12.03 (1) A party must serve, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), the following on the other party at least 30 days before the date scheduled for trial:

(a) a copy of any expert report they intend to rely on at trial; and

(b) a copy of the expert's resume or curriculum vitae.

(2) Despite subrule (1), the parties may agree, or a judge may order, that a different timeline applies for the exchange of expert reports.

Expert reports

F12.04 No party may rely upon an expert report which was not exchanged in accordance with rule F12 ("Expert Reports"), unless a judge permits otherwise.

### **Rule F13 - Investigations and Reports Ordered by a Judge**

Investigation ordered by judge

F13.01 (1) A judge may, at a case management hearing, direct a person to make an investigation and report that a judge deems necessary for the resolution of issues between the parties, including a proceeding in which parenting, child support, spousal support, partner support, parental support, dependant support, or property is in issue.

(2) Where a judge directs an investigation and report under subrule (1), the judge may receive evidence resulting from the investigation.

(3) The person making the investigation and report must, at least 24 hours before filing the report, serve a copy of the report upon every party to the proceeding, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), unless the judge orders otherwise.

(4) The person making the investigation is a competent and compellable witness.

(5) Subrule (4) does not apply to Family Justice Services.

(6) A party may cross-examine a person who provides evidence obtained in the course of an investigation under this rule and may lead evidence in response.

(7) A judge may order how the expense related to an investigation must be paid.

Testing and assessments ordered by judge

F13.02 (1) A judge may, at a case management hearing, order any testing or assessment be conducted that the judge deems necessary for the resolution of the issues.

(2) Where a judge orders testing or an assessment, the person conducting the testing or assessment must prepare a written report and file it with the Court within the time ordered by the Court, and, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), serve a copy on both parties, unless a judge orders otherwise.

(3) Unless a judge orders otherwise, a report required under subrule (2) that relates to issues of parenting must include

- (a) information the assessor considers relevant to the matters in dispute;
- (b) an opinion as to the ability of a party to parent;
- (c) an opinion as to what parenting plan would be in the best interests of the children;
- (d) an opinion as to relevant services that are available to the parties or their children;
- (e) the basis of the opinions provided; and
- (f) information on any other matter referred by a judge.

(4) The person conducting the testing or assessment is a competent and compellable witness.

(5) Subrule (4) does not apply to Family Justice Services.

(6) A party may cross-examine a person who provides evidence obtained in the course of any testing or assessment under this rule and may lead evidence in response.

(7) A judge may order how the expense related to the testing or assessment must be paid.

**Section 5 - Court Assistance in Managing  
your Case**

**Rule F14 - Case Management**

Scope of rule

F14.01 (1) This rule sets out the procedure for case management, which is a form of judicial supervision of the proceeding.

(2) This rule provides

(a) which proceedings must be case managed;

(b) how the first case management hearing is scheduled in a proceeding;

(c) how subsequent case management hearings are scheduled;

(d) a party's duties and responsibilities at a case management hearing;

(e) the procedure at a case management hearing; and

(f) what a judge may do at a case management hearing.

Mandatory case  
management

F14.02 (1) Every proceeding must be case managed by a judge, subject to subrule (2) or an order of a judge providing otherwise.

(2) Unless a judge orders otherwise, case management is not required where one or more of the following applies:

(a) the proceeding has been brought under the *Children and Youth Care and Protection Act*;

(b) a Notice of Default has been filed on all issues;

- (c) a Demand for Notice has been filed on all issues;
- (d) a Consent Order has been filed on all issues;
- (e) an objection to recalculation has been filed.

First case management hearing

F14.03 (1) A registry clerk must schedule a case management hearing

- (a) where the proceeding involves claims for child support or parenting, seven days after the filing of a Note to Court by Family Justice Services;
- (b) where the proceeding does not involve a claim for child support or parenting, immediately after
  - (i) a Response has been filed, or
  - (ii) the applicant has filed an affidavit of service showing that the Originating Application has been served and the time for filing a Response has expired.

(2) Where a proceeding involves claims in addition to child support or parenting, a party may request a registry clerk to schedule a case management hearing in relation to any claim other than child support or parenting, but only after

- (a) a Response has been filed; or
- (b) the applicant has filed an affidavit of service showing that the Originating Application has been served and the time for filing a Response has expired.

(3) Where a case management hearing is scheduled under sub-rule (1) or (2), a registry clerk must notify the parties or their lawyers of the case management hearing.

Subsequent case management hearings

F14.04 (1) After the first case management hearing has been held, a judge may order or a party may request a subsequent case management hearing.

(2) A party may request a case management hearing under sub-rule (1) by filing a Request for Case Management in Form F14.04A.

(3) The party requesting the case management hearing must, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), serve the Request for Case Management on the other parties as soon as practicable and at least seven days prior to the date scheduled for the case management hearing, unless a judge orders otherwise.

Requirement to attend and be prepared

F14.05 (1) The parties and their lawyers must attend a case management hearing in person, unless a judge

- (a) permits a party or lawyer to appear remotely pursuant to rule 47A("Electronic Conferencing") in Part I; or
- (b) excuses a party or lawyer from attending.

(2) The parties and lawyers in attendance at a case management hearing must be prepared to discuss the issues in rule F14.06(2).

Procedure

F14.06 (1) Parties must not file affidavits or other documents in relation to a case management hearing, unless a judge orders otherwise.

(2) At a case management hearing the judge, the parties, and the lawyers must

- (a) ensure that relevant information is disclosed and updated;
- (b) identify the issues that are in dispute and those that are not in dispute;
- (c) explore ways to resolve the issues that are in dispute;
- (d) consider whether it is possible to simplify the case if the parties admitted certain facts;
- (e) explore the chances of settling the proceeding;
- (f) discuss the dispute resolution requirement in rule F20 ("Responsibility of Parties");
- (g) schedule the date for the next step in the proceeding; and
- (h) have the parties agree to a specific timetable for the steps to be taken in the proceeding before a trial.

Powers of case  
management judge

F14.07 (1) At a case management hearing the judge may do one or more of the following:

- (a) order that a proceeding be transferred to another judicial centre;
- (b) make an order extending or abridging any time period set out in these rules;
- (c) make an order suspending or waiving a requirement to file a document;
- (d) make any order in relation to document disclosure or production;
- (e) order a party to file updated or additional pleadings where the judge deems it necessary;
- (f) make an order with respect to amending pleadings or other documents;
- (g) order that a person be questioned in writing under rule F11.03 ("When you can ask questions in writing");
- (h) order that a person be questioned in person under rule F11.04(1)(c) ("When you can ask questions in person before trial");
- (i) make an order for an inspection of property;
- (j) make an order for an appraisal of the value of property;
- (k) order an accounting by a person approved by the judge;
- (l) make an order to have a child interviewed which may specify how the interview is to be conducted, the purpose of the interview, and how the interview will be paid for;
- (m) provide directions on Court-ordered reviews of parenting or support claims;
- (n) order a testing, assessment, or investigation be conducted, or report be prepared, as a judge deems necessary for the reso-

lution of the issues, and specify how these are to be conducted or prepared, their purpose, and who is required to pay for them;

- (o) make an order to refer any issue to dispute resolution;
- (p) approve a dispute resolution program or process;
- (q) waive the requirement to attend a dispute resolution program or process in accordance with rule F20.03 ("Waiver of responsibility");
- (r) order that a settlement conference be held and direct parties to advise if a binding opinion is requested under rule F25.05 ("Binding settlement conference");
- (s) set dates for events in the proceeding or provide directions regarding the next steps to be taken in a proceeding, including setting a follow-up case management hearing;
- (t) permit a party to apply for a preliminary determination of a question of fact or law under rule F27 ("Pre-Trial Determination of Question of Fact or Law");
- (u) permit a party to apply for summary judgment in accordance with rule F28 ("Summary Judgment");
- (v) order that a trial readiness conference be held;
- (w) order that a trial date be set;
- (x) make an order for an informal trial in accordance with Rule F31 ("Informal Trial");
- (y) make an order regarding admissions of fact at trial;
- (z) make an order regarding the admission of documents at a trial, including
  - (i) agreements as to the purposes for which documents may be admitted,

- (ii) the preparation of joint books of documents and document agreements, and
- (iii) admission of documents properly in a Court file of which the other party has notice;
- (aa) make an order imposing time limits on the questioning of witnesses, opening statements, and final submissions;
- (bb) order that evidence be tendered by affidavit;
- (cc) order that a person provide evidence by deposition in accordance with rule 47 ("Evidence by Deposition") in Part I;
- (dd) order that a party provide summaries of a witness' evidence;
- (ee) make an order limiting the number of expert witnesses, setting timelines for the exchange of expert reports, and determining how expert witnesses may give their evidence;
- (ff) make an order requiring the parties to make arrangements for expert witnesses to meet, on a without prejudice basis, to determine those matters on which they agree and to identify those matters on which they do not agree;
- (gg) make an order setting out a plan for how the trial must be conducted;
- (hh) make an order excusing a party or lawyer from attending a case management hearing, trial readiness conference, a dispute resolution process, or a settlement conference, in person or otherwise;
- (ii) grant a party permission to apply for a contempt order;
- (jj) make any procedural order which a judge may make under these rules;
- (kk) make an order under subrule (2) or (6);
- (ll) make any order on consent;

(mm) make any order that may assist in the just, timely, and cost-effective resolution of the proceeding.

(2) At a case management hearing a judge may make a temporary order for child support without the consent of a party or in the unexcused absence of a party where

(a) notice of the case management hearing has been served on the other party in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons");

(b) the required financial information has been filed or, the timeline for filing the financial information has expired and the facts pertaining to the child support claim are undisputed; and

(c) the order is in the best interests of the child.

(3) Where a judge makes a temporary order under subrule (2) in the absence of a party, the party who requested the order must, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), serve a copy of the order on the party against whom the order was made within 10 days of the date the order was made.

(4) Despite rule F19.02 ("Getting permission to make an application to vary an interim order"), a party against whom an order has been made under subrule (2), and who has complied with the disclosure requirements under rule F10 ("Disclosure Requirements"), may, at any time, bring an interim application to set aside or vary the order and, where filed, the application must be heard within seven days.

(5) A temporary order made under subrule (2) must not be sent to the Support Enforcement Agency until seven days have passed from the date notice is served on the party against whom the order was made, and where the temporary order has not been otherwise varied pursuant to subrule (4).

(6) At a case management hearing, a judge may make a temporary parenting order without consent of one or more parties or in the unexcused absence of a party where

(a) the judge is satisfied that the notice of the case management hearing has been served on the other party in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"); and

(b) the judge is satisfied that a delay in making an order would or may result in serious harm or prejudice to either party or a child and where such an order is in the immediate best interests of the child.

(7) In determining whether to make an order under subrule (6), a judge may consider all evidence already filed in the proceeding and any additional relevant information presented at the case management hearing.

(8) Where a judge makes an order under subrule (6), the judge must schedule a date for a hearing to be held within seven days of making the order to determine whether the order should be continued, modified, or vacated.

(9) Where the judge sets a hearing date under subrule (8), the applicant must, immediately or as directed by a judge, serve the order and notice of the hearing on all parties and persons affected by or interested in the order who were not present at the time the order was made, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), or as otherwise directed by a judge.

(10) Where a hearing is scheduled under subrule (4) or (8), each party may file one affidavit setting out that party's position and the relief sought.

(11) Any affidavit filed under subrule (10) must be filed and served on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons") at least two days prior to the hearing.

(12) At a hearing scheduled in accordance with subrule (4) or (8), the party benefiting from the order, as determined by the judge, has the burden of satisfying the Court that that the order should be continued.

(13) At the hearing scheduled in accordance with subrule (4) or (8), a judge may continue, modify, or vacate an order made under (2) or (6).

(14) Rule F32 ("Evidence and Affidavits") applies to hearings under this rule unless the context requires otherwise.

**Section 6 - Resolving Issues in an Ongoing Proceeding (Making Interim Applications)**

**Rule F15 - General Rules Applicable to Interim Applications**

Scope of section F15.01 (1) This section sets out the procedure governing interim applications, which include applications for an order of a judge in an ongoing proceeding or, for the purpose of providing directions or giving effect to a final order, following final judgment.

(2) Despite subrule (1), this section does not govern how to start an application to vary a final order, which must be started under rule F5 ("How to Apply to Vary a Final Order").

Evidence on interim applications F15.02 Rule F32 ("Evidence and Affidavits") applies to interim applications unless the context requires otherwise.

Availability of interim applications F15.03 (1) A party may make an interim application

- (a) at any time where the party seeks one of the procedural orders listed in rule F16.02 ("When an interim application without notice for a procedural order may be made");
- (b) at any time in an ongoing proceeding where a judge is satisfied that one of the circumstances outlined in rule F17.02 ("When an emergency interim application may be made ") applies;
- (c) before a case management hearing has been held dealing with the claim to which the proposed interim application relates where one of the circumstances listed in rule F18.03 ("Getting permission to make an application before the first case management hearing") applies; or
- (d) after a case management hearing has been held dealing with the claim to which the proposed interim application relates where the party applying has an issue which requires a timely resolution or which otherwise cannot await final resolution of the claim.

(2) A party may make an application to vary an interim order where the Court grants permission to make the application under rule F19.02 ("Getting permission to make an application to vary an interim order").

Order prohibiting further interim applications

F15.04 A judge may order that a party may not make a further application under this Part, without a judge's permission, if the judge determines that the party has

- (a) unnecessarily delayed or added to the cost of a proceeding;
- (b) made numerous interim applications without merit; or
- (c) in any other way abused the Court's process.

**Rule F16 - Interim Applications without Notice  
for a Procedural Order**

Scope of rule

F16.01 This rule sets out

- (a) certain limited situations in which a person may make an interim application for a procedural order without providing notice to a party or person affected;
- (b) the form to complete and the documents to file with the application;
- (c) what a judge may do upon review of the application; and
- (d) what happens after a judge has granted an order on the application.

When an interim application without notice for a procedural order may be made

F16.02 (1) A person may, in accordance with this rule, make an interim application for a procedural order without providing notice to a party or person affected where

- (a) application is made by an officer of the Court seeking access to a Court file in accordance with rule F2.02(3) ("Request for access to Court record");
- (b) the person applying is seeking an order in accordance with rule F4.05 ("Where a certificate of marriage cannot be obtained");

- (c) the person applying is seeking an extension of time to file financial information which must accompany an Originating Application or Originating Application for Variation;
- (d) the person applying is seeking an order to renew an Originating Application or Originating Application for Variation in accordance with rule F4.09 ("Notifying the other party (service)") or rule F5.09 ("Notifying the other party (service)");
- (e) the person applying is seeking an order relating to the manner or timing of service of a document;
- (f) a rule provides that an application may be made under this rule; or
- (g) a judge orders.

(2) An application under this rule may be made at any time and may be made before an Originating Application or Originating Application to Vary has been filed.

How to make an interim application without notice for a procedural order  
What a judge may do on an interim application without notice for a procedural order

F16.03 A person applying for a procedural order under this rule must file an Interim Application for a Procedural Order in Form F16.03A.

F16.04 Upon considering an application filed under this rule a judge may do one or more of the following:

- (a) grant the application without any party or person appearing;
- (b) dismiss the application;
- (c) require the applicant to provide additional information as directed by the judge;
- (d) require the applicant to appear in Court to address the application;
- (e) refuse to hear the application until notice is provided to a party or person affected by or interested in the application;
- (f) shorten the normal time for providing notice;

- (g) permit substituted service;
- (h) order that a hearing be held as quickly as possible;
- (i) make any order that balances the interests of the applicant with the interests of a party or person affected by or interested in the application.

Where procedural order granted

F16.05 Where a judge makes a procedural order under this rule, the person to whom the order was granted must, immediately or as otherwise directed by a judge, serve the order on the other party to the proceeding and any person affected by or interested in the application, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

**Rule F17 - Emergency Interim Applications  
(Getting a Temporary Order)**

Scope of rule

F17.01 This rule sets out

- (a) when a party may make an emergency interim application for a temporary order without providing notice to the other party or a person affected by the application;
- (b) the forms to complete and the documents to file to make the application;
- (c) what a judge may do upon review of the application; and
- (d) what happens after a judge has granted an order under this rule.

When an emergency interim application may be made

F17.02 (1) A party may, at any time during a proceeding, make an emergency interim application for a temporary order without providing notice to the other party or a person affected by the application where:

- (a) one or more of the following circumstances exists
  - (i) there is an immediate danger of a child's removal from the jurisdiction,
  - (ii) there is an immediate danger to the physical or emotional health or safety of a child or another person,

(iii) not granting an order would have immediate and irreversible consequences; and

(b) it is appropriate to proceed without notice because

(i) the delay in giving notice would or may impose serious harm or prejudice on the party applying or child affected by the application,

(ii) there is a degree of urgency or another reason that makes it inappropriate to give notice, or

(iii) the circumstances of the case make notice to the other party unnecessary.

(2) Despite subrule (1), where a statute permits a person to make an application without notice, the application may be made under this rule.

How to complete and file an emergency interim application

F17.03 A party making an application under this rule must file an Emergency Interim Application in Form F17.03A setting out:

(a) the reasons why the party applying is entitled to proceed with the application; and

(b) what steps have been taken or will be taken to minimize the prejudice to persons who will not be immediately notified of the application.

What a judge can do on an emergency interim application

F17.04 (1) Where an application is filed in accordance with this rule a judge may do one or more of the following:

(a) grant a temporary order without providing notice to the other party or persons who may be affected that is effective until the hearing of the application, on such terms and conditions as the judge considers appropriate;

(b) refuse to hear the application until notice is provided to the other party;

(c) dismiss the application;

- (d) provide directions with respect to the further conduct of the proceeding;
- (e) make an order with respect to the manner or timing of service;
- (f) order that the applicant give an undertaking or provide security before granting a temporary order;
- (g) order that the requirement of the parties to attend at Family Justice Services is to be delayed or waived, in accordance with rule F22.08 ("When a matter is urgent");
- (h) make any order that balances the interests of the applicant with the interests of a party or person, including a child, affected by or interested in the application.

(2) Where the judge grants an order under rule F17.04(1)(a) or (h) without providing notice to the other party or a person affected, a registry clerk must schedule a date for the application, to be heard within seven days of the date the order was made.

(3) Unless a judge orders otherwise, the person to whom the temporary order was granted must arrange to immediately serve, in accordance with Rule F8.03 ("Documents which must be personally served (hand-delivery)"), a copy of the order, a copy of the application, and notice of the hearing date on the other party or persons who may be affected by the order.

How to respond to an emergency interim application

F17.05 A party who is served with notice of the hearing under rule F17.04 (3) and intends to contest an application under this rule must

- (a) file one affidavit in response setting out that party's position and the relief sought; and
- (b) serve, in accordance with Rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), a copy of the affidavit in response on every other party to the application at least two days before the hearing, except where a judge permits otherwise.

Requirement to attend

F17.06 The parties and their lawyers must attend a hearing under this rule in person, unless a judge

- (a) permits a party or lawyer to appear remotely pursuant to rule 47A ("Electronic Conferencing") in Part I; or
- (b) excuses a party or lawyer from attending.

What a judge can do F17.07 (1) At a hearing scheduled in accordance with rule F17.04, the party applying under this rule has the burden of satisfying a judge that the order sought should be granted or, where a temporary order was granted without notice, that the order should be continued.

(2) A judge may determine an application under this rule on the basis of the pleadings filed in relation to the emergency interim application and the submissions of the parties, unless a judge

- (a) permits one or more parties to cross-examine the person who made the application or a person who swore or affirmed an affidavit; or
- (b) provides other directions relating to the procedure and conduct of the application prior to determination of the application.

(3) The judge must consider all relevant evidence in determining whether the order sought should be granted or, where a temporary order was granted without notice, whether the order should be continued, modified, or vacated.

- (4) A judge may, at the hearing of the application,
  - (a) grant the order sought;
  - (b) continue, modify, or vacate an order made under rule 17.04(1)(a) or (h); or
  - (c) make any order the judge considers appropriate.

Where rule does not apply F17.08 This rule does not apply to warrants under the *Children and Youth Care and Protection Act*.

### **Rule F18 - Interim Applications with Notice**

Scope of rule F18.01 This rule sets out

- (a) when a party may make an interim application with notice;
- (b) the forms to complete and the documents to file to make an interim application;
- (c) how to respond to an interim application; and
- (d) what a judge may do following the hearing of an interim application.

No applications for procedural orders

F18.02 (1) A party may not make an application under this rule where the relief requested is a procedural order which could be obtained in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order") or at a case management hearing, unless a judge directs otherwise.

(2) Where a party files an interim application under this rule seeking a procedural order which could be obtained in accordance with rule F16 ("Interim Applications without Notice for a Procedural Order") or at a case management hearing, a judge may refuse to hear the application and direct the party to make an interim application for a procedural order in accordance with rule F16 or request a case management hearing.

Getting permission to make an interim application before the first case management hearing

F18.03 (1) Unless a statute provides otherwise, a party must request a judge's permission to proceed with an interim application where a case management hearing has not been held dealing with the claim to which a proposed interim application relates (for example, if your application relates to a claim for child support, you may not make an application under this rule before a case management hearing has been held dealing with your child support claim, unless a judge permits the application to proceed).

(2) A party may request permission to proceed with the interim application by filing an application in Form F18.03A.

(3) A judge may grant a party permission to proceed with the interim application where one or more of the following circumstances are present

- (a) there is an immediate danger of a child's removal from the jurisdiction;

- (b) there is an immediate danger to the physical or emotional health or safety of a child or another person;
  - (c) access that has previously been the subject of an order or a practice of the parties is being unreasonably withheld;
  - (d) there is an urgent need for child support based on the applicant's significant lack of ability to maintain their child;
  - (e) there is an urgent need to deal with property of the parties' relationship where such property is in danger of being sold, leased, damaged, dissipated, or otherwise affected such that a parties' interest in it may be irreparably impacted;
  - (f) there is an urgent need and legal basis for spousal support;
  - (g) there is a urgent need and legal basis for an order for exclusive possession of the matrimonial home;
  - (h) the applicant is seeking an order requiring the respondent to desist in damaging, destroying, dissipating, or disposing of property;
  - (i) there is an urgent need to obtain disclosure;
  - (j) there is a need for the applicant to apply to the court to have the respondent's access to a bank account or another asset restricted or denied;
  - (k) there is an immediate need for access to property;
  - (l) not allowing the application to be heard would have immediate and serious consequences.
- (4) In granting permission to proceed with the interim application, a judge may
- (a) impose terms and conditions the judge considers appropriate;
  - (b) order that the hearing be held at a specified time; or
  - (c) make an order relating to the manner or timing of service.

(5) Where permission to proceed with the interim application is granted by a judge, a registry clerk must issue the application and set a date for the hearing.

(6) A party permitted to make an application under this rule, must, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), serve a copy of the issued application on the other parties at least 10 days before the scheduled hearing date, unless the parties agree or a judge has directed otherwise.

(7) Where a judge denies permission to proceed with the interim application, the judge may provide directions respecting the next steps to be taken in the proceeding.

Making an interim application after the first case management hearing

F18.04 (1) A party who has an issue which requires a timely resolution or which otherwise cannot await final resolution of the claim may make an interim application on notice to the other party and any person affected after a case management hearing has been held dealing with the claim to which the interim application relates.

(2) To make the application, the party applying must file an Interim Application in Form F18.03A.

(3) Where a party files an application under subrule (1), a registry clerk must issue the application and set a date for the hearing.

(4) A party who makes an application under subrule (1), must, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), serve a copy of the issued application on the other parties at least 10 days before the scheduled hearing date, unless the parties agree or a judge has permitted otherwise.

Responding to an interim application

F18.05 Any person served with an interim application who intends to oppose a claim made in the application must

(a) file one affidavit in response, in a form that complies with rule F32 ("Evidence and Affidavits"), setting out that party's position and the relief sought; and

(b) serve, in accordance with Rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), a copy of the affidavit in response on every other party to the application at least four days before the hearing of the application.

How to reply to a response to an interim application

F18.06 Any person served with an affidavit in response may

- (a) file one affidavit in reply, in a form that complies with rule F32 ("Evidence and Affidavits"), responding to any new matters raised in the affidavit in response; and
- (b) serve, in accordance with Rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), a copy of the affidavit in response on every other party to the application at least two days before the hearing of the application.

Requirement to attend at the hearing of an interim application

F18.07 The parties and their lawyers must attend a hearing under this rule in person, unless a judge

- (a) has allowed a party to appear remotely pursuant to rule 47A ("Electronic Conferencing") in Part I; or
- (b) excuses the party or lawyer from attending.

What a judge can do at the hearing of an interim application

F18.08 Upon hearing an interim application, the judge may do one or more of the following

- (a) make a decision on the basis of the application and affidavits filed and the oral arguments of the parties;
- (b) disregard an affidavit that is not filed and served in time or that does not comply with rule F32("Evidence and Affidavits"), and may award costs against the party filing it;
- (c) give permission to one or more parties to cross-examine a deponent;
- (d) order that a party or a witness give oral evidence;
- (e) give other directions relating to the conduct of the application.

**Rule F19 - Varying an Interim Order before a Final Order is made**

Scope of rule

F19.01 This rule sets out

- (a) when a party may make an application to vary an existing interim order in a proceeding;
- (b) the forms to complete and the documents to file to make an application to vary an interim order;
- (c) what a judge may do upon review of the application to vary an interim order; and
- (d) what happens after a judge has granted permission to proceed to a hearing on the application to vary an interim order.

Getting permission to make application to vary an interim order

F19.02 (1) A party must request a judge's permission to proceed with an application to vary an existing interim order.

(2) To request a judge's permission to proceed with an application to vary an interim order, a party must file an Application to Vary an Interim Order in Form F19.02A.

(3) A judge may grant permission to proceed with an application to vary an interim order where

- (a) there has been a compelling change of circumstances since the date the interim order was made;
- (b) there is an urgent or immediate need to hear the application as irreparable harm will likely occur before the matter can proceed to a final hearing; and
- (c) either
  - (i) the party has taken steps to advance the matter to a hearing or otherwise resolve the issues in dispute, or
  - (ii) there is a valid reason why the matter has not advanced to a hearing or final resolution.

(4) In granting permission to proceed with the application to vary an interim order, a judge may do one or more of the following;

- (a) impose terms and conditions the judge considers appropriate;

- (b) order that the hearing be held at a specified time;
- (c) make an order relating to the manner or timing of service.

(5) Where permission to proceed with the application to vary an interim order is granted by a judge, a registry clerk must issue the application and set a date for the hearing.

(6) A party permitted to make an application under this rule, must, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), serve a copy of the issued application on the other parties at least 10 days before the scheduled hearing date, unless the parties agree or a judge has directed otherwise.

(7) Where a judge denies permission to proceed with the application to vary an interim order, the judge may provide directions respecting the next steps to be taken in the proceeding.

Responding to an application to vary an interim order

F19.03 Any person served with an application to vary an interim order who intends to oppose a claim made in the application must

- (a) file one affidavit in response, in a form that complies with rule F32 ("Evidence and Affidavits"), setting out that party's position and the relief sought; and
- (b) serve, in accordance with Rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), a copy of the affidavit in response on every other party to the application at least four days before the hearing of the application.

