



NEWFOUNDLAND AND LABRADOR REGULATION 4/24

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

(Filed January 25, 2024)

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

Dated at St. John's, January 15, 2024.

Raymond P. Whalen
Chairperson, Rules Committee

RULES

Analysis

- | | |
|--|---|
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| 3. Rule 39.10 R&S
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10. Commencement

1. The Rules of the Supreme Court, 1986 are amended by adding immediately after Rule 4 the following:

Rule 4A - Access to Court Records

Confidentiality orders

4A.01 (1) Subject to subrule (5), the Court may, on application or on its own motion, make an order

- (a) sealing a court document or an exhibit filed in a proceeding;
- (b) restricting access to the sound recording of all or part of a proceeding;
- (c) restricting publication of some or all information about a proceeding;
- (d) permitting a person referred to in a document to be identified by a pseudonym; or
- (e) otherwise providing for the confidentiality of the court record.

(2) A person may, when applying for an order under subrule (1), make a written request to a judge, on an *ex parte* basis, for an interim order for relief under subrule (1).

(3) Subject to subrule (5), the Court may, upon receipt of a written request for an interim order, make an order restricting access to the record of the application, and to any other record sought to be made the subject of the order, for such time as is required to give notice of the application and bring the application to a hearing.

(4) Subject to subrule (5), the Court may extend the time provided by an interim order made pursuant to subrule (3), and the judge who hears an application for an order pursuant to subrule (1),

may give directions about access to the records in issue pending determination of the application.

(5) The Court may only make an order pursuant to this rule where it is satisfied that it is in accordance with law to do so, including s. 2(b) of the *Canadian Charter of Rights and Freedoms* and the open court principle.

2. The rules are amended by deleting the word “or” at the end of Rule 29.05(3)(e), replacing the period at the end of Rule 29.05(3)(f) with a semicolon, and adding immediately after Rule 29.05(3)(f) the following:

(g) make the order sought on the application, where the Court determines that it is unnecessary to set a further hearing date; or

(h) make any other order the Court deems just.

3. Rule 39.10 is repealed and the following substituted:

Consequences of
failing to file
documents

39.10 Where counsel or a party fails to file documents required for a conference before the deadline for filing set out in the Rules, a judge may make an order as to costs that is considered just or, in appropriate circumstances, set the matter for a hearing in Court with respect to costs.

4. The rules are amended by adding immediately after Rule 39B.03(1) the following:

(1.1) Should any party to the settlement conference not file their brief within the timeline allotted in paragraph (1), the Registrar shall remove the matter from the Settlement Conference List.

5. Rule F14.03(1)(b)(ii) is repealed and the following substituted:

(ii) the applicant files a Request for Case Management in Form F14.04A provided that 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.

6. Rule F15.01 is repealed and the following substituted:

Scope of section

F15.01 (1) It is the obligation of all parties and their counsel to move their matter forward to final resolution in a just, timely and cost effective manner.

(2) Interim applications provide a mechanism for parties to obtain temporary relief between the filing of their Originating Application, Originating Application for Variation, Response, or Reply and the time of final resolution, on issues which require a court order prior to final resolution.

(3) 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.

(4) Despite subrule (3), 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").

7. Rule F32 is repealed and the following substituted:

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.

Format for affidavits

F32.02 (1) Unless otherwise ordered, an affidavit must be in Form F32.02A.

(2) An affidavit shall be 12 or less consecutively numbered, single-sided pages with 12-point font and line spacing of one and one-half or more.

(3) Attachments to affidavits shall not exceed 10 pages.

What information may be contained in an affidavit

F32.03 (1) A person signing an affidavit must only set out facts of which they have 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.

8. The rules are amended by adding immediately after Rule F37 the following:

Rule F37A - Adult Protection Proceedings

Proceedings

F37A.01 (1) To the extent that the procedure or time limits in this Part are inconsistent with the *Adult Protection Act, 2021*, the provisions of the *Act* will apply.

- (2) Any hearing under the *Adult Protection Act, 2021*, 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 otherwise ordered by a judge.

(3) A person who has been provided notice of a hearing in accordance with the *Adult Protection Act, 2021*, is entitled to attend that hearing unless otherwise ordered by a judge.

(4) A judge may make any order under rule F14.07 ("Powers of case management judge") not inconsistent with the *Adult Protection*

Act, 2021, that may assist in focusing an adult protection hearing on the matters in dispute.

(5) An application under the *Adult Protection Act, 2021*, must be started by filing the original and one copy of an application.

(6) Notwithstanding any provision under this Part respecting a document's form, parties to a proceeding under the *Adult Protection Act, 2021*, need not use the Forms applicable to proceedings under the *Supreme Court Family Rules*.

(7) Any subsequent application for an order relating to an adult who is or may be an adult in need of protective intervention must be given the same file number as the original application respecting that adult where the application is made in the same judicial centre.

