

Royal



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Contents

| Act | Reg. No. | Page |
|---------------------------------------|----------|------|
| Family Court Act | | |
| Family Court Rules–amendment. | 81/2017 | 454 |

In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 81/2017

Made: April 20, 2017

Approved: April 27, 2017

Filed: April 28, 2017

Family Court Rules–amendment

Order in Council 2017-142 dated April 27, 2017
Amendment to regulations made by the Family Court Rules Committee
and approved by the Governor in Council
pursuant to Sections 11 and 12 of the *Family Court Act*

The Governor in Council on the report and recommendation of the Attorney General and Minister of Justice dated April 21, 2017, and pursuant to Sections 11 and 12 of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act* (the Act), is pleased to approve amendments to the *Family Court Rules*, N.S. Reg. 20/93, approved by the Governor in Council by Order in Council 93-114 dated February 2, 1993, in the manner set forth in Schedule “A” and Schedule “B” attached to and forming part of the report and recommendation, the amendments to be effective on and after the date they are published in the *Royal Gazette* in accordance with Section 12 of the Act.

[Please note: Schedule “A” to Order in Council 2017-142, N.S. Reg. 80/2017, was published in Issue 10 of the *Royal Gazette Part II* dated May 12, 2017.]

Schedule “B”

**In the matter of Chapter 159 of the Revised Statutes of Nova Scotia, 1989,
the *Family Court Act***

and

In the matter of an amendment to the *Family Court Rules*, N.S. Reg. 20/93

Certificate

I, Judge Jean M. Dewolfe, of the Family Court of Nova Scotia, certify that, on April 20, 2017, pursuant to Section 11 of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act*, the Family Court Rules Committee made the attached amendments to the *Family Court Rules*, N.S. Reg. 20/93, approved by the Governor in Council by Order in Council 93-114 dated February 2, 1993.

Dated: April 20, 2017

sgd: J. Dewolfe JFC

Judge Jean M. Dewolfe

Judge of the Family Court of Nova Scotia

Chair, Family Court Rules Committee

**Amendment to the *Family Court Rules*
made by the Family Court Rules Committee under Sections 11 and 12
of Chapter 159 of the Revised Statutes of Nova Scotia, 1989, the *Family Court Act***

- 1 The *Family Court Rules*, N.S. Reg. 20/93, made by the Family Court Rules Committee and approved by the Governor in Council by Order in Council 93-114 dated February 2, 1993, are amended by repealing Rules 1 to 20 and Rules 22 and 23 and substituting the following Rules:

Rule 1: Citation, Application and Interpretation

Citation

1.01 These Rules may be cited as the *Family Court Rules*.

Application

- 1.02** (1) Subject to subrule (3), these Rules govern every proceeding in the Family Court for the Province of Nova Scotia.
- (2) In a proceeding commenced in the court before the coming into of the force and effect of these Rules, the proceeding must be continued in accordance with these Rules except to the extent they cannot be adapted to the proceeding.
- (3) These Rules do not apply to any proceeding in which they are, or appear to be, contradictory to any enactment under which an application is before the court.

Object of rules

1.03 The object of these Rules is to secure the just, speedy and inexpensive determination of every proceeding.

Application of *Interpretation Act* and *Civil Procedure Rules*

- 1.04** (1) The *Interpretation Act* applies to these Rules and the *Civil Procedure Rules* apply at the discretion of the court, when no provision under these Rules is made.
- (2) In these Rules, “application” has the same meaning as “motion” in the *Civil Procedure Rules*, unless the context otherwise requires.
- (3) A family court officer has the powers of a prothonotary under the *Civil Procedure Rules* subject to the discretion of the court.

Definitions

1.05 In these Rules, unless the context otherwise requires,

“affidavit” includes a statutory declaration and an agreed statement of facts;

“applicant” means any person who makes an application under these Rules;

“application” means a proceeding started by filing a notice of application or notice of variation application;

“*Civil Procedure Rules*” means the *Nova Scotia Civil Procedure Rules*, 2nd edition (2008), as amended;

“counsel” means a person who is entitled to appear and represent a party in the Family Court under the *Legal Profession Act*;

“court” means the Family Court or Judge of the Family Court whether sitting in court or in chambers;

“document” includes a sound recording, photograph, film, plan, chart, graph, report or record of any kind, or a certified copy of any of the above;

“enter judgment” means to deliver to the family court officer an order embodying a judgment or to make a formal record of the judgment;

“family court officer” means a person designated by the court as a family court officer;

“*Guidelines*” means the provincial *Child Support Guidelines*;

“hearing” means the hearing of an application or a trial;

“order” means an order or other decision or judgment, whether oral or written, made by the court or a judge and includes an order made by a family court officer as authorized by these Rules;

“party” means any person named in an application made under these Rules;

“respondent” means any person who responds or replies to an application;

“response” means either the response to application or response to variation application provided for in these Rules;

“Rule” or “Rules” means the *Family Court Rules*;

“spouse” has the same meaning as defined in the *Parenting and Support Act*.

