



**NEWFOUNDLAND AND LABRADOR  
REGULATION 12/21**

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

*(Filed March 25, 2021)*

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

Dated at St. John's, March 23, 2021.

Raymond P. Whalen  
Chairperson, Rules Committee

**REGULATIONS**

*Analysis*

- |   |   |
|---|---|
| 1. Rule F5.03 Rep<br>Applicability of rule F35<br>("Provisional Support<br>Orders")   | order<br>F35.04 Conversion of<br>application  |
| 2. Rule F35 R&S<br><br>Rule F35– Inter-<br>jurisdictional Support<br>Proceedings – <i>Divorce Act</i><br>F35.01 Interpretation<br>F35.02 Applicable procedure<br>F35.03 Application to<br>obtain, vary, rescind<br>or suspend support | F35.04 Recognition of<br>decision of<br>designated jurisdic-<br>tion varying support<br>order<br>3. Rule F36 R&S<br><br>F36.01 Interjurisdictional<br>Support Orders Act<br>applies<br>4. Forms Amdt. |

**1. Rule F5.03 of the *Rules of the Supreme Court, 1986* is repealed.**

**2. Rule F35 of the rules is repealed and the following substituted:**

**Rule F35 – Inter-jurisdictional Proceedings –  
*Divorce Act***

Interpretation

**F35.01** In this rule

- (a) "designated authority" means the person or entity that is designated by the Province to exercise the powers or perform the duties and functions set out in sections 18.1 to 19.1 of the *Divorce Act* (Canada) within the Province; and
- (b) "designated jurisdiction" means a jurisdiction outside of Canada that is designated in the regulations made under subsection 47(1) of the *Interjurisdictional Support Orders Act* to be a reciprocating jurisdiction.

Applicable procedure

**F35.02** Proceedings to obtain, vary, rescind or suspend a support order where one of the parties is resident in another province or a designated jurisdiction and proceedings to recognize a decision of a designated jurisdiction brought pursuant to sections 18.1 to 19.1 of the *Divorce Act* (Canada) will be governed by

- (a) the applicable procedure set out in the *Divorce Act* (Canada); and
- (b) this rule.

Application to obtain, vary, rescind or suspend support order

**F35.03** (1) On receipt of an application to obtain, vary, rescind or suspend, retroactively or prospectively, a support order forwarded to the court by the designated authority under subsections 18.1(5) or 19(4) of the *Divorce Act* (Canada), a registry clerk must serve the following on the respondent:

- (a) a copy of the application;

- (b) a Notice of the inter-jurisdictional support application in Form F35.03A;
- (c) a Response in Form F6.02A to be completed by the Respondent; and
- (d) a Financial Statement in Form F10.02A to be completed by the Respondent.

(2) Subject to rule F35.02, the provisions of these rules will apply to the application, with any necessary modifications.

Conversion of application

**F35.04** (1) A request under subsection 18.2(1) of the *Divorce Act* (Canada) to convert an application to vary a support order made under paragraph 17(1)(a) into an application under subsection 18.1(3) of that Act

- (a) must be in writing; and
- (b) must be served on the applicant in accordance with rule F8.05 (“Serving subsequent documents”).

(2) Where a judge makes a direction under subsection 18.2(2) of the *Divorce Act* (Canada), a registry clerk must

- (a) send a copy of the application and of the evidence to the designated authority; and
- (b) provide the parties with notice of the direction.

(3) Where subsection 18.2(3) of the *Divorce Act* (Canada) applies, a judge may direct that the parties attend a Case Management Hearing to consider the request.

Recognition of decision of designated jurisdiction varying support order

**F35.05** (1) An application to recognize a decision of a designated jurisdiction that has the effect of varying a support order made under subsection 19(1) of the *Divorce Act* (Canada) may be in Form F4.03A.

(2) The application must have a certified copy of the decision attached.

**3. Rule F36 of the rules is repealed and the following substituted:**

**Rule F36 – Inter-jurisdictional Support Orders**

*Interjurisdictional  
Support Orders Act*  
applies

**F36.01** Subject to rule F35.02, 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.

**4. The rules are amended by adding Form F35.03A.**

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# Notice of Inter-Jurisdictional Support Claim

## Instructions

You are receiving this Notice of Inter-Jurisdictional Support Claim because a former spouse (referred to throughout these documents as the “Applicant”) who lives in another jurisdiction has started an application to obtain, vary, rescind or suspend a support order, naming you as the Respondent. This application will be heard in the Supreme Court of Newfoundland and Labrador.

**A copy of the application is attached to this Notice.**

This instruction sheet sets out how to respond to this application.

### **What documents do I have to complete and file?**

The Response (Form F6.02A) is the form you use to respond to an Application. A copy of that Form is included with this Notice (you can get a PDF or Word copy of this Form on the Supreme Court’s website – see the link below). In the Response, you set out what your position is on the family law issues. You may also make your own claims in your Response. There are additional instructions for filing out the Response included with that Form.

You must also complete a Financial Statement (Form F10.02A). A copy of that Form is also attached (you can get a PDF or Word copy of this Form on the Supreme Court’s website – see the link below). There are additional instructions for filing out the Financial Statement included with that Form.

### **When do the Response and Financial Statement have to be filed with the Court?**

You have 30 days from the date this Notice is served upon you to file your Response and Financial Statement with the court’s Registry. You must also serve a copy of these documents on the Applicant. More information on filing and service is provided in the instructions for the Response form.

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

### **More Information**

Questions? Go to [www.court.nl.ca/supreme/family](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

# Form F35.03A: Notice of Inter-Jurisdictional Support Application (Family Law)



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

FOR COURT USE ONLY

COURT FILE NO: \_\_\_\_\_

CENTRAL DIVORCE REGISTRY NO: \_\_\_\_\_

Filed at \_\_\_\_\_, Newfoundland and  
Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Registry Clerk of the Supreme Court of Newfoundland and Labrador

BETWEEN: \_\_\_\_\_ APPLICANT  
(Print full name)

AND: \_\_\_\_\_ RESPONDENT  
(Print full name)

You are hereby notified that the Applicant named above has started an application against you to obtain, vary, rescind or suspend, retroactively or prospectively, a support order under the *Divorce Act*. A copy of the application is attached to this Notice. This application will be heard in the Supreme Court of Newfoundland and Labrador.

You must, **within 30 days** of the receipt of this Notice, file a completed Response (Form F6.02A) and Financial Statement (Form F10.02A) with the Registry of the Supreme Court of Newfoundland and Labrador at \_\_\_\_\_.

**If you do not respond as required, the Supreme Court may proceed with this matter in your absence and make an order against you.**