(8) An application relating to an adult who is or may be in need of protective intervention must identify any other court order or application respecting custody or guardianship of the estate or person of that adult, if known.

9. The rules are amended by repealing and substituting the following forms:

- (a) F4.03A;**
- (b) F4.04A;**
- (c) F5.05A;**
- (d) F5.06A;**
- (e) F6.02A;**
- (f) F6.06A; and**
- (g) F32.02A.**

10. These regulations come into force on February 26, 2024.

Commencement

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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 you can download and fill out this form electronically at <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/> (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on 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: <https://www.court.nl.ca/supreme/schedule-of-fees/>

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 <https://www.court.nl.ca/supreme/family-division/> 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 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 F4.03A)** carefully. The Applicant has explained the family law issues that they 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: <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

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 <https://www.court.nl.ca/supreme/family-division/> 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 or 1 (888) 660-7788

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

Form F4.03A: Originating 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)

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 (Decision-making and parenting time)	2	-
<input type="checkbox"/> Contact Order / Third Party Time with Child*	3	-
<input type="checkbox"/> Child Support	4	Financial Statement (Form F10.02A) and/or income information, if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	5	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>)	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property, Common Law (<i>unmarried</i>) Property, or Property under the <i>FHRMIR Act</i>	6	Property Statement (Form F10.04A)
<input type="checkbox"/> Return of Child (within Canada)	7	Emergency Interim Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order or Agreement	8	Signed consent order or agreement
<input type="checkbox"/> Other: _____	8	-

***Under the *Divorce Act*, a judge’s permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.**

Applicant Information

Fill in your information below. Note: 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.

Current Last Name		Last Name at Birth:
First Name		Last Name the Day before the Day of Marriage:
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
Lawyer's name, office address, email address, telephone number and fax number (if any)		

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Respondent Information

Fill in the Respondent's information below (to the best of your knowledge).

Current Last Name		Last Name at Birth:		
First Name		Last Name the Day before the Day of Marriage:		
Middle Name(s) (if any)				
Gender				
Residential Address				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)				
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Is the Respondent a registered Indian under the Indian Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of the Respondent's band?	
	Does the Respondent live on a reserve?			
Lawyer's name, office address, email address, telephone number and fax number (if any)				

Fill in the information about your relationship with the Respondent:

Your relationship with the Respondent				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage	OR <input type="checkbox"/> Not applicable			
Prior to the marriage, you were	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the Respondent was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	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
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

- 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.

Have child protection services, in this province or elsewhere, ever been involved with you, the Respondent(s), and/or any of the children listed above?

- No
- Yes.

If yes, please provide details in the box below.

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. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.

- Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 8.)

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 and an Affidavit from the translator.	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 Order

If you are making an application for a parenting order (decision-making and/or parenting time), or are a person looking to step into the role of parent, fill in the information below.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone or internet):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 3 Contact Order/ Third Party Time with Child

If you are a non-parent making an application for contact or time with a child, fill in the information below:

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

What contact/ time do you presently have or have you had with the child?:

What contact/ time with the child are you seeking?:

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request for contact/ time with the child (i.e. previous convictions, involvement with child protection authorities)?:

Other information that may be relevant to the court in determining whether to grant you contact/time with the child:

Schedule 4 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the basic table amount as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking special and/or extraordinary expenses . <i>You must complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . <i>Depending on your reason(s) for seeking an amount different from the <i>Child Support Guidelines</i>, you may have to attach further documentation.</i> 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"> <input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month. <input type="checkbox"/> I have parenting time with the child(ren) for 40% or more of the year. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <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> <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> <input type="checkbox"/> I am claiming undue hardship for the following reason(s): <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <i>Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking retroactive child support . 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: <div style="border: 1px solid black; height: 60px; margin-top: 10px;"></div>

Schedule 5 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:

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:

Schedule 6 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 equal division of matrimonial property .
<input type="checkbox"/> I am seeking an unequal division of matrimonial property . Describe the facts and your reason(s) for seeking an unequal division of property: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>
<input type="checkbox"/> I am seeking exclusive possession of the matrimonial home . Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>
<input type="checkbox"/> I am seeking a division of common law property . Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>
<input type="checkbox"/> I am making a claim under the Family Homes on Reserves and Matrimonial Interests or Rights Act . Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>
<input type="checkbox"/> Other: Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>

Schedule 7 **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?

Set out all of the available facts and information that you have relating to the whereabouts of the child(ren):

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:

Set out your reasons for making the application:

Schedule 8 Other Applications

If you are seeking a court order for something other than the claims requested in the other Schedules, state what you are seeking, describe the facts, and give reasons:

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 <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>

Party's Certificate

If you are applying for relief under the Divorce Act, you must complete this certificate.

I, _____ ,
 (Print Party's Name)

the Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____ .

Signature of Applicant

Lawyer's Certificate

If you are applying for relief under the Divorce Act and you are represented by a lawyer, your lawyer must complete this certificate.