Waiver of Rule by agreement

1.06 Unless the court otherwise orders, the parties may agree to waive any Rule.

Rule 2: Effect of Non-compliance

Non-compliance with Rules

- 2.01** (1) A failure in a proceeding to comply with any requirement of these Rules constitutes an irregularity and, unless the court otherwise orders, the failure to comply does not nullify the proceeding, any step taken in the proceeding, or any document, or order therein.
- (2) An application to set aside a proceeding for an irregularity must be made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

Rule 3: Time

Computation of time

3.01 Unless these Rules specify otherwise, the computation of time under these Rules, or any order of the court, is governed by all of the following provisions:

- (a) the period of days in a Rule does not include any of the following:
- (i) the day the period begins,

- (ii) a Saturday and Sunday in the period,
 - (iii) a weekday the office of the court is closed during the period,
 - (iv) the day on which a thing is required or first permitted to be done;
- (b) a document delivered on a Saturday, Sunday or a weekday that the office of the court is closed is considered to be delivered on the next weekday when the office of the court is open;
- (c) a document delivered after 4:30 pm is considered to be delivered on the next weekday when the office of the court is open;
- (d) a day is the period between midnight and the instant before midnight marking the beginning of the next day;
- (e) for the purposes of Section 3 of the *Time Definition Act*, a year is the 365 days from midnight of a day on the Gregorian calendar to the instant before midnight marking the beginning of the same numbered day, in the same month, in the following year, except the period that is 366 days for a year that includes the 29th day of February.

Time Definition Act

3.02 The *Time Definition Act* applies to these Rules.

Extension, etc. of time

- 3.03** (1) The court may, on any terms that it thinks just, extend or abridge the period within which a person is required or authorized by these Rules, or by any order, to do or abstain from doing any act in a proceeding.
- (2) The extension or abridgement of the period may be granted only if the judge is satisfied that it is not being sought to unnecessarily delay, or otherwise interfere with, the proceedings.

Rule 4: Forms and Practice Memoranda

Forms

4.01 The forms in the appendices, or as issued by a practice memorandum, must be used where applicable with any variations that the circumstances of the particular proceeding require.

Practice memoranda

4.02 A judge, a group of judges or the Rules Committee may issue practice memoranda consistent with these Rules for the better operation of these Rules and the functioning of the court.

Rule 5: Parties

More than 1 party

5.01 Subject to Rule 5.02, 2 or more persons, with leave of the court, may be joined together in one proceeding as either applicants or respondents.

Third person as party

5.02 (1) Any person may intervene in a proceeding and become a party only if leave of the court is granted and subject to enactments respecting confidentiality.

- (2) A person seeking to become a party in a proceeding must demonstrate to the satisfaction of a judge a direct interest in either of the following:
 - (a) the subject matter of the proceeding; or
 - (b) the enforcement of a judgment.
- (3) Any person seeking to intervene in a proceeding must file an affidavit containing the grounds for the intervention and the nature of the claim of a direct interest in the subject matter of the proceeding, or concerning the enforcement of a judgment.

Order separate hearings

5.03 If parties are joined in a proceeding and it may embarrass or delay the hearing, or the proceeding ought to be disposed of by a separate hearing, or it is otherwise inconvenient, the court may order separate hearings, or make such other order as is just.

Change of parties

- 5.04** (1) The court may at any stage of a proceeding, on an *ex parte* application or its own motion, if it thinks it necessary in order to ensure that all matters in the proceeding may be heard, order a person to be made a party to the proceeding in substitution for a party.
- (2) Any person made a party under this Rule may, within 10 days after the order is served on them, apply to the court to have the order discharged or varied.

Representation

- 5.05** (1) A party may be represented in a proceeding by any of the following:
 - (a) a lawyer, subject to the *Legal Profession Act*;
 - (b) with the permission of the court, any other person who is not receiving remuneration for appearing.
- (2) A lawyer may become counsel of record and be removed as counsel of record in accordance with Rule 17.

Litigation guardian

- 5.06** (1) For the purposes of these Rules, “person under disability” is a person who is either of the following:
 - (a) a person under the age of majority who is required by order of the court to commence or defend a proceeding by a litigation guardian; or
 - (b) a person who is not capable of managing their affairs.
- (2) A person under disability must commence or defend a proceeding by a litigation guardian unless the court otherwise orders.
- (3) Unless a Rule otherwise provides, anything in a proceeding that is required or authorized by the Rules to be done by a party must or may be done on the person’s behalf by the litigation guardian, if the party is a person under disability.
- (4) A litigation guardian of a person under disability must act by counsel.

Appointment of litigation guardian

- 5.07** (1) Unless the court otherwise orders or an enactment otherwise provides, any person may be a litigation guardian of a person under disability without being appointed by the court.
- (2) No other person may act as a litigation guardian for a party who already has a litigation guardian in a proceeding, unless the court otherwise orders.
- (3) When in the opinion of a judge it is in the interest of a party who is a person under disability to do so, the judge may remove, appoint or substitute a litigation guardian.

Written consent or order

- (4) Before the name of a person is used in a proceeding as the litigation guardian, either of the following must be filed with the family court officer:
- (a) the person's written consent to be the litigation guardian; or
- (b) if the person has been appointed a litigation guardian by a judge, a true copy of the order appointing them.