How to reply to a response to an application to vary an interim order

F19.04 Any person served with an affidavit in response may

- (a) file one affidavit in reply, in a form that complies with rule F32 ("Evidence and Affidavits"), responding to any new matters raised in the affidavit in response; and
- (b) serve, in accordance with Rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), a copy of the affidavit in response on every other party to the application at least two days before the hearing of the application.

Requirement to attend

F19.05 The parties and their lawyers must attend a hearing under this rule in person, unless a judge

- (a) has allowed a party to appear remotely pursuant to rule 47A ("Electronic Conferencing") in Part I; or
- (b) excuses the party or lawyer from attending.

What a judge can do F19.06 Upon hearing an interim application for variation, the judge may do one or more of the following

- (a) make a decision on the basis of the application and affidavits filed and the oral arguments of the parties;
- (b) disregard an affidavit that is not filed and served in time or that does not comply with rule F32("Evidence and Affidavits"), and may award costs against the party filing it;
- (c) give permission to one or more parties to cross-examine a deponent;
- (d) order that a party or a witness give oral evidence;
- (e) give other directions relating to the conduct of the application.

## Section 7 - Facilitated Resolution of Claims

### Rule F20 - Responsibility of Parties

Responsibilities of parties to engage in dispute resolution F20.01 The parties are responsible for actively working towards the resolution of their proceeding in a timely and cost-effective way that reduces the adversarial nature of the proceeding.

What the responsibility includes F20.02 (1) The responsibility of parties to actively work towards the resolution of their proceeding includes preparing for and good faith participation in at least one of the following dispute resolution programs or processes:

- (a) Court ordered mediation in accordance with rule F24 ("Court Ordered Mediation");
- (b) a settlement conference in accordance with rule F25 ("Settlement Conferences"); or

(c) any program or process approved by a judge for the purpose of this rule.

(2) A party may, at a case management hearing, request that a judge approve a dispute resolution program or process under subrule (1) (c) either before or after the program or process has been completed.

(3) Parties cannot request a trial date unless

(a) they have complied with the requirement in subrule (1); or

(b) a judge has waived the requirement.

Waiver

F20.03 A judge may, upon request of a party at a case management hearing or at the judge's discretion, waive the responsibility of the parties to participate in a dispute resolution program or process.

Family Justice Services

F20.04 The requirement in rule F20.02 is in addition to any programming, mediation, or counselling required or facilitated by Family Justice Services under rule F22 ("Family Justice Services").

### **Rule F21 - Confidentiality and Use of Information in Dispute Resolution**

Definition

F21.01 In this rule, "dispute resolution program or process" means

(a) Family Justice Services programs or processes provided under rule F21 ("Family Justice Services");

(b) Court ordered mediation under rule F24 ("Court Ordered Mediation");

(c) a settlement conference under rule F25 ("Settlement Conferences"); or

(d) a program or process approved by a judge pursuant to rule F20.02(1)(c) ("What the responsibility includes").

Confidentiality and use of information

F21.02 (1) Unless the parties otherwise agree in writing, all documents produced at or in connection with a dispute resolution program or process and all information and communications exchanged at or in connection with a dispute resolution program or process

- (a) are privileged and are considered to have been made or generated without prejudice;
- (b) must be treated by the parties and participants in the process as confidential and may only be used for the purpose of that dispute resolution program or process; and
- (c) must not be referred to or relied on in any proceeding unless such documents or communications are permitted or required by law as evidence in the proceeding.

(2) Any recording made by the Court during a dispute resolution program or process does not form part of the Court record of the proceeding.

(3) Documents produced at or in connection with a dispute resolution program or process must not be filed in the Court record of the proceeding, unless permitted or required by this Part.

(4) Where a judge is presiding over a dispute resolution program or process, any materials, documents, or correspondence filed for the use of that judge must be

- (a) kept in the custody of that judge; and
- (b) destroyed when the judge no longer requires them.

Compellability and liability

F21.03 (1) A judge, mediator, or employee of Family Justice Services will not be compelled to appear as a witness or expert in any proceeding involving one or more of the parties or relating in any way to the subject matter of a court ordered mediation or Family Justice Services program or process.

(2) A mediator or counselor appointed under these rules may stipulate that he or she is not liable for loss or damage suffered by a person by reason of an action or omission of the mediator or counselor in the discharge of the duties under these rules.

### Rule F22 - Family Justice Services

Requirement to attend intake session and parent information session

F22.01 (1) Where

- (a) an Originating Application or Originating Application for Variation making a claim for child support or parenting has been filed and served; or
- (b) a Response making a claim for child support or parenting has been filed,

the parties to the proceeding must attend an intake session and parent information session with Family Justice Services.

(2) A registry clerk must, within two business days of receiving proof of service of the Originating Application or Originating Application for Variation or the filing of the Response, forward a copy of the pleadings, along with the most current addresses and telephone numbers for the parties and their lawyers, if known, to the Family Justice Services office located closest to the applicant's residence or, if the applicant resides outside of this province, the Family Justice Services office located closest to the respondent's residence.

(3) Nothing in subrule (1) precludes Family Justice Services from providing services to consenting, eligible persons who wish to avail of the assistance of Family Justice Services without or prior to starting an application in the Court.

Legal representation  
at Family Justice  
Services

F22.02 (1) Where a party is represented by a lawyer, Family Justice Services must contact the party's lawyer to

- (a) advise the lawyer of the start of mediation;
- (b) provide the lawyer with draft consent orders;
- (c) request provision of a party's financial disclosure from the lawyer, if not already provided; and
- (d) advise the lawyer when a Note to Court has been filed.

(2) Family Justice Services must advise parties that they may seek legal advice at any time during their attendance at Family Justice Services and, in the event that an agreement is reached on any issue, Family Justice Services must advise the party that they may seek independent legal advice before signing any order.

Mediation or  
counselling sessions

F22.03 (1) Following intake for the parties, Family Justice Services must advise the parties whether or not mediation or counselling sessions will take place and, if so, the dates for any such sessions.

(2) The parties must attend and participate in good faith in the intake session, the parent information session, and any scheduled mediation or counselling session before scheduling a case management hearing or other appearance before the Court, unless exempted by Family Justice Services or a judge.

Parties to provide financial disclosure

F22.04 Where Family Justice Services requests financial disclosure from a party, the party must provide the disclosure in a timely manner.

Consequences of failing to participate

F22.05 Where a party fails to attend or participate in an intake session, parent information session, or scheduled mediation session, or fails to provide financial disclosure as required by Family Justice Services, a judge may do one or more of the following:

- (a) refuse to proceed with a case management hearing;
- (b) refuse to consider an interim application brought by the party who failed to participate or disclose until such time as the party complies;
- (c) order a party to attend an intake, education, or parent information session;
- (d) make an order as to costs against the party;
- (e) make any order that the judge considers appropriate.

If dispute is not resolved

F22.06 (1) Where Family Justice Services determines that the parties are unable to resolve all of the issues in dispute or that the procedure set out in this rule is inappropriate, Family Justice Services must

- (a) file a Note to Court advising the Court of its determination; and
- (b) provide a copy of the Note to Court to the parties and, if they are represented, their lawyers.

(2) Upon receipt of the Note to Court, a registry clerk must schedule a case management hearing as provided for in rule F14.03

("First case management hearing") and notify the parties or their lawyers of the date.

Consent orders

F22.07 (1) Where Family Justice Services is successful in assisting the parties to reach an agreement on all or any of the child support and parenting issues raised by the pleadings, Family Justice Services, or either of the parties' lawyers, if either of the parties request, must prepare a draft consent order in accordance with rule F34.02 ("Consent orders") and forward the proposed consent order or orders for the approval of a judge.

(2) Where a proposed consent order is forwarded to the Court in accordance with subrule (1), a judge may grant the order without the parties appearing, unless the judge requires the parties to appear or answer any question in relation to the proposed order.

(3) If all issues have not been resolved by a final order, a registry clerk must, upon receipt of the Note to Court, schedule a case management hearing as provided for in rule F14.03 ("First case management hearing") and notify the parties or their lawyers of the date.

When a matter is urgent

F22.08 (1) Where a judge is satisfied that an application should proceed without involvement of Family Justice Services due to urgency or safety concerns or some other good and sufficient cause, the judge may order that rule F22 will not apply or may otherwise delay the involvement of Family Justice Services.

(2) Where a judge makes an order under subrule (1), a judge may subsequently order the issue to be referred to Family Justice Services.

### **Rule F23 - Offers to Settle**

Offers to settle

F23.01 (1) A party may make an offer to settle one or more claims in a proceeding by delivering an Offer to Settle in Form F23.01A to any other party.

(2) An Offer to Settle may be delivered to any party at any time after the start of a proceeding.

(3) An Offer to Settle must be signed by the party making the Offer to Settle or by the party's lawyer.

(4) An offer to settle is made without prejudice, and must not be taken as an admission of any claim, unless the offer to settle provides otherwise.

- Withdrawal F23.02 A party who made an offer to settle may withdraw it by delivering a Withdrawal of Offer to Settle in Form F23.02A to the other party or the other party's lawyer at any time before the offer to settle is accepted.
- Deemed rejection F23.03 An offer to settle that is not accepted within the time set out in the offer is deemed to be rejected by the other party.
- Confidentiality F23.04 The fact that an offer to settle has been made or the terms of any such offer must not be referred to in any document filed with the Court or communicated in any other way to the Court or the judge dealing with the matter until after the judge has dealt with all the issues in dispute, except costs.
- Acceptance F23.05 (1) An offer to settle may be accepted by delivering an Acceptance of Offer to Settle in Form F23.05A to the party that made the offer or that party's lawyer at any time before the offer is
- (a) withdrawn pursuant to rule F23.02; or
  - (b) deemed rejected pursuant to rule F23.03.
- (2) A party may accept an offer to settle in accordance with rule F23.05 even if the party has previously rejected the offer or made an offer of their own, unless the offer is
- (a) withdrawn pursuant to rule F23.02; or
  - (b) deemed rejected pursuant to rule F23.03.
- (3) An accepted offer to settle constitutes an effective and binding agreement between the parties to the offer.
- (4) Where a party to an accepted offer to settle fails to comply with the terms of the offer, the other party may apply
- (a) for judgment in terms of the accepted offer;
  - (b) to dismiss the party's case;

- (c) to strike out the party's pleadings or any other documents filed with the Court;
- (d) to enter a notice of default pursuant to rule F6.06 ("Consequences of Not Responding"); or
- (e) for such other relief as may be appropriate.

Cost consequences

F23.06 (1) Where only one party has made an offer to settle issues of custody or access and the offer to settle

- (a) is delivered
  - (i) at least two clear days before the application is to be heard, where it relates to an interim application, or
  - (ii) at least seven clear days before the trial is to commence, where the offer relates to a trial;
- (b) is not accepted before the commencement of the application or trial;
- (c) is not withdrawn in accordance with rule F23.02, or deemed rejected in accordance with rule F23.03 before the start of the hearing or trial; and
- (d) is found to be as favourable or more favourable than the judicial outcome,

that party is entitled to the partial recovery costs of those portions of the proceeding to which the offer to settle related, to be assessed on Column 3 of the Scale of Costs from the commencement of the proceeding to the date before the offer to settle was delivered and on Column 5 of the Scale of Costs from the date of the offer to settle to the conclusion of the proceeding, subject to rule F33.02(3) ("Presumption").

(2) Where a party has made an offer to settle one or more claims, other than a claim relating to custody or access, and the offer to settle

- (a) is delivered

- (i) at least two clear days before the application is to be heard, where it relates to an interim application, or
- (ii) at least seven clear days before the trial is to commence, where the offer to settle relates to a trial;
- (b) is not accepted before the commencement of the application or trial;
- (c) is not withdrawn in accordance with rule F23.02, or deemed rejected in accordance with rule F23.03 before the start of the hearing or trial; and
- (d) is found to be as favourable or more favourable than the judicial outcome,

that party is entitled to the partial recovery costs of those portions of the proceeding to which the offer to settle related to be assessed on Column 3 of the Scale of Costs from the commencement of the proceeding to the date before the offer to settle was delivered and on Column 5 of the Scale of Costs from the date of the offer to settle to the conclusion of the proceeding.

Request for determination of costs

F23.07 (1) After a hearing or trial, a party that has made an offer to settle pursuant to this rule may apply, within 15 days following the filing of the order, for a determination of costs on the basis of this rule.

(2) Upon the filing of an application under subrule (1), any prior decision of a judge with respect to costs of that hearing or trial must be suspended pending determination of the application.

(3) On the hearing of the application, the judge, after considering the parties' positions throughout the proceeding and the factors set out in rule F33.03(2) ("Unreasonable behaviour"), has discretion to make an award for costs pursuant to this rule or other award of costs the judge considers appropriate.

Burden of proof

F23.08 (1) The burden of proving that an offer to settle has been delivered is on the sending party.

(2) The burden of proving that a judicial outcome is as favourable as or more favourable than the offer to settle is on the party who claims the benefit of this rule.

**Rule F24 - Court Ordered Mediation**

Court ordered  
mediation

F24.01 (1) A judge may, upon request of a party at a case management hearing or at the judge's discretion, make an order requiring parties to attend mediation at any stage of the proceeding prior to the trial.

(2) In considering whether to require parties to attend mediation, the judge must consider all relevant circumstances, including

- (a) the complexity and nature of the issues in the proceeding;
- (b) the stage of the proceeding at the time mediation is contemplated;
- (c) whether a party is represented by a lawyer or self-represented;
- (d) the parties' financial resources;
- (e) whether a dispute resolution program or process has been attempted on a previous occasion; and
- (f) whether there are any allegations of domestic violence or undue influence that would make mediation inappropriate.

Contents of media-  
tion order

F24.02 (1) A mediation order may provide:

- (a) the name of the mediator or a method to select a mediator;
- (b) the timeframe within which the mediation will start;
- (c) the maximum length of the mediation, subject to agreement by the parties to extend the length of the mediation;
- (d) who is responsible for paying the mediator's fees and expenses, or any other expenses associated with the mediation, and the manner and timing of payment;
- (e) a provision excusing a party from attendance at a mediation session;
- (f) a requirement that some other person attend the mediation in addition to a party;

(g) a requirement that the mediator advise the court when mediation has concluded or cannot proceed per F24.05(2) and F24.06; and

(h) any other terms and conditions the judge considers appropriate to facilitate the mediation.

(2) Unless a judge orders otherwise, where a mediation order is made under this rule,

(a) the proceeding is stayed until the mediator advises the Court that mediation has concluded; and

(b) any time limited for the doing of an act or the filing of a document will be suspended for the period of the stay.

(3) Where a mediation order is made under this rule, parties seeking a stay of an existing court order must make a separate application to the Court.

What must be filed prior to mediation session

F24.03 (1) Unless the parties and the mediator agree otherwise, each party must, at least 10 days before the first scheduled mediation session, provide to the mediator and each other party

(a) a brief statement of the factual and legal issues in dispute;

(b) a summary of that party's position;

(c) a copy of relevant pleadings filed by them; and

(d) copies of any documentation that the mediator determines necessary to the resolution of the issues in dispute.

(2) If it is not practical to conduct a mediation session because a party fails to comply with subrule (1), the mediator may cancel the session and immediately advise the Court that the mediation will not proceed.

Procedure at a mediation session

F24.04 (1) Where a judge refers an issue in a proceeding to a mediator for dispute resolution, the mediator must

(a) attempt to meet with the parties and, if the parties agree, attempt a resolution of their dispute; and

- (b) meet with other persons, including lawyers, that the mediator thinks may be helpful in resolving the dispute.

(2) The procedure to be followed at a mediation session may vary according to the particular style and approach of the mediator who will, after consultation with the parties, adopt an approach which, in the mediator's opinion, is best suited to facilitate the purposes of the mediation and otherwise complies with the requirements of this rule.

Disposition of mediation

F24.05 (1) In the event that mediation is successful or partly successful, the parties may file consent orders, in accordance with rule F34.02 ("Consent Orders"), on those issues that have been agreed upon.

(2) If mediation is not successful or only partly successful, either party must file a Request for Case Management within 14 days of the conclusion of the mediation, accompanied by the mediator's confirmation that mediation occurred and the parties have not resolved all of the issues.

Failure to attend and other non-compliance

F24.06 Where a mediator advises the Court that a party failed to comply with a mediation order or a requirement of this rule, a judge may, upon request of a party at a case management hearing or at the judge's discretion, do one or more of the following:

- (a) establish the next steps for the proceeding;
- (b) require a further mediation session at the expense of the defaulting party;
- (c) require a person to attend a rescheduled mediation session;
- (d) stay further proceedings in Court until a mediation session has been conducted in compliance with this rule;
- (e) require the parties to attend another dispute resolution program or process;
- (f) make any order the judge considers appropriate.

Costs of mediation

F24.07 Unless a judge orders or the parties otherwise agree, the mediator's fees and expenses will be borne equally by the parties to the mediation.

**Rule F25 - Settlement Conferences**

Purpose of a settlement conference

F25.01 The purpose of a settlement conference is to settle all of the claims in a proceeding or to resolve as many claims and issues as possible with the assistance of a judge.

Judge may order a settlement conference

F25.02 (1) A judge may, upon request of a party at a case management hearing or at the judge's discretion, make an order requiring parties to participate in a settlement conference.

(2) A judge must not order that a settlement conference be scheduled unless all financial disclosure and other relevant information has been exchanged or can reasonably be expected to be exchanged prior to the settlement conference date.

When a request may be made

F25.03 (1) Unless a judge orders otherwise, a party seeking a settlement conference on one or more issues or claims must do so at a case management hearing scheduled in accordance with Rule F14 and must

(a) file a Request for a Settlement Conference, in Form F25.03A;

(b) serve a copy of the Request for a Settlement Conference on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least seven days before the case management hearing; and

(c) be prepared to discuss the matters set out in the Request at the case management hearing.

(2) A party who has been served with a Request for a Settlement Conference must

(a) complete and file a Request for a Settlement Conference in Form F25.03A at least two days prior to the date set for the case management hearing;

(b) serve a copy of the a Request for a Settlement Conference on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least two days before the case management hearing; and

- (c) be prepared to discuss the matters set out in the Request at the case management hearing.

Requirement to attend and be prepared

F25.04 (1) The parties and their lawyers must attend a settlement conference in person, unless a judge

- (a) permits a party or lawyer to appear remotely pursuant to rule 47A ("Electronic Conferencing") in Part I; or
- (b) excuses a party or lawyer from attending.

(2) A party requesting a postponement of a settlement conference must appear before a judge to explain why the postponement is being sought, unless a judge permits otherwise.

(3) The parties and lawyers in attendance at a settlement conference must be prepared to discuss all outstanding issues.

(4) Each party must, at least seven days before the date of a settlement conference

- (a) file a settlement conference brief; and
- (b) serve the brief on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

(5) A party's settlement conference brief must

- (a) set out, in fifteen pages or fewer, the issues to be resolved, the relevant facts, and the party's current position in terms of settlement;
- (b) include any relevant legal question on which the party seeks an opinion from a judge;
- (c) include references to relevant legislative provisions;
- (d) include the most up to date financial and property information required under this Part; and
- (e) include relevant and necessary documents, which may include copies of expert reports and support calculations.

Binding settlement  
conference

F25.05 (1) The parties may, when requesting a settlement conference, jointly request that the settlement conference be binding with respect to one or more issues or claims.

(2) A judge may grant a request under subrule (1) in relation to one or more issues or claims where the judge considers it appropriate.

(3) Parties requesting a binding settlement conference may, if they have a preference for a particular judge, indicate their preference to a registry clerk.

(4) Where a request under subrule (3) has been made in Family Division in St. John's, the registry clerk must consult with the senior administrative judge.

(5) The registry clerk must, to the extent practical, inform the parties as to which judge has been assigned to conduct the settlement conference 30 days prior to the date scheduled for the settlement conference.

(6) A party may withdraw consent to be bound by the opinion of the settlement conference judge on an issue submitted in accordance with this rule at any time prior to the start of the settlement conference provided the Court and the other party are notified.

(7) Where consent is withdrawn in accordance with subrule (6), the settlement conference must proceed in accordance with rule F25.04 and F25.06.

(8) The judge assigned to conduct a binding settlement conference may, prior to the commencement of the binding settlement conference,

(a) request additional information from the parties; or

(b) determine it is inappropriate to conduct a binding settlement conference in relation to one or more issues or claims submitted in accordance with this rule.

(9) Where parties have requested a binding settlement conference and are unable to reach agreement on the issues themselves, a judge may, at the settlement conference, do one or more of the following

- (a) if sufficient documentation has been filed, give a decision on one or more issues or claims submitted by the parties for consideration, which becomes a final order of the court binding on both parties;
- (b) if sufficient documentation has not been filed, delay giving a decision until the parties provide the necessary documentation;
- (c) determine it is not appropriate to give a decision; or
- (d) make an order under rule F25.06(2).

(10) Where a settlement conference judge gives a binding decision under subrule (9), the matter must be called in Court for the purpose of recording the binding decision.

Powers of a settlement conference judge

F25.06 (1) A judge may give a non-binding opinion on any question of fact or law raised at a settlement conference if the judge determines it is appropriate to do so.

(2) At the conclusion of the settlement conference, a judge may do one or more of the following:

- (a) call the matter in Court for the purpose of making any order regarding procedural issues the judge considers appropriate, including any order a judge may make under rule F14.07(1);
- (b) make any order on consent;
- (c) refer the parties, with their consent, to further dispute resolution;
- (d) call the matter in Court for the purpose of recording the terms of any agreement and such terms of agreement have the same force and effect as a consent order;
- (e) schedule a case management hearing to set a trial date where all issues have not been resolved by the parties;
- (f) order costs in the event that a settlement conference does not proceed or is otherwise adjourned because a party is not prepared, has not filed the required brief, has not made the re-

quired disclosure, or has otherwise not complied with this rule; or

(g) where a binding settlement conference has taken place, make an order under rule F25.05.

(3) The settlement conference judge must not, without the consent of the parties, hear any further applications in the same proceeding or preside at the trial, subject to subrule (4).

(4) The settlement conference judge may consider and determine an emergency interim application where no other judge is reasonably available in the circumstances.

(5) A settlement conference judge may preside at a subsequent case management meeting in the same proceeding, but the judge must not, unless the parties consent, make an order

(a) under rule F14.07(2) or (6);

(b) relating to the manner of conducting a trial; or

(c) granting or refusing permission to file an application for a preliminary determination of fact or law or summary judgment.

## Section 8 - Resolving Claims without a Trial

### Rule F26 - Uncontested Proceedings

Scope of rule	F26.01 Where a proceeding is uncontested, as defined in rule F1.04 ("Definitions"), a party may apply for judgment in accordance with this rule.
Filing requirements	F26.02 (1) A party applying for judgment in an uncontested proceeding must, in all cases, file <ul style="list-style-type: none"><li>(a) an Application for Judgment in Form F26.02A requesting that the proceeding be decided on the basis of affidavit evidence;</li><li>(b) evidence to satisfy the Court that the Originating Application, Originating Application for Variation, or Response</li></ul>

making the claim was served on the other party in accordance with the rules for service;

- (c) a copy of any written agreement, deed, will, previous court order, or other document applicable to the order sought; and
- (d) any affidavits (prepared in accordance with rule F32 ("Evidence and Affidavits") or supporting materials that may be required in the proceeding.

(2) Where the Originating Application, Originating Application for Variation, or Response includes a claim for a parenting order, the party applying for judgment must also file evidence regarding

- (a) the applying party's interest in the proceeding if the person is not a parent of a child who is the subject of the proceeding;
- (b) the willingness of the person seeking custody to facilitate contact with each parent;
- (c) the quality of the relationship that the child has with the applying party, the personality, character, and emotional needs of the child, the capacity of the applying party to act as legal custodian of the child or to care for the child during the times that the child is in that party's care, and the wishes of the child having regard to the age and maturity of the child;
- (d) the physical, psychological, social, and economic needs of the child, the home environment proposed to be provided for the child, and the plans for the future of the child; and
- (e) the income of the parties.

(3) Where the Originating Application, Originating Application for Variation, or Response includes a claim for spousal or partner support, the party applying for judgment must also file evidence regarding

- (a) the age, physical and mental health of the parties;

- (b) the length of time the parties cohabited and information about how the applying party may become financially independent and how long it might take;
- (c) the legal obligation of either party to provide support for another person;
- (d) a written agreement or previous court order applicable to the claim for support with a copy of the agreement or order attached, if not already filed with the Court; and
- (e) the basis of any claim for entitlement, duration, and amount of support.

(4) Where the Originating Application or Response includes a claim for nullification of a marriage, the party applying for judgment must also file evidence establishing

- (a) the marriage, if no certificate of the marriage or registration of the marriage has been filed;
- (b) that there has been no collusion or connivance between the parties; and
- (c) the basis for any claim for nullification of the marriage.

(5) Where a Demand for Notice has been served under rule F6.04 ("How to respond to a claim without contesting"), a party applying for judgment must serve, in accordance with rule F8 ("Providing Notice and Serving Documents on other Parties or Persons") a copy of the application for judgment on the other party.

Specific requirements for uncontested divorce and corollary relief proceedings

F26.03 (1) Where a party applies for a divorce judgment in an uncontested proceeding, the party must file all of the following, in addition to the material required under rule F26.02

- (a) a draft judgment in Form F26.03A;
- (b) where either or both child support or spousal support is claimed, a draft support order;
- (c) 2 self-addressed, letter-sized, stamped envelopes,

(i) one of which is addressed to the other party at the address given in the affidavit of service of the Originating Application or Response, or any other address that may satisfy the Court that a copy of the judgment will reach that party, unless a judge orders otherwise, and

(ii) one of which is addressed to the applying party at the address for service provided by the applying party.

(2) A judge may require oral evidence before granting an order for divorce or any other claim.

(3) Where an applicant applies for judgment in an uncontested divorce proceeding on a basis other than separation, the respondent may apply for the divorce on the basis of separation by filing an Application for Judgment in Form F26.02A and all of the following

(a) the documentation required under rule F26.02;

(b) the documents and materials required under rules subrules (1) (a) through (c), where applicable;

(c) any other affidavits or supporting materials that may be required in the proceeding.

(4) The Application for Judgment and documentation required under subrule (3) must be served on the applicant in accordance with Rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

Forms of evidence F26.04 Evidence in an uncontested proceeding must be presented by affidavit, unless a judge orders otherwise.

Orders and judgments in uncontested proceedings F26.05 (1) Upon review of an application for judgment in an uncontested proceeding, a judge must

(a) grant a judgment without anyone appearing; or

(b) direct the party applying or the lawyer for the party to appear.

(2) Where a claim is made for a specific amount of support, either periodic or a lump sum, or any other relief, and the respondent

does not file a Response within the time specified in these rules or otherwise does not contest the amount claimed, the judge may treat the respondent as if the respondent accepts the appropriateness of the claim.

(3) Where a judge requires further information to determine an application for judgment in an uncontested proceeding, the judge may give directions in order to determine the matter.

(4) The Court may order a party to pay the costs of an application for judgment in an uncontested proceeding to another party.

Setting aside default order

F26.06 A judge may set aside a default order granted under this rule on terms that the judge determines appropriate.

**Rule F27 - Pre-Trial Determination of Question of Fact or Law**

Scope of rule

F27.01 This rule sets out

- (a) when a party may request a pre-trial determination of a question of fact or law;
- (b) the procedure governing a pre-trial determination of a question of fact or law; and
- (c) the powers of a judge on the hearing of a pre-trial determination of a question of fact or law.