I, _____, the Lawyer for _____,

(Print Lawyer's Name) (Print Applicant's Name)

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties' duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer _____ *Address of Lawyer* _____

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 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/> (If you fill out the form electronically, you must still print the 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.

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 <https://www.court.nl.ca/supreme/family-division/> 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

Form F4.04A: Joint Originating 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: _____ 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 (Decision-making and parenting time)	2	Consent Order or agreement
<input type="checkbox"/> Contact Order / Third Party Time with Child*	3	-
<input type="checkbox"/> Child Support	4	Consent Order or agreement
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	5	Consent Order or agreement
<input type="checkbox"/> Parental Support (<i>for parents</i>) or Dependant Support (<i>for spouse or child of deceased person</i>)	5	Consent Order or agreement
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property, Common Law (<i>unmarried</i>) Property, or Property under the <i>FHRMIR Act</i>	6	Consent Order or agreement
<input type="checkbox"/> Other: _____	7	Consent Order or agreement

***Under the Divorce Act, a judge’s permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.**

Fill in the information below for the first Co-Applicant:

Current Last Name		Last Name at Birth:
First Name		Last Name the Day before the Day of Marriage:
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
Lawyer's name, office address, email address, telephone number and fax number(if any)		

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information below for the second Co-Applicant:

Current Last Name		Last Name at Birth:		
First Name		Last Name the Day before the Day of Marriage:		
Middle Name(s) (if any)				
Gender				
Residential Address				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:		Cell:	
Fax Number (if any)				
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of your band?	
	Do you live on a reserve?			
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)				

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information about your relationship below:

Relationship of the parties				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage	OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the first Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the second Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	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
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

- 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.

Have child protection services, in this province or elsewhere, ever been involved with any of the co-applicants and/or children listed above?

- No
- Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving any of the co-applicants and/or children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 6.)

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	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <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 and an Affidavit from the translator. </div> <div style="width: 45%;"> <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> </div> </div>
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:

There are no children of the marriage OR Reasonable arrangements have been made for the support of the children (Give details and include your annual incomes):

Schedule 2 Parenting Order

If you are making an application for a parenting order (decision-making and/or parenting time), or are a person looking to step into the role of parent, fill in the information below.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone or internet):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 3 Contact Order/ Third Party Time with Child

If you are a non-parent making an application for contact or time with a child, fill in the information below:

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

What contact/ time do you presently have or have you had with the child?:

What contact/ time with the child are you seeking?:

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request for contact/ time with the child (i.e. previous convictions, involvement with child protection authorities)?:

Other information that may be relevant to the court in determining whether to grant you contact/time with the child:

Schedule 4 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> We agree to the basic table amount as per the <i>Child Support Guidelines</i> .				
<input type="checkbox"/> We agree on special and/or extraordinary expenses .				
<input type="checkbox"/> We agree to an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . What are your incomes? <table border="1" style="margin-left: 40px; border-collapse: collapse; width: 60%;"> <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 parenting time with 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): <div style="border: 1px solid black; height: 60px; margin-left: 40px;"></div> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 60px; margin-left: 40px;"></div>	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 an amount of retroactive child support . Describe the reason(s) for retroactive child support: <div style="border: 1px solid black; height: 100px; margin-left: 40px;"></div>				

Schedule 5

Spousal, Partner, Parental, or Dependent Support

Check all of the boxes that apply and fill in the information required:

<p><input type="checkbox"/> We have agreed to an amount of :</p> <ul style="list-style-type: none"><input type="checkbox"/> Spousal support<input type="checkbox"/> Partner support<input type="checkbox"/> Parental support<input type="checkbox"/> Dependent support <p>Describe the reason(s) for support:</p> <div style="border: 1px solid black; height: 200px; width: 100%;"></div>
<p><input type="checkbox"/> We have agreed to an amount of:</p> <ul style="list-style-type: none"><input type="checkbox"/> Retroactive spousal support<input type="checkbox"/> Retroactive partner support<input type="checkbox"/> Retroactive parental support<input type="checkbox"/> Retroactive dependent support <p>Describe the reason(s) for retroactive support:</p> <div style="border: 1px solid black; height: 200px; width: 100%;"></div>

Schedule 6 Division of Property

Check all of the boxes that apply and fill in any information required:

<input type="checkbox"/> We agree to an equal division of matrimonial property .
<input type="checkbox"/> We agree to an unequal division of matrimonial property . Describe the reason(s) for an unequal division of property: <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
<input type="checkbox"/> We agree to a division of common law property . Describe the property claim and the reason(s) for the property claim: <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
<input type="checkbox"/> We agree to a division of property under the <i>Family Homes on Reserves and Matrimonial Interests or Rights Act</i> . Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
<input type="checkbox"/> Other: Describe the property claim and the reason(s) for the property claim: <div style="border: 1px solid black; height: 100px; width: 100%;"></div>

Schedule 7 Other Applications

If you have come to an agreement on something other than the claims listed in the other Schedules, state what you are agreeing to and give reasons:

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, the attached schedules, 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

<p>I declare the facts and information in this Joint Originating Application 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 of First Co-Applicant</i></p>
<p><i>Commissioner of Oaths / Justice of the Peace</i></p>

Second Co-Applicant

<p>I declare the facts and information in this Joint Originating Application 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 of Second Co-Applicant</i></p>
<p><i>Commissioner of Oaths / Justice of the Peace</i></p>

Party's Certificate

If you are applying for relief under the Divorce Act, each applicant must complete this certificate.