Certificate

- (5) A guardian acting in a proceeding, other than one appointed under an enactment, must file with the family court officer a certificate certifying that the guardian knows or believes that
- (a) the person to whom the certificate relates is a person under disability, giving the grounds of that knowledge or belief, and if a mentally incompetent person, that a guardian has not been appointed under any enactment; and
- (b) the guardian has no interest in the proceeding adverse to that person.

Replacement, discharge and duties

- 5.08** Unless the court otherwise directs, Rule 36 of the *Civil Procedure Rules* respecting the replacement, discharge and duties of a litigation guardian applies.

As amicus curiae

- 5.09** Any person may, with the leave of the court and without becoming a party to a proceeding, intervene in the proceeding as a friend of the court for the purpose of assisting the court.

Rule 6: Commencement of Proceedings**Definitions for Rule 6**

- 6.01** In this Rule 6, unless the context otherwise requires,

“conferences” means either of the following:

- (i) “pre-hearing conference” means a judicial pre-hearing or case-management conference as set out in Rule 10, or
- (ii) “settlement conference” means a judicial conference for settlement purposes to assist the parties in resolving an issue or issues in the proceedings as set out in Rule 11;

“court-based ADR” means court-based assisted dispute resolution;

“deliver” means to provide a copy of a document to a designated address in accordance with Rule 6.03;

“family court officer” means a court official at an office of the Family Court who performs duties and provides services on behalf of the court such as reviewing statements and documents submitted for filing, conducting court-based ADR, directing and ordering disclosure, arranging and scheduling for parties to appear before a judge, and determining interim child support in some circumstances;

“file” means to provide a document to an office of the Family Court for the purpose of filing.

Contact information

- 6.02** (1) A person who files a document for the first time in a proceeding must provide information to the family court officer by which the family court officer or a party may contact either the person or counsel who represents the person.
- (2) The contact information must include a mailing address, which may be the designated address, and any other means by which the person or counsel is regularly contacted by others, such as a telephone number, an e-mail address and a fax number and may be in Form FC 1 or other form as directed by the family court officer.

Must advise of change

- (3) The party or counsel must advise the family court officer of a change in the contact information.

Risk of harm

- (4) A family court officer who is satisfied that a person may be at risk of harm may direct that a contact information be kept confidential and may assist a party to designate a neutral address for delivery.

Delivery to address is sufficient notice

- (5) Delivery to the address provided under subrules (1) to (4) is sufficient for notice of a proceeding, or a step in a proceeding, under this Rule.

Family court officer filing

- 6.03** (1) Upon receipt of an application, the family court officer must do all of the following:
- (a) insert a file number and date of filing on the application;
 - (b) impress the family court officer’s signature and the seal of the court on the application;
 - (c) affix the place, time and date of the hearing;
 - (d) file a true copy of the application in the family court officer’s office.
- (2) The file number assigned to a proceeding consists of each of the following:
- (a) the letter “F” for a proceeding in the Family Court;
 - (b) a letter designating the office where the proceeding is commenced, as follows:

| | | | |
|----|-----------------|-----|-----------|
| AM | Amherst | LB | Lunenburg |
| AR | Annapolis Royal | LP | Liverpool |
| AT | Antigonish | PIC | Pictou |
| BG | Barrington | SB | Shelburne |
| BW | Bridgewater | T | Truro |
| C | Comeauville | W | Windsor |
| D | Digby | Y | Yarmouth |
| K | Kentville | | |

- (c) the consecutive number of the proceeding in order of filing in that office.
- (3) All documents subsequently filed or delivered in the proceeding must bear the same file number.
- (4) When a proceeding is transferred to another office of the Family Court, a file number for that office must be assigned to the file for the proceeding as provided in this Rule.

Fax filing

- 6.04** (1) Any document may be delivered to and filed with the court by fax as provided in this Rule.
- (2) A document may be served by a party on counsel of record in accordance with subrule (3).

Cover page

- (3) A document delivered by fax must include a cover page indicating all of the following:
- (a) the sender's name, address, and fax number;
- (b) the date and time it is sent;
- (c) the names of the parties in the proceeding and the file number, if one has been assigned;
- (d) the total number of pages being faxed, including the cover page;
- (e) the fax number from which the document is transmitted;
- (f) the name and telephone number of a person to contact in the event of transmission problems;
- (g) an undertaking to immediately pay a fee that must be paid for filing a document.

When fax filing complete

- (4) Subject to subrule (5), filing is deemed complete at the time the fax is received by the court and the filed faxed document has the same force and effect as the original.
- (5) A faxed document is deemed to be received on weekdays, excluding holidays, between 9:00 a.m. and 4:00 p.m. and all of the following must occur for the filing to be deemed complete:

- (a) within 5 days after the date the court receives the faxed document, the person filing the document must deliver the original signed document to the court together with a [the] prescribed filing and transmission fees;
- (b) the original document must have clearly marked on the first page “sent by fax”, along with the date and time of the transmission and the number of pages.

Failure to comply

- (6) Upon failure to comply with any of the requirements of this Rule, the court may make any orders that are just, including but not limited to,
 - (a) an order striking pleadings or parts of pleadings;
 - (b) an order removing the facsimile document from the file;
 - (c) staying further proceedings until compliance is complete; or
 - (d) dismissing the proceeding or any part of the proceeding.

