

How to do a Consent Order

Instructions

If you and the other person have come to an agreement on all of your family law issues, you can do a Consent Order. You can use this **Consent Order (Form F34.02A)** template to draft the agreement between you and the other person. By signing a Consent Order, you acknowledge that the terms of the Order will be enforced. Before you sign a Consent Order, both you and the other person should get advice from separate lawyers.

You can only file a Consent Order if you already have an **Originating Application (Form F4.03A)**, **Originating Application for Variation (Form F5.05A)**, **Joint Originating Application (Form F4.04A)**, or **Joint Originating Application for Variation (Form F5.06A)** filed with the Court. If you do not one of those documents filed with the Court, you must complete one and file it at the same time as your Consent Order.

If there are any issues that you and the other person do not agree on, you must set out these issues in an **Originating Application (Form F4.03A)** or **Originating Application for Variation (Form F5.05A)**. You can still do a Consent Order on the issues you agree on.

Completing Your Consent Order

You can fill out this form by hand or you can download and fill out this form electronically at <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (You must still print the form and file it with the Court).

Check off “Final Order on Consent” (on the first page) if you are consenting to a final order. Check off “Interim Order on Consent” (on the first page) if you are consenting to an interim order.

Consent Orders dealing with child, spousal, partner, parental, or dependant support, must be separated from other types of orders. If you are consenting to support, fill out this **Consent Order – Support**. For all other Consent Orders (eg. parenting or property), fill out a **Consent Order – Other than Support (Form F34.02B)**.

If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Consent Order

You must make **2 extra copies** of your completed and signed consent Order. To file it, you must bring the original Consent Order to the same Court location where the Originating Application, Originating Application for Variation, Joint Originating Application, or Joint Originating Application for Variation was filed. You can also mail the Consent Order to that Supreme Court location.

More Information

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> or contact a Court near you:

Corner Brook: (709) 637-2227

Gander: (709) 256-1115

Grand Bank: (709) 832-1720

Grand Falls-Windsor: (709) 292-4260

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

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

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

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

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

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

--- REMOVE THIS PAGE BEFORE FILING THE ORDER ---

F34.02A: Consent Order – Support (Family Law)



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

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

- BETWEEN: _____ APPLICANT
(Print full name) CO-APPLICANT
- AND: _____ RESPONDENT
(Print full name) CO-APPLICANT
- AND: _____ NOT APPLICABLE
(Print full name) SECOND APPLICANT
 SECOND RESPONDENT
 CO-APPLICANT

BEFORE the Honourable Justice _____, on _____
(Print Name) *(Date: month/day/year)*

<input type="checkbox"/> Final Order on Consent	<input type="checkbox"/> Interim Order on Consent
---	---

IT IS ORDERED THAT under the:

- Family Law Act (Newfoundland and Labrador):
- Divorce Act (Canada):
- _____

Child Support

Basic Table Amount

The parties agree to an amount of child support according to the basic table amount as per the *Child Support Guidelines* of (province) _____ as follows:

Total monthly payment amount: \$ _____ Payor's annual income: \$ _____

Paid by: (name) _____ to: (name) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
- Installments of \$ _____ to be paid _____.
(e.g., weekly; dates of payments per month, etc.)

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

OR

Amount Different from the Basic Table Amount (Shared Parenting or Split Parenting)

The parties agree to an amount of child support that is different from the *Child Support Guidelines* of (province) _____ as follows:

Applicant or Co-Applicant 1's annual income: \$ _____

Total monthly payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
- Installments of \$ _____ to be paid _____.
(e.g., weekly; the 1st and 15th day per month, etc.)

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

--- AND ---

Respondent or Co-Applicant 2's annual income: \$ _____

Total monthly payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
 - Installments of \$ _____ to be paid _____.
- (e.g., weekly; the 1st and 15th day per month, etc.)

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

--- SET OFF (if split parenting) or AMOUNT (if shared parenting) ---

Total monthly payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
 - Installments of \$ _____ to be paid _____.
- (e.g., weekly; the 1st and 15th day per month, etc.)

Commencement date: (month/day/year) _____

OR

Amount Different from the Basic Table Amount

The parties agree to an amount of child support that is different from the *Child Support Guidelines of (province)* _____ as follows:

Total monthly payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
 - Installments of \$ _____ to be paid _____.
- (e.g., weekly; the 1st and 15th day per month, etc.)