When a request may be made

F27.02 (1) Unless a judge orders otherwise, a party seeking a hearing for a pre-trial determination of a question of fact or law must do so at a case management hearing scheduled in accordance with Rule F14 and must

- (a) file a Request for a Pre-trial Determination in Form F27.02A;
- (b) serve the Request for a Pre-trial Determination on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least seven days before the case management hearing; and

(c) be prepared to discuss the matters set out in the Request at the case management hearing.

(2) A party who has been served with a Request for a Pre-trial Determination must

(a) complete and file a Request for a Pre-trial Determination in Form F27.02A at least two days prior to the date set for the case management hearing;

(b) serve the form on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least two days before the case management hearing; and

(c) be prepared to discuss the matters set out in the Request at the case management hearing.

Procedure

F27.03 At a case management hearing where a party requests a pre-trial determination of a question of fact or law, a judge may do one or more of the following

(a) set a date for the hearing;

(b) provide directions regarding the documents each party must file;

(c) where the pleadings do not sufficiently define the issues of fact, define the issues to be tried or direct the parties to define the issues, and give directions for the trial or hearing thereof;

(d) order different questions or issues to be tried by different modes and at different places or times;

(e) order disclosure, questioning, or inspection to be delayed until the determination of any question or issue; or

(f) refuse the request where it would be inappropriate to determine the question at a hearing under this rule.

What a judge may do

F27.04 (1) Upon the hearing of a pre-trial determination of a question of fact or law, the judge may do one or more of the following

- (a) make a decision on the basis of the documents and affidavits filed and the oral arguments of the parties;
- (b) disregard an affidavit that is not filed and served in time or that does not comply with rule F32("Evidence and Affidavits"), and may award costs against the party filing it;
- (c) give permission to one or more parties to cross-examine a deponent;
- (d) order that a party or a witness give oral evidence;
- (e) give other directions relating to the conduct of the hearing.

(2) Following the hearing of a pre-trial determination of a question of fact or law, a judge may do one or more of the following:

- (a) determine any relevant question or issue of law or fact, or both;
- (b) determine any question about the admissibility of any proposed evidence;
- (c) give directions regarding the next steps to be taken in the proceeding;
- (d) make an order under F27.03.

Court may make final order

F27.05 Where in the opinion of the judge, the determination of any question or issue under this rule substantially disposes of the proceeding, or any issue in the proceeding, in whole or part, a judge may make a final order in respect of an issue in the proceeding or any other order the judge considers appropriate.

### **Rule F28 - Summary Judgment**

Scope of rule

F28.01 (1) A party may, in accordance with this rule, seek summary judgment of one or more issues or claims raised in a proceeding.

(2) This rule sets out

- (a) when a party may make an application for summary judgment;

- (b) the procedure governing applications for summary judgment; and
- (c) the powers of a judge on the hearing of an application for summary judgment.

When a request may be made

F28.02 (1) Unless a judge orders otherwise, a party seeking summary judgment on one or more issues or claims must do so at a case management hearing scheduled in accordance with Rule F14 and must

- (a) file a Request for a Summary Judgment Hearing, in Form F28.02A;
- (b) serve a copy of the Request for a Summary Judgment Hearing on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least seven days before the case management hearing; and
- (c) be prepared to discuss the matters set out in the Request at the case management hearing.

(2) A party who has been served with a Request for a Summary Judgment Hearing must

- (a) complete and file a Request for a Summary Judgment Hearing in Form F28.02A at least two days prior to the date set for the case management hearing;
- (b) serve the form on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least two days before the case management hearing; and
- (c) be prepared to discuss the matters set out in the Request at the case management hearing.

Procedure at case management

F28.03 At a case management hearing where a party requests a summary judgment hearing, a judge may, in addition to the powers at rule F14.07 ("Powers of case management judge"), do one or more of the following

- (a) grant the request and set a date for the hearing;

- (b) provide directions as to the conduct of the hearing, including filing requirements and timelines;
- (c) order that oral evidence be presented by one or more parties at the hearing, with or without time limits on its presentation;
- (d) dismiss the request.

Evidence on a summary judgment hearing

F28.04(1) On a hearing under this rule, a party may adduce evidence by one or more of the following:

- (a) an affidavit prepared in accordance with rule F32 ("Evidence and Affidavits");
- (b) an answer, or part of an answer, to written questions previously provided under rule F11.03("When you can ask questions in writing"); and
- (c) any part of the evidence taken during an appointment for questioning under rule F11.04 ("When you can ask questions in person before trial").

(2) A deponent may be cross-examined and re-examined at the hearing of the application, provided permission was granted by the case management judge and at least three days' notice is given to the party submitting the affidavit to produce the deponent for cross-examination.

(3) An affidavit for use on the application may be made on personal knowledge but on the hearing of the application, an adverse inference may be drawn, if appropriate, from the failure of a party to provide the evidence of persons having personal knowledge of contested facts.

(4) A judge may draw an adverse inference from the failure of a party to cross-examine on, or file affidavit evidence in reply to, an affidavit used on an application made under this rule.

Brief required

F28.05 Each party must, at least two days before the summary judgment hearing

- (a) file a brief setting out a concise statement of the facts and law relied on by the party; and

- (b) serve a copy of the brief on every other party to the application, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons").

Disposition of application

F28.06 (1) Upon hearing an application under this rule, the judge must grant summary judgment if,

- (a) the judge is satisfied that there is no genuine issue requiring a trial; or
- (b) the parties agree to have all or some of the issues determined by a summary judgment and the judge is satisfied that it is appropriate to grant summary judgment.

(2) In determining whether there is a genuine issue requiring a trial, the judge must consider the evidence submitted by the parties, and the judge may do one or more of the following for that purpose, unless it is in the interest of justice for such powers to be exercised only at a trial:

- (a) weigh the evidence;
- (b) evaluate the credibility of a deponent;
- (c) draw any reasonable inference from the evidence.

(3) A judge may, for the purpose of determining whether there is an issue requiring trial or deciding an issue under this rule, order that oral evidence be presented by one or more parties, with or without time limits on its presentation.

(4) Where the judge decides that there is a genuine issue with respect to an issue or claim, a judge may nevertheless grant judgment in favour of any party, either upon an issue or generally, unless

- (a) the judge is unable on the whole of the evidence before the Court on the application to find the facts necessary to decide the questions of fact or law; or
- (b) it would be inappropriate to decide the issues at the hearing.

(5) Where a judge does not grant all of the relief requested, a judge may determine any material fact that is not genuinely in dispute.

Where the only genuine issues is amount	<p>F28.07 Where the judge is satisfied that the only genuine issue is the amount to which a party is entitled, the judge may order a trial of that issue.</p>
Only genuine issue is question of law	<p>F28.08 Where the judge is satisfied that the only genuine issue is a question of law, the judge may determine the question and grant judgment accordingly.</p>
Granting of judgment	<p>F28.09 (1) A party who obtains judgment under this rule may proceed against the same party for any other relief and against any other party for the same or any other relief.</p> <p>(2) The judge may order a stay on terms the judge considers appropriate where it appears that the enforcement of a summary judgment granted under this rule ought to be stayed pending the determination of any other issue in the proceeding.</p>
Effect of dismissal of application	<p>F28.10 (1) Where an application for summary judgment is dismissed, the party who applied for summary judgment must not make any further applications under this rule without a judge's permission.</p> <p>(2) Where the party who applied for summary judgment obtains no relief on the application, the judge must fix the responding party's costs of the application on a substantial recovery basis and order the party who applied for summary judgment to pay the costs as soon as practicable.</p> <p>(3) Despite subrule (2), where the judge is satisfied that making the application, although unsuccessful, was nevertheless reasonable, the judge may fix costs on a partial recovery basis or some other basis, or not at all.</p>
Where trial is necessary	<p>F28.11 (1) Where a summary judgment hearing is dismissed, either in whole or in part, the judge may exercise the powers listed in rule F14.07 ("Powers of case management judge") and may</p> <ul style="list-style-type: none"><li>(a) order the matter to proceed to trial;</li><li>(b) schedule a case management hearing to determine the next steps to be taken in the proceeding; or</li><li>(c) make any order the judge considers appropriate.</li></ul>

(2) Where a proceeding is ordered to proceed to trial, in whole or in part, a judge may give such directions, impose terms, or make an order the judge considers appropriate, including

- (a) specifying what material facts are in dispute and defining the issues to be tried;
- (b) specifying what additional pre-trial procedures should be undertaken and the manner in which the procedures will be exercised.

Judge not to preside F28.12 A judge who has presided at a summary judgment hearing under this rule may only preside at the trial or a hearing if all parties consent.

### Section 9 - Trial Procedure

#### Rule F29 - How to Get a Trial Date

Scope of rule F29.01 This rule sets out how to request that a proceeding be scheduled for trial.

How to get a trial date F29.02 (1) Unless a judge orders otherwise, a party seeking a trial date must do so at a case management hearing scheduled in accordance with Rule F14 and must

- (a) file a Request for a Trial, in Form F29.02A;
  - (b) serve a copy of the Request for Case Management and the Request for a Trial on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least seven days before the case management hearing; and
  - (c) be prepared to discuss the matters set out in the Request for a Trial at the case management hearing.
- (2) A party who has been served with a Request for a Trial must
- (a) complete and file a Request for a Trial (Form F29.02A) at least two days prior to the date set for the case management hearing;

(b) serve the form on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least two days before the case management hearing; and

(c) be prepared to discuss the matters set out in the Request for a Trial at the case management hearing.

(3) At the case management hearing held under this rule the judge

(a) must determine whether the parties are ready for trial; and

(b) may exercise the powers of a case management judge as set out in rule F14.07 ("Powers of case management judge").

#### **Rule F30 - Trial Readiness Conferences**

Judge may order trial readiness conference

F30.01 (1) Where a trial date has been scheduled, a judge may order that a trial readiness conference be held.

(2) Where ordered, a trial readiness conference must be scheduled to be held within 45 days of the trial, unless a judge orders otherwise.

Requirement to attend and be prepared

F30.02(1) The parties and their lawyers must attend a trial readiness conference in person, unless a judge

(a) permits a party or lawyer to appear remotely pursuant to rule 47A ("Electronic Conferencing") in Part I; or

(b) excuses a party or lawyer from attending.

(2) Parties and their lawyers must be prepared to do the following at the trial readiness conference:

(a) provide a brief description of the testimony expected from each of the witnesses to be called and the evidence to be set out in any affidavit;

(b) confirm that a full list of documents and other exhibits to be tendered at the trial has been provided to the other party;

- (c) confirm that the information provided in the Request for a Trial Form remains accurate;
- (d) discuss any matter referred to in rule F14.07 ("Powers of case management judge");
- (e) confirm that the parties have exchanged or will exchange any expert reports to be tendered during the trial; and
- (f) advise whether settlement discussions are occurring and the likelihood as to whether all, or any, issues will be resolved prior to the trial.

Powers of a trial readiness conference judge

F30.03 A judge at a trial readiness conference may make any order under rule F14.07 ("Powers of case management judge") and may postpone or otherwise vary the trial date.

#### **Rule F31 - Informal Trial**

Scope of rule

F31.01 (1) This rule sets out the procedure for informal trials.

(2) An informal trial is an alternative trial procedure in which the judge may

- (a) take a more active role; and
- (b) admit any evidence that is relevant, material, and reliable, despite the fact that the evidence might be inadmissible under strict rules of evidence.

(3) The judge hearing the matter must give such weight to the evidence presented as the judge determines is appropriate.

(4) An informal trial may only be held with the written consent of the parties and the permission of a judge.

When a request may be made

F31.02 (1) Unless a judge orders otherwise, a party seeking an informal trial date must do so at a case management hearing scheduled in accordance with Rule F14 and must

- (a) file a Request for an Informal Trial in Form F31.02A;

- (b) serve a copy of the Request for Case Management and the Request for an Informal Trial on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least seven days before the case management hearing; and
  - (c) be prepared to discuss the matters set out in the Request for an Informal Trial at the case management hearing.
- (2) A party who has been served with a Request for an Informal Trial must
- (a) complete and file a Request for an Informal Trial (Form F31.02A) at least two days prior to the date set for the case management hearing;
  - (b) serve the form on the other party, in accordance with rule F8 ("Providing Notice and Serving Documents on Other Parties or Persons"), as soon as practicable and at least two days before the case management hearing; and
  - (c) be prepared to discuss the matters set out in the Request for an Informal Trial at the case management hearing.
- (3) Prior to granting a request for an informal trial, a judge must
- (a) determine whether the issues in dispute can be appropriately determined at an informal trial;
  - (b) confirm the parties have elected an informal trial with a knowledge and understanding of the provisions in this rule; and
  - (c) confirm that parties have not been threatened to agree to an informal trial process or been promised anything in exchange for agreeing to an informal trial.
- (4) Where a judge grants an informal trial, the judge must provide timelines for the disclosure of any relevant documents or information which have not yet been exchanged.

Procedure

F31.03 The informal trial will be conducted as follows:

- (a) at the beginning of an informal trial the parties will be asked to confirm that
  - (i) they have elected an informal trial with a knowledge and understanding of the provisions in this rule, and
  - (ii) they have not been threatened to agree to an informal trial process or have not been promised anything in exchange for agreeing to an informal trial;
- (b) the judge may ask the parties or their lawyers for a brief summary of the issues to be decided;
- (c) the applicant will be allowed to speak to the judge under oath concerning all issues in dispute. The party is not questioned by the party's lawyer, the other party or the other party's lawyer, but may be questioned by the judge to determine any issue;
- (d) the judge will ask the respondent or the respondent's lawyer whether there are any other areas about which the party wishes the judge to make inquiries of the applicant. The judge will inquire into these areas if requested and determined to be relevant;
- (e) the process in rules F31.03 (c) and (d) is then repeated for the other party;
- (f) the judge may require the attendance of witnesses other than the parties;
- (g) expert reports will be entered into evidence as the Court's exhibit. If either party requests, the expert will testify and be subjected to questioning by lawyers, the parties, or the judge;
- (h) the parties may offer any documents they wish the judge to consider and must provide a copy of such documents to the other party. The judge will determine what weight, if any, to give each document. The judge may order the parties to provide other relevant documents. Letters or other documents by the parties' children that are intended to suggest parenting preferences are not permitted;

- (i) upon the conclusion of questioning and entry of documents into evidence, the applicant or applicant's lawyer will be offered the opportunity to make submissions;
- (j) the respondent or respondent's lawyer will be offered the opportunity to make brief submissions and to respond briefly to the applicant's submissions;
- (k) the applicant or applicant's lawyer will be offered the opportunity to respond briefly to any new issues raised by the respondent;
- (l) the parties or their lawyers will then be offered the opportunity to make a brief legal argument;
- (m) upon consideration of the evidence and submissions, the judge may render judgment;
- (n) the judge retains jurisdiction to modify these procedures as justice and fundamental fairness require.

Withdrawal of request for informal trial

F31.04 (1) A judge may permit a party to withdraw the party's consent to the informal trial process until the beginning of the informal trial.

(2) Where a party withdraws their consent, the judge must schedule a date for a regular trial or a regular trial must proceed on the date already scheduled.

(3) Where a party withdraws their consent, a judge may make any order that the judge considers appropriate.

Court may direct regular trial

F31.05 (1) Where a judge determines that the informal trial process is inappropriate, the judge may, at any time before or during the informal trial, direct that a proceeding continue under the regular trial process.

(2) Where a judge makes an order under subrule (1), the judge must determine the use to be made of any evidence already entered at the informal trial, if any, and may provide further directions or make an order under rule F14.07 ("Powers of case management judge").

**Rule F32 - Evidence and Affidavits**

What evidence the court may consider

F32.01 (1) A judge may decide an issue on oral or affidavit evidence or in a manner that the judge conducting a hearing or trial considers appropriate.

(2) At trial, the judge may consider any pleading or other document filed in accordance with this part and properly included in a Court file of which the other party has notice, unless a party has raised an objection to the document's admissibility at a prior case management hearing, at a trial readiness conference, or prior to the start of the trial and a judge has determined that the document should not be considered.

(3) Subrule (2) does not apply to pleadings or other documents that have been filed on an application under rules F16 ("Interim Applications without Notice for a Procedural Order") or F17 ("Emergency Interim Application (Getting a Temporary Order)"), unless a hearing with notice to the parties was held in relation to the application.

What information may be contained in an affidavit

F32.02 (1) A person signing an affidavit must only set out facts of which he or she has personal knowledge, except where this rule provides otherwise.

(2) An affidavit may contain information that the person learned from someone else if

- (a) the affidavit is to be used on an interim application, or for a matter which will not determine the final outcome of the proceeding; and
- (b) the source of the information is identified by name, the affidavit states that the person signing it believes the information is true, and the circumstances that justify the use of information learned from someone else are stated.

(3) Where an affidavit does not comply with this rule, a judge may

- (a) disregard all or part of that affidavit; and
- (b) make any order the judge considers appropriate.

(4) Where an affidavit contains material that is irrelevant, that may delay the trial or make it difficult to have a fair trial, or that is unnecessary or an abuse of the Court process, a judge may, at the request of a party or at their own discretion,

(a) disregard all or part of that affidavit; and

(b) make any order the judge considers appropriate.

(5) Where an affidavit or part of an affidavit has been disregarded under this rule, an opposing party who has filed an affidavit in response to the offending material may be awarded costs of filing that affidavit to be paid as between lawyer and client.

## **Section 10 - Costs, Orders, Judgments, and Enforcement**

### **Rule F33 - Costs**

Purpose and scope  
of rule

F33.01 The purpose of this rule is to encourage parties to take a position towards the resolution of issues or claims in a proceeding, which position includes a reasonable element of compromise.

Presumption

F33.02 (1) The judge has the right to decide whether a party must pay the costs of another party.

(2) There is a presumption that a successful party is entitled to the costs of a proceeding.

(3) Despite the presumption in subrule (2), in matters of parenting the judge has the discretion to reduce or decline an award of costs to a successful party if the judge determines that the positions of both parties throughout the proceeding were reasonable, held in good faith, and in the best interests of the child.

Unreasonable  
behaviour

F33.03 (1) A party, whether successful or unsuccessful, who has behaved unreasonably or has acted in bad faith during a proceeding

(a) may be deprived of all or part of the party's own costs; or

(b) may be ordered to pay all or part of the other party's costs.

(2) When deciding whether a party has behaved reasonably, unreasonably, or in bad faith, the judge may consider:

- (a) the party's behaviour in relation to the nature, importance, and urgency of the issues;
- (b) any conduct of the party which unnecessarily delayed the proceeding or unnecessarily increased the expense of the proceeding;
- (c) whether the party has complied or failed to comply with any order of the Court;
- (d) whether any step taken by the party in the proceeding was frivolous, improper, vexatious, or unnecessary;
- (e) the party's denial or refusal to admit anything that should have been admitted;
- (f) whether the party made an offer to settle;
- (g) the reasonableness of any offer to settle the party made; and
- (h) any offer to settle the party withdrew or failed to accept.

(3) The judge may order costs against a party if the party, without reasonable excuse

- (a) does not appear at a step in the proceeding;
- (b) appears but is not properly prepared to deal with the issues at that step; or
- (c) appears but has failed to make the disclosure required before that step.

Divided success F33.04 If success in a step in a proceeding is divided, the judge may apportion costs as the judge considers appropriate.

Fixed sum F33.05 (1) A judge may make an order at any time during a proceeding that a party pay a fixed sum of money to another party instead of taxed costs.

(2) In determining whether to make an order pursuant to subrule (1) the judge must consider:

- (a) the importance, complexity, or difficulty of the issues;
- (b) the reasonableness or unreasonableness of each party's behaviour in the proceeding;
- (c) the lawyer's fees, if a party is represented by a lawyer;
- (d) the time properly spent on the proceeding, including
  - (i) discussions between the parties, their lawyers, and any witnesses,
  - (ii) drafting documents,
  - (iii) attempting to settle the matter and preparing for and attending any application or hearing, and
  - (iv) preparing any order;
- (e) expenses properly paid or payable; and
- (f) any other relevant matter.

Security for costs

F33.06 (1) A judge may, on an interim application made with notice under rule F18 ("Interim Applications with Notice"), make an order for security for costs in relation to a proceeding, other than a proceeding for parenting, which the judge considers appropriate, based on one or more of the following factors:

- (a) a party ordinarily resides outside of this province;
- (b) a party has an order against the other party for costs that remains unpaid, in the same proceeding or another proceeding;
- (c) a party is a corporation and there is good reason to believe it does not have enough assets in this province to pay costs;

(d) there is good reason to believe that the proceeding is frivolous, improper, vexatious, or unnecessary and that the party does not have enough assets in this province to pay costs;

(e) a party has or is attempting to dispose of, hide, or waste assets which are the subject of the proceeding; or

(f) any other relevant matter.

(2) The judge must determine the amount of the security, its form, and the method of giving it.

(3) Until the security has been given, a party against whom there is an order for security for costs must not take any step in the proceeding, except to appeal from the order, unless a judge orders otherwise.

(4) If a party does not provide security for costs as ordered, a judge may, following an application, make an order

(a) dismissing the party's proceeding;

(b) striking out the party's pleadings or any other document filed by the party;

(c) noting the party in default pursuant to rule F6.06 ("Consequences of not responding"); or

(d) providing any other relief the judge considers appropriate.

(5) The amount of the security, its form, and the method of giving it may be changed by order at any time.

(6) Security given for costs may be paid out or released on an order of the Court.

#### **Rule F34 - Orders, Judgments, and Enforcement**

General

F34.01 (1) Where a party claims under more than one statute, the judge may issue one judgment with respect to all claims naming the relevant statute, subject to subrule (2).

(2) A separate formal order for support must be issued by the Court where support is granted.

Consent orders

F34.02 (1) A consent order for support filed under this Part must be in Form F34.02A.

(2) A consent order for all claims other than support filed under this Part must be in Form F34.02B.

(3) Unless a judge orders otherwise, an application for judgment or an order to be made by consent must be accompanied by appropriate evidence of the consent of each party.

(4) Appropriate evidence of consent includes:

(a) the signature of the lawyer of a party, if the party is represented by a lawyer;

(b) the signature of a party, personally sworn or affirmed before a person authorized to take an oath or affirmation;

(c) the signature of a party accompanied by a completed Affidavit of Execution in Form F34.02C; or

(d) the oral consent of a party on the Court record.

(5) Parties seeking to file an order by consent may do so without seeking the Court's prior permission or appearing before a judge, unless a judge orders otherwise.

Necessary content of support orders

F34.03 (1) An order for child support or variation of child support must include:

(a) the name and birth date of each child to whom the order relates;

(b) the income of any party whose income is used to determine the amount of child support in a child support order;

(c) the table amount determined under the guidelines for the number of children to whom the order relates or another amount ordered by the court or agreed to between the parties;

(d) for a child the age of majority or over, the amount that the judge considers appropriate, having regard to the condition,

means, needs, and other circumstances of the child and the financial ability of each party to contribute to the support of the child;

- (e) the particulars of any special or extraordinary expense, the child to whom the expense relates, and the amount of the expense or, where that amount cannot be determined, the proportion to be paid in relation to the expense;
- (f) the address and contact information of all parties named in the order;
- (g) the day, month, and year on which the lump sum or first payment is required to be made and the schedule for subsequent payments;
- (h) the duration of the order;
- (i) a recalculation clause where required; and
- (j) that the order must be enforced by the Director of Support Enforcement and that amounts owing under the order must be paid to the person to whom it is owed through the director unless the order is withdrawn from the director.

(2) An order or variation order for spousal support, partner support, parental support, or dependant support must include:

- (a) the address and contact information of all parties named in the order;
- (b) the day, month, and year on which the lump sum or first payment is required to be made and the schedule for subsequent payments;
- (c) the duration of the order; and
- (d) that the order must be enforced by the Director of Support Enforcement and that amounts owing under the order must be paid to the person to whom it is owed through the director unless the order is withdrawn from the director.

Divorce judgments      F34.04 (1) A judge must not grant a judgment for divorce until

- (a) a written notification issued from the central registry of divorce proceedings under the *Central Registry of Divorce Proceedings Regulations* under the *Divorce Act* (Canada) has been filed indicating that no other divorce proceedings are pending; and
- (b) the judge is satisfied that reasonable arrangements have been made for the support of any children of the marriage, having regard to the applicable guidelines.

(2) Where the requirement in subrule (1) (b) is not satisfied, the Court must stay the granting of the divorce until such arrangements are made.

(3) A judgment in a divorce proceeding must be in Form F26.03A.

(4) Where a claim for divorce is made together with one or more other claims, a judge may

- (a) grant a divorce and direct that a judgment of divorce alone be entered; and either
  - (i) adjourn the hearing of one or more of the other claims to a later date, or
  - (ii) grant an order for one or more of the other claims; or
- (b) refuse to grant judgment for divorce until any other issue is resolved.

How to register orders made in another jurisdiction under the *Divorce Act* (Canada)

F34.05 A support order, parenting order, variation order, interim support order, or interim parenting order made under the *Divorce Act* (Canada) in another jurisdiction may be registered by filing a certified copy of the order in the office of the Court with a written request that it be registered.

Enforcement

F34.06 A judgment or order listed in section 2(1) (l) of the *Support Orders Enforcement Act, 2006* may be enforced in accordance with that Act.

**Section 11 - Special Rules Applicable to Certain  
Types of Proceedings**

**Rule F35 - Provisional Support Orders  
- *Divorce Act***

Definitions

F35.01 In this rule

- (a) "applicant" means a former spouse who makes an application for variation of a support order under section 18 of the *Divorce Act* (Canada);
- (b) "minister" means the Attorney General; and
- (c) "provisional order" means a provisional order for variation of a support order made under the *Divorce Act* (Canada).

Scope of rule

F35.02 This rule sets out the procedure which applies to applications for provisional variation of support orders made under section 18(2) of the *Divorce Act* (Canada).

Application for  
provisional varia-  
tion order

F35.03 (1) Where a judge determines, under rule F5.03 ("Applicability of rule F35"), that section 18 (2) of the *Divorce Act* (Canada) applies, the Court must schedule a hearing date for an application for variation of a support order.

(2) Where the Court makes a provisional order, a registry clerk must send to the minister and to the applicant

- (a) the documents filed in accordance with rule F5 ("How to Apply to Vary a Final Order");
- (b) a certified, sworn, or affirmed document setting out or summarizing the evidence given to the Court;
- (c) three certified copies of the provisional order; and
- (d) a certificate from the registry clerk that the order is made provisionally and is of no legal effect until confirmed.

(3) Where a Court outside this province remits any matter back to the Court for further evidence

- (a) a registry clerk must provide the applicant with notice of the hearing; and
- (b) the matter may be brought before any judge of the Court.

(4) Where the Court receives further evidence under this rule, a registry clerk must forward to the Court outside of this province that remitted the matter back

- (a) a certified, sworn, or affirmed document setting out or summarizing the evidence; and
- (b) any recommendations that the Court considers appropriate.

Confirmation of  
provisional varia-  
tion order

F35.04 (1) On receipt of a provisional order for confirmation in this province, a registry clerk must serve the following on the person against whom the order has been made:

- (a) notice of the case management hearing date to schedule a confirmation hearing;
- (b) a copy of the documents received from the Court outside of this province that made the provisional order; and
- (c) a Financial Statement in Form F10.02A to be completed by the person against whom the order was made.

