

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

Corner Brook: (709) 637-2227

Grand Falls-Windsor: (709) 292-4260

Gander: (709) 256-1115

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

Grand Bank: (709) 832-1720

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

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

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

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

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

--- REMOVE THIS PAGE BEFORE FILING 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 (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

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 (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
(General/Family)**

FOR COURT USE ONLY
COURT FILE NO: _____
CENTRAL DIVORCE REGISTRY NO: _____
Filed at _____, Newfoundland and Labrador, this _____ day of _____, 20____.
_____ Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: _____ APPLICANT
(Print full name)

AND: _____ RESPONDENT
(Print full name)

AND: _____ 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 (*specify*):
(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 they feel 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 (Decision-making and Parenting time)
<input type="checkbox"/> Contact Order / Third Party Time with Child
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> Other:

Part B 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 (Decision-making and Parenting time)
<input type="checkbox"/> Contact Order/ Third Party Time with Child
<input type="checkbox"/> Child Support
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property
<input type="checkbox"/> Other:

Part C Time Required for 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 at 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_____.	
_____ <i>Signature</i>	_____ <i>Signature of Lawyer (if any)</i>
	_____ <i>Print Name of Lawyer (if any)</i>