For the following child(ren): (names and dates of birth) _____

Commencement date: (month/day/year) _____

Payor's annual income: \$ _____ Recipient's annual income: \$ _____

Reason or further details:

--

Special and/or Extraordinary Expenses

The parties agree to an amount of special and/or extraordinary expenses as follows:

Child's Name and date of birth	Description of Expense	Total Amount of Expense (per month)	Payor's Share or Contribution (\$ or %) (per month)	Frequency of Payment	Commencement Date (month/day/year)
		\$			
		\$			
		\$			
		\$			
		\$			

Other special expenses and/or details:

--

Paid by: *(name)* _____ to: *(name)* _____

Payor's annual income: \$ _____ Recipient's annual income: \$ _____

Parties will send receipts to Support Enforcement.

Retroactive Child Support

The parties agree to an amount of retroactive child support as follows:

Payment amount: \$ _____ per month OR \$ _____ lump sum

Paid by: *(name)* _____ to: *(name)* _____,

representing the payor's child support obligations from (date: *month/day/year*) _____

to (date: *month/day/year*) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
- Installments of \$ _____ to be paid _____.
(e.g., weekly; the 1st and 15th day per month, etc.) OR
- One \$ _____ lump sum payment.

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)* _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
- Installments of \$ _____ to be paid _____.
(e.g., weekly; the 1st and 15th day per month, etc.) OR
- One \$ _____ lump sum payment.

For the following child(ren): *(names and dates of birth)* _____

Commencement/Payment date: *(month/day/year)* _____

Disclosure (Payor)

Pursuant to section 25 of the *Federal Child Support Guidelines* (Canada) (or section 23 of the provincial *Child Support Guidelines Regulations*), *(name)* _____ shall provide a copy of the his/her income tax return and notice of assessment to *(name)* _____ on or before (date: month/day/year) _____ each year, commencing in the year _____.

Disclosure (Recipient) (if applicable)

Pursuant to section 25 of the *Federal Child Support Guidelines* (Canada) (or section 23 of the provincial *Child Support Guidelines Regulations*), *(name)* _____ shall provide a copy of the his/her income tax return and notice of assessment to *(name)* _____ on or before (date: month/day/year) _____ each year, commencing in the year _____.

Support Enforcement

All amounts owing under this Order shall be paid directly to the Director of Support Enforcement at:

Support Enforcement Division
 P.O. Box 2006
 Corner Brook, Newfoundland and Labrador A2H 6J8

This order shall be enforced by the Director of Support Enforcement pursuant to the *Support Orders Enforcement Act*, 2006, SNL 2006, Chapter S-31.1, unless the Order is withdrawn from the Director, pursuant to s.7 of the Act.

Support Recalculation

(You can only check this box if all parties have agreed to basic table amount of child support and either primary residence parenting or split parenting.)

The amount of child support shall be reviewed each year and, where necessary, will be recalculated by the Recalculation Office in accordance with the *Administrative Recalculation of Child Support Regulations*.

COMMENCEMENT DATE OF CHILD SUPPORT:

- (a) The commencement date of child support pursuant to this order is the ____ day of (month) _____ of (year) _____.

REVIEW DATE:

- (b) The child support amount will be reviewed one year after the date set out in clause (a) above.

INCOME INFORMATION REQUIREMENTS AND DUE DATE:

- (c) The person required to pay child support must provide the following income information to the Recalculation Office:
- (i) Personal income tax return for the most recent taxation year; and
 - (ii) Notice of assessment and any reassessments for the most recent taxation year; or
 - (iii) other document(s) acceptable to the Recalculation Office.

- (d) The income information must be provided to the Recalculation Office **not later than 45 days before the review date** at:

Recalculation Office
 9th floor, Sir Richard Squires Building
 P.O. Box 2006, Corner Brook, NL A2H 6J8
 Tel: (709) 634-4172 | Fax: (709) 634-4155
 E-mail: recalculation@gov.nl.ca

RECALCULATION – WHERE INCOME INFORMATION IS PROVIDED

- (e) If satisfactory income information is received by the Recalculation Office at least 45 days before the review date, the Recalculation Office will issue a Recalculation Notice setting out the proposed recalculated child support amount.
- (f) If, as a result of the recalculation, the amount of child support would increase or decrease less than \$5.00 per month, the Recalculation Office will not recalculate the amount of child support. The Recalculation Office will notify the parties that there will be no change for that year.