(2) The Court may make a temporary order for support where the matter is remitted to the Court outside of this province that made the provisional order for further evidence.

(3) Where the Court has requested further evidence on a confirmation hearing and that evidence has been received, the minister must serve the following to the persons concerned:

- (a) notice of the confirmation hearing; and
- (b) a copy of the documents sent by the Court outside of this province.

(4) An order confirming or otherwise dealing with a provisional order for child support, including a temporary order, must be in accordance with the guidelines.

(5) Where the Court makes an order refusing to confirm or varying a provisional order for support, the Court must provide written reasons for its decision

(a) to the minister; and

(b) to the Court that made the provisional order.

(6) Where an order is made confirming a provisional order, with or without variation, a registry clerk or the minister must file the order in the Court.

(7) On completion of the confirmation hearing, a registry clerk must forward a certified copy of the order to

(a) the minister;

(b) the Court that made the provisional order; and

(c) the Court that made the support order, where it is not the Court that made the provisional order.

#### **Rule F36 - Interjurisdictional Support Orders**

*Interjurisdictional  
Support Orders Act*  
applies

F36.01 The procedure in the *Interjurisdictional Support Orders Act* will apply where the Court receives a provisional order for confirmation, a support application, or a support variation application, as defined in that *Act*, from a reciprocating jurisdiction.

#### **Rule F37 - Child Protection Proceedings**

Proceedings

F37.01 (1) To the extent that the procedure or time limits in this Part are inconsistent with the *Children and Youth Care and Protection Act*, the provisions of the *Act* will apply.

(2) Any hearing under the *Children and Youth Care and Protection Act* must be

(a) held as informally as the circumstances of the case permit;

(b) scheduled as expeditiously as the schedule of the Court allows and as fairness to the parties and affected persons requires; and

(c) held in private unless the judge hearing the matter determines that the proper administration of justice or the interests of a child require otherwise.

(3) A judge may make any order under rule F14.07 ("Powers of case management judge") not inconsistent with the *Children and Youth Care and Protection Act* that may assist in focusing a child protection hearing on the matters in dispute.

(4) An application for a protective intervention order and any other application under the *Children and Youth Care and Protection Act* must be started by presenting the original and one copy of an application to the Court.

(5) An application for another order relating to children in respect of whom a protective intervention order has already been sought or in respect of other children in the same family must be given the same file number as the original application where the application is made in the same judicial centre.

Summary judgment

F37.02 (1) Upon completion of a presentation hearing as required by section 31 of the *Children and Youth Care and Protection Act* and an order being made directing that a protective intervention hearing is to take place, a party may make an application for a summary judgment for a final order without a trial on all or part of any claim made or defence to be presented in the proceeding.

(2) The procedure set out in rule F28 ("Summary Judgment") applies to applications for summary judgment under this rule.

Judicial case conference

F37.03 (1) Where a party requests a judicial case conference in a child protection proceeding, or a judge determines that a judicial case conference is appropriate, the parties and any other person required by the judge must attend before a judge who must consider such documents, other materials, and submissions the judge considers appropriate and give a non-binding opinion on the probable outcome of a hearing of the proceeding.

(2) A judicial case conference may only occur at some time after the conclusion of the presentation hearing as required by section 31 of the *Children and Youth Care and Protection Act* and before a full hearing occurs.

(3) A judge may conduct the judicial case conference in as informal a manner as the judge considers appropriate.

(4) A judge may hear from persons intended to be witnesses at the hearing, as well as the parties, either under oath or affirmation or not, during a judicial case conference if the judge so decides.

(5) A judge who conducts a judicial case conference must not preside at the protective intervention hearing and must note in the Court file the date or dates upon which the judicial case conference took place.

(6) A judicial case conference must be recorded with minutes kept but in such event, the record kept and any submissions must be sealed and may only be opened by order of a judge.

(7) Upon completion of the judicial case conference, the judge must return to the parties or their lawyers any materials filed or provided for the purpose of the judicial case conference not otherwise in the Court file.

(8) The judge conducting the judicial case conference or any person attending the judicial case conference must not disclose to the hearing judge or any other persons the positions taken by the parties or the opinions expressed at the hearing.

(9) A judge at a judicial case conference may give directions to the parties related to the conduct of the hearing, including setting a date and time for a hearing, and any such directions must be filed in the Court file as an order.

(10) A judge at a judicial case conference may make a continuous, temporary, or other order where the parties to the proceeding consent and the order must be filed in the Court file.

**Rule F38 - Applications for the Return of a Child  
under the *Hague Convention on International  
Child Abduction***

Definitions

F38.01 In this rule,

- (a) "central authority" is the person so designated for each contracting state under Article 6 of the *Hague Convention on International Child Abduction*;
- (b) "contact judge" is the person so designated in the province of Newfoundland and Labrador to ensure that interjurisdictional cases of parental child abduction are dealt with expeditiously;
- (c) "contracting state" means a country that is a signatory to the *Hague Convention on International Child Abduction*; and
- (d) "Hague Convention on International Child Abduction" means the *Convention on the Civil Aspects of International Child Abduction* as set out as a schedule to the *Children's Law Act*.

Use of the *Rules*

F38.02 (1) Rule F38 applies to the wrongful removal or retention of a child occurring in a contracting state under the *Hague Convention on International Child Abduction*.

(2) The child who has been wrongfully removed or retained must be under the age of 16 years.

(3) Wrongful removal or retention shall have the meaning set out in Article 3 of the *Hague Convention on International Child Abduction*.

(4) Sections 1, 2, 3, 4, 6, 9 and 10 and rules F26 and F27 of the *Trial Division Family Rules* apply to all proceedings for the return of a child under the *Hague Convention on International Child Abduction* unless rule F38 provides otherwise, in which case rule F38 takes precedence.

Proceedings must be dealt with expeditiously

F38.03 All proceedings under rule F38 must be dealt with expeditiously and these rules must be interpreted and applied so as to provide the timeliest and efficient disposition that is consistent with fairness to the parties involved.

Commencing an application for the return of a child

F38.04 (1) An application for the return of a child under the *Hague Convention on International Child Abduction* must be started in the Court by presenting an original and two signed copies of an Application for the Return of a Child in Form F38.04A.

(2) Applications under this rule must only address the return of a child and must not include a request for any other relief except for consequential relief related to the return of a child.

(3) All applications under this rule must be accompanied by Affidavit in Support of Application for the Return of a Child in Form F38.04B which complies with rule F32 ("Evidence and Affidavits") and contains:

- (a) information concerning the identity of the applicant, the child, and the person or persons alleged to have removed or retained the child;
- (b) where available, the date of birth of the child;
- (c) the grounds on which the applicant's claim for the return of the child is based; and
- (d) all available information relating to the whereabouts of the child and the identity of the person in whose care the child is presumed to be.

(4) The application may be accompanied or supplemented by:

- (a) an authenticated copy of any relevant decision or agreement pertaining to parenting of the child;
- (b) a certificate or an affidavit emanating from a central authority of the contracting state, competent authority, or other qualified person where the child habitually resides setting out the relevant law of that jurisdiction; or
- (c) any other relevant document.

(5) On receipt by the Court of an application under this rule, a return date must be assigned and noted on the application.

Service of the  
application

F38.05 (1) The following documents must be served personally on the respondent(s), in accordance with rule F8.03 ("Documents which must be personally served (hand-delivery)"), within seven days of filing the application with the Court:

- (a) the application;

- (b) an affidavit in support of the application;
- (c) the information required under rule F38.04, if applicable;  
and
- (d) the Notice to Respondent.

(2) If not named as a respondent, the person with whom the child is presumed to be must also be personally served with the application.

(3) If timely service cannot be effected, an application may be made to the Court for substituted service or to extend the time for service.

Notice to the central authority and the contact judge

F38.06 A Notice of Application to the central authority and contact judge in Form F38.06A must be filed at the same time as the application under rule F38.04 and a copy must forthwith be provided to the central authority of the province of Newfoundland and Labrador and the contact judge.

Responding to an application for the return of a child

F38.07 Despite rules F6.02 ("How to oppose a claim or make a claim in response") and F6.04 ("How to respond to a claim without contesting"), a Response to the application must be filed within seven days of being served with the application, unless a judge orders otherwise.

How to oppose a claim

F38.08 (1) Unless a judge orders otherwise, a respondent who intends to oppose a claim made in an application must file and serve a Response in Form F6.02A.

(2) Rules F6.02 ("How to oppose a claim or make a claim in response") and F6.03 ("Information which must be included in the Response") do not apply to applications under this rule.

Hearings

F38.09 (1) On the first return date of an application under rule F38, where a Response has been filed, the Court must:

- (a) establish appropriate timelines for the filing and service of materials;
- (b) schedule the application for hearing; and

(c) decide on whether communication with judicial authorities in other jurisdictions is required.

(2) On the first return date of an application under this rule where no Response has been filed the Court may determine the application.

(3) In carrying out these responsibilities, the Court must have regard to the requirement for an expeditious determination of the matter.

(4) Any party may appear by way of telephone or video conference where appropriate facilities are available if that party makes arrangements at least two days prior to the hearing.

(5) Where the Court has notice of the alleged wrongful removal or retention of a child, the Court must not deal with the merits of rights of custody until an application for return of the child under the *Hague Convention on International Child Abduction* has been determined, unless a return application is not filed within a reasonable time after notice is given to the Court.

Disposition	F38.10 Applications must be dealt with expeditiously and except in extraordinary circumstances, decisions must be rendered within 42 days of the filing of the application.
Order	F38.11 Unless the order is signed when a judge decides on the merits of the application for return of a child, an appointment must be made to meet with the same judge to have the order signed within 24 hours of a decision being rendered.
Family Justice Services	F38.12 Unless a judge orders otherwise or on the consent of the parties, proceedings with respect to the return of a child under rule F38 must not be referred to Family Justice Services under rule F22 ("Family Justice Services").
Case Management	F38.13 Unless a judge orders otherwise or on the consent of the parties, proceedings with respect to the return of a child under rule F38 are not subject to case management.

**Rule F39 - Review of Emergency Protection  
Orders made under the *Family Homes on  
Reserves and Matrimonial Interests or Rights Act***

Definitions

F39.01 (1) In this rule

- (a) "council", in relation to a First Nation, has the same meaning as the expression "council of the band" in subsection 2(1) of the *Indian Act*;
- (b) "Court", unless otherwise indicated, means, in respect of a province, the Court referred to in any of paragraphs (a) to (e) of the definition "Court" in subsection 2(1) of the *Divorce Act*;
- (c) "designated judge", in respect of a province, means any of the following persons who are authorized by the lieutenant governor in council of the province to act as a designated judge for the purposes of the *Family Homes on Reserves and Matrimonial Interests or Rights Act*
  - (i) a justice of the peace appointed by the lieutenant governor in council of the province,
  - (ii) a judge of the Court in the province, or
  - (iii) a judge of a Court established under the laws of the province;
- (d) "family home" means a structure - that need not be affixed but that must be situated on reserve land - where the spouses or common-law partners habitually reside or, if they have ceased to cohabit or one of them has died, where they habitually resided on the day on which they ceased to cohabit or the death occurred. If the structure is normally used for a purpose in addition to a residential purpose, this definition includes only the portion of the structure that may reasonably be regarded as necessary for the residential purpose;
- (e) "First Nation" means a band as defined in subsection 2(1) of the *Indian Act*;

(f) "First Nation member" means a person whose name appears on the band list of a First Nation or who is entitled to have their name appear on that list;

(g) "interest or right" means

(i) the following interests or rights referred to in the *Indian Act*:

(A) a right to possession, with or without a Certificate of Possession or a Certificate of Occupation, allotted in accordance with section 20 of that *Act*;

(B) a permit referred to in subsection 28(2) of that *Act*; and

(C) a lease under section 53 or 58 of that *Act*,

(ii) an interest or right in or to reserve land that is subject to any land code or First Nation law as defined in subsection 2(1) of the *First Nations Land Management Act*, to any First Nation law enacted under a self-government agreement to which Her Majesty in right of Canada is a party, or to any land governance code adopted, and

(iii) an interest or right in or to a structure - that need not be affixed but that must be situated on reserve land that is not the object of an interest or right referred to in paragraph (a) - which interest or right is recognized by the First Nation on whose reserve the structure is situated or by a Court order made under section 48 of the *Act*.

(2) Unless the context otherwise requires, words and expressions used in this rule have the same meaning as in the *Indian Act*.

Review by Court

F39.02 The Court must review an order made under section 16 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* within three working days after the day on which it is received or, if a judge is not available within that period, as soon as one becomes available.

Decision

F39.03 The Court, on reviewing an order made under section 16 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* and the materials, must, by order,

- (a) confirm the order if the Court is satisfied that there was sufficient evidence before the designated judge to support the making of the order; or
- (b) direct a rehearing of the matter by the Court if the Court is not satisfied that the evidence before the designated judge was sufficient to support the making of all or part of the order.

Notice

F39.04 The Court must give notice to the parties and any person specified in the order made by the designated judge under section 16 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* of its decision and of any consequent procedures.

Confirmed order

F39.05 An order made under section 16 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* that is confirmed is deemed to be an order of the Court.

Rehearing order continues

F39.06 If the Court directs that a matter be reheard, the order made under section 16 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* continues in effect and is not stayed unless a judge orders otherwise.

Evidence at rehearing

F39.07 The supporting materials forwarded to the Court under section 17 (1) of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* must be considered as evidence at the rehearing, in addition to any evidence presented at the rehearing, including evidence on the collective interests of the First Nation members, on whose reserve the family home is situated, in their reserve lands.

Order on rehearing

F39.08 On a rehearing, the Court may, by order, confirm, vary, or revoke the order made under section 16 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act*, and may extend the duration of the order beyond the period of 90 days referred to in subsection 16(1) of that *Act*.

Application to vary or revoke order

F39.09 (1) If an application is made under section 18 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* to have an order made under section 16 of the *Act* varied or revoked and a rehear-

ing has been ordered but has not begun, that application must be heard at the rehearing.

(2) Any person in whose favour or against whom an order is made under section 16 or 17 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* or under this rule or any person specified in the order may apply to the Court in the province in which the designated judge has jurisdiction to have the order varied or revoked

(a) within 21 days after the day on which notice of the order made under section 16 is received, or within any further time that the Court allows; and

(b) at any time if there has been a material change in circumstances.

(3) The Court may, by order, confirm, vary, or revoke the order, and may extend the duration of the order beyond the period of 90 days referred to in subsection 16(1) of the *Family Homes on Reserves and Matrimonial Interests or Rights Act*.

(4) The supporting materials for the order made by the designated judge must be considered as evidence at the hearing, in addition to any evidence presented at the hearing, including evidence on the collective interests of the First Nation members, on whose reserve the family home is situated, in their reserve lands.

## Section 12 - General Rules

### Rule F40 - Court Administration

Issuing applications

F40.01 (1) The registry must issue the Originating Application and file the copies and if an application to change an order is made in the same Court centre where the original order was made, it must be filed in the original Court file.

(2) A registry clerk must enter every proceeding in an appropriate record maintained manually or in electronic form.

(3) The file number assigned to a family law proceeding in the Family Division must consist of the year of issue, a number to identify

the judicial centre where the proceeding is started followed by the letter "F" as follows:

02F St. John's

04F Corner Brook

and then followed by the consecutive number of the proceeding in the order of filing in the registry of the judicial centre where the proceeding is started.

(4) The file number assigned to a family law proceeding in the General Division must consist of the year of issue, a number to identify the judicial centre where the proceeding is started followed by the letter "G" as follows:

03G Grand Falls-Windsor

05G Gander

06G Grand Bank

08G Happy Valley-Goose Bay

and then followed by the consecutive number of the proceeding in the order of filing in the registry of the judicial centre where the proceeding is started.

(5) All documents subsequently filed or served in the proceeding must bear the same file number.

Transferring files

F40.02 Where a proceeding is subsequently issued in relation to the same parties but in another judicial centre, the registry must make arrangements to transfer the file to that judicial centre.

Divorce proceedings

F40.03 (1) Where a party asks for a divorce in a proceeding, the registry must, on receipt of the appropriate fee,

- (a) in addition to the file reference required by rule F40.01, assign to that divorce proceeding a separate number, to be known as a divorce registry number, that follows in sequence the last number assigned to a divorce proceeding in that judicial centre, as the case may be; and

(b) complete Part I of the registration of divorce proceeding form referred to in the *Central Registry of Divorce Proceedings Regulations* (Canada) and send it to the central registry of divorce proceedings.

(2) Where the Court varies, other than provisionally, a corollary relief order made under the *Divorce Act* (Canada) by a Court outside of this province, the registry must forward a certified copy of the variation order to

(a) the Court that made the original order; and

(b) any other Court that has varied the original order.

(3) Where a divorce judgment is granted, the registry must mail a copy of the Divorce Judgment in Form F26.03A to each of the parties.

(4) In uncontested divorce proceedings, a registry clerk must immediately forward to each of the parties, by ordinary mail

(a) a copy of the judgment granting a divorce; and

(b) a copy of any child support order.

Certificate of  
divorce

F40.04 (1) A Certificate of Divorce, stating that a divorce dissolved the marriage of the parties as of a specified date, must be in Form F40.04A.

(2) The registry must issue a certificate of divorce, on request of either party, on or after the day on which the judgment granting the divorce takes effect, where

(a) the registry is satisfied that an appeal is not in process; or

(b) the spouses have signed and filed with the Court an Undertaking that no appeal from the judgment will be taken, or if any appeal has been taken, that it has been abandoned.

(3) Where a certified copy of the certificate of divorce is requested, a registry clerk must provide a copy under the seal of the Court.

Central Registry of  
Divorce Proceed-  
ings Regulations

F40.05 The registry must complete the forms required by the *Central Registry of Divorce Proceedings Regulations* under the *Divorce Act* (Canada) and forward the forms to the Central Registry of Divorce Proceedings at Ottawa as required by those regulations.

Forms

**3. The rules are amended by adding Forms F4.03A, F4.04A, F4.04B, F5.05A, F5.06A, F6.02A, F6.04A, F6.06A, F7.02A, F8.04A, F8.11A, F10.02A, F10.04A, F11.02A, F11.02B, F11.03A, F11.03B, F14.04A, F16.03A, F17.03A, F18.03A, F19.02A, F23.01A, F23.02A, F23.05A, F25.03A, F26.02A, F26.03A, F27.02A, F28.02A, F29.02A, F31.02A, F34.02A, F34.02B, F34.02C, F38.04A, F38.04B, F38.06A, and F40.04A.**

Commencement

**4. These regulations come into force on March 1, 2017.**



## 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 online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to 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](http://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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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 4.03A)** carefully. The Applicant has explained the family law issues that he/she 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](http://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](http://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 ---**

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

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

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



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  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 (Custody / Access)	2	-
<input type="checkbox"/> Child Support	3	Financial Statement (Form F10.02A) 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"/> Division of Matrimonial ( <i>married</i> ) Property or Common Law ( <i>unmarried</i> ) Property	5	Property Statement (Form F10.02A)
<input type="checkbox"/> Return of Child (within Canada)	6	Emergency Temporary Relief Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order	7	Consent Order (Form F34.02A and/or F34.02B)
<input type="checkbox"/> Other: _____	7	-

**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.

<b>Current Last Name</b> Write previous last names in brackets			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> (if different from Residential Address)			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>	Please note that if you provide your email address, the Court may contact you by email.		
<b>Date of Birth</b>	Month:	Day:	Year:

<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Foreign National
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Do you need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees or arrangements.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

**Respondent Information**

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

<b>Current Last Name</b> <small>Write previous last names in brackets</small>			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> <small>(if different from Residential Address)</small>			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Foreign National
<b>Is the Respondent a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Does the Respondent need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees or arrangements.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

Fill in the information about your relationship with the Respondent:

<b>Your relationship with the Respondent</b>				
<b>Date the parties started living together</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of marriage</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Place of marriage</b>				OR <input type="checkbox"/> Not applicable
<b>Prior to the marriage, you were</b>	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
<b>Prior to the marriage, the Respondent was</b>	<input type="checkbox"/> Unmarried	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	OR <input type="checkbox"/> Not applicable
<b>Date of separation</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of divorce</b>	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
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

	Child 3	Child 4
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

- 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.

If child protection services have ever been involved with you, the Respondent(s), and/or the children, provide the details below.

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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. Attach any written agreements and any court orders not in the Court file.

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### 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____.	
_____ <i>Signature of Applicant</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

### 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.

_____ <i>Signature of Lawyer (if any)</i>	_____ <i>Print Name of Lawyer (if any)</i>
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### Lawyer’s Certificate

- Check this box if you have a lawyer. Your lawyer must complete this Certificate.  
If you are not applying for divorce or do not have a lawyer, you do not have to fill out this Certificate.

I, _____, the Lawyer for _____,	
<small>(Print Lawyer’s Name)</small>	<small>(Print Applicant’s Name)</small>
the Applicant, certify to this Court that I have complied with the requirements of s.9 of the <i>Divorce Act</i> .	
DATED at _____, this _____ day of _____, 20____.	
_____ <i>Signature of Lawyer</i>	_____ <i>Address of Lawyer</i>

## 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.	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.		

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**

*If you are making a parenting application (custody and/or access), fill in the information below:*

**What are the current parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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**What are your proposed parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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## Schedule 3 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the <b>basic table amount</b> as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking <b>special and/or extraordinary expenses</b> . You must complete and attach a <b>Financial Statement (Form F10.02A)</b> .
<input type="checkbox"/> I am seeking <b>an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount</b> .  Depending on your reason(s) for seeking an amount different from the <i>Child Support Guidelines</i> , you may have to attach further documentation.  List your reason(s) for seeking an amount of child support different from the <i>Child Support Guidelines</i> : <ul style="list-style-type: none"> <li><input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month.</li> <li><input type="checkbox"/> I have physical custody of (or exercise access to) the child(ren) for 40% or more of the year. <i>You must complete and attach a Financial Statement (Form F10.02A).</i></li> <li><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></li> <li><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></li> <li><input type="checkbox"/> I am claiming undue hardship for the following reason(s):                      _____                      _____                      _____                      _____                 </li> </ul> <p style="text-align: center;"><i>You must complete and attach a Financial Statement (Form F10.02A).</i></p> <input type="checkbox"/> Other: _____ _____ _____
<p style="text-align: center;"><i>Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).</i></p>
<input type="checkbox"/> I am seeking <b>retroactive child support</b> .  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: _____ _____ _____

# Schedule 4 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:

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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:

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## Schedule 5 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:

<input type="checkbox"/> I am seeking an <b>equal division of matrimonial property</b> .
<input type="checkbox"/> I am seeking an <b>unequal division of matrimonial property</b> . Describe the facts and your reason(s) for seeking an unequal division of property: <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> I am seeking <b>exclusive possession of the matrimonial home</b> . Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home: <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> I am seeking a <b>division of common law property</b> . Describe your property claim, the facts, and your reason(s) for seeking the claim: <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> Other: Describe your property claim, the facts, and your reason(s) for seeking the claim: <hr/> <hr/> <hr/> <hr/>

**Schedule 6**    **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?*

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

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*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:*

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*Set out your reasons for making the application:*

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## 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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print this 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 (with the filing fee attached). You can look up the fees online: [www.court.nl.ca/supreme/fees.html](http://www.court.nl.ca/supreme/fees.html)

### 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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  
Trial Division (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 (Custody / Access)	2	Consent Order (F34.02B) or agreement
<input type="checkbox"/> Child Support	3	Consent Order – Support (F34.02A) or agreement
<input type="checkbox"/> Spousal ( <i>married</i> ) Support or Partner ( <i>unmarried</i> ) Support	4	Consent Order – Support (F34.02A) 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 – Support (F34.02A) or agreement
<input type="checkbox"/> Division of Matrimonial ( <i>married</i> ) Property or Common Law ( <i>unmarried</i> ) Property	5	Consent Order (F34.02B) or agreement
<input type="checkbox"/> Other: _____	6	Consent Order (F34.02B) or agreement

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

<b>Current Last Name</b> Write previous last names in brackets			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> (if different from Residential Address)			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>	Please note that if you provide your email address, the Court may contact you by email.		
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Do you need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees or arrangements.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

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

<b>Current Last Name</b> <small>Write previous last names in brackets</small>			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> <small>(if different from Residential Address)</small>			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Do you need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <small>Please note that the Court is not responsible for any interpreter fees or arrangements.</small>	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

Fill in the information about your relationship below:

<b>Relationship of the parties</b>				
<b>Date the parties started living together</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of marriage</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Place of marriage</b>				OR <input type="checkbox"/> Not applicable
<b>Prior to the marriage, the first Co-Applicant was</b>	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed   OR <input type="checkbox"/> Not applicable			
<b>Prior to the marriage, the second Co-Applicant was</b>	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed   OR <input type="checkbox"/> Not applicable			
<b>Date of separation</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of divorce</b>	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
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

	Child 3	Child 4
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

- 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.

If child protection services have ever been involved with you, the other Co-Applicant(s), and/or the children, provide the details below.

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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. Attach any written agreements and any court orders not in the Court file.

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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(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	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____.	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____.
<i>Signature of First Co-Applicant</i>	<i>Signature of Second Co-Applicant</i>
<i>Commissioner of Oaths / Justice of the Peace</i>	<i>Commissioner of Oaths / Justice of the Peace</i>

### Lawyers' Signatures for Fee Waiver

First Co-Applicant's Lawyer (if any)	Second Co-Applicant's Lawyer (if any)
I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.	I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.
<i>Signature of Lawyer</i>	<i>Signature of Lawyer</i>
<i>Print Name of Lawyer</i>	<i>Print Name of Lawyer</i>

### Lawyer's Certificate

If any of the Co-Applicants has a lawyer and you have applied for a divorce, your lawyer(s) must complete this Certificate. If none of the Co-Applicants has a lawyer, you do not need to fill out this section.