Certified document by fax

- (7) Any certified document sent by the court by fax in accordance with subrule (3) is deemed to be a certified original document, despite that the seal of the court is not impressed on the document, and the faxed document may be further certified at the local office of the court by its proper officer.

Electronic filing

- (8) Unless the court otherwise directs, Rule 82.12 of the *Civil Procedure Rules* applies with respect to electronic filing.

Starting a proceeding

6.05 (1) A person who wishes to start a proceeding must file all of the following:

- (a) a notice of application in Form 6.02A or a notice of variation application in Form 6.02B, which must be dated and signed;
 - (b) documents, statements and supporting disclosure required under the Rules unless a judge or family court officer determines that it is appropriate to accept the application despite that all supporting disclosure has not been filed.
- (2) A person who wishes to start a proceeding must meet with a family court officer to be informed of the filing and disclosure obligations and comply with them, unless the family court officer is satisfied that all required information has been provided in the filed notice and all required documents, statements and supporting disclosure have been filed.
 - (3) The family court officer must determine the next step to be taken on the basis of the information in the filed documents, statements and supporting disclosure, and the next step may include any of the following:
 - (a) a referral to an agency or service;
 - (b) a referral to a family court officer for court-based ADR or case management, or both;
 - (c) an appearance before a judge.

Respondent may apply

- (4) A respondent in a proceeding started by notice of application may apply for an order by filing a response to application.
- (5) A respondent who seeks to obtain relief that is different from the types of order claimed in the notice of application must file a response to application.
- (6) A respondent must file a response to application at least 15 days before the day of the first court hearing, unless a court officer or judge directs otherwise.
- (7) The response to application must be dated, signed and in Form 6.02C.

Respondent may apply to vary

- (8) A respondent in a proceeding started by notice of variation application may apply for a variation of an order by filing a response to variation application.
- (9) A respondent who seeks to obtain relief that is different from the relief claimed in the notice of variation application must file a response to variation application.
- (10) A respondent must file a response to variation application at least 15 days before the day of the hearing, unless a court officer or judge directs otherwise.
- (11) The response to variation application must be dated, signed and in Form 6.02D.

Disclosure by parenting statement and deadline for filing

- 6.06** (1) A party who makes a claim for custody, for parenting time with a child or about parenting of a child must file a parenting statement with the notice by which the claim is made.
- (2) A party who responds to, or contests, a claim for custody, for parenting time with a child or about parenting of a child must file a parenting statement with the response.
 - (3) The parenting statement must be dated, signed and in Form FC 2A.

Disclosure by statement of contact time and interaction and deadline for filing

- (4) A party who makes a claim for contact time or interaction with a child must file a statement of contact time and interaction with the notice by which the claim is made.
- (5) A party who responds to, or contests, a claim for contact time or interaction with a child must file a statement of contact time and interaction with the response.
- (6) The statement of contact time and interaction must be dated, signed and in Form FC 2B.

Disclosure by financial statements

- 6.07** (1) A party who makes a claim for support, and the party against whom the claim is made, must make disclosure as required by the applicable legislation, including the *Guidelines*, and this Rule 6 is not intended to alter those requirements.
- (2) Required disclosure of information must be made in the following financial statements, which are further provided for in Rules 6.08 and 6.10:
 - (a) statement of income (Form FC 3);

- (b) statement of special or extraordinary expenses (Form FC 4);
 - (c) statement of undue hardship circumstances (Form FC 5);
 - (d) statement of expenses (Form FC 6);
 - (e) statement of property (Form FC 7).
- (3) A statement under this Rule must be signed by the deponent with the jurat completed and signed by the person before whom it is sworn or affirmed.

Waiver if conditions met

- (4) Parties who agree on the terms of an order for support, or a variation order for support, are not required to file financial statements if all of the following apply, unless a judge orders otherwise:
- (a) the order does not affect support for a child;
 - (b) the agreement is in writing and signed by the parties or counsel on their behalf;
 - (c) the parties sign and file a waiver of financial statements in Form FC 8.

Disclosure of financial information for child support and other claims

- 6.08 (1)** A party who makes the following claim for child support, and the party against whom the claim is made, must file the following statement or statements:

| Claim | Statement |
|---|---|
| child support in the table amount under the <i>Guidelines</i> and no other financial claim | by the party claiming – none by the party claimed against – a statement of income |
| special or extraordinary expenses under the <i>Guidelines</i> | by the party claiming – a statement of special or extraordinary expenses by both parties – a statement of income |
| if the child is able to contribute to the special or extraordinary expenses | by the party claiming – an additional statement of the child's income or ability to contribute |
| child support that is different from the table amount, or the table amount plus special or extraordinary expenses | by both parties – a statement of income and a statement of expenses |
| if child support is also for a child who is 19 years of age or older | by the party claiming – an additional statement of the child's income and expenses |

| | |
|--|---|
| <p>a claim that child support should be increased from, or decreased from, the table amount on the basis that child support in the table amount would cause undue hardship</p> | <p>by both parties – a statement of income and a statement of expenses</p> <p>and</p> <p>by both parties – obtained from the other members of their households, as defined in Schedule II of the <i>Guidelines</i>, a copy of the member’s income tax return and notice of assessment for the most recent tax year and any other information required to compare household standards of living in accordance with Schedule II</p> <p>and</p> <p>by the party claiming – a statement of undue hardship circumstances and the party’s calculation and comparison of the household standards of living, as provided in Schedule II</p> <p>and</p> <p>by the party against whom the claim is made – a separate calculation and comparison of the household standards of living, as provided in Schedule II may be filed</p> |
|--|---|