RECALCULATION – WHERE INCOME INFORMATION IS NOT PROVIDED

- (g) If satisfactory income information is not received by the Recalculation Office at least 45 days before the review date, the Recalculation Office will issue a Recalculation Notice setting out the proposed recalculated child support amount. This amount will be:

- (i) the income amount on which the most recent child support order, agreement, or Recalculation Notice was based; plus
- (ii) 20% of the payor's income as determined under (g)(i) above.

EFFECTIVE DATE OF RECALCULATED AMOUNT

- (h) Unless a Notice of Objection is filed, the recalculated amount of child support stated in the Recalculation Notice will come into effect on the date set out in the Recalculation Notice. The Recalculation Office will file a copy of the Recalculation Notice with the court that made the child support order (or where the agreement is filed) and the Support Enforcement Agency.
- (i) The recalculated amount of child support is payable to the Support Enforcement Agency:

Support Enforcement Division
2nd floor, Sir Richard Squires Building
P.O. Box 2006, Corner Brook, NL A2H 6J8
Tel: (709) 637-2608

OBJECTION TO RECALCULATION

- (j) If a party objects to the change in child support amount in the Recalculation Notice, the party must file a Notice of Objection with the court that made the child support order, or where the agreement was filed. The party must also provide a copy of the Notice of Objection to the Recalculation Office.
- (k) The Notice of Objection must be filed within 30 days after the Notice of Recalculation is deemed to be received.
- (l) If a Notice of Objection is filed, no change shall be made to the amount of child support payable unless:
 - (i) a court order is made at the conclusion of the objection hearing; or
 - (ii) the Notice of Objection is withdrawn before the objection hearing, in which case the recalculated amount of child support is considered to have come into effect on the date set out in the Recalculation Notice.

CHANGE OF CONTACT INFORMATION

Parties must notify the Recalculation Office of any change to their mailing address, email address, telephone number, or fax number within 10 days of the change.

Support Recalculation – Shared or Hybrid parenting

(You can only check this box if all parties have agreed to an amount different from the basic table amount and either shared parenting or hybrid parenting. Shared parenting is when all children spend at least 40% of their time with both parents. Hybrid parenting is when at least one child spends at least 40% of their time with each parent, and at least one child lives primarily with one parent.)

On or before June 1st each year commencing in 20 ____, each party shall provide the other with a copy of their Income Tax Return and Notices of Assessment and Reassessment (if any) for the previous year. If a Notice of Assessment or Reassessment has not been received by either party by June 1st, that party shall advise the other of same on or before June 1st. Once the Notice of Assessment or Reassessment is received, it shall be immediately forwarded to the other party.

Within seven (7) days of exchange of the Notices of Assessments/Reassessment, the parties shall complete and sign the Recalculation Form in Schedule "A", if the parties agree on the revised amounts payable, based on their incomes. Should either party refuse to execute the Recalculation Form, they shall provide the other party notice of same within seven (7) days of exchange of the Notices of Assessment/Reassessment.

The parties shall file the completed form with the Court. The Court shall forward the Recalculation Form to the Director of Support Enforcement at:

Support Enforcement Division
P.O. Box 2006
Corner Brook, Newfoundland and Labrador A2H 6J8

The terms of the Recalculation Form 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 Recalculation Form is withdrawn from the Director, pursuant to s.7 of the *Act*.

Other:

A large, empty rectangular box intended for providing additional information or details related to the 'Other' category.

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:

Total Monthly Payment amount: \$ _____

Paid by: (name) _____ to: (name) _____

For the following person(s): (names) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
- Installments of \$ _____ to be paid _____.
(e.g., weekly; the 1st and 15th day per month, etc.)

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:

Total Monthly Payment amount: \$ _____

Paid by: (name) _____ to: (name) _____, representing
the payor's support obligations from (date: month/day/year) _____ to (date: month/day/year) _____

For the following person(s): (names) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
- Installments of \$ _____ to be paid _____.
(e.g., weekly; the 1st and 15th day per month, etc.)

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*) _____

To be paid pursuant to the following payment schedule:

- \$ _____ monthly on the _____ day of each and every month OR
- Installments of \$ _____ to be paid _____.
(*e.g., weekly; the 1st and 15th day per month, etc.*)
- One \$ _____ lump sum payment.

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>

	FOR COURT USE ONLY
Order Issued at:	
Location: Supreme Court in _____, Newfoundland and Labrador	
Date: _____	
_____ Justice or Registry Clerk of the Supreme Court of Newfoundland and Labrador	