First Co-Applicant's Lawyer (if any)	Second Co-Applicant's Lawyer (if any)
I, _____, the Lawyer for _____, the Co-Applicant, certify that I have complied with the requirements of s.9 of the <i>Divorce Act</i> . Dated at _____, this _____ day of _____, 20____.	I, _____, the Lawyer for _____, the Co-Applicant, certify that I have complied with the requirements of s.9 of the <i>Divorce Act</i> . Dated at _____, this _____ day of _____, 20____.
<i>Signature of Lawyer</i>	<i>Signature of Lawyer</i>

## 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.	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:**

**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.****  
  
*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.*

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 <i>(Give details and include your annual incomes):</i>  <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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**Schedule 2 Parenting**

If you are making a joint application with respect to parenting (custody and/or access), fill in the information below:

What are the current parenting arrangements for:

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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**What are the proposed parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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## Schedule 3 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> We agree to the <b>basic table amount</b> as per the <i>Child Support Guidelines</i> .				
<input type="checkbox"/> We agree on <b>special and/or extraordinary expenses</b> .				
<input type="checkbox"/> We agree to <b>an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount</b> .  What are your incomes?  <table border="1" style="margin-left: 40px; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Co-Applicant 1's Annual Income:</td> <td style="padding: 2px;">\$</td> </tr> <tr> <td style="padding: 2px;">Co-Applicant 2's Annual Income:</td> <td style="padding: 2px;">\$</td> </tr> </table> What are your reason(s) for an amount of child support that is different from the <i>Child Support Guidelines</i> ?  <input type="checkbox"/> We agree to child support in the amount of \$ _____ per month. <input type="checkbox"/> Each of us has physical custody of (or exercise access to) the child(ren) for 40% or more of the year. <input type="checkbox"/> The child(ren) is(are) 19 years of age or older. <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. <input type="checkbox"/> One or more of us is claiming undue hardship for the following reason(s): _____ _____ _____ _____ <input type="checkbox"/> Other: _____ _____ _____ _____	Co-Applicant 1's Annual Income:	\$	Co-Applicant 2's Annual Income:	\$
Co-Applicant 1's Annual Income:	\$			
Co-Applicant 2's Annual Income:	\$			
<input type="checkbox"/> We agree to <b>an amount of retroactive child support</b> .  Describe the reason(s) for retroactive child support: _____ _____ _____ _____ _____				



## Schedule 5 Division of Property

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

<input type="checkbox"/> We agree to an <b>equal division of matrimonial property</b> .
<input type="checkbox"/> We agree to an <b>unequal division of matrimonial property</b> . Describe the reason(s) for an unequal division of property: _____ _____ _____ _____ _____ _____
<input type="checkbox"/> We agree to a <b>division of common law property</b> . Describe the property claim and the reason(s) for the property claim: _____ _____ _____ _____ _____ _____
<input type="checkbox"/> Other: Describe the property claim and the reason(s) for the property claim: _____ _____ _____ _____ _____ _____ _____



## How to Withdraw a Joint Originating Application or Joint Originating Application for Variation

## Instructions

A **Withdrawal of Joint Originating Application (F4.04B)** notifies the Court and the other person that you are withdrawing from your Joint Originating Application or Joint Originating Application for Variation.

### Completing Your Withdrawal of Joint Originating Application

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it, and serve it on the other person)

Along with your Withdrawal, you must complete a **Response (Form F6.02A)** to respond to the family law issues that you disagree with or to make any new claims. You can get a Response form at any Supreme Court location or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html)

### Filing Your Withdrawal of Joint Originating Application

You must file your Withdrawal of Joint Originating Application and Response at the same Court location where the Joint Originating Application or Joint Originating Application for Variation was filed. To file your documents with the Court, you can either bring it to the same Supreme Court location or you can mail it to same Supreme Court location. If you are mailing a document, be sure to attach the filing fee. You can look up the fees online: [www.court.nl.ca/supreme/fees.html](http://www.court.nl.ca/supreme/fees.html)

You must make **2 extra copies** of your completed and signed Withdrawal of Joint Originating Application and file your original Withdrawal of Joint Originating Application with the Court.

You must make **3 extra copies** of your completed and signed Response and file your Response with the Court. Your Response must be filed at the same time as your Withdrawal of Joint Originating Application.

### Serving Your Withdrawal of Joint Originating Application

You will need to give a copy of the Withdrawal of Joint Originating Application and your Response to the other person. 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 of the 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.

If you are making claims for divorce or parenting, an adult (who is not you) must hand-deliver the Response to the other person (*personal service*).

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Comer 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE SERVING THE WITHDRAWAL ---**

# Form F4.04B: Withdrawal of Joint Originating Application (Family Law)



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

<b>FOR COURT USE ONLY</b>
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

I, \_\_\_\_\_, the Co-Applicant, withdraw from the  
(Print your name)

Joint Originating Application or Joint Originating Application for Variation, dated \_\_\_\_\_.  
(Date: month/day/year)

DATED at _____, this _____ day of _____, 20____.	
_____ Signature	_____ Signature of Lawyer (if any)

## 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. 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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court and give a copy to 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 additional documentation). 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](http://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](http://www.court.nl.ca/supreme/family/forms.html)

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Comer 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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. 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 he/she 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](http://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).

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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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  
Trial Division (General/Family)**

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  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 want to change:  
 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"/> Parenting (Custody / Access)	1	-
<input type="checkbox"/> Child Support	2	Financial Statement (Form F10.02A) if applicable
<input type="checkbox"/> Spousal ( <i>married</i> ) Support or Partner ( <i>unmarried</i> ) Support	3	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"/> Division of Matrimonial Property ( <i>married</i> ) or Common Law ( <i>unmarried</i> ) Property	4	Property Statement (Form F10.02A)
<input type="checkbox"/> Consent Order	5	Consent Order (Form F34.02A and/or F34.02B)
<input type="checkbox"/> Other: _____	5	-

Fill in the details for the order that you are seeking to vary:

<b>Date Order was Issued</b>	Month:	Day:	Year:
<b>Which Court?</b>			
<b>Place of Order</b>	City:	Province:	Country:
<b>Name of Justice or Judge</b>			

Check this box if you have more than 1 order that you are seeking to change. Attach an extra page at the end of this application to provide the details of those orders.

**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.

<b>Current Last Name</b> Write previous last names in brackets			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	Street Address	City	Province Postal Code
<b>Mailing Address</b> (if different from Residential Address)			
	Street Address or PO Box	City	Province Postal Code
<b>Telephone Number (if any)</b>	Home:	Cell:	

<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Foreign National
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Does the Respondent need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees or arrangements.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

**Respondent Information**

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

<b>Current Last Name</b> <small>Write previous last names in brackets</small>			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> <small>(if different from Residential Address)</small>			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Foreign National
<b>Is the Respondent a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Does the Respondent need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees or arrangements.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

Fill in the information about your relationship with the Respondent:

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

If child protection services have ever been involved with you, the Respondent(s), and/or the children, provide the details below.

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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. Attach any written agreements and any court orders not in the Court file.

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

	Child 1	Child 2
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

	Child 3	Child 4
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

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

### 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_____.	
_____ <i>Signature of Applicant</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

### 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 <i>Executive Council Act</i> and I am the lawyer of record in this matter.	
_____ <i>Signature of Lawyer (if any)</i>	_____ <i>Print Name of Lawyer (if any)</i>

# Schedule 1 Parenting

Complete this section if you are applying to change parenting arrangements (custody and/or access):

**Why are you asking to have the parenting order changed?**

Describe what has changed since the time the parenting order was made.

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**What are the current parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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**What are your proposed parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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## Schedule 2 Child Support

Complete this section if you are applying to change child support:

<b>What is your current child support arrangement?</b>	
<b>Are there arrears or unpaid support?</b>	<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): _____
<b>Is child support assigned to be paid to someone else?</b> <small>(eg. Department of Advanced Education, Skills and Labour)</small>	<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"/> I am seeking a <b>change in the <i>Child Support Guidelines</i> amount of child support:</b>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">For the following child(ren):</td> <td style="height: 20px;"></td> </tr> <tr> <td style="padding: 2px;">Effective Date:</td> <td style="padding: 2px;">                 Month:                      Day:                      Year:             </td> </tr> </table>	For the following child(ren):		Effective Date:	Month:                      Day:                      Year:
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:				

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

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 physical custody of (or exercise access to) 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):

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

Other:

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*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:

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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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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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 3 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)***

*If you are applying to change spousal, partner, parental, and/or dependant support, fill in the information below:*

<b>What is your current spousal, partner, parental, and/or dependant support arrangement?</b>	
<b>Are there arrears or unpaid support?</b>	<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): _____
<b>Is support assigned to be paid to someone else?</b> <small>(eg. Department of Advanced Education, Skills and Labour)</small>	<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:*

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:

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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:

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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:

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## 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 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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, 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 (with the filing fee attached). You can look up the fees online: [www.court.nl.ca/supreme/fees.html](http://www.court.nl.ca/supreme/fees.html)

### 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788  
Legal Aid: [www.legalaid.nl.ca](http://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  
Trial Division (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 Form(s) that relate to your claim(s).

Type of Order	Fill Out Schedule	Fill Out Form(s) or Attach Document(s)
<input type="checkbox"/> Parenting (Custody / Access)	1	Consent Order (F34.02B) or agreement
<input type="checkbox"/> Child Support	2	Consent Order – Support (F34.02A) or agreement
<input type="checkbox"/> Spousal ( <i>married</i> ) Support or Partner ( <i>unmarried</i> ) Support	3	Consent Order – Support (F34.02A) or agreement
<input type="checkbox"/> Parental Support ( <i>for parents</i> ) or Dependant Support ( <i>for spouse or child of deceased person</i> )	3	Consent Order – Support (F34.02A) or agreement
<input type="checkbox"/> Other: _____	4	Consent Order (F34.02B) or agreement

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

<b>Current Last Name</b> Write previous last names in brackets			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> (if different from Residential Address)			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Does the Respondent need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees or arrangements.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

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

<b>Current Last Name</b> <small>Write previous last names in brackets</small>			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> <small>(if different from Residential Address)</small>			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National		
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Does the Respondent need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <small>Please note that the Court is not responsible for any interpreter fees or arrangements.</small>	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

Fill in the information about your relationship below:

<b>Relationship of the parties</b>				
<b>Date the parties started living together</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of marriage</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Place of marriage</b>				OR <input type="checkbox"/> Not applicable
<b>Prior to the marriage, the first Co-Applicant was</b>	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed    OR <input type="checkbox"/> Not applicable			
<b>Prior to the marriage, the second Co-Applicant was</b>	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed    OR <input type="checkbox"/> Not applicable			
<b>Date of separation</b>	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
<b>Date of divorce</b>	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
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

	Child 3	Child 4
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

- 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.

If child protection services have ever been involved with you, the other Co-Applicant(s), and/or the children, provide the details below.

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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. Attach any written agreements and any court orders not in the Court file.

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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

<p>I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.</p> <p>SWORN TO or AFFIRMED at _____,</p> <p>this _____ day of _____, 20_____.</p>
<p><i>Signature of First Co-Applicant</i></p>
<p><i>Signature of Person Authorized to Administer Oaths</i></p>

### Second Co-Applicant

<p>I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.</p> <p>SWORN TO or AFFIRMED at _____,</p> <p>this _____ day of _____, 20_____.</p>
<p><i>Signature of Second Co-Applicant</i></p>
<p><i>Signature of Person Authorized to Administer Oaths</i></p>

## Lawyers' Signatures for Fee Waiver

### First Co-Applicant's Lawyer (if any)

<p>I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.</p>
<p><i>Signature of Lawyer</i></p>
<p><i>Print Name of Lawyer</i></p>

### Second Co-Applicant's Lawyer (if any)

<p>I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the <i>Executive Council Act</i> and I am the lawyer of record in this matter.</p>
<p><i>Signature of Lawyer</i></p>
<p><i>Print Name of Lawyer</i></p>

# Schedule 1 Parenting

Complete this section if you have agreed to change parenting arrangements (custody and/or access):

**Why are you asking to have the parenting order changed? (Describe what has changed since the time the parenting order was made)**

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**What are the current parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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**What are your proposed parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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## Schedule 2 Child Support

Complete this section if you have agreed to change child support:

Fill in the information below:

<b>What is your current child support arrangement?</b>	
<b>Are there arrears or unpaid support?</b>	<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): _____
<b>Is child support assigned to be paid to someone else?</b> <small>(eg. Department of Advanced Education, Skills, and Labour)</small>	<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 <b>calculate child support using the <i>Child Support Guidelines</i> basic table amount but agree to change the amount:</b>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">For the following child(ren):</td> <td style="height: 20px;"></td> </tr> <tr> <td style="padding: 2px;">Effective Date:</td> <td style="padding: 2px;">                 Month:                      Day:                      Year:             </td> </tr> </table>	For the following child(ren):		Effective Date:	Month:                      Day:                      Year:
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 physical custody of (or exercise access to) 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):

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Other:

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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:

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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:

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We agree to **terminate child support**.

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

Describe the reason(s) for terminating child support:

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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:

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## Schedule 3 Spousal, Partner, Parental, or Dependent Support

*If you are applying to change spousal, partner, parental, and/or dependent support, fill in the information below:*

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

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

<input type="checkbox"/> We agree to <b>change spousal, partner, parental, or dependent support.</b>						
For the following person(s):	<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 30%;"></td> <td style="width: 30%;"></td> <td style="width: 30%;"></td> </tr> </table>					
Effective Date:	Month:	Day:	Year:			
Describe the facts and your reason(s) for seeking a change in support:						
<hr/> <hr/> <hr/> <hr/> <hr/> <hr/>						





## 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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court and give a copy to 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 and indicate which section is continued on the extra page.

### 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](http://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).

### 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](http://www.court.nl.ca/supreme/family/forms.html)

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE 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](http://www.court.nl.ca/supreme/family/forms.html)

You have only **10 days** after this Originating Application 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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





**Respondent 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.

<b>Current Last Name</b> Write previous last names in brackets			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	Street Address	City	Province Postal Code
<b>Mailing Address</b> (if different from Residential Address)			
	Street Address or PO Box	City	Province Postal Code
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Foreign National
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?
<b>Do you need an interpreter?</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, state the language and dialect:
	Please note that the Court is not responsible for any interpreter fees or arrangements.		
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

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

If child protection services have ever been involved with you, the Applicant, and/or the children, provide the details below.

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Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving you, the Applicant, and/or the children. Attach any written agreements and any court orders not in the Court file.

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

### 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.

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____.	
_____ <i>Signature of Respondent</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

### 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.

_____ <i>Signature of Lawyer (if any)</i>	_____ <i>Print Name of Lawyer (if any)</i>
--	---

### Lawyer’s Certificate

- Check this box if you have a lawyer and are applying for divorce. Your lawyer must complete this Certificate. If you are not applying for divorce or do not have a lawyer, you do not have to fill out this Certificate.

I, _____, the Lawyer for _____,	
<small>(Print Lawyer’s Name)</small>	<small>(Print Respondent’s Name)</small>
the Respondent, certify to this Court that I have complied with the requirements of s.9 of the <i>Divorce Act</i> .	
Dated at _____, this _____ day of _____, 20____.	
_____ <i>Signature of Lawyer</i>	_____ <i>Address of Lawyer</i>

## 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	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none; vertical-align: top;"> <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.                             </td> <td style="width: 50%; border: none; vertical-align: top;"> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; vertical-align: middle;">OR</td> <td style="padding-left: 20px;"> <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> </td> </tr> </table> </td> </tr> </table>	<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.	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; vertical-align: middle;">OR</td> <td style="padding-left: 20px;"> <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> </td> </tr> </table>	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>
<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.	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center; vertical-align: middle;">OR</td> <td style="padding-left: 20px;"> <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> </td> </tr> </table>	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>		
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.				

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

*If you are making a parenting claim (custody and/or access), fill in the information below:*

**What are the current parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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Schedule for other contact (ie. phone, internet, etc.):

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

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**What are your proposed parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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## Schedule 3 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the <b>basic table amount</b> as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking <b>special and/or extraordinary expenses</b> . You must complete and attach a <b>Financial Statement (Form F10.02A)</b> .
<input type="checkbox"/> I am seeking <b>an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount</b> .  Depending on your reason(s) for seeking an amount different from the <i>Child Support Guidelines</i> , you may have to attach further documentation.  List your reason(s) for seeking an amount of child support different from the <i>Child Support Guidelines</i> : <ul style="list-style-type: none"> <li><input type="checkbox"/> The Applicant and I have agreed to child support in the amount of \$ _____ per month.</li> <li><input type="checkbox"/> I have physical custody of (or exercise access to) the child(ren) for 40% or more of the year.                      You must complete and attach a <b>Financial Statement (Form F10.02A)</b>.</li> <li><input type="checkbox"/> The child(ren) is(are) 19 years of age or older.                      You must complete and attach a <b>Financial Statement (Form F10.02A)</b>.</li> <li><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.                      You must complete and attach a <b>Financial Statement (Form F10.02A)</b>.</li> <li><input type="checkbox"/> I am claiming undue hardship for the following reason(s):                      _____                      _____                      _____</li> </ul> You must complete and attach a <b>Financial Statement (Form F10.02A)</b> .  <input type="checkbox"/> Other: _____ _____ _____  Depending on your claim, you may be required to complete and attach a <b>Financial Statement (Form F10.02A)</b> .
<input type="checkbox"/> I am seeking <b>retroactive child support</b> .  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: _____ _____ _____

# Schedule 4 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
- Dependent support

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

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I am seeking:

- Retroactive spousal support
- Retroactive partner support
- Retroactive parental support
- Retroactive dependent 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:

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## Schedule 5 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 <b>equal division of matrimonial property.</b>
<input type="checkbox"/> I am seeking an <b>unequal division of matrimonial property.</b> Describe the facts and your reason(s) for seeking an unequal division of property: _____ _____ _____
<input type="checkbox"/> I am seeking <b>exclusive possession of the matrimonial home.</b> Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home: _____ _____ _____
<input type="checkbox"/> I am seeking a <b>division of common law property.</b> Describe your property claim, the facts, and your reason(s) for seeking the claim: _____ _____ _____
<input type="checkbox"/> Other: Describe your property claim, the facts, and your reason(s) for seeking the claim: _____ _____ _____



# Form F6.04A: Demand for Notice (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  SECOND APPLICANT  
 SECOND RESPONDENT

I, \_\_\_\_\_, the  Applicant  Respondent  Other:  
(Print full name)  
 demand notice of all further pleadings and proceedings to be served on me.

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Signature of Person Authorized to Administer Oaths*

\_\_\_\_\_  
*Signature of Lawyer (if any)*

\_\_\_\_\_  
*Print Name of Lawyer (if any)*

# Form F6.06A: Notice of Default (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  SECOND APPLICANT  
 SECOND RESPONDENT

I confirm that \_\_\_\_\_, who is the \_\_\_\_\_  
(Name of party in default) (Respondent or Applicant)

in this matter, has not filed a \_\_\_\_\_ within the prescribed time as set out in the  
(Response or Reply)

*Rules of the Supreme Court, 1986* and that the Court may proceed to decide the matter without hearing from  
 \_\_\_\_\_  
(Name of party in default)

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

<b>FOR COURT USE ONLY</b>
<input type="checkbox"/> I certify this Notice of Default.
DATED at _____, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

## How to Reply to a Response

## Instructions for the Applicant

You may use a **Reply (Form F7.02A)** to reply to new claims the Respondent has made in his/her Response (Form F6.02A). You must file and serve a Reply, whether you agree or disagree with any of those new claims.

**If you do not serve and file a Reply to the new claims in the Response, the Court may make an order on those claims without hearing from you.**

### Completing Your Reply

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court and give a copy to the Respondent). You must fill out pages 1-2 of the Reply. If you need more space to fill out any section of this Reply, attach an extra page and indicate which section is continued on the extra page.

### Filing Your Reply

You must make **3 extra copies** of your completed and signed Reply (including any additional documentation). File your original Reply with the Court. To file your Reply, you must bring the Reply to the Supreme Court location where your 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](http://www.court.nl.ca/supreme/fees.html).

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

### Serving Your Reply

You must give a copy of the Reply to the Respondent. This is called *service*. You can serve the other person by: personal service (an adult who is not you hand-delivers 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 Respondent using fax, email, or electronic document exchange, if the Respondent has provided that information.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE SERVING THE REPLY ON THE RESPONDENT ---**

# Form F7.02A: Reply (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  SECOND APPLICANT  
 SECOND RESPONDENT

Check all of the boxes that apply:

<input type="checkbox"/> I do not contest any of the claims made by the Respondent.
<input type="checkbox"/> I disagree with some or all of the claims made by the Respondent
Which claim(s) do you agree with?
<i>It is helpful to indicate the page and section of the Response that you agree with.</i>
_____
_____
_____
_____
_____
_____
_____
_____
_____



## How to Send an Acknowledgement of Service

## Instructions

An **Acknowledgment of Service (Form 8.04A)** is a form that proves to the Court that the other person has received your document(s). This form is a way to prove *service*.

### When to use an Acknowledgement of Service

You may use an Acknowledgement of service if you are serving any of the following documents by regular mail, email, fax, or leaving a copy at the other person's address:

- **Originating Application (Form F4.03A)** for any issue(s) other than divorce or parenting
- **Originating Application for Variation (Form 5.05A)** for any issue(s) other than parenting
- **Response (Form F6.02A)** making a claim for any issue other than divorce or parenting

If you choose to send any of the above documents to the other person by regular mail or leaving a copy at the other person's address, you must attach this Acknowledgement of Service form to the document you are serving on the other person. If you choose to send any of the above documents to the other person by fax, you can choose to send an Acknowledgement of Service, or you can use a fax confirmation to prove service. If you choose to send any of the above documents to the other person by email, you can choose to send an Acknowledgement of Service, or you can use a reply email from the other person to prove service. In the reply email, the other person must write: "I, [name of recipient], accept service of [specify document received] on [date document was received]".

### Completing the Acknowledgement of Service

Print your name, date, how you are serving the other person, and check off the documents you are sending to the other person. On the bottom of the Acknowledgement of Service, you must fill in the ways in which the other person may return the Acknowledgment of Service to you. You must also provide return address information.

### Filing the Acknowledgement of Service

The other person needs to send the completed form back to you so that you can prove that you sent a copy to that person. When the Acknowledgment of Service is returned to you, you must file it with the Court. You can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you.

### What to do if the Acknowledgment of Service is not returned to you

If the other person does not send the Acknowledgement of Service back to you, you may either:

- (a) serve the other person using a different acceptable method of service (eg. personal service or registered mail/courier); or
- (b) make an **Interim Application for a Procedural Order (Form F16.03A)** to validate service.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE SENDING THIS ACKNOWLEDGEMENT ---**

**How to Acknowledge Service****Instructions**

**You have been served with documents relating to a family law court proceeding.**

**You must immediately complete this Acknowledgement of Service (Form 8.04A) and immediately return it to the other person.**

The other person has served you by regular mail, email, fax, or other form of electronic communication. In order to tell the other person and the Court that you have received these documents, you must fill out and sign the **Acknowledgement of Service**.

Fill in your name, which documents you were served with, and the date you were served. Sign the form.

You may send the Acknowledgement of Service in any of the method(s) indicated at the bottom of the form.

If you do not return the Acknowledgement of Service, the documents may be served on you in another manner and you may have to pay for the costs of service.

If you were served with documents by **email**, you can do either of the following:

- (a) Fill out and send this Acknowledgement of Service; or
- (b) Send a reply email to the other person instead of an Acknowledgement of Service. In your reply email, you must write: "I, [your name], accept service of [specify document received] on [date document was received]".

**More Information**

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE RETURNING THE ACKNOWLEDGEMENT ---**

# Form F8.04A: Acknowledgement of Service (Family Law)



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

<b>FOR COURT USE ONLY</b>
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 acknowledge that I, \_\_\_\_\_, received a copy of the following documents:  
(Print your name)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Originating Application | <input type="checkbox"/> Originating Application for Variation | <input type="checkbox"/> Response           |
| <input type="checkbox"/> Reply                   | <input type="checkbox"/> Financial Statement                   | <input type="checkbox"/> Property Statement |
| <input type="checkbox"/> Other (Specify): _____  |  |   |

on \_\_\_\_\_ .  
(Date: month/day/year)

I was served by:     Regular mail     Email     Fax     Other : \_\_\_\_\_

\_\_\_\_\_  
*Signature*

Return to: (name)
<input type="checkbox"/> Mailing Address:
<input type="checkbox"/> Email:
<input type="checkbox"/> Fax:
<input type="checkbox"/> Other:

## How to Serve the Other Party

## Instructions

An **Affidavit of Service (Form F8.03A)** is a form that you can use to prove to the Court that the other person received your document. This is called *proof of service*.

### When to use an Affidavit of Service

You must complete an Affidavit of Service if:

- 1) You are serving one of the following documents:
  - **Originating Application (Form F4.03A)** involving divorce or parenting (custody/access)
  - **Originating Application for Variation (Form F5.05A)** involving parenting (custody/access)
  - **Response (Form F6.02A)** making a claim for divorce or parenting (custody/access)
  - Notice of Contempt Application
  - A pleading, order, or other document served on a person who is not a party (eg. subpoena)
  - Notice of Application or Notice of Default Hearing in which the person to be served faces a possibility of imprisonment
  - The hearing date on an **Emergency Interim Application (Form F17.03A)**
  - Where personal service is otherwise required by law
- 2) You are serving one of the following documents by leaving a copy at the other persons address (and mailing another copy to that address on the same day or the following day):
  - **Originating Application (Form F4.03A)** NOT involving divorce or parenting (custody/access)
  - **Originating Application for Variation (Form F5.05A)** NOT involving parenting (custody/access)
  - **Response (Form F6.02A)** NOT making a claim for divorce or parenting (custody/access)
- 3) A judge asks or orders you to prove service with an Affidavit of Service.

If none of the above applies to you, you can prove service with a delivery confirmation, a reply e-mail, a copy of the document with the recipient's lawyer's endorsement on it, or an **Acknowledgement of Service (Form F8.04A)**, signed by the person who received the document.

### Personal Service (Hand Delivery)

"Personal Service" or "hand delivery" means that the documents must be handed to the other party *in person* by **an adult other than yourself**. If the other person has received your document by personal service, you must file an Affidavit of Service.

Personal Service can be done in 2 ways:

- 1) By any other person (other than yourself) who is 19 years of age or older. That other person must hand the documents to the recipient. If he/she will not accept the documents, the other person can put the documents down in front of him/her.
- 2) By a process server. Process servers are independent, professional servers who charge a fee for service. The Court Registry can provide you with a list of process servers.

If you cannot personally serve the other party for any reason, you can apply for permission to serve the documents another way. You may make an **Interim Application for a Procedural Order (Form F16.03A)** to apply for substituted service.

**Completing an Affidavit of Service**

The person who served the document must be the one to fill out the **Affidavit of Service**. He/she can do this by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html)

That person must sign the Affidavit in front of a commissioner of oaths, notary public, justice of the peace, or a lawyer. Court Registry staff are commissioners of oaths and the person who served the document may sign this application at the Court.

**Filing an Affidavit of Service with the Court**

It is your responsibility to make sure that the Affidavit of Service is filed with the Court. To file the Affidavit of Service, you (or the person who served the document) must bring the Affidavit to the Supreme Court location where your file is or you can mail the Affidavit to that location.

**More Information**

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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



**How to Complete a Financial Statement****Instructions**

A **Financial Statement (Form F10.02A)** is a sworn document that informs the Court of your financial situation.

**You only need to fill out a Financial Statement if at least one of these situations applies to you:**

- Your matter involves a claim for spousal, partner, parental, or dependant support (made by either party)
- Your matter involves child support and the amount claimed is different from (or in addition to) the table amount in the Child Support Guidelines because of one or more of the following:
  - Your matter involves support for at least one child over the age of 19;
  - Your matter involves a claim for special and/or extraordinary expenses;
  - You have shared custody (where the child spends at least 40% of their time with each parent);
  - You have split custody (where each parent has sole custody of at least one of the children);
  - Your matter involves a child support claim involving a payor who is not the child's/children's biological or adoptive parent but has acted as a parent to the child/children;
  - Your matter involves support and one or more of the payors makes more than \$150,000/year;
  - You are making an undue hardship claim.

**Completing Your Financial Statement**

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

You must fill out Parts A, B, and C of the Financial Statement and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Financial Statement, attach an extra page and indicate which section is continued on the extra page.

**Filing and Serving Your Financial Statement**

You may file and serve your Financial Statement together with your Application, Response, or Reply. You must make **3 extra copies** of your completed and signed Financial Statement (including any additional documents). File your original Financial Statement with the Court. To file the Financial Statement, you must bring the Financial Statement to the Supreme Court location where your file is or you can mail it to that location.