First Co-Applicant's Certificate

I, _____,
 (Print Party's Name)

a Co-Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____.

Signature of Co-Applicant

Second Co-Applicant's Certificate

I, _____ ,
 (Print Party's Name)

a Co-Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____ .

Signature of Co-Applicant

Lawyer's Certificate

If any of the Co-Applicants has a lawyer and you have applied for relief under the Divorce Act, your lawyer(s) must complete the Certificate(s) below.

First Co-Applicant's Lawyer

I, _____, the Lawyer for _____,

(Print Lawyer's Name) (Print Co-Applicant's Name)

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties' duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer Address of Lawyer

Second Co-Applicant’s Lawyer

I, _____, the Lawyer for _____,

(Print Lawyer’s Name) *(Print Co-Applicant’s Name)*

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse’s behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person’s behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties’ duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer *Address of Lawyer*

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 or domestic contract, such as a marriage contract, separation agreement, cohabitation agreement or paternity agreement, that has been filed with the Court under s. 42 of the *Family Law Act*. 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 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/> (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on 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 attachments). 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: <https://www.court.nl.ca/supreme/schedule-of-fees/>

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: <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

More Information

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> 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 or 1 (888) 660-7788

Legal Aid: 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 to vary a family law order or domestic contract. 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 they 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:

<https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

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).

If the Applicant is making an application to vary a support order made under the *Divorce Act* and you reside in a different province, you may, within **40 days** of receiving the application, request that the Court convert the application to an inter-jurisdictional proceeding. For more information on this process, you can contact the Court.

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 [Family Division - Supreme Court of Newfoundland and Labrador](#) 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 or 1 (888) 660-7788

Legal Aid: 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 (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: _____
(Print full name)

NOT APPLICABLE
 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

If you would like to change the terms of an order or domestic contract dealing with one or more of the issues listed in the table below, check the corresponding box(es), fill out the schedule(s) indicated, and attach the additional forms or documents specified in the right-hand column.

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Parenting (Decision-making and parenting time)	1	-
<input type="checkbox"/> Contact Order / Third Party Time with Child*	2	-
<input type="checkbox"/> Child Support	3	Financial Statement (Form F10.02A) and/or income information, 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"/> Consent Order or Agreement	5	Signed consent order or agreement
<input type="checkbox"/> Other: _____	5	-

* Under the Divorce Act, a judge’s permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.

Fill in the details of the order or domestic contract that you are seeking to change and, **if the order or domestic contract is not already filed with the Supreme Court, include a copy of it with this application:**

Date Order issued/Agreement signed	Month:	Day:	Year:
Court that granted Order/filed Agreement			
Place Order made/Agreement filed	City:	Province:	Country:
Name of Justice or Judge that granted Order (if applicable)			

- Check this box if you have more than 1 order or domestic contract that you are seeking to change. Attach an extra-copy of this page in your document and fill in the details for each other order or domestic contract you are applying to change.

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.

Current Last Name		Last Name at Birth:
First Name		Last Name the Day before the Day of Marriage:
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
Lawyer's name, office address, email address, telephone number and fax number (if any)		

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Respondent Information

Fill in the Respondent's information below (to the best of your knowledge):

Current Last Name		Last Name at Birth:
First Name		Last Name the Day before the Day of Marriage:
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)		
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Is the Respondent a registered Indian under the Indian Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of the Respondent's band?
		Does the Respondent live on a reserve?
Lawyer's name, office address, email address, telephone number and fax number (if any)		

Fill in the information about your relationship with the Respondent:

Your relationship with the Respondent				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, I was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the Respondent was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	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).

Fill in the information for every child of your relationship (Include children under and over 19 and non-dependent children):

	Child 1	Child 2
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

Check this box if there are more than 4 children. Attach an extra page to provide the details of those children.

Have child protection services, in this province or elsewhere, ever been involved with you, the Respondent(s), and/or any of the children listed above?

- No
- Yes.

If yes, please provide details in the box below.

*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. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- Check this box if not applicable.

Schedule 1 Parenting Order

Complete this schedule if you are applying to change the terms of an order or domestic contract dealing with parenting issues (decision-making and/or parenting time).

Why are you asking to have the parenting order or domestic contract changed?

Describe what has changed since the time the order or contract was made.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 2 Contact Order/ Third Party Time with Child

Complete this schedule if you are applying to change the terms an order or domestic contract providing for a non-parent's contact or time with a child.

