

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

## Filing Your Application

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:

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# Form F19.02A: Application to Vary an Interim Order (Family Law)



**In the Supreme Court of Newfoundland and Labrador (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"/> PERMISSION REQUIRED
<input type="checkbox"/> PERMISSION GRANTED <input type="checkbox"/> PERMISSION GRANTED IN PART <input type="checkbox"/> PERMISSION DENIED
_____
_____
_____
_____

<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:
Location: Supreme Court in _____, Newfoundland and Labrador
Address: _____
Date: _____ Time: _____ 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:

Date Order was Issued	Month:	Day:	Year:
Which Court?			
Place of Order	City:	Province:	Country:
Name of Justice or Judge			

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:

## 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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## Statement of Truth

*You must swear or affirm that the facts and information that you have written in this Application to Vary an Interim 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 Application to Vary an Interim 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)*