You must give a copy of the Financial Statement to the other person. 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE SERVING OR FILING THIS FORM ---**

# Form F10.02A: Financial Statement (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  SECOND APPLICANT  
 SECOND RESPONDENT

You must swear or affirm that the facts and information you have written in this Financial Statement and the attached Schedule(s) is the truth. You must swear or affirm and sign this Financial Statement 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 Statement at the Court when you file it.

My name is \_\_\_\_\_  
(Print your name)

I am the  Applicant  Respondent  Other:

My address is \_\_\_\_\_  
(Street Address)

I declare that the facts and information set out in this Financial Statement and all attached Schedules are true and complete to the best of my knowledge as of the date of this document.

- I do not anticipate any significant changes in the information set out in this Financial Statement; OR
- I anticipate the following changes in the information set out in this Financial Statement: (Specify)

\_\_\_\_\_

SWORN TO or AFFIRMED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Person Authorized to Administer Oaths

If you are required to complete a Financial Statement, you must complete Parts A, B, and C. The Schedules you will have to fill out are dependent on your situation and what applies to you.

**I have completed and attached the following Parts:**

<input type="checkbox"/> Part A: Employment Information
<input type="checkbox"/> Part B: Income Statement
<input type="checkbox"/> Part C: Monthly Expense Statement

**I have completed and attached the following Schedules and/or Forms that apply to me:**

<input type="checkbox"/> Schedule 1: Adjustments to Annual Income for Child Support Purposes
<input type="checkbox"/> Schedule 2: Special or Extraordinary Expenses
<input type="checkbox"/> Schedule 3: Undue Hardship
<input type="checkbox"/> Schedule 4: Undertaking to Provide Financial Information

**Part A Employment Information**

**I am currently:**

<input type="checkbox"/> <b>Employed:</b> My job (or occupation) is: _____ <span style="float: right;"><i>(Job or Occupation)</i></span> My employer's name and address is: _____ _____ I am paid: <input type="checkbox"/> Every 2 weeks <input type="checkbox"/> Every month <input type="checkbox"/> Other: _____ I have been working for this employer since: _____ <span style="float: right;"><i>(Date: month/day/year)</i></span>
<input type="checkbox"/> <b>Self-employed:</b> The name of my business, professional practice, or farm is: _____ _____ _____
<input type="checkbox"/> <b>Unemployed:</b> I have been unemployed since: _____ <span style="float: right;"><i>(Date: month/day/year)</i></span> My most recent job (or occupation) was: _____ <span style="float: right;"><i>(Job or Occupation)</i></span> My most recent employer's name and address was: _____ _____

Retired:

I have been retired since: \_\_\_\_\_  
(Date: month/day/year)

My most recent job (or occupation) was: \_\_\_\_\_  
(Job or Occupation)

My most recent employer's name and address was:  
 \_\_\_\_\_  
 \_\_\_\_\_

A shareholder, director, or officer of a corporation:

The name of the corporation is:  
 \_\_\_\_\_  
 \_\_\_\_\_

My interest in the corporation is:  
 \_\_\_\_\_  
 \_\_\_\_\_

A beneficiary under a trust:

The trust settlement agreement is:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**I am attaching:**

**(You must select at least 1 of the following 4 attachment options)**

1) Copies of my personal Income Tax Returns and copies of my Notices of Assessment (and any Notices of Reassessment) for each of the 3 most recent taxation years.

2) Proof of Income Statements ("Option C" or "Income and Deduction" printouts) from the Canadian Revenue Agency for the 3 most recent taxation years.  
*If you do not have copies of your Returns/Notices of Assessment, you may print your "Option C" printouts online or contact the CRA at 1-800-267-6999 or 1-800-959-8281 to have your "Option C" printouts sent to you.*

3) A statement from the Canadian Revenue Agency that I have not filed income tax returns for one or more of the 3 most recent taxation years.  
*If you have not filed your taxes for the past 3 years, you may contact the CRA at 1-800-959-8281 to obtain a statement. You may still be required to file your income taxes to continue your family law proceedings.*

4) I am a registered Indian within the meaning of the *Indian Act* (Canada) and I am exempt from payment of taxes to the Canadian Revenue Agency. I am attaching the following proof of income for the 3 most recent years:  
 \_\_\_\_\_  
 \_\_\_\_\_

**I am also attaching:*****If you are an employee, you must attach:***

- My 3 most recent statements of earnings (including overtime).  
*If these statements are not available, you may attach a letter from your employer providing your annual income information.*

***If you are self-employed, you must attach:***

- The financial statements of my business/professional practice (other than partnership) or farm for the 3 most recent taxation years; and
- A statement showing all amounts I paid to (or on behalf of) any person with whom I did not deal at arm's length (ie. salaries, wages, management fees, or other payments/benefits).

***If you are a partner in a partnership, you must attach:***

- Confirmation of my income, draws from, and capital in the partnership for the 3 most recent taxation years.

***If you control a corporation, you must attach:***

- The financial statements of the corporation and its subsidiaries for the past 3 most recent taxation years; and
- A statement showing all amounts the corporation paid to (or on behalf of) any person with whom the corporation does not deal at arm's length (ie. salaries, wages, management fees, or other payments/benefits).

***If you are a beneficiary under a trust, you must attach:***

- The trust settlement agreement; and
- The trust's 3 most recent financial statements.

***If you are receiving employment insurance (EI) benefits, social assistance, pension, workers' compensation, disability assistance, or any other type of income assistance, you must attach:***

- The most recent statement of income (stub) showing the total amount of income from that income assistance source.  
*If this statement is not available, you may attach a letter from the authority providing the required information.*

- Check this box if you are unable to provide some or all of the information required. You must attach an Undertaking (Financial Statement Schedule 4) to provide the information.

**Part B** **Income Statement**

	Income Source	Amount Received Annually
1	Employment Income (before deductions)	Annual: \$
2	Commissions, Tips, and Bonuses	Annual: \$
3	Other Employment Income	Annual: \$
4	Pension Income	Annual: \$
5	Universal Child Care Benefit (UCCB)	Annual: \$
6	UCCB amount designated to a dependent	Annual: \$
7	Employment Insurance (EI)	Annual: \$
8	Taxable amount of dividends (eligible and other than eligible) from taxable Canadian corporations	Annual: \$
9	Interest and other investment income	Annual: \$
10	Partnership Income (limited or non-active partners only)	Annual Net: \$
11	Registered disability savings plan income	Annual: \$
12	Rental Income (Gross: \$ _____)	Annual Net: \$
13	Taxable Capital Gains	Annual: \$
14	Child Support received (Total: \$ _____)	Annual Taxable: \$
15	Spousal Support received (Total: \$ _____)	Annual Taxable: \$
16	RRSP Income	Annual: \$
17	Other Income (specify): _____	Annual: \$
18	Self-Employment Income (Gross: \$ _____)	Annual Net: \$
19	Workers Compensation Benefits	Annual: \$
20	Social assistance payments	Annual: \$
21	Net Federal Supplements	Annual: \$

<b>TOTAL ANNUAL INCOME (Line 150):</b>	<b>\$</b>
--	-----------

## Part C Monthly Expense Statement

### Housing and Utilities

Rent / Mortgage	\$
Property Taxes	\$
Property / Rent insurance	\$
Condominium fees	\$
Repairs / Maintenance	\$
Heat / Fuel	\$
Electricity	\$
Water / Sewer	\$
Telephone	\$
Cable / Internet	\$
Lawn care / Snow removal	\$
Other (specify): _____	\$

### Household Expenses

Groceries / Household supplies	\$
Meals outside the home	\$
Dry cleaning / laundry	\$
Pet care	\$
Other (specify): _____	\$

### Insurance Expenses

Medical insurance premiums	\$
Dental insurance premiums	\$
Life insurance premiums	\$
Disability insurance premiums	\$
Other (specify): _____	\$

### Transportation Expenses

Public transit / Taxis	\$
Gas / Oil	\$
Car loan / lease payments	\$
Car Insurance	\$
License(s)	\$
Parking	\$
Repairs / Maintenance	\$
Other (specify): _____	\$

### Personal Expenses

Hair care and toiletries	\$
Clothing and footwear	\$
Entertainment / Hobbies	\$
Alcohol / Tobacco	\$
Vacation(s)	\$
Education / School expenses	\$
Medical / Medication expenses	\$
Dental / Eye care expenses	\$
Cell phone	\$
Other (specify): _____	\$

### Childcare Expenses

School fees / supplies / tuition	\$
School lunches	\$
Activities and related expenses	\$
Daycare / Babysitter / Summer camps	\$
Clothing and footwear	\$
Hair care and toiletries	\$
Entertainment / Hobbies	\$
Transportation	\$
Books / Toys / Gifts (birthday, holiday, etc.)	\$
Medical / Medication expenses	\$
Dental expenses	\$
Eye care expenses	\$
Other (specify): _____	\$

### Savings and Debts

RRSP contributions	\$
RESP contributions	\$
Credit card payments	\$
Payments on loans / lines of credit	\$
Other (specify): _____	\$

### Other

Support paid in any other case(s)	\$
Banking / Legal / Accounting expenses	\$
Charitable donations (eg. church)	\$
Other (specify): _____	\$

<b>TOTAL MONTHLY EXPENSES:</b>	<b>\$</b>
--------------------------------	-----------

**Fill out Schedule 1 if there is a claim for child support and also a claim for special and/or extraordinary expenses.**

## Schedule 1 Adjustments to Income for Child Support

**Annual Income (to determine basic child support):**

(A) Total Annual Income

<b>Total Annual Income or Line 150 Income (from Part B of this form):</b>	<b>\$</b>
---	-----------

(B) Replacements in Income

1	Replace the taxable amount of dividends from Canadian corporations with the actual amount of dividends	Annual: \$
2	Replace the taxable capital gains with the actual amount of capital gains realized in excess of the actual capital losses	Annual: \$

(C) Deductions from Income

3	Union, professional, and association dues	Annual: \$
4	Other employment expenses (Schedule III of the Child Support Guidelines) Specify: _____	Annual: \$
5	Taxable amount of child support I receive	Annual: \$
6	Spousal support I receive from the other party	Annual: \$
7	Income support or social assistance I receive for other members of the family	Annual: \$
8	Actual amount of business investment losses	Annual: \$
9	Carrying charges and interest expenses deductible under the <i>Income Tax Act</i>	Annual: \$
10	Prior period earnings included in self-employment income, net of reserves	Annual: \$
11	Portion of partnership or sole proprietorship properly required for capitalization	Annual: \$
12	Other deductions Specify: _____	Annual: \$

**Total Deductions to Adjusted Income: \$** \_\_\_\_\_

(D) Additions to Income

13	Payments to family members and other non-arm's length persons (eg. salaries, wages, or other payments)	Annual: \$
14	Other employment expenses (Schedule III of the Child Support Guidelines) Specify: _____	Annual: \$
15	Value of exercised employee stock options in a Canadian-controlled corporation	Annual: \$
16	Allowable capital cost allowance for real property	Annual: \$

**Total Additions to Adjusted Income: \$** \_\_\_\_\_

<b>TOTAL ADJUSTED ANNUAL INCOME FOR BASIC CHILD SUPPORT:</b>	<b>\$</b>
--	-----------

Fill out Schedule 2 if there is a claim for special and/or extraordinary expenses.

## Schedule 2 Special or Extraordinary Expenses

I am claiming an amount of special or extraordinary expenses for the following reason(s):

<input type="checkbox"/> Child care expenses caused by the custodial parent’s employment, illness, disability, or education or training for employment <input type="checkbox"/> The portion of the medical and dental insurance premiums for the child <input type="checkbox"/> Health-related expenses that are more than insurance reimbursement by at least \$100 annually (including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses, and contact lenses) <input type="checkbox"/> Extraordinary expenses for primary or secondary school education or for any other educational programs that meet the child’s particular needs <input type="checkbox"/> Expenses for post-secondary education <input type="checkbox"/> Extraordinary expenses for extracurricular activities
--

The details of the expenses I am claiming are:

Child’s Name	Description of Expense	Expense Amount (per year)	Contributions, Subsidies, Benefits, Tax Deductions, or Reimbursements (if any)	Amount after Contributions, Subsidies, Benefits, Tax Deductions, or Reimbursements (per year)	Receipt Attached
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>
		\$	\$	\$	<input type="checkbox"/>

<b>TOTAL AMOUNT OF SPECIAL OR EXTRAORDINARY EXPENSES (per year):</b>	<b>\$</b>
--	-----------

If you are unable to attach receipts for any of the special or extraordinary expenses you have listed, check the box:

<input type="checkbox"/> I am unable to obtain receipts to show the amount of the expense(s) I am claiming because: <hr/> <hr/> <hr/>
--

Fill out Schedule 3 if you are claiming undue hardship.

## Schedule 3 Undue Hardship

I am claiming undue hardship in respect of a child support claim for the following reason(s):

- I am responsible for unusually high debts that are/were reasonably incurred to support the family (prior to separation) or to earn a living:

Date Incurred (month/day/year)	Owed to	Terms of Debt	Annual Amount
			\$
			\$
			\$
			\$

- Spending time with my child(ren) (parenting time or access) is unusually expensive for me (eg. travel expenses):

Description of Expense	Annual Amount
	\$
	\$

- I have a legal duty to support:
- another person (under a judgment, order, or written separation agreement)
  - a child, other than a child for whom support is claimed in this application
  - a person who is unable to support himself/herself because of illness or disability

Name of Person	Relationship	Nature of Duty	Annual Amount
			\$
			\$
			\$

- Other undue hardship circumstances (Describe):

Description	Annual Amount
	\$
	\$

**I am claiming undue hardship and one or more of the following applies to me:**

<input type="checkbox"/> I live alone
<input type="checkbox"/> I am living with <i>(Name of the person you are married to / cohabiting with)</i> _____ <input type="checkbox"/> My spouse's/partner's occupation is: _____ OR <input type="checkbox"/> My spouse/partner does not work outside the home <input type="checkbox"/> My spouses'/partner's annual income is: \$ _____ OR <input type="checkbox"/> My spouse/partner does not earn any income. My spouse/partner annual contributes: \$ _____ per year towards the home. <input type="checkbox"/> I have attached the current income tax returns, notices of assessment, and proof of earnings for my spouse / partner.
<input type="checkbox"/> I / We live with the following other adult(s) _____ <i>Fill in the name(s) of <u>all</u> other adults living in your home</i> <input type="checkbox"/> I have attached the current income tax returns, notices of assessment, and proof of earnings for the adults I am living with.
<input type="checkbox"/> I / We live with the following children _____ <i>Fill in the name(s) of all children living in your home.</i>

**Schedule 4 Undertaking to Provide Financial Information**

I, \_\_\_\_\_, the  Applicant  Respondent  Other:  
*(Print your name)*

in the within matter have filed a:  Response  Reply

with which I am required to file financial information. At this date, I do not have the required information. By signing this document, I undertake to provide the required information to the Court and the other party (if applicable), within **60 days** from today's date.

**I understand that the Court may make an order against me if I do not provide the required information or an adequate explanation for the delay.**

*You must swear or affirm that this Undertaking is the truth. You must swear or affirm and sign this Undertaking 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 Undertaking at the Court when you file it.*

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Person Authorized to Administer Oaths</i>

_____ <i>Signature of Lawyer (if any)</i>	_____ <i>Print Name of Lawyer (if any)</i>

## How to Complete a Property Statement

## Instructions

A **Property Statement (Form 10.04A)** is a sworn document that gives the Court information about your assets and debts.

You only need to fill out a Property Statement if you or the other person is seeking a division of property (matrimonial property or common law property). If either the Applicant or the Respondent makes a claim for property, both persons must each fill out a Property Statement.

### Completing Your Property Statement

You can fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

You must fill out the entire Property Statement. If you need more space to fill out any section of this Property Statement, attach an extra page and indicate which section is continued on the extra page.

### Filing Your Property Statement

You can file your Property Statement together with your Application, Response, or Reply.

You must make **3 extra copies** of your completed and signed Property Statement (including any additional documents). File your original Property Statement with the Court. To file the Property Statement, you must bring the Property Statement to the Supreme Court location where your file is or you can mail it to that location.

### Serving Your Property Statement

You must give a copy of the Property Statement to the other person. This is called *service*. You can serve your Property Statement together with your Application, Response, or Reply. If you are serving the property statement 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 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788  
Legal Aid: [www.legalaid.nl.ca](http://www.legalaid.nl.ca) or 1(800) 563-9911

**--- REMOVE THIS PAGE BEFORE SERVING OR FILING THIS FORM ---**

# Form F10.04A: Property Statement (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  SECOND APPLICANT  
 SECOND RESPONDENT

You must swear or affirm that what you have written in this Property Statement 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.

My name is \_\_\_\_\_  
(Print Name)

I am the  Applicant  Respondent  Other

I live in \_\_\_\_\_  
(City, Province)

I declare that the facts and information in this Property Statement and all attachments are true and complete to the best of my knowledge and belief as of: \_\_\_\_\_  
(Date: month/day/year)

I do not anticipate any significant changes in the information set out in this Property Statement; OR  
 I anticipate the following changes in the information set out in this Property Statement: *(state the changes)*  
\_\_\_\_\_  
\_\_\_\_\_

SWORN TO or AFFIRMED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature Signature of Person Authorized to Administer Oaths

## Part A Assets

For all of the applicable assets below, fill in the best estimate of the market value/amount of the asset. You may check to see if the asset is exempt from distribution in Part C of this form. If you need more space or more entries, attach an extra page (or pages).

		Value/Amount on date of separation	Value/Amount on current date
<b>1 Home</b> <small>(Include any interest in land owned as of the date of this Property Statement. List any leasehold interests, mortgages, encumbrances or costs of disposition in Part B.)</small>	Name(s) of registered owner(s):	\$	\$
	Type of ownership:		
	Property address:		
	Estimated total value: \$		
<b>2 Other real estate</b>	Name(s) of registered owner(s):	\$	\$
	Type of ownership:		
	Property address:		
	Estimated total value: (\$)		
<b>3 Motor vehicles</b> <small>(Cars, boats, trailers, snowmobiles, etc. List any payments, leases, or loans in Part B.)</small>	Year:                      Make and Model:	\$	\$
	Name(s) of registered owner(s):		
	Year:                      Make and Model:	\$	\$
	Name(s) of registered owner(s):		
<b>4 Total amount of household contents</b> <small>(Attach a list of household contents to this Property Statement)</small>	Description:	\$	\$
	In the possession of:		

		Value/Amount on date of separation	Value/Amount on current date	
<b>5 Collections and hobby goods</b> (Jewellery, art, etc.)	Description:	\$	\$	
	In the possession of:			
	Description:	\$	\$	
	In the possession of:			
<b>6 Bank accounts and savings</b> (Cash, savings/chequing accounts, term deposits, safety deposit boxes, TFSAs, RRSPs, etc.)	Account holder:	\$	\$	
	Institution and branch name:			
	Account number:			
	Account holder:	\$	\$	
	Institution and branch name:			
	Account number:			
<b>7 Employment benefits</b> (Severance pay, retirement allowances, pensions, RSPs, profit sharing plans, accrued annual leave, etc.)	Beneficiary name(s):	\$	\$	
	Type of benefit and description:			
	Institution:			
	Account number:			
<b>8 Insurance policies</b> (Life insurance, disability insurance, etc.)	Policy type:	(cash surrender value) \$	(cash surrender value) \$	
	Policy number:			
	Insurance company:			
	Owner(s) Name(s):			
Face Amount: \$				

		Value/Amount on date of separation	Value/Amount on current date
<b>9 Investments and securities</b> <small>(Shares, bonds, mutual funds, warrants, options, debentures, notes, etc.)</small>	Name(s) of owner(s):	\$	\$
	Type of investment and description:		
	Number of units held:		
	Name(s) of owner(s):	\$	\$
	Type of investment and description:		
	Number of units held:		
<b>10 Business interests</b> <small>(Interests in incorporated businesses, partnerships, trusts, and joint ventures, etc.)</small>	Interest held by:	\$	\$
	Name of company or firm:		
	Description of interest:		
<b>11 Money owed to you</b> <small>(Personal loans, business dealings, court judgments in your favour, estate money, etc.)</small>	Owed by:	\$	\$
	Description:		
<b>12 Other property</b> <small>(Patents, copyright claims, etc.)</small>	Owner(s):	\$	\$
	Description:		
	Owner(s):	\$	\$
	Description:		
<b>TOTAL VALUE OF ASSETS</b>		\$	\$

## Part B Debts and Liabilities

For all of the applicable debts/liabilities below, fill in the best estimate of the market value/amount of the debt/liability. If you need more space or more entries, attach an extra page (or pages).

		Value/Amount on date of separation	Value/Amount on current date
<b>13 Home mortgages</b> (Include any leasehold interests, encumbrances, or costs of disposition)	Names of all borrowers:	\$	\$
	Details (interest rate, term payments, payments remaining, etc.):		
	Is this debt in arrears?		
<b>14 Other mortgages</b> (Include any leasehold interests, encumbrances, or costs of disposition)	Names of all borrowers:	\$	\$
	Details (interest rate, term payments, payments remaining, etc.):		
	Is this debt in arrears?		
<b>15 Tax arrears</b> (Unpaid taxes in any previous taxation years)	Money owing to the Canadian Revenue Agency for years:	\$(Personal Amount)	\$(Personal Amount)
<b>16 Loans</b> (Include any leasehold interests, encumbrances, or costs of disposition)	Name of lender:	\$	\$
	Names of all borrowers:		
	Type of loan and details (interest rate, term payments, payments remaining, etc.):		
	Is this debt in arrears?		
	Name of lender:	\$	\$
	Names of all borrowers:		
	Type of loan and details (interest rate, term payments, payments remaining, etc.):		
	Is the debt in arrears?		

		Value/Amount on date of separation	Value/Amount on current date
<b>17 Credit cards</b>	Credit card provider:	\$	\$
	Type of credit card:		
	Credit card provider:	\$	\$
	Type of credit card:		
	Credit card provider:	\$	\$
	Type of credit card:		
<b>18 Leases and financing / installment plans</b>  (Include any plans/agreements for cars, and other goods)	Name of lender:	\$	\$
	Names of all persons named in the agreement:		
	Details (interest rate, term payments, payments remaining, etc.):		
	Date of final payment:		
	Is the debt in arrears?		
<b>19 Other debts and liabilities</b>  (Include any charges, liens, notes, accounts payable, contingent liabilities, unpaid legal bills, etc.)	Name of lender:	\$	\$
	Names of all borrowers:		
	Details (interest rate, term payments, payments remaining, etc.):		
	Is the debt in arrears?		
	Name of lender:	\$	\$
	Names of all borrowers:		
	Details (interest rate, term payments, payments remaining, etc.):		
	Is the debt in arrears?		
<b>TOTAL VALUE OF DEBTS / LIABILITIES</b>		\$	\$

## Part C Property Exemptions

For all of the applicable property exemptions below, fill in the best estimate of the market value/amount of the property. If an asset is only partially exempt, indicate the exempt portion below and put the non-exempt portion in Part A of this form. If you need more space or more entries, attach an extra page (or pages).

		Value/Amount on date of separation	Value/Amount on current date
<b>20 Gifts, inheritances, trusts or settlements</b> <small>(Received from a person other than the other spouse)</small>	Description of the gift, inheritance, trust, or settlement:	\$	\$
	Details of how you acquired the gift, inheritance, trust, or settlement (who you received it from, when you received it, etc.):		
<b>21 Personal injury awards</b> <small>(Exclude any compensation for economic loss)</small>	Date of the award (month/day/year):	\$	\$
	Details of the award:		
<b>22 Personal effects</b>	Description and details:	\$	\$
<b>23 Business assets</b>	Description and details:	\$	\$
<b>24 Property exempted under a marriage contract or separation agreement</b>	Date of marriage contract or separation agreement (month/day/year):	\$	\$
	Description and details of exempted property:		
<b>25 Family heirlooms</b>	Description of the family heirloom:	\$	\$
	Details of how you acquired the family heirloom (who you received it from, when you received it, etc.):		
<b>26 Real or Personal Property acquired after separation</b>	Description of the real or personal property:	\$	\$
	Date the property was acquired (month/day/year):		
<b>TOTAL VALUE OF PROPERTY THAT IS EXEMPT FROM DISTRIBUTION</b>		<b>\$</b>	<b>\$</b>

## How to Demand Disclosure

## Instructions

A **Demand to Disclose (Form F11.02A)** is a form that you can use to request specific documents or information from the other person that he/she has not provided to you. You can only demand information from the other person if you have an ongoing family law matter.

### Completing Your Demand to Disclose

You can fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

Select the documents from the list provided or add your own. If you require more space to request additional documents, attach an extra page and indicate that you have attached an extra page.

### Filing Your Demand to Disclose

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

To file the Demand to Disclose, you must bring the Demand to Disclose to the Supreme Court location where your file is or you can mail it to that location. You must file your original Demand to Disclose with the Court **before the trial date** is set by the Court.

### Serving Your Demand to Disclose

You must give a copy of the Demand to Disclose to the other person. This is called *service*. You may serve the Demand to Disclose together with your Originating Application, Originating Application to Vary, or Response. 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.

You must serve the other person **before the trial date is set** by the Court. The other person has 30 days (from the date of service) to respond.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE SERVING THE DEMAND ---**

## How to Respond to a Demand to Disclose

## Instructions

The other person in your family law matter has demanded that you provide certain documents and information. The specific documents and information the other person has asked for are listed in the attached Demand to Disclose (Form F11.02A).

You have only **30 days** (from the date that you received this Demand to Disclose) to provide the other person and the Court with a **Response to a Demand to Disclose (Form F11.02B)**. You can find the Response to Demand to Disclose form at any Supreme Court location or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html)

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

- Make assumptions about your financial situation
- Order you to pay support
- Order that you provide the requested documents within a specified time
- Order your employer or someone else to provide the documents and information
- Order you to pay costs, including compensation to the other person

### Providing Disclosure

If you want to provide some or all of the documents and information requested, you must file a Response to Demand to Disclose. You can attach the documents or information to Demand to Disclose.

You must give a copy of the Demand to Disclose and the documents to the other person. This is called *service*. You can serve the other person by: personal service (an adult who is not you hand-delivers 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.

### If You Cannot Provide Disclosure

If you cannot provide the requested documents and 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 will have to explain why you cannot provide the documents on the Response to Demand to Disclose.

### If You Object to Providing Disclosure

If you want to object to any or all of the demands, you must still file and serve a Response to Demand to Disclose. You will have to explain why you object to providing that information.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Comer 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:

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

# Form F11.02A: Demand to Disclose (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  SECOND APPLICANT  
 SECOND RESPONDENT

I, \_\_\_\_\_, the  Applicant  Respondent  Other:  
(Print your name)

demand that, \_\_\_\_\_, the  Applicant  Respondent  Other:  
(Print the other party's name)

provide copies of the following documents to all parties within 30 days of service of this form:

1	<input type="checkbox"/> Copy of the most recent pension plan statement (and all plans in which you have/will have an interest).
2	<input type="checkbox"/> Confirmation of your entitlement and valuation of any accrued severance benefits, annual leave benefits, and other monetary benefits in which you have an interest.
3	<input type="checkbox"/> Copy of any health and dental insurance coverage available to you through your employer (showing whether coverage is available for your spouse and/or children). <i>If available, provide coverage premiums/employee costs for single person coverage, couple coverage, and/or family coverage.</i>
4	<input type="checkbox"/> Copy of your most recent assessment for any appraisals of the property/properties that you own.

5	<input type="checkbox"/> Copy of every cheque issued to you from any business/corporation in which you have an interest (or to which you have rendered a service) for the period: _____ .
6	<input type="checkbox"/> Copy of every bank account statement in your name for the period: _____ .
7	<input type="checkbox"/> Copy of the most recent statement for all RRSP's, TFSA's, RESP's, term deposit certificates, guaranteed investment certificates, stock accounts, and other investments in your name (or in which you have an interest).
8	<input type="checkbox"/> Copy of every insurance policy (all whole life, term life, disability, etc.) in your name (or in which you have an interest). Include the cash surrender value for every policy.
9	<input type="checkbox"/> Copy of every credit card statement for all credit cards in your name for the period: _____ .
10	<input type="checkbox"/> Other (Specify): _____ _____ _____ _____

DATED at _____, this _____ day of _____, 20____ .  <div style="text-align: right; margin-top: 20px;">           _____  <i>Signature</i> </div>
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## 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 11.02A).

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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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  
Trial Division (General/Family)**

<b>FOR COURT USE ONLY</b>	
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)*

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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)

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**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

## How to Make a Demand for Answers

## Instructions

You can use a **Demand for Answers (Form F11.03A)** to request answers to specific written questions from the other person. You can only demand answers if you have an ongoing family law matter where a Financial Statement or Property Statement is required. You can only demand answers in relation to issues that have not yet been decided by the Court.

### Completing Your Demand for Answers

You can fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

Fill in the questions you would like the other person to answer. If you require more space to ask more questions, attach an extra page and indicate that you have attached an extra page.

### Filing Your Demand for Answers

You must make **3 extra copies** of your completed and signed Demand for Answers.

To file the Demand for Answers, you must bring the Demand for Answers to the Supreme Court location where your file is or you can mail it to that location. You must file your original Demand for Answers with the Court **before the trial date is set** by the Court.

### Serving Your Demand for Answers

You must give a copy of the Demand for Answers to the other person. 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.

You must serve the other person **before the trial date is set** by the Court. The other person has 30 days (from the date of service) to respond.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Comer 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788  
Legal Aid: [www.legalaid.nl.ca](http://www.legalaid.nl.ca) or 1(800) 563-9911

**--- REMOVE THIS PAGE BEFORE SERVING THE DEMAND ---**

## How to Respond to a Demand for Answers

## Instructions

**The other person in your family law matter has demanded that you answer specific written questions.**

The specific questions that the other person has asked are listed in the attached **Demand for Answers (Form F11.03A)**.

You have only **30 days** (from the date that you received the Demand for Answers) to provide the other person and the Court with a **Response to a Demand for Answers (Form F11.03B)**. You can find the Response to Demand for Answers form at any Supreme Court location or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html)

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

- Make assumptions about your financial situation
- Order you to pay support
- Order that you provide the requested answers within a specified time
- Order your employer or other person to provide the information
- Order you to pay costs, including compensation to the other person

### **Providing the Answers, Documents, and/or Information**

If you want to provide some or all of the answers requested, you must file a Response to Demand for Answers.

You must give a copy of the Response to Demand for Answers to the other person. This is called *service*. You can serve the other person by: personal service (an adult who is not you hand-delivers 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.

### **If You Cannot Provide the Answers**

If you cannot provide the requested answers for any reason, you may be able to give authorization to a person or institution (eg. your employer) to provide the information. Otherwise, you will have to explain why you cannot provide the answers on the Response to Demand for Answers form.

### **If You Object to Providing the Answers**

If you want to object to any or all of the answers requested, you or your lawyer must still file and serve a Response to Demand for Answers. You will have to explain why you object to providing those answers.

### **More Information**

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

# Form F11.03A: Demand for Answers (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  SECOND APPLICANT  
 SECOND RESPONDENT

I, \_\_\_\_\_, the  Applicant  Respondent  Other:  
*(Print your name)*

demand that, \_\_\_\_\_, the  Applicant  Respondent  Other:  
*(Print the other party's name)*

provide answers to the following questions to all parties within **30 days** of service of this form:

1	
2	
3	
4	
5	

DATED at _____, this _____ day of _____, 20____.
_____ <i>Signature</i>

## How to Respond to a Demand for Answers

## Instructions

A **Response to Demand for Answers (Form F11.03B)** is a form that you can use to respond to the other person's Demand for Answers.

You have only **30 days** from the date that you received the Demand for Answers to provide the other person and the Court with a Response to a Demand for Answers form.

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

### Completing Your Response to Demand for Answers

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

If you require more space to fill out the form, attach an extra page and indicate that you have attached an extra page.

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

If you want to object to any or all of the answers requested, you must write this in your Response to Demand for Answers and provide reasons.

### Filing Your Response to Demand for Answers

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

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

### Serving Your Response to Demand for Answers

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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

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

# Form F11.03B: Response to Demand for Answers (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  SECOND APPLICANT  
 SECOND RESPONDENT

In response to the Demand for Answers served by, \_\_\_\_\_,  
*(Print the other party's name)*

the  Applicant  Respondent  Other: \_\_\_\_\_, dated \_\_\_\_\_,  
*(Date: month/day/year)*

I am the  Applicant  Respondent  Other: \_\_\_\_\_ in the within matter .

Check the appropriate box for each question that corresponds with the Demand for Answers:

1	<p><input type="checkbox"/> The answer to this question is <i>(Fill in the answer based on your knowledge)</i>:</p> <hr/> <hr/> <hr/> <hr/> <p><input type="checkbox"/> I have no personal knowledge of any of the matters referred to, but after making proper inquiries I believe the answer is <i>(Fill in what information you received and who you got the information from)</i>:</p> <hr/> <hr/> <hr/> <hr/> <p><input type="checkbox"/> I am unable to answer the question because I do not know the answer and cannot ascertain the answer.</p> <p><input type="checkbox"/> I object to answering this written question because <i>(Fill in the reasons for your objection)</i>:</p> <hr/> <hr/> <hr/>
2	<p><input type="checkbox"/> The answer to this question is <i>(Fill in the answer based on your knowledge)</i>:</p> <hr/> <hr/> <hr/> <hr/> <p><input type="checkbox"/> I have no personal knowledge of any of the matters referred to, but after making proper inquiries I believe the answer is <i>(Fill in what information you received and who you got the information from)</i>:</p> <hr/> <hr/> <hr/> <hr/> <p><input type="checkbox"/> I am unable to answer the question because I do not know the answer and cannot ascertain the answer.</p> <p><input type="checkbox"/> I object to answering this written question because <i>(Fill in the reasons for your objection)</i>:</p> <hr/> <hr/> <hr/>

3	<p><input type="checkbox"/> The answer to this question is <i>(Fill in the answer based on your knowledge)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> I have no personal knowledge of any of the matters referred to, but after making proper inquiries I believe the answer is <i>(Fill in what information you received and who you got the information from)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> I am unable to answer the question because I do not know the answer and cannot ascertain the answer.</p> <p><input type="checkbox"/> I object to answering this written question because <i>(Fill in the reasons for your objection)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p>
4	<p><input type="checkbox"/> The answer to this question is <i>(Fill in the answer based on your knowledge)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> I have no personal knowledge of any of the matters referred to, but after making proper inquiries I believe the answer is <i>(Fill in what information you received and who you got the information from)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> I am unable to answer the question because I do not know the answer and cannot ascertain the answer.</p> <p><input type="checkbox"/> I object to answering this written question because <i>(Fill in the reasons for your objection)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p>

<b>5</b>	<p><input type="checkbox"/> The answer to this question is <i>(Fill in the answer based on your knowledge)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> I have no personal knowledge of any of the matters referred to, but after making proper inquiries I believe the answer is <i>(Fill in what information you received and who you got the information from)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> I am unable to answer the question because I do not know the answer and cannot ascertain the answer.</p> <p><input type="checkbox"/> I object to answering this written question because <i>(Fill in the reasons for your objection)</i>:</p> <p>_____</p> <p>_____</p> <p>_____</p>
----------	---

**Statement of Truth**

*You must swear or affirm that the facts and information that you have written in this Response to Demand for Answers 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.*

<p>I declare the facts and information of this Response to Demand for Answers are true to the best of my knowledge and belief.</p> <p>SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.</p>	
<p>_____ <i>Signature</i></p>	<p>_____ <i>Signature of Person Authorized to Administer Oaths</i></p>



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 F11.04A)
<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 F25.02A)
<input type="checkbox"/> Binding Settlement Conference	Request for Settlement Conference (Form F25.02A) (include Schedule 1 of Request for Settlement Conference)

## 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>

## 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 a Interim Application for a Procedural Order

You can **ONLY** make an Interim Application for a Procedural Order if at least one of the following situations applies to you:

- 1) You are an officer of the Court 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 a renewal of an Application;
- 5) You are seeking an order relating to the manner or timing of service of a document;
- 6) A rule in the *Trial Division Family Rules* allows you to make an Interim Application for a Procedural Order;
- 7) A judge has given you permission to make an Interim Application for a Procedural Order.

If one of the above circumstances applies to you, you can make an Interim Application for a Procedural Order at any time.

### Completing Your Application

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, 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

You must file your completed and signed Interim Application for a Procedural Order with the Court (including any additional required documentation). 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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 Trial Division (General/Family)

<b>FOR COURT USE ONLY</b>	
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

<b>FOR COURT USE ONLY</b>	
<b>HEARING DATE (if applicable)</b>	
The hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:	
<b>Location:</b> Supreme Court in _____,	Newfoundland and Labrador
<b>Address:</b>	_____
<b>Date:</b>	_____
<b>Time:</b>	_____ am / pm



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

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

Multiple horizontal lines for writing reasons.

**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 Emergency Interim Application****Instructions**

You can make an **Emergency Interim Application (Form F17.03A)** if your family law issue requires urgent attention. This application can be made at anytime, but you can ONLY make this applicant in a true emergency.

**When You Can Make an Emergency Interim Application**

You can ONLY make an Emergency Interim Application if at least one of these situations applies to you:

- There is an immediate danger of a child's removal from the jurisdiction;
- There is an immediate danger to the health or safety of a child or another person; or
- Not granting an order would have immediate and irreversible consequences;

AND a judge is satisfied that notice to the other person is NOT required for one of the following reasons:

- The delay caused by providing notice would (or might) cause serious harm to you or your child(ren);
- There is urgency for another reason; or
- The circumstances make notice unnecessary.

**Completing Your Application**

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form and file it with the Court).

You must fill out the entire 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**

You must file your completed and signed Emergency Interim Application with the Court (including any additional documents). To file the Emergency Interim Application, you must bring it to the Supreme Court location where your 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](http://www.court.nl.ca/supreme/fees.html)

**Serving Your Application**

You do not need to give a copy of this application to the other person (unless the Court orders otherwise). However, if your Emergency Interim order is granted, the Court will contact you with a hearing date within 7 days. You will need to give a copy of the application (with the hearing date), the Instructions on "How to Respond to an Emergency Interim Application" and a copy of the order to the other person immediately by *personal service*. This means that an adult (who is not you) must hand-deliver the documents to the other person.

**More Information**

Questions? Go to [www.court.nl.ca/supreme/family](http://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 professional legal advice ---**

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

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

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

**--- REMOVE THIS PAGE BEFORE FILING THE APPLICATION ---**

## How to Respond to an Emergency Interim Application Instructions

### You have been served with an Emergency Interim Order.

This means that the other person in your family law proceeding is asked the Court to grant an emergency interim order and this order was granted by the Court.

Read the attached Court Order (or Endorsement) and the Emergency Interim Application carefully.

If you want to oppose the Order (or Endorsement), 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](http://www.court.nl.ca/supreme/family/forms.html)

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

You must give a copy of your Affidavit to the other person **at least 2 days before** the hearing date indicated on the front page of the Emergency Interim Application.

**If you do not respond or do not appear at the scheduled court hearing, the Court may proceed and make another Order (or Endorsement) without hearing from you.**

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or (709) 722-2643

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

# Form (F17.03A): Emergency Interim Application – For a Temporary Order (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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

---

<b>FOR COURT USE ONLY</b>	
<b>HEARING DATE</b>	
The hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:	
<b>Location:</b>	Supreme Court in _____, Newfoundland and Labrador
<b>Address:</b>	_____
<b>Date:</b>	_____
<b>Time:</b>	_____ am / pm



**Part C Reasons for seeking emergency order (Affidavit)**

Fill in the facts and reasons why you are seeking an emergency order:

Multiple horizontal lines for text entry.

**Part D Steps to minimize prejudice**

What have you done (or what will you do) so that the other party will not be disadvantaged because he/she has not been immediately notified of this application?

Multiple horizontal lines for text entry.

**Statement of Truth**

You must swear or affirm that the facts and information that you have written in this Emergency Interim Application 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 Emergency 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 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 meeting 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 meeting about child support has already taken place); 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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html). (If you fill out the form online, 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](http://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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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](http://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.**

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

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



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

<b>FOR COURT USE ONLY</b>
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

<b>FOR COURT USE ONLY</b>
<input type="checkbox"/> <b>PERMISSION REQUIRED</b> (for an interim application made before a case management hearing)
<input type="checkbox"/> <b>PERMISSION GRANTED</b> <input type="checkbox"/> <b>PERMISSION DENIED</b>
_____
_____
_____
_____

<b>FOR COURT USE ONLY</b>
<b>HEARING DATE</b>
A hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:
<b>Location:</b> Supreme Court in _____, Newfoundland and Labrador
<b>Address:</b> _____
<b>Date:</b> _____
<b>Time:</b> _____ am / pm



## How to Apply to Vary an Interim Order

## Instructions

You can make an **Application to Vary an Interim Order (Form 19.02A)** if your circumstances have changed since an interim order was made and you would like to change that interim order.

### When You Can Make an Application to Vary an Interim Order

You can **ONLY** apply to vary an interim order if you have permission from a judge to do so. You may use this form to request permission.

### Completing Your Application

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html). (If you fill out the form online, 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

You must make **2 extra copies** of your completed and signed Application to Vary (including any additional documents). To file the Application to Vary, 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](http://www.court.nl.ca/supreme/fees.html)

If you get permission from a judge, 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

If you get permission, you must give a copy of this Application form and the date of the hearing 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

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

**How to Respond to an Application to Vary an Interim Order** Instructions**You have been served with an Application to Vary an Interim Order.**

This means that the other person in your family law proceeding is asking the Court to change an interim order that is in place.

Read the attached Application to Vary carefully.

If you want to oppose any claim(s) made in the Application to Vary an Interim Order, you must file ONE affidavit in response. You can get an Affidavit template form at any Supreme Court location or online:

[www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html)

Your affidavit should set out your position on the issues in the Application to Vary 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 hearing date, the Court may proceed and make an order without hearing from you.**

Questions? Go to [www.court.nl.ca/supreme/family](http://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

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

# Form F19.02A: Application to Vary an Interim Order (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  SECOND APPLICANT  
 SECOND RESPONDENT

<b>FOR COURT USE ONLY</b>
<input checked="" type="checkbox"/> <b>PERMISSION REQUIRED</b>
<input type="checkbox"/> <b>PERMISSION GRANTED</b> <input type="checkbox"/> <b>PERMISSION DENIED</b>
_____
_____
_____

<b>FOR COURT USE ONLY</b>
<b>HEARING DATE</b>
A hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:
<b>Location:</b> Supreme Court in _____, Newfoundland and Labrador
<b>Address:</b> _____
<b>Date:</b> _____
<b>Time:</b> _____ am / pm

I, \_\_\_\_\_, the  Applicant  Respondent  Other:  
(Print your name)

am seeking to vary an interim order.

Fill in the details for the Interim Order that you are seeking to vary:

<b>Date Order was Issued</b>	Month:	Day:	Year:
<b>Which Court?</b>			
<b>Place of Order</b>	City:	Province:	Country:
<b>Name of Justice or Judge</b>			

Check this box if you have more than 1 Interim Order that you are seeking to change. Attach an extra page at the end of this application to provide the details of those Orders.

**Part A Variation(s) sought**

List the changes that you are seeking:

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**Part B Reasons for seeking variation(s) (Affidavit)**

Why do you want to change the interim order?

*(Have your circumstances changed since the interim order was made? Will you or someone else be harmed before your matter can be resolved? What steps have you taken to resolve your issues? Is there a reason why your matter has not advanced to a hearing or final resolution?)*

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**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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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](http://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.

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

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Grand Bank: (709) 832-1720

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

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

Legal Aid: [www.legalaid.nl.ca](http://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  
Trial Division (General/Family)

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  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 (Custody and/or Access)	Schedule 1
<input type="checkbox"/> Child Support	Schedule 2
<input type="checkbox"/> Spousal, Partner, Parental, or Dependent Support	Schedule 3
<input type="checkbox"/> Division of (Matrimonial or Common Law) Property	Schedule 4
<input type="checkbox"/> Other offers	Schedule 5

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____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>

**--- 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

*If you are making an Offer to Settle with regards to parenting (custody and/or access), fill in the details of your parenting proposal below:*

**Your proposed parenting arrangements for:**

Decision-making about the child(ren):

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

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Parenting schedule for holidays and special occasions:

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

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

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## Schedule 2 Child Support

If you are making an offer for child support, fill in the details of your child support proposal:

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 3 Spousal, Partner, Parental, or Dependent Support

If you are making an offer to settle with regards to spousal, partner, parental, or dependent support, fill in the applicable details of your support 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 <b>monthly</b> (or <input type="checkbox"/> other: _____), by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Name of payor)</span> <span style="margin-left: 200px;">(Name of recipient)</span> </div> <input type="checkbox"/> for a duration of _____ months, commencing _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Number of months)</span> <span style="margin-left: 100px;">(Date: month/day/year)</span> </div> <input type="checkbox"/> for an indefinite period.
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<input type="checkbox"/> Support amount of \$ _____ to be paid in <b>lump sum</b> , by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Name of payor)</span> <span style="margin-left: 200px;">(Name of recipient)</span> </div> , on or before _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Date: month/day/year)</span> </div>
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<input type="checkbox"/> Other support (eg. arrears/retroactive) amount of \$ _____ to be paid <b>monthly</b> (or <input type="checkbox"/> other: _____), by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Name of payor)</span> <span style="margin-left: 200px;">(Name of recipient)</span> </div> , for a duration of _____ months, commencing _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Number of months)</span> <span style="margin-left: 100px;">(Date: month/day/year)</span> </div>
--

<input type="checkbox"/> Other support (eg. arrears/retroactive) amount of \$ _____ to be paid in <b>lump sum</b> , paid by the payor, _____, to the recipient, _____, <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Name of payor)</span> <span style="margin-left: 200px;">(Name of recipient)</span> </div> , on or before _____ . <div style="text-align: center; font-size: small; margin-top: -10px;"> <span>(Date: month/day/year)</span> </div>
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**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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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](http://www.court.nl.ca/supreme/family/forms.html)

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

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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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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 Trial Division (General/Family)

<b>FOR COURT USE ONLY</b>
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 (Custody and Access)**  
 List the term(s) of the Offer to Settle that you are withdrawing:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<input type="checkbox"/> <b>Child Support</b> <i>List the term(s) of the Offer to Settle that you are withdrawing:</i> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> <b>Spousal, Partner, Parental, or Dependent Support</b> <i>List the term(s) of the Offer to Settle that you are withdrawing:</i> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> <b>Division of (Matrimonial or Common Law) Property</b> <i>List the term(s) of the Offer to Settle that you are withdrawing:</i> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> <b>Other Offers</b> <i>List the term(s) of the Offer to Settle that you are withdrawing:</i> <hr/> <hr/> <hr/> <hr/> <hr/>

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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, 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](http://www.court.nl.ca/supreme/family/forms.html). File the agreement or consent order with the Court.

### Further Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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 a 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](http://www.court.nl.ca/supreme/family/forms.html). File the agreement or consent order with the Court.

Questions? Contact a Court near you:

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

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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](http://www.publiclegalinfo.com) or (709) 722-2643

Legal Aid: [www.legalaid.nl.ca](http://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  
Trial Division (General/Family)**

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  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:*

<input type="checkbox"/> <b>All terms of the Offer to Settle</b>
--

*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:*

<input type="checkbox"/> <b>Parenting (Custody and Access)</b> List the term(s) of the Offer to Settle that you accept: _____ _____ _____ _____
--

<input type="checkbox"/> <b>Child Support</b> <i>List the term(s) of the Offer to Settle that you accept:</i> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> <b>Spousal, Partner, Parental, or Dependent Support</b> <i>List the term(s) of the Offer to Settle that you accept:</i> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> <b>Division of (Matrimonial or Common Law) Property</b> <i>List the term(s) of the Offer to Settle that you accept:</i> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> <b>Other Offers</b> <i>List the term(s) of the Offer to Settle that you accept:</i> <hr/> <hr/> <hr/> <hr/>

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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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](http://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](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Comer 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

# Form 25.03A: Request for a Settlement Conference (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  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 (Custody and/or Access)
<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 (Custody and/or Access):
<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:
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## 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 ( <i>Name of lawyer</i> ) _____. <div style="margin-left: 20px;"> <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:              (<i>Name of lawyer</i>) _____.  <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: 20px;"> <input type="checkbox"/> I anticipate having a lawyer for the settlement conference:              (<i>Name of lawyer</i>) _____.  <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 (Custody and/or Access):
<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 <ul style="list-style-type: none"> <li><input type="checkbox"/> I have received independent legal advice; or</li> <li><input type="checkbox"/> I have chosen not to seek independent legal advice.</li> </ul>

DATED at _____, this _____ day of _____, 20____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer</i>

## 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;
- The Response has been withdrawn or struck out;
- The Respondent filed a Response stating that he or she is 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;
- The Reply has been withdrawn or struck out;
- The Applicant filed a Reply stating that he or she is 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 may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, 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

You must make **2 extra copies** of your completed and signed 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.

If you are applying for a divorce, you must also file 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](http://www.court.nl.ca/supreme/family/forms.html)

### Serving Your Application for Judgment

You do not have to give a copy of this Application to the other person unless he/she has filed a **Demand for Notice (Form F6.04A)**.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

Legal Aid: [www.legalaid.nl.ca](http://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  
Trial Division (General/Family)**

<b>FOR COURT USE ONLY</b>
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 (Custody and/or Access):
<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 he/she is 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 him/her 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 he/she is not contesting the claim(s) made in the Response.
<input type="checkbox"/> The Applicant and the Respondent made 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 Attachments

Check the following documents that you are attaching to this application to support your claims as they relate to the order you are seeking: (You do not need to attach documents that you have 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"/> Central Divorce Registry Clearance
<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:	

## 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. If you are Co-Applicants (filing a Joint Originating Application or Joint Originating Application for Variation), you do not need to fill in this Part.*

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"/> Leaving a copy with the Respondent's lawyer <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

I, \_\_\_\_\_, of \_\_\_\_\_  
(Print your name) (City/Town and Province)

swear or affirm and say as follows:

1. I have personal knowledge of the facts in this affidavit, except where stated to be information learned from someone else and where that is stated, I believe the information to be true.

2. Other Proceedings  
 No other legal proceedings have been commenced by me or the other party with reference to the marriage, cohabitation, parenting, support, or division of property, except as follows:

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**3. Agreements or Contracts**

*Check the box that applies to your situation:*

<input type="checkbox"/> There are no agreements or contracts between me and the other party.
<input type="checkbox"/> There are no agreements or contracts between me and the other party. <i>If the domestic contract has not been filed with the Court, attach a copy of the signed agreement or contract to this form.</i>  The agreement or contract deals with the following issues: <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/>

**4. Changes to Pleadings**

*Check the box that applies to your situation:*

<input type="checkbox"/> There have been no changes to the contents in my: <table style="width: 100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Originating Application</td> <td><input type="checkbox"/> Originating Application for Variation</td> <td><input type="checkbox"/> Interim Application</td> </tr> <tr> <td><input type="checkbox"/> Response</td> <td><input type="checkbox"/> Other:</td> <td></td> </tr> </table>	<input type="checkbox"/> Originating Application	<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Interim Application	<input type="checkbox"/> Response	<input type="checkbox"/> Other:	
<input type="checkbox"/> Originating Application	<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Interim Application				
<input type="checkbox"/> Response	<input type="checkbox"/> Other:					
<input type="checkbox"/> There have been changes to the contents in my: <table style="width: 100%; margin-left: 20px;"> <tr> <td><input type="checkbox"/> Originating Application</td> <td><input type="checkbox"/> Originating Application for Variation</td> <td><input type="checkbox"/> Interim Application</td> </tr> <tr> <td><input type="checkbox"/> Response</td> <td><input type="checkbox"/> Other:</td> <td></td> </tr> </table>	<input type="checkbox"/> Originating Application	<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Interim Application	<input type="checkbox"/> Response	<input type="checkbox"/> Other:	
<input type="checkbox"/> Originating Application	<input type="checkbox"/> Originating Application for Variation	<input type="checkbox"/> Interim Application				
<input type="checkbox"/> Response	<input type="checkbox"/> Other:					
<p><i>Fill in the details of the changes to the contents:</i></p> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/>						
<p><i>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.</i></p>						

**5. Divorce (if applicable)**

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

<input type="checkbox"/> There is no prospect of reconciliation of the marriage between the other party and myself.
<input type="checkbox"/> 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:

Reasonable arrangements have been made for the support of the child(ren). Provide details:

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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)**

Costs are claimed in the amount of \$ \_\_\_\_\_ for the following reasons:

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**8. Service of Judgment:**

The present address of the other party where service of the judgment maybe made is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I know/believe that this is the address of the other party because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_.

\_\_\_\_\_ Signature \_\_\_\_\_ Signature of Person Authorized to Administer Oaths

# Form F26.03A: Divorce Judgment (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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)*

BEFORE the Honourable Justice \_\_\_\_\_, on \_\_\_\_\_  
*(Print Name)* *(Date: month/day/year)*

Pursuant to the *Divorce Act (Canada)*, it is ordered that \_\_\_\_\_ and  
*(Name of Applicant)*

\_\_\_\_\_ who were married on \_\_\_\_\_  
*(Name of Respondent)* *(Date: month/day/year)*

are divorced and, unless appealed, this judgment takes effect and the marriage is dissolved on the 31st day after the date of this judgment.

Pursuant to the *Divorce Act (Canada)*, it is further ordered that:

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## How to Request a Pre-Trial Determination

## Instructions

You can ask a judge to make a determination on a specific question of fact or law before you go to trial. For example, you may ask a judge to determine a payor's income or ask a question on the admissibility of a piece of evidence.

A judge must agree that your question is appropriate for a pre-trial determination hearing. If a judge gives you an answer to your question of fact or law, you and the other person may be able to resolve some or all of your family law issues faster than if you went straight to trial.

You can request a pre-trial determination of a question of fact or law by using a **Request for a Pre-Trial Determination (Form F27.02A)**.

Before you can make a Request for a Pre-Trial Determination, you must 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 Pre-Trial Determination

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

You must fill out the entire 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 a Request for a Pre-Trial Determination

You must make **2 extra copies** of your signed Request for a Pre-Trial Determination. To file your Request for a Pre-Trial Determination, 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 Pre-Trial Determination

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 may respond by filing their own Request for a Pre-Trial Determination form.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE FILING YOUR REQUEST ---**

## How to Respond to a Request for a Pre-Trial Determination

## Instructions

You have been served with a **Request for a Pre-Trial Determination (Form F27.02A)**.

This means that the other person in your family law case is asking a judge to answer a specific question of fact or law before you go to trial. For example, the other person may ask a judge to determine your income or ask a question on the admissibility of a piece of evidence.

The Court will decide at your next scheduled case management hearing if the question is appropriate for a pre-trial determination. If a judge gives an answer to the question of fact or law, you and the other party may be able to resolve some or all of your family law issues faster than if you went straight to trial.

### Responding to a Request for a Pre-Trial Determination

To respond to the other person's request, you must fill out your own Request for a Pre-Trial Determination form. You can get this form at any Supreme Court location or online:

[www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

### Filing a Request for a Pre-Trial Determination

You must make **2 extra copies** of your signed Request for a Pre-Trial Determination. To file your Request for a Pre-Trial Determination, 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 Pre-Trial Determination

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](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

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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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

# Form F27.02A: Request for a Pre-Trial Determination (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  SECOND APPLICANT  
 SECOND RESPONDENT

I, \_\_\_\_\_ the  Applicant  Respondent  Other:  
(Print your name)

- am requesting a pre-trial determination of a question of fact or law. *(Fill out Parts A, B, C, D, E, and F)*
- am responding to a request for a pre-trial determination of a question of fact or law.
  - I agree to the request for a pre-trial determination of a question of fact or law. *(Fill out Parts A, B, C, D, E, and F)*
  - I reject the request for a pre-trial determination of a question of fact or law because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Part A Issue(s) for Pre-Trial Determination**

*If you are requesting a pre-trial determination, fill in the issue(s) that you are asking the judge to decide:*

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**Part B Reason(s) for a Pre-Trial Determination**

*Fill in the reason(s) why a pre-trial determination of a question of fact or law is appropriate.*

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**Part C Time Required for a Pre-Trial Determination**

How much time do you estimate the pre-trial determination hearing (including summations) will require?

\_\_\_\_\_ day(s)

**Part D Affidavits**

I will be filing one or more affidavit(s) in support of or in response to the pre-trial determination.  
*Fill out the names of the person(s) providing affidavits:*

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*You may be required to discuss the content of each of the affidavits at the case management hearing.*

*Requests for oral evidence can be made at the case management hearing.*

## Part E Undertakings

You must indicate that you will do all of the following:

<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 no later than 7 days before the pre-trial determination hearing.
<input type="checkbox"/>	I will promptly advise the Court if a settlement has been reached prior to the pre-trial determination hearing.
<input type="checkbox"/>	I will provide the Court and the other party with all documents I intend to rely on in the pre-trial determination hearing.

## Part F Legal Representation

Fill in the details of your legal representation below:

<input type="checkbox"/>	I am currently represented by (Name of lawyer)_____.
<input type="checkbox"/>	The above named lawyer will represent me for the pre-trial determination hearing.
<input type="checkbox"/>	I will be represented by a different lawyer for the pre-trial determination hearing: (Name of lawyer)_____.
<input type="checkbox"/>	I will be representing myself for the pre-trial determination hearing.
<input type="checkbox"/>	I am not currently represented by a lawyer.
<input type="checkbox"/>	I anticipate having a lawyer for the pre-trial determination hearing: (Name of lawyer)_____.
<input type="checkbox"/>	I will be representing myself for the pre-trial determination hearing.

## 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>

## How to Request a Summary Judgment Hearing

## Instructions

A **summary judgment hearing** can help to resolve some or all of your family law issues faster than if you went through a formal trial. A summary judgment hearing is simpler than a trial because most of the evidence is presented as sworn statements and oral evidence is limited.

You can request a summary judgment hearing by using a **Request for a Summary Judgment Hearing (Form F28.02A)**. You can only request a summary judgment hearing if you are seeking determination on an issue that does not require a trial.

Before you can file a Request for a Summary Judgment Hearing, 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 Summary Judgment Hearing

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

You must fill out the entire 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 a Request for a Summary Judgment Hearing

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 Summary Judgment Hearing

You must give a copy of this Request 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 Summary Judgment Hearing form.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Comer 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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE FILING YOUR REQUEST ---**

# How to Respond to a Request for a Summary Judgment Hearing

## Instructions

You have been served with a **Request for Summary Judgment Hearing (Form F28.02A)**.

This means that the other party is asking the Court to make a summary judgment on a specific issue. At your next case management hearing date, the judge will decide whether you should go to a summary judgment hearing.

A summary judgment hearing can help to resolve some or all of your family law issues faster than if you went through a formal trial. A summary judgment hearing is simpler than a trial because most of the evidence is presented as sworn statements and oral evidence is limited.

A summary judgment hearing may be requested where a party is seeking determination of an issue that does not require a trial. The Court will decide at a case management hearing how your family law matter will proceed.

### **Responding to a Request for a Summary Judgment Hearing**

To respond to the other person's request, you must fill out your own **Request for a Summary Judgment Hearing**. You can get this form at any Supreme Court location or online:

[www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

### **Filing a Request for a Summary Judgment Hearing**

You must make **2 extra copies** of your signed Request for a Summary Judgment Hearing. 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 Summary Judgment Hearing**

You must give a copy of this Request 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](http://www.court.nl.ca/supreme/family) or contact a Court near you:

Corner Brook: (709) 637-2227

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

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

# Form F28.02A: Request for a Summary Judgment Hearing (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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 summary judgment hearing. *(Fill out Parts A, B, C, D, and E)*
- am responding to a request for a summary judgment hearing.
  - I agree to the request for a summary judgment hearing.  
*(Fill out Parts A, B, C, D, and E)*
  - I reject the request for a summary judgment hearing because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Part A Reasons for Summary Judgment

Fill in the reason(s) why a summary judgment hearing is appropriate and why there is no genuine issue for trial  
OR fill in the reason(s) why the issue(s) raised by the other party requires a trial:

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## Part B Time Required for Summary Judgment Hearing

How much time do you estimate the summary judgment (including summations) will require?

\_\_\_\_\_ day(s)

## Part C Affidavits

I will be filing one or more affidavit(s) in support of or in response to the summary judgment hearing.  
 Fill out the names of the person(s) providing affidavits:

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You may be required to discuss the content of each of the affidavits at the case management hearing.

Requests for oral evidence can be made at the case management hearing.

## Part D Undertakings

You must indicate that you will do all of the following:

<input type="checkbox"/>	I will file and serve a summary judgment hearing brief (setting out the concise set of facts and law) no later than 2 days before the summary judgment hearing.
<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 no later than 7 days before the summary judgment hearing.
<input type="checkbox"/>	I will promptly advise the Court if a settlement has been reached prior to the summary judgment hearing date.
<input type="checkbox"/>	I will provide the Court and the other party with all documents I intend to rely on in the summary judgment hearing.

## Part E Legal Representation

Fill in the details of your legal representation below:

<input type="checkbox"/>	I am currently represented by (name of lawyer) _____.
<input type="checkbox"/>	The above named lawyer will represent me for the summary judgment hearing.
<input type="checkbox"/>	I will be represented by a different lawyer for the summary judgment hearing: (name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself for the summary judgment hearing.
<input type="checkbox"/>	I am not currently represented by a lawyer.
<input type="checkbox"/>	I anticipate having a lawyer for the summary judgment hearing: (name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself for the summary judgment hearing.

## 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>

## How to Request a Trial Date

## Instructions

You can request a trial date by using this **Request for a Trial (Form F29.02A)**.

Before you can file a **Request for a Trial**, 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 Trial**

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

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 a Request for a Trial**

You must make **2 extra copies** of your signed Request for a Trial. 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 Trial**

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 Trial form.

### **More Information**

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE FILING YOUR REQUEST ---**

**How to Respond to a Request for a Trial Date****Instructions**

You have been served with a **Request for a Trial (Form F29.02A)**.

This means that the other party is seeking to go to trial and get a scheduled trial date. At your next case management hearing, the judge will decide whether you should go to trial.

**Responding to a Request for a Trial**

To respond to the other person's request, you must fill out your own **Request for a Trial** form. Even if you do not agree that your matter should go to trial, you must still fill out your own Request form. You can get this form at any Supreme Court location or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

**Filing a Request for a Trial**

You must make **2 extra copies** of your signed Request for a Trial. 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 Trial**

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](http://www.court.nl.ca/supreme/family) or contact a Court near you:

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Gander: (709) 256-1115

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

Grand Bank: (709) 832-1720

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

# Form F29.02A: Request for a Trial (Family Law)



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

<b>FOR COURT USE ONLY</b>
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 trial.
- am responding to a request for a trial.

## Part A Pre-requisites

*Check all of the boxes that apply to you:*

<input type="checkbox"/> All relevant parties are before the Court.
<input type="checkbox"/> All sworn Financial Statements and/or Property Statements have been filed with the Court.
<input type="checkbox"/> All appropriate pretrial applications have been made.
<input type="checkbox"/> No amendments to the pleadings are contemplated.
<input type="checkbox"/> No further disclosure is required or requested.
<input type="checkbox"/> The parties have participated in or have been excused by a judge from participation in a dispute resolution program or process.

## Part B Issues for Trial

Check the issues to be addressed at trial:

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (Custody and/or Access)
<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 Witnesses

If you have requested a formal trial, fill in the information for all of the **witnesses** you intend to call at trial:

	Witness 1	Witness 2
<b>Full Name</b>		
<b>Subject of Testimony</b>		
<b>Estimated Time Required for Testimony</b>		

	Witness 3	Witness 4
<b>Full Name</b>		
<b>Subject of Testimony</b>		
<b>Estimated Time Required for Testimony</b>		

- Check this box if you do not intend to call any witnesses at trial.
- Check this box if you intend to call more than 4 witnesses. Attach an extra page to provide the details of those witnesses.

Fill in the information for all of the **expert witnesses** you intend to call at trial:

	Expert Witness 1	Expert Witness 2
<b>Full Name</b>		
<b>Subject of Testimony</b>		
<b>Estimated Time Required for Testimony</b>		

- In the event of an expert witness testifying at the trial, I will provide the other party with a copy of the expert's report(s) and resume or curriculum vitae at least 30 days before the trial date.
- Check this box if you do not intend to call any expert witnesses at trial.
- Check this box if you intend to call more than 2 expert witnesses. Attach an extra page to provide the details of those witnesses.

## Part D Documents for Trial

Check any of the following that apply:

<input type="checkbox"/> A joint book of documents will be filed prior to the trial.
<input type="checkbox"/> A trial brief will be filed in this matter.

## Part E Special requirements

Check any of the following that apply:

<input type="checkbox"/> An interpreter is required. <i>Specify language and dialect:</i> Please note that the Court is not responsible for any interpreter fees in family matters.
<input type="checkbox"/> Audio recordings may be entered/played in evidence. <i>Specify:</i>
<input type="checkbox"/> Video recordings may be entered/played in evidence. <i>Specify:</i>
<input type="checkbox"/> A party or witness requests the opportunity to give evidence by teleconference or videoconference. <i>Name of party or witness:</i>
<input type="checkbox"/> Other. <i>Specify:</i>

## Part F Time Required for Trial

How much time do you estimate the trial (including summations) will require?

_____ day(s)
--------------

## Undertakings

You must indicate that you will do all of the following:

<input type="checkbox"/>	I will participate in a Trial Readiness Conference if requested by the Court.
<input type="checkbox"/>	I will keep my financial information current by filing updated financial information with the Court and serving the other party with updated financial information at least 7 days before the trial.
<input type="checkbox"/>	I will promptly advise the Court if a settlement has been reached prior to the trial date.
<input type="checkbox"/>	I will promptly advise the Court if, after the case management hearing, it is anticipated that the duration of the trial will differ from the estimated trial time.
<input type="checkbox"/>	I will provide the Court and the other party with all documents I intend to rely on in the trial.

## Legal Representation

Fill in the details of your legal representation below:

<input type="checkbox"/>	I am currently represented by <i>(name of lawyer)</i> _____.
<input type="checkbox"/>	The above named lawyer will represent me at trial.
<input type="checkbox"/>	I will be represented by a different lawyer at trial: <i>(name of lawyer)</i> _____.
<input type="checkbox"/>	I will be representing myself at trial.
<input type="checkbox"/>	I am not currently represented by a lawyer.
<input type="checkbox"/>	I anticipate having a lawyer for the trial: <i>(name of lawyer)</i> _____.
<input type="checkbox"/>	I will be representing myself at trial.

## 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>

## How to Request an Informal Trial

## Instructions

In an **informal trial**, the strict rules of evidence may not apply. Both you and the other person can speak directly to the judge and the judge can ask you questions directly. Your ability to present witnesses is limited.

You may request a trial date by using a **Request for an Informal Trial (Form F31.02A)**. Before you can file a **Request for an Informal Trial**, you must already have a scheduled date for a case management hearing.

You can only have an informal trial if both you and the other person agree to the process. The judge at your case management hearing must also agree that your matter should proceed to an informal trial.

### Completing a Request for an Informal Trial

You may fill out this form by hand or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

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 a Request for an Informal Trial

You must make **2 extra copies** of your signed Request for an Informal Trial. 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 an Informal Trial

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.

If the other person agrees to an informal trial, he/she must file their own Request for Informal Trial form and give you a copy. If the other person does not agree to the informal trial and instead wants a formal trial, he/she must file a **Request for Trial (Form F29.02A)** and give you a copy.

### More Information

Questions? Go to [www.court.nl.ca/supreme/family](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788  
Legal Aid: [www.legalaid.nl.ca](http://www.legalaid.nl.ca) or 1(800) 563-9911

**--- REMOVE THIS PAGE BEFORE FILING AND SERVING YOUR REQUEST ---**

## How to Respond to a Request an Informal Trial

## Instructions

You have been served with a **Request for an Informal Trial (Form F31.02A)**.

This means that the other person is asking the Court to decide your family law matter with an **informal trial**. In an informal trial, the strict rules of evidence may not apply. Both you and the other person can speak directly to the judge and the judge can ask you questions directly. Your ability to present witnesses is limited.

You can only have an informal trial if both you and the other person agree to the process. The judge at your case management hearing must also agree that your matter should proceed to an informal trial.

### Responding to a Request for Informal Trial

If you consent to an informal trial, you must complete your own Request for an Informal Trial form, file it with the Court, and give a copy to the other person. You can get this form at any Supreme Court location or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

If you do not consent to an informal trial and want to request a formal trial, you must indicate that you do not consent on a Request for an Informal Trial form. You must also file a **Request for Trial (Form 29.02A)**. You can get this form at any Supreme Court location or online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

### Filing a Request for an Informal Trial

You must make **2 extra copies** of your signed Request for an Informal Trial. 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 an Informal Trial

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

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# Form F31.02A: Request for an Informal Trial (Family Law)



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

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
*(Print full name)*  SECOND APPLICANT  
  SECOND RESPONDENT

I, \_\_\_\_\_ the  Applicant  Respondent  Other:  
*(Print your name)*

am requesting an informal trial date.  
 am responding to a request for an informal trial date.

## Consent and Waiver

I, \_\_\_\_\_ the  Applicant  Respondent  Other:  
*(Print your name)*

consent to an informal trial. *(Fill out the Consent and Waiver, and Parts A, B, C, D, and E)*  
 do not consent to an informal trial. *(Fill out a Request for a Trial (Form F29.02A))*

I agree to place responsibility for the conduct of the informal trial with the judge.
I agree that the strict application of the rules of evidence in this informal trial will not apply.

I agree that both parties may submit any document or other evidence to the judge and that copies of any submitted documents or evidence will be provided to the other party.
I agree that both parties may advise the Court of anything he/she feels is relevant to the issue(s).
I agree that the normal question-and-answer manner of trial will not apply.
I agree that the judge may ask me, the other party, and witnesses (if any) questions about the case.
I understand that the judge will determine the relevance of all evidence (including documents, physical evidence, and testimony) that is provided as evidence during the informal trial process.
I understand that having an informal trial may impact any appeal following the informal trial hearing.
I understand the informal trial process.
I understand that my participation in this informal trial process is strictly voluntary and that I can withdraw consent to proceed with an informal trial at any time prior to the informal trial hearing.
I have not been coerced or threatened in any way to agree to this informal trial process and I have not been promised anything to get me to agree to this informal trial process.

**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 (Custody and/or Access)
<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 Issue(s) for the Informal Trial**

*Check the issues that you would like to address in the informal trial:*

<input type="checkbox"/> Divorce
<input type="checkbox"/> Parenting (Custody and/or Access)
<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 the Informal Trial

How much time do you estimate the informal trial (including summations) will require?

\_\_\_\_\_ day(s)

### Part D Undertakings

You must indicate that you will do all of the following:

<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 informal trial.
<input type="checkbox"/>	I will promptly advise the Court if a settlement has been reached prior to the informal trial date.
<input type="checkbox"/>	I will promptly advise the Court if, after the case management hearing, it is anticipated that the estimated duration of the informal trial will differ from the estimated time.
<input type="checkbox"/>	I will provide the Court and the other party with all documents I intend to rely on in the informal trial.

### Part E Legal Representation

Fill in the details of your legal representation below:

<input type="checkbox"/>	I am currently represented by (name of lawyer) _____.
<input type="checkbox"/>	The above named lawyer will represent me at the informal trial.
<input type="checkbox"/>	I will be represented by a different lawyer at the informal trial: (name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself at the informal trial.
<input type="checkbox"/>	I am not currently represented by a lawyer.
<input type="checkbox"/>	I anticipate having a lawyer for the informal trial: (name of lawyer) _____.
<input type="checkbox"/>	I will be representing myself at the informal trial.

### Signature and Date

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

_____ Signature	_____ Signature of Lawyer (if any)
	_____ Print Name of Lawyer (if any)

## 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 (**Form F34.02A**) 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 (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 online: [www.court.nl.ca/supreme/family/forms.html](http://www.court.nl.ca/supreme/family/forms.html) (If you fill out the form online, you must still print the form and file it with the Court).

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 (Form F34.02A)**. 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](http://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](http://www.publiclegalinfo.com) or 1 (888) 660-7788

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

**--- REMOVE THIS PAGE BEFORE FILING THE CONSENT ORDER ---**

# Form F34.02A: Consent Order – Support (Family Law)



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

<b>FOR COURT USE ONLY</b>
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

Before the Honourable Justice \_\_\_\_\_

IT IS HEREBY ORDERED THAT pursuant to the:

- Family Law Act (Canada):*
- 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* as follows:

Payment amount: \$ \_\_\_\_\_ per month

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

For the following child(ren): (names and dates of birth) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

Payor's annual income: \$ \_\_\_\_\_

**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* as follows:

Payment amount: \$ \_\_\_\_\_ per month

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

For the following child(ren): (names and dates of birth) \_\_\_\_\_

Commencement date: (month/day/year) \_\_\_\_\_

Payor's annual income: \$ \_\_\_\_\_

Reason: \_\_\_\_\_

**Special and/or Extraordinary Expenses**

The parties agree to an amount of special and/or extraordinary expenses as follows:

Child's Name	Description of Expense	Total Amount of Expense (per month)	Payor's Share or Contribution (\$ or %) (per month)	Frequency of Payment	Commencement Date (month/day/year)
		\$			
		\$			
		\$			
		\$			

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 special and/or extraordinary expenses as follows:

Payment amount: \$ \_\_\_\_\_ per month OR \$ \_\_\_\_\_ lump sum

Paid by: (name) \_\_\_\_\_ to: (name) \_\_\_\_\_

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**

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**

The amount of child support ordered shall be reviewed annually and, where necessary, recalculated as follows:

- (a) On or before the \_\_\_\_ day of (*month*) \_\_\_\_\_ of each year commencing (*year*) \_\_\_\_\_, the person paying child support shall provide the Recalculation Office at:  
P.O. Box 2006  
Corner Brook, Newfoundland and Labrador A2H 6J8  
Telephone: (709) 634-4172  
Fax: (709) 634-4155

with a copy of his/her income tax return and notice(s) of assessment (or other documents acceptable to the Recalculation Office) for the previous year, for review and possible recalculation of child support pursuant to the *Child Support Service Regulations*, NLR 31/07, using the applicable table for the child support amount.

- (b) If the recalculation results in a difference of \$5.00 or more per month in the amount of child support, the Recalculation Office shall recalculate the amount of child support payable and provide notice to each party of the intended change in child support by registered mail.
- (c) If either party objects to the change in child support payable, he/she must apply to the court that made the order by completing and filing a Notice of Objection within 30 days after receipt of the Notice of Recalculation provided to him/her by the Recalculation Office. If a Notice of Objection is filed, no change shall be made to the amount of child support payable except by court order. If no Notice of Objection is filed, the recalculated amount will be effective 31 days after the Recalculation Office receives confirmation that notice was provided to all parties and an order has been issued by the court. The new amount of child support shall then be payable to and enforceable by the Support Enforcement Program.
- (d) In the event of a change in address or telephone number, the parties shall notify the Recalculation Office within 30 days of such change.
- (e) The Recalculation Office shall have access to addresses and telephone information maintained by the Support Enforcement Program.
- (f) If an Income Tax Return and Notice of Assessment (or other documents acceptable to the Recalculation Office) for the previous year are not provided to the Recalculation Office as required by this Order, the Recalculation Office shall recalculate the amount of child support payable on the basis that the income of the person required to pay child support shall be considered to be the sum of:



# 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) \_\_\_\_\_

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>

<p><b>Consent Order Issued at:</b></p> <p><b>Location:</b> Supreme Court in _____, Newfoundland and Labrador</p> <p><b>Date:</b> _____</p>	<p><b>FOR COURT USE ONLY</b></p>
<p><b>Registry Clerk of the Supreme Court of Newfoundland and Labrador</b></p>	

**How to do a Consent Order****Instructions**

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**Completing Your Consent Order**

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**More Information**

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

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

**--- REMOVE THIS PAGE BEFORE FILING THE CONSENT ORDER ---**

# Form F34.02B: Consent Order – Other than Support (Family Law)



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

<b>FOR COURT USE ONLY</b>	
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

Before the Honourable Justice \_\_\_\_\_

IT IS HEREBY ORDERED THAT pursuant to the:

- Family Law Act* (Canada):
- Divorce Act* (Canada):

# Parenting

**Sole Custody (Sole Decision-Making)**

The parties agree that \_\_\_\_\_ shall have sole custody of  
*(Print name)*

the following children: \_\_\_\_\_  
*(Name(s) and date(s) of birth of children)*

and \_\_\_\_\_ shall have access as follows:  
*(Print name)*

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The parties agree that the parenting arrangements shall be as follows:

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

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Parenting schedule for holidays and special occasions:

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Schedule for other contact (ie. phone, internet, etc.):

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

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**Joint Custody (Joint Decision-Making)**

The parties agree that \_\_\_\_\_ shall have  
*(Names of Co-Applicants or parties)*

**joint custody** of the following children: \_\_\_\_\_  
*(Name(s) of children)*

The parties agree that the parenting arrangements shall be as follows:

- Shared parenting as follows:      OR       Split parenting as follows:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parenting schedule for holidays and special occasions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Schedule for other contact (ie. phone, internet, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





## 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>

<p><b>Consent Order Issued at:</b></p> <p><b>Location:</b> Supreme Court in _____, Newfoundland and Labrador</p> <p><b>Date:</b> _____</p>	<p><b>FOR COURT USE ONLY</b></p>
<p>_____  <b>Registry Clerk of the Supreme Court of Newfoundland and Labrador</b></p>	

# Form F34.02C: Affidavit of Execution (Family Law)



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

<b>FOR COURT USE ONLY</b>
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 swear or affirm that I, \_\_\_\_\_ of, \_\_\_\_\_  
(Print your name) (City and Province)

did see \_\_\_\_\_ sign his/her name to the Order/Agreement attached  
(Print name)

on \_\_\_\_\_ .  
(Date: month/day/year)

SWORN TO or AFFIRMED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature of Person Authorized to Administer Oaths

# 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  
Trial Division (General/Family)**

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  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.

<b>FOR COURT USE ONLY</b>
<b>HEARING DATE</b>
A hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:
<b>Location:</b> Supreme Court in _____, Newfoundland and Labrador
<b>Address:</b> _____
<b>Date:</b> _____
<b>Time:</b> _____ am / pm

# Form F38.04A: Originating Application for the Return of a Child (Family Law)



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

<b>FOR COURT USE ONLY</b>
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

### 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.

<b>FOR COURT USE ONLY</b>
<b>HEARING DATE</b>
A return date to schedule the hearing for this application will be heard in the Supreme Court of Newfoundland and Labrador:
<b>Location:</b> Supreme Court in _____, Newfoundland and Labrador
<b>Address:</b> _____
<b>Date:</b> _____
<b>Time:</b> _____ 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
<b>Child's Full Name</b>		
<b>Mother's Full Name</b>		
<b>Father's Full Name</b>		
<b>Date of Birth</b> <i>(month/day/year)</i>		
<b>Gender</b>		
<b>Child is Currently Living With</b> <i>(Name)</i>		
<b>Disabilities and/or Special Needs</b>		

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.

<b>Current Last Name</b> <small>Write previous last names in brackets</small>			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province Postal Code</i>
<b>Mailing Address</b> <small>(if different from Residential Address)</small>			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			

<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Foreign National
<b>Are you a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Do you need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees in family matters.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

**Respondent Information**

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

<b>Current Last Name</b> <small>Write previous last names in brackets</small>			
<b>First Name</b>			
<b>Middle Name(s) (if any)</b>			
<b>Gender</b>			
<b>Residential Address</b>			
	<i>Street Address</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Mailing Address</b> <small>(if different from Residential Address)</small>			
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i> <i>Postal Code</i>
<b>Telephone Number (if any)</b>	Home:	Cell:	
<b>Fax Number (if any)</b>			
<b>Email Address (if any)</b>			
<b>Date of Birth</b>	Month:	Day:	Year:
<b>Occupation(s) or Job(s)</b>			
<b>Citizen / Immigration Status</b>	<input type="checkbox"/> Canadian Citizen	<input type="checkbox"/> Permanent Resident	<input type="checkbox"/> Foreign National
<b>Is the Respondent a registered Indian under the <i>Indian Act</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Name of your band: Do you live on a reserve?	
<b>Do you need an interpreter?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No Please note that the Court is not responsible for any interpreter fees in family matters.	If yes, state the language and dialect:	
<b>Lawyer's Name, Telephone Number, and Address (if any)</b>			

## 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  
Trial Division (General/Family)**

<b>FOR COURT USE ONLY</b>
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: \_\_\_\_\_  NOT APPLICABLE  
(Print full name)  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)

<b>Child's Full Name</b>	
<b>Date of Birth (month/day/year)</b>	

<b>Child's Full Name</b>	
<b>Date of Birth (month/day/year)</b>	

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_





# Form F40.04A: Certificate of Divorce (Family Law)



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

<b>FOR COURT USE ONLY</b>
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)*

This is to certify that the marriage of \_\_\_\_\_ and \_\_\_\_\_  
*(Print Name)* *(Print Name)*

which was solemnized on \_\_\_\_\_ was dissolved by judgment of this Court,  
*Date: (month/day/year)*

effective on \_\_\_\_\_ .  
*Date: (month/day/year)*

DATED at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Registrar of the Supreme Court of Newfoundland and Labrador*