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

Why are you asking to have the order or domestic contract changed?
(Describe what has changed since the time the original order or domestic contract was made.)

What is the current contact arrangement set out in the order or domestic contract?

What changes to the contact arrangement with the child are you seeking?

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request to change the contact order or domestic contract (i.e. previous convictions, involvement with child protection authorities)?

Other information that may be relevant to the court in determining whether to grant a change to the contact order or domestic contract:

Schedule 3

Child Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for child support.

<p>What is your current child support arrangement?</p>	
<p>Are there arrears or unpaid support?</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> Amount: \$ _____ As of (date) (month/day/year): _____</p>
<p>Is child support assigned to be paid to someone else? <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:</i></p>

Check all of the boxes that apply and fill in the information required:

I am seeking a **change in the *Child Support Guidelines* basic table amount of child support:**

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:

You must attach all of the financial documents required by page 4 of the Financial Statement (Form F10.02A).

I am seeking a **change in 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:

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 parenting time with 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):

*You must complete and attach a **Financial Statement (Form F10.02A)**.*

- Other:

*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:

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:

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:

I am seeking **child support** because a change in our parenting arrangement(s) has given rise to child support and there is no child support order currently in place.

*You must file and complete **Schedule 1 – Parenting** of this form. If you are seeking an amount different from the Child Support Guidelines basic table amount, you must also complete and attach a **Financial Statement (Form F10.02A)**.*

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 support:

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 4 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)***

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for spousal, partner, parental, and/or dependant support.

What is your current spousal, partner, parental, and/or dependant support arrangement?	
Are there arrears or unpaid support?	<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): _____
Is support assigned to be paid to someone else? <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:

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:

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:

Schedule 5 Other

If you want to change a term of a court order or domestic contract dealing with an issue not listed in the schedules, state why you are applying for the change, describe the current arrangement specified in the order or contract, and describe the change you are seeking to the arrangement:

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>

Party's Certificate

If you are applying for relief under the Divorce Act, you must complete this certificate.

I, _____ ,
 (Print Party's Name)

the Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____ .

Signature of Applicant

Lawyer's Certificate

If you are applying for relief under the Divorce Act and you are represented by a lawyer, your lawyer must complete this certificate.

I, _____, the Lawyer for _____,

(Print Lawyer's Name) (Print Applicant's Name)

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties' duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer _____ *Address of Lawyer* _____

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 or a domestic contract, such as a marriage contract, separation agreement, cohabitation agreement or paternity agreement, that has been filed with the Court under s. 42 of the *Family Law Act* 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 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/> (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 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.

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 <https://www.court.nl.ca/supreme/family-division/> 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 or 1 (888) 660-7788

Legal Aid: 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
(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

If you would like to change the terms of an order or domestic contract dealing with one or more of the issues listed in the table below, check the corresponding box(es), fill out the schedule(s) indicated, and attach the additional forms or documents specified in the right-hand column.

Type of Order	Fill Out Schedule	Fill Out Form(s) or Attach Document(s)
<input type="checkbox"/> Parenting (Decision-making and parenting time)	1	Consent Order or Agreement
<input type="checkbox"/> Contact Order / Third Party Time with Child*	2	-
<input type="checkbox"/> Child Support	3	Consent Order or Agreement
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	4	Consent Order 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 or Agreement
<input type="checkbox"/> Other: _____	5	Consent Order or Agreement

* Under the *Divorce Act*, a judge’s permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.

Fill in the details of the order or domestic contract that you are seeking to change and, **if the order or domestic contract is not already filed with the Supreme Court, include a copy of it with this application:**

Date Order issued/Agreement signed	Month:	Day:	Year:
Court that granted Order/filed Agreement			
Place Order made/Agreement filed	City:	Province:	Country:
Name of Justice or Judge that granted Order			

Check this box if you have more than 1 order or domestic contract that you are seeking to change. Attach an extra-copy of this page in your document and fill in the details for each other order or domestic contract you are applying to change.

Fill in the information below for the first Co-Applicant:

Current Last Name		Last Name at Birth:
First Name		Last Name the Day before the Day of Marriage:
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
Lawyer's name, office address, email address, telephone number and fax number (if any)		

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information below for the second Co-Applicant:

Current Last Name		Last Name at Birth:		
First Name		Last Name the Day before the Day of Marriage:		
Middle Name(s) (if any)				
Gender				
Residential Address				
	<i>Street Address</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Mailing Address (if different from Residential Address)				
	<i>Street Address or PO Box</i>	<i>City</i>	<i>Province</i>	<i>Postal Code</i>
Telephone Number (if any)	Home:		Cell:	
Fax Number (if any)				
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.			
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National			
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, what is the name of your band?	
	Do you live on a reserve?			
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, state the language and dialect:	
Lawyer's name, office address, email address, telephone number and fax number (if any)				

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Fill in the information about your relationship below:

Relationship of the parties				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage	OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the first Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the second Co-Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	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
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

	Child 3	Child 4
Child's Full Name		
Full Name of Each Parent of the Child (place each name on a separate line)		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

- 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.

Have child protection services, in this province or elsewhere, ever been involved with any of the co-applicants and/or children listed above?

- No
- Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving any of the co-applicants and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- Check this box if not applicable.

Schedule 1 Parenting Order

Complete this schedule if you are applying to change the terms of an order or domestic contract dealing with parenting issues (decision-making and/or parenting time).

**Why are you asking to have the parenting order changed?
(Describe what has changed since the time the parenting order was made)**

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 2 Contact Order/ Third Party Time with Child

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for a non-parent's contact or time with a child.

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

Why are you asking to have the order or domestic contract changed?
(Describe what has changed since the time the original order or domestic contract was made.)

What is the current contact arrangement set out in the order or domestic contract?

What changes to the contact arrangement with the child are you seeking?

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request to change the contact order or domestic contract (i.e. previous convictions, involvement with child protection authorities)?

Other information that may be relevant to the court in determining whether to grant a change to the contact order or domestic contract:

Schedule 3 Child Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for child support.

Fill in the information below:

<p>What is your current child support arrangement?</p>	
<p>Are there arrears or unpaid support?</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>Is child support assigned to be paid to someone else? <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:</i></p>

Check all of the boxes that apply and fill in the information required:

<p><input type="checkbox"/> We agree to calculate child support using the <i>Child Support Guidelines</i> basic table amount but agree to change the amount:</p>				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 2px;">For the following child(ren):</td> <td style="padding: 2px;"></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:			
<p>Describe the reason(s) for changing the amount of child support:</p> <div style="border: 1px solid black; height: 100px; margin-top: 10px;"></div>				

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 parenting time with 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):

Other:

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:

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:

We agree to **terminate child support**.

For the following child(ren):			
Effective Date:	Month:	Day:	Year:

Describe the reason(s) for terminating child support:

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:

Schedule 4 Spousal, Partner, Parental, or Dependent Support

Complete this schedule if you are applying to change the terms of an order or domestic contract providing for spousal, partner, parental, and/or dependant support.

<p>What is your current spousal, partner, parental, and/or dependent support arrangement?</p>	
<p>Are there arrears or unpaid support?</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>Is support assigned to be paid to someone else? <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>

Check all of the boxes that apply and fill in the information required:

<input type="checkbox"/> We agree to change spousal, partner, parental, or dependent support.					
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">For the following person(s):</td> <td style="width: 65%;"></td> </tr> <tr> <td style="padding: 2px;">Effective Date:</td> <td style="padding: 2px;"> Month: Day: Year: </td> </tr> </table>	For the following person(s):		Effective Date:	Month: Day: Year:	
For the following person(s):					
Effective Date:	Month: Day: Year:				
Describe the facts and your reason(s) for seeking a change in support:					

--

We agree to change **retroactive spousal, partner, parental, or dependent support**.

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe the facts and your reason(s) for seeking retroactive support:

We agree to **terminate spousal, partner, parental, or dependent support**.

For the following person(s):			
Effective Date:	Month:	Day:	Year:

Describe the facts and your reason(s) for terminating support:

We agree to other change(s) to spousal, partner, parental, or dependent 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:

Schedule 5 Other

If you want to change a term of a court order or domestic contract dealing with an issue not listed in the schedules, state why you are applying for the change, describe the current arrangement specified in the order or contract, and describe the change you are seeking to the arrangement:

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>

Parties' Certificates

If you are applying for relief under the Divorce Act, each Co-Applicant must complete one of these certificates.

First Co-Applicant

I, _____ ,
 (Print Party's Name)

the Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20____.

Signature of Co-Applicant

Second Co-Applicant

I, _____,
(Print Party's Name)

a Co-Applicant, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____.

Signature of Co-Applicant

Lawyer’s Certificate

If any of the Co-Applicants has a lawyer and you have applied for relief under the Divorce Act, your lawyer(s) must complete the Certificate(s) below.

First Co-Applicant’s Lawyer

I, _____, the Lawyer for _____,

(Print Lawyer’s Name) *(Print Co-Applicant’s Name)*

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse’s behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person’s behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties’ duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer *Address of Lawyer*

Second Co-Applicant’s Lawyer

I, _____, the Lawyer for _____,
(Print Lawyer’s Name) *(Print Co-Applicant’s Name)*

the Applicant, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse’s behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person’s behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties’ duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer

Address of Lawyer

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 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/> (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on 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.

If you are Responding to a claim for child support, you must attach all of the applicable financial documents set out on page 4 of the Financial Statement (Form F10.02A).

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: <https://www.court.nl.ca/supreme/schedule-of-fees/>. 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).

If the Applicant is making an application to vary a support order made under the *Divorce Act* and you reside in a different province, you may, within **40 days** after receiving the application, request that the Court convert the application to an inter-jurisdictional proceeding. For more information on this process, you can contact the Court.

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: <https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

More Information

Questions? Go to <https://www.court.nl.ca/supreme/family-division/> 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 or
1 (888) 660-7788

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

--- REMOVE THESE PAGES 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:

<https://www.court.nl.ca/supreme/rules-practice-notes-and-forms/family/general/>

You have only **10 days** after this Response 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 <https://www.court.nl.ca/supreme/family-division/> 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 or 1 (888) 660-7788

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

Form F6.02A: Response (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: _____
(Print full name)

NOT APPLICABLE
 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 Applicant.
<input type="checkbox"/> I disagree with some or all of the claims made by the Applicant.
Which claim(s) do you agree with (if any)?
<i>It is helpful to indicate the page and section of the Applicant's application that you agree with.</i>

Which claim(s) do you disagree with?

It is helpful to indicate the page and section of the Applicant's application that you disagree with.

I am making my own claims.

Only check this box if you are making new claims that were not addressed in the Originating Application or Originating Application for Variation. You must fill out and file the Schedule(s) and any additional Form(s) that correspond with your claim(s).

I am seeking:

Type of Order	Fill Out Schedule	Attach
<input type="checkbox"/> Divorce	1	Original marriage certificate
<input type="checkbox"/> Parenting (Decision-making and parenting time)	2	-
<input type="checkbox"/> Contact Order / Third Party Time with Child*	3	-
<input type="checkbox"/> Child Support	4	Financial Statement (Form F10.02A) if applicable
<input type="checkbox"/> Spousal (<i>married</i>) Support or Partner (<i>unmarried</i>) Support	5	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>)	5	Financial Statement (Form F10.02A)
<input type="checkbox"/> Division of Matrimonial (<i>married</i>) Property or Common Law (<i>unmarried</i>) Property	6	Property Statement (Form F10.04A)
<input type="checkbox"/> Return of Child (within Canada)	7	Emergency Temporary Relief Application (Form 17.03A) if applicable
<input type="checkbox"/> Consent Order	8	Consent Order (Form F34.02A and/or F34.02B)
<input type="checkbox"/> Other: _____	8	-

***Under the *Divorce Act*, a judge's permission is required to make an application for a Contact Order. Once received, your application will first be considered by a judge to determine if it may proceed.**

Respondent Information

Fill in your information below. Note: 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.

Current Last Name		Last Name at Birth:
First Name		Last Name the Day before the Day of Marriage:
Middle Name(s) (if any)		
Gender		
Residential Address		
	<i>Street Address</i>	<i>City Province Postal Code</i>
Mailing Address (if different from Residential Address)		
	<i>Street Address or PO Box</i>	<i>City Province Postal Code</i>
Telephone Number (if any)	Home:	Cell:
Fax Number (if any)		
Email Address (if any)	Please note that if you provide your email address, the Court may contact you by email.	
Date of Birth	Month:	Day: Year:
Occupation(s) or Job(s)		
Citizen / Immigration Status	<input type="checkbox"/> Canadian Citizen <input type="checkbox"/> Permanent Resident <input type="checkbox"/> Foreign National	
Are you a registered Indian under the <i>Indian Act</i>?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, what is the name of your band?
		Do you live on a reserve?
Will you need an interpreter in court?*	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, state the language and dialect:
Lawyer's name, office address, email address, telephone number and fax number (if any)		

* Please note that you must arrange to have a qualified interpreter appear in court and you will be responsible for any fees associated with this, unless a judge orders otherwise.

Check this box if there is more than 1 Respondent. Attach an extra page to provide the information of the other Respondent(s).

Fill in the information about your relationship with the Applicant

Your relationship with the Applicant				
Date the parties started living together	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of marriage	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Place of marriage				OR <input type="checkbox"/> Not applicable
Prior to the marriage, you were	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Prior to the marriage, the Applicant was	<input type="checkbox"/> Unmarried <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed OR <input type="checkbox"/> Not applicable			
Date of separation	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable
Date of divorce	Month:	Day:	Year:	OR <input type="checkbox"/> Not applicable

Have child protection services, in this province or elsewhere, ever been involved with you, the Applicant(s), and/or any of the children listed above?

- No
- Yes.

If yes, please provide details in the box below.

*Provide the details of any **current** or **ongoing** court proceedings, court orders, and/or written agreements involving you, the Applicant(s), and/or the children. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, no-contact orders, safety plans, family centered action plans, and kinship care agreements or any other agreements stemming from CSSD involvement.*

- Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 8.)

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. 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.
	<p><i>If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency.</i></p> <p><input type="checkbox"/> Check this box if your Certificate of Marriage is not in English or French. You must attach a translation.</p> <p><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></p>
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 Order

If you are making an application for a parenting order (decision-making and/or parenting time), or are a person looking to step into the role of parent, fill in the information below.