- (2) A party who makes any of the following claims, and the party against whom the claim is made, must file the following statements:

| Claim | Statement |
|--|--|
| <p>spousal support</p> | <p>by both parties – a statement of income, a statement of expenses and a statement of property</p> <p>and</p> <p>by both parties – a statement of income, a statement of expenses and a statement of property by the party’s spouse</p> |
| <p>variation of an order for spousal support</p> | <p>by both parties – a statement of income and a statement of expenses</p> <p>and</p> <p>by both parties – a statement of income and a statement of expenses by the party’s spouse</p> |

Disclosure by affidavit

6.09 All parties in an application must file an affidavit under Rule 18 as directed by a judge or family court officer.

Deadlines for filing financial statements

6.10 (1) The following deadlines apply to the filing of statements or documents required by Rules 6.07 and 6.08:

- (a) a party who makes a financial claim must file the required statements with the notice that includes the financial claim;
 - (b) a party who responds to a financial claim must file the required statements before the following deadlines after delivery of a direction to disclose:
 - (i) no more than 15 days after delivery in Nova Scotia,
 - (ii) no more than 30 days after delivery elsewhere in Canada,
 - (iii) no more than 45 days after delivery outside Canada;
 - (c) a party who claims that child support should be increased or decreased from the table amount under the *Guidelines* on the basis that the table amount would cause undue hardship to a party or a child, must file the required statements and documents when the party files a notice in which the claim is made or, if there is no such notice, no more than 15 days after the day the other party delivers a required statement;
 - (d) a party responding to an undue hardship claim who files calculations and comparison of the household standards of living, in accordance with Schedule II of the *Guidelines*, must file them no more than 15 days after the day the calculations and comparison of the party claiming undue hardship are delivered.
- (2)** Despite Rule 6.10, a judge or family court officer may permit a party, or direct a party, to file a required statement, or a required copy of a document, before a different deadline.

Direction to disclose

- 6.11 (1)** A family court officer or judge may make a direction to disclose requiring a party to disclose relevant information by the applicable deadline in Rule 6.10 or a different deadline directed by a judge or family court officer.
- (2)** A family court officer or judge may order a party who fails to make disclosure to appear before a family court officer or judge and provide disclosure at that time, and a family court officer who is satisfied that the party received actual notice of the direction to disclose may do any of the following:
- (a) make an interim order for child support at the table amount under the *Guidelines*, under Rule 6.18;
 - (b) dismiss all or part of an application or claim or adjourn the proceeding without day.
- (3)** The direction to disclose must be in Form 6.11, unless otherwise authorized by a judge.
- (4)** The direction to disclose may be delivered by mail, or other means determined by the family court officer.

Order to appear and disclose

- 6.12 (1)** A family court officer or judge may make an order to appear and disclose that requires a party to appear before the family court officer or judge and do any of the following:
- (a) complete a required statement, file a required statement or file a required document;
 - (b) file any other document that discloses relevant information;
 - (c) produce a document.
- (2)** The order for a party to appear and disclose must be in Form 6.12A, unless otherwise authorized by a judge.

Order to disclose

- (3)** A family court officer or judge may make an order to disclose that requires a party to do any of the following:
- (a) file a required statement or document;
 - (b) file any other document that discloses relevant information;
 - (c) otherwise, provide relevant information.
- (4)** The order to disclose must be in Form 6.12B, unless otherwise authorized by a judge.

Failure to comply

- (5)** A family court officer, or a judge, who is satisfied that a party fails to comply with an order to appear and disclose, or an order to disclose, may do any of the following:
- (a) make an order under Rule 6.13 for disclosure by a person who is not a party;
 - (b) make an interim order for child support under Rule 6.18;
 - (c) dismiss all or part of an application or claim or stay the proceeding.
- (6)** In addition to the remedies in Rule 6.11(2) and Rule 6.12(5), a judge who is satisfied that a party fails to comply with a direction to disclose, an order to appear and disclose or an order to disclose may do any of the following:
- (a) make an order for costs against the party so as to fully or substantially indemnify the other party;
 - (b) grant an application, in whole or in part, if it is the respondent who fails to appear or disclose;
 - (c) start contempt proceedings;
 - (d) make any other order the judge considers will achieve justice in the circumstance.