What are the current parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (ie. phone or internet):

Other important issues in relation to parenting the child(ren):

What are your proposed parenting arrangements for:

Decision-making about the child(ren):

Regular parenting schedule (daily, weekly, monthly, or other):

Parenting schedule for holidays and special occasions:

Schedule for other communication (eg. phone, internet, etc.):

Other important issues in relation to parenting the child(ren):

Schedule 3 **Contact Order/ Third Party Time with Child**

If you are a non-parent making an application for contact or time with a child, fill in the information below:

What is your relationship to the child (i.e. grandparent, foster parent, step-parent, other relative):

What contact/ time do you presently have or have you had with the child?:

What contact/ time with the child are you seeking?:

Are there any orders or other past or present proceedings or circumstance that may be relevant to your request for contact/ time with the child (i.e. previous convictions, involvement with child protection authorities)?:

Other information that may be relevant to the court in determining whether to grant you contact/time with the child:

Schedule 4 Child Support

Check all of the boxes that apply:

<input type="checkbox"/> I am seeking the basic table amount as per the <i>Child Support Guidelines</i> .
<input type="checkbox"/> I am seeking special and/or extraordinary expenses . <i>You must complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking an amount of child support that is different from the <i>Child Support Guidelines</i> basic table amount . <i>Depending on your reason(s) for seeking an amount different from the <i>Child Support Guidelines</i>, you may have to attach further documentation.</i> 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"> <input type="checkbox"/> The Respondent and I have agreed to child support in the amount of \$ _____ per month. <input type="checkbox"/> I have parenting time with the child(ren) for 40% or more of the year. <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <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> <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> <input type="checkbox"/> I am claiming undue hardship for the following reason(s): <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div> <i>You must complete and attach a Financial Statement (Form F10.02A).</i> <input type="checkbox"/> Other: <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div> <i>Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).</i>
<input type="checkbox"/> I am seeking retroactive child support . 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: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>

Schedule 5 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
- Dependant support

Describe the facts and your reason(s) for seeking support:

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:

Schedule 6 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 equal division of matrimonial property .
<input type="checkbox"/> I am seeking an unequal division of matrimonial property . Describe the facts and your reason(s) for seeking an unequal division of property: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>
<input type="checkbox"/> I am seeking exclusive possession of the matrimonial home . Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>
<input type="checkbox"/> I am seeking a division of common law property . Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>
<input type="checkbox"/> Other: Describe your property claim, the facts, and your reason(s) for seeking the claim: <div style="border: 1px solid black; height: 60px; margin-top: 5px;"></div>

Schedule 7 **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?

Set out all of the available facts and information that you have relating to the whereabouts of the child(ren):

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:

Set out your reasons for making the application:

Schedule 8 Consent Order or Other Claims

If you are seeking a court order for something other than the claims requested in the other Schedules, state what you are seeking, describe the facts, and give reasons:

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.

If there is more than 1 Respondent, attach an extra page with the signatures required below.

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 <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>

Party's Certificate

If you or the Applicant are applying for relief under the Divorce Act, you must complete this certificate.

I, _____,
 (Print Party's Name)

the Respondent, certify to this Court that I am aware of the duties set out in sections 7.1 to 7.5 of the *Divorce Act*, which provide:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

DATED at _____, this _____ day of _____, 20_____.

Signature of Respondent

Lawyer's Certificate

If you or the Applicant are applying for relief under the Divorce Act and you are represented by a lawyer, your lawyer must complete this certificate.

I, _____, the Lawyer for _____,

(Print Lawyer's Name) (Print Respondent's Name)

the Respondent, certify to this Court that I have complied with s.7.7 of the *Divorce Act*, which provides:

7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

(a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and

(b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.

(2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act

(a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;

(b) to inform the person of the family justice services known to the legal adviser that might assist the person

(i) in resolving the matters that may be the subject of an order under this Act, and

(ii) in complying with any order or decision made under this Act; and

(c) to inform the person of the parties' duties under this Act.

(3) Every document that formally commences a proceeding under this Act, or that responds to such a document, that is filed with a court by a legal adviser shall contain a statement by the legal adviser certifying that they have complied with this section.

DATED at _____, this _____ day of _____, 20_____.

Signature of Lawyer _____ *Address of Lawyer* _____

Form F6.06A: Notice of Default (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 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)

If this matter contains a claim for parenting and/or child support, you must fill out part A below

Part A	Note to Court
<p>Has the Note to Court been filed?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	

Signature
DATED at _____, this _____ day of _____, 20____.

Signature

FOR COURT USE ONLY
<input type="checkbox"/> I certify this Notice of Default.
DATED at _____, this _____ day of _____, 20____.
_____ <i>Registry Clerk of the Supreme Court of Newfoundland and Labrador</i>

Form F32.02A: Affidavit (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, _____ of, _____
(Print your name) (City and Province)

I swear or affirm that: (Fill in the facts or information that you are swearing/affirming)

1. _____
2. _____
3. _____
4. _____
5. _____

SWORN TO or AFFIRMED at _____, this _____ day of _____, 20____.

Signature Signature of Person Authorized to Administer Oaths