Order for disclosure by non-party

- 6.13 (1)** A family court officer who is satisfied of all of the following may order a person who is not a party to disclose relevant information that is not privileged:

- (a) the information is in the person's control;
 - (b) the information is about a party's income, expenses, employment or contact information, such as the party's address or telephone number;
 - (c) the party fails to comply with an order to appear and disclose, or an order to disclose, or the party is evading service or cannot be located.
- (2) The order for disclosure by a non-party must be in Form 6.13, unless otherwise authorized by a judge.
- (3) In addition to an order made under subrule 6.13(1), a family court officer may make either of the following orders to obtain disclosure from a person who is not a party if the person does not file the documents as required under Rules 6.08 and 6.09:
- (a) an order that a member of a party's household, as defined in Schedule II of the *Guidelines*, disclose information or produce documents required to make a calculation and comparison of household standards of living for the purposes of an undue hardship claim, as provided in Schedule II of the *Guidelines*;
 - (b) an order that a person who is the spouse of a party file a statement of income, statement of expenses and statement of property or any one of these statements, or disclose information or produce documents required by these statements.

Ex parte motion

- (4) A family court officer may permit a party to make an *ex parte* motion for an order for disclosure by a person who is not a party if a party fails to comply with an order to appear and disclose, or an order to disclose, or the party is evading service or cannot be located.
- (5) An order under this Rule may include a deadline for filing a financial statement or document.

Application for disclosure by a person who is not a party

- (6) A party may apply for disclosure by a person who is not a party and the affidavit in support of the application must contain all of the following:
- (a) a summary of the steps taken in the proceeding;
 - (b) information about the person who is not a party, including the name of the person, the name of the recognized agent of a corporation or partnership and the address of the person or recognized agent;
 - (c) a statement of the reasons for the party's belief that the person has information relevant to the proceeding;
 - (d) a description of the information sought.
- (7) A family court officer must arrange, or direct one of the parties to arrange, to personally serve a non-party with an order for disclosure by non-party, or refer the matter to a judge for direction as to service of a non-party with an order for disclosure by non-party.
- (8) Despite any provision of this Rule, at any stage of the proceeding, when full financial disclosure as required by the *Guidelines* has not been made, the family court officer may refer the matter to a judge for direction or an order or both.

Court-based ADR

6.14 The court-based ADR process includes the following steps, and the family court officer must proceed with a step to the extent that the family court officer is satisfied that the step is necessary to promote the just resolution of the proceeding:

- (a) identify the issues involved;
- (b) ensure proper disclosure by the parties concerning those issues;
- (c) clarify the respective positions of the parties;
- (d) facilitate negotiations between the parties;
- (e) assist the parties to reach a resolution;
- (f) determine the next steps required in the proceeding.

Court-based ADR meeting and directions

- 6.15** (1) A family court officer who is satisfied it may promote the just resolution of the proceeding must arrange a court-based ADR meeting or meetings and give directions for the time, place and conduct of the meeting or meetings.
- (2) A family court officer who arranges a court-based ADR meeting may require a party to appear at, and to participate in, the meeting by delivering to the party a direction to appear.
- (3) A direction to appear must be dated, signed and in Form 6.15.
- (4) The direction to appear may be delivered by mail, or other means determined by the family court officer, and the family court officer may cause a direction to disclose under Rule 6.11 to be delivered with it.

Conduct of court-based ADR

6.16 (1) A family court officer may do any of the following during the court-based ADR process:

- (a) arrange a court-based ADR meeting or further court-based ADR meetings;
- (b) adjourn a court-based ADR meeting;
- (c) refer the parties to mediation;
- (d) make an order to appear and disclose, or an order to disclose, against a party who fails to appear or disclose;
- (e) prepare a draft consent order;
- (f) prepare a court-based ADR record;
- (g) make an order under Rule 6.13 for disclosure by a person who is not a party;
- (h) make an interim order for child support under Rule 6.18;
- (i) arrange for the parties to appear before a judge;

- (j) refer the parties to a person or agency that provides a required service;
 - (k) recommend to a judge that the judge order a parenting assessment report;
 - (l) direct any other step that may lead to a resolution of the issues.
- (2) A family court officer may require a party to provide particulars of a claim at any time in the proceeding.

Consent order in court-based ADR

- 6.17** (1) A family court officer who conducts a court-based ADR in which the parties reach an agreement on 1 or more of the issues must prepare a draft consent order that conforms with the agreement and advise each party to obtain independent legal advice about the draft consent order.
- (2) A draft consent order signed by the parties must be referred to a judge for approval no less than 10 days after the day the draft order is filed, unless a party files a letter of objection in that time.
- (3) When an objection to a draft consent order is filed within the time provided in this Rule 6.17, a family court officer may either refer the issues back for court-based ADR or arrange for the parties to appear before a judge.

Interim order for child support

- 6.18** (1) A family court officer who is satisfied on both of the following may make an interim order for child support in the table amount under the *Guidelines* and no other amount:
- (a) the party against whom the order is sought has not already been ordered to pay support for the same child;
 - (b) the family court officer has complete financial disclosure as provided in the *Guidelines* of the party against whom the order is sought.
- (2) The interim order made by a family court officer in accordance with this Rule must be in Form FCO 1, unless otherwise authorized by a judge.

Variation of, or setting aside, a family court officer's order

- 6.19** (1) A party who fails to appear or disclose by mistake, because of insufficient notice or for other good reason, may make an application to a family court officer to set aside or vary an order made under Rule 6.11, 6.12, 6.16 or 6.18, no more than 10 days after the day the order is delivered to the party.
- (2) A person affected by an order of a family court officer made under Rule 6.13 may make an application to the family court officer who made the order, to set aside or vary the order, no more than 10 days after the day the order is delivered to the person.
- (3) A family court officer may set aside or vary an order made by that family court officer.
- (4) If an application made under subrule (1) or (2) is dismissed by a family court officer, the family court officer must, at the request of a party, refer a proposed order to a judge, who may make any order that is just or refer it back to the family court officer with directions.

Court-based ADR record

- 6.20** (1) A family court officer may file a court-based ADR record at any stage of the court-based ADR process.
- (2) A family court officer must file a court-based ADR record when the family court officer is satisfied that the court-based ADR process has concluded without all issues being settled, unless a judge directs otherwise.
- (3) The court-based ADR record must be dated and signed by the family court officer and must be in Form 6.20.
- (4) The family court officer who files a court-based ADR record must deliver a copy to each party at least 4 days before the day the parties are to appear before a judge.
- (5) A party may object to any part of a court-based ADR record by filing a letter summarizing the objection no more than 2 days after the day the record is delivered to the party.
- (6) The court-based ADR record constitutes evidence at the hearing, except any part that is the subject of a written objection, and that part may be considered by a judge who rules against the objection.

Referral to court

- 6.21** (1) A family court officer must issue a notice to appear in court in Form 6.21 when the following conditions have been established:
- (a) the proceeding is not withdrawn or discontinued;
- (b) the proceeding is not dismissed or adjourned without day by a court officer;
- (c) the proceeding is not resolved by a consent order following court-based ADR;
- (d) the proceeding is not resolved by a consent order or written agreement, including a parenting plan, separation agreement or minutes of settlement, filed by a party;
- (e) the applicant has filed all affidavits, documents, statements, and supporting disclosure required by this Rule;
- (f) the respondent has filed all affidavits, documents, statements and supporting disclosure required by this Rule, or all reasonable steps have been taken to obtain the required information.
- (2) Despite any provision of subrule (1), at any stage of the proceeding, the family court officer may refer the matter to a judge for direction, conference and/or order.
- (3) A family court officer may arrange, or direct one of the parties to arrange, to personally serve a notice to appear in court upon the parties to the matter.

Arrange pre-hearing conference

- 6.22** A family court officer may arrange a pre-hearing conference with a judge to proceed as provided in Rule 10.

Arrange settlement conference

6.23 A family court officer may arrange a settlement conference with a judge to proceed as provided in Rule 11.

Parent information program

- 6.24 (1)** A party to a proceeding that involves a child must attend the court's parent information program, unless the party is exempted from attending under subrule (5).
- (2)** One of the following must occur before a proceeding that involves a child may be heard by a judge:
- (a)** the party initiating the proceeding provides proof of attendance at the parent information program;
 - (b)** the party is exempted from attending under subrule (5);
 - (c)** a court officer or judge determines the hearing must be held so quickly that attendance in the program is not possible before the hearing.
- (3)** The following are examples of circumstances in which a hearing may be held quickly:
- (a)** a party alleges that a child has been, or is likely to be, kidnapped or abducted;
 - (b)** a party alleges that a unilateral change in the child's physical care and custody or principal residence has occurred, or is about to occur.
- (4)** A party who is permitted to attend the parent information program after a hearing, because the hearing is held quickly, must arrange to attend the program as soon as possible after the hearing.
- (5)** A family court officer or judge may exempt a party from attending the parent information program in any of the following circumstances:
- (a)** before or at the first conciliation meeting, the parties make an agreement, or agree to a consent order, settling all issues that involve a child between them;
 - (b)** a party starts the proceeding only to register an agreement;
 - (c)** the parties attended the parent information program under this Rule no more than 12 months before the day the application is filed;
 - (d)** other exceptional circumstances.

Failure to attend

- (6)** A judge may make any of the following orders against a party who fails to attend a parent information program and does not obtain an exemption:
- (a)** costs;
 - (b)** dismissal of a claim made by the party or allowance of a claim made against the party;
 - (c)** an order restricting the party's participation in a hearing;

- (d) any other order the judge considers will achieve justice in the circumstance.

Rule 7: Notice and Place of Proceeding

Place of proceeding

- 7.01 (1)** An application or application to vary must be commenced in the county in which both parties reside.
- (2)** If both parties do not reside in the same county, an application must be commenced where
- (a)** a child who is subject to the application resides; or
 - (b)** the applicant resides, if there is no child who is the subject of the application, unless otherwise directed by the court.
- (3)** On the application of a party or on a judge's own motion, a proceeding may be transferred to another court in another district.

Notice

- 7.02** An application may proceed only after a minimum notice period of 5 days is given, unless a judge or family court officer otherwise directs.

Service

- 7.03 (1)** Unless a judge or family court officer otherwise directs, or if these Rules or an enactment otherwise provides, the following documents must be personally served on each respondent:
- (a)** an application;
 - (b)** any other documents that the court may require to be personally served.
- (2)** Service of a true copy of a document constitutes service of the original document, but if the person being served requests it, the person must be shown the original document or a copy of the document certified by the family court officer as being a concurrent or true copy.
- (3)** A person who serves a document must, at the time of service, request the person served to complete and sign in their presence the acknowledgement of service and the statement of mailing address endorsed on the document and must sign their name as witness to any signature.
- (4)** Service on any person of a document that is not required by these Rules to be served personally may be served in any of the following ways:
- (a)** by leaving the document or a copy at the person's last known address;
 - (b)** by mailing the document or a copy addressed to the person at their last known address;
 - (c)** in any other manner that the court may order.

Substituted service

- 7.04 (1)** If it is impracticable for any reason to serve an application or other document required to be served personally, the court may make an order for substituted service.
- (2)** Substituted service may be effected by

- (a) serving the agent, counsel or other person likely to bring the matter to the attention of the person to be served;
 - (b) serving the guardian, if the person to be served is incompetent, a person under disability or an infant;
 - (c) a mail service requiring written acknowledgment of receipt by the intended recipient forwarded to the last known address of the person to be served; or
 - (d) if the address of the person to be served is unknown, by advertisement in the newspaper serving the area where the person to be served is believed to reside.
- (3) If a party upon whom service is required resides out of Province or the party's physical address cannot be determined, service may be effected by regular or electronic mail at a last known address or by any other method that the court directs.
- (4) If an application is to be served on a person outside Canada or the United States of America, service of the application on the person is only permissible with the leave of the court.

Affidavit of service

7.05 (1) The service of any document may be proved by an affidavit which must state all of the following information:

- (a) by whom the document was served;
 - (b) the day of the week;
 - (c) the time of day;
 - (d) the date on which it was served;
 - (e) where it was served;
 - (f) how it was served.
- (2) If the document is served by mail, service may be proved by affidavit that states the place of mailing and the address to which it was sent.
- (3) A written acceptance of service of a document by a party need not be verified by affidavit.

Ex parte applications and motions

7.06 (1) A notice of an *ex parte* application or motion must provide details of the nature of the claim being made and have attached a true copy of any affidavit to be used in support of the application.

- (2) An application or motion may be made *ex parte* if
- (a) under an enactment or Rule, notice is not required;
 - (b) the application or motion is made before any party is served;
 - (c) the applicant is the only party;

- (d) the application or motion is made during the course of a hearing;
 - (e) the judge is satisfied that the delay caused by giving notice would or is likely to cause serious harm, or that notice is not necessary.
- (3) A notice of application or motion and any supporting affidavit must be filed with the family court officer before the hearing.
- (4) The court may, on any terms that it thinks just, order any of the following:
- (a) a notice of application or motion and any attached affidavit to be served upon any party or person in any manner and at any time as it may direct, and may adjourn any hearing to permit the service;
 - (b) the service of a notice of application or motion and any attached affidavit on a party or person to be dispensed with;
 - (c) an application or motion to be adjourned, continued, discontinued or dismissed when any person, who ought to have been served, has not been served.

Rule 8: Amendment

By the court

- 8.01** (1) The court may grant or confirm an amendment to a document at any time, in any manner and on any terms that it thinks just.
- (2) If an amendment would make a document difficult or inconvenient to read, or alter the substance of the document, a new document, as amended, and bearing the date of the original document, must be filed and served on all the parties.
- (3) Clerical mistakes in judgment[s] or orders, or errors resulting from any accidental mistake or omission, or an amendment to provide for any matter that should have been but was not adjudicated upon, may at any time be corrected or granted by the court without appeal.

Rule 9: Motions

Interlocutory step

- 9.01** A motion is an interlocutory step in a proceeding.

Civil Procedure Rules apply

- 9.02** Unless a judge otherwise directs or permits, or as the context requires, *Civil Procedure Rules* 22, 23, 24, 27 and 28 apply to motions.

Rule 10: Pre-Hearing Conferences

Pre-hearing conference

- 10.01** (1) In any proceeding the court may, on its own motion or on the application of any party, direct the parties to appear for a pre-hearing conference to consider
- (a) simplifying and clarifying the issues;
 - (b) the necessity or desirability of an amendment to any application, affidavit or notice;

- (c) the possibility of obtaining admissions of fact or documents that will avoid unnecessary proof;
- (d) limiting the number of expert witnesses;
- (e) settlement of 1 or more issues;
- (f) organizing the hearing process including the production of documents, affidavits and exhibits and determining the witnesses who are to testify;
- (g) providing interim relief when agreement is reached or when proper notice has been given and affidavit evidence is filed;
- (h) any other matter that may aid in the disposition of the proceeding.

Judge may give directions

- (2) A judge who conducts a pre-hearing conference may give directions for the conduct of a proceeding, provide case management or make any of the following orders:
 - (a) appoint a time, date and place for a settlement conference if all of the parties agree to participate;
 - (b) set a time, date and place for a further conference to organize the hearing of the application;
 - (c) refer the parties to court-based ADR or mediation;
 - (d) order a parenting assessment report under Section 32F of the *Judicature Act* or Section 19 of the *Parenting and Support Act*;
 - (e) require a party to present direct evidence by calling a witness rather than presenting an affidavit from the witness;
 - (f) appoint a time, date and place for the hearing of the application;
 - (g) do anything that may aid the disposition of the proceeding.
- (3) Following the pre-hearing conference, the judge may make an order reciting the results and giving any directions that the judge deems advisable and, once entered, the order controls the subsequent course of the proceeding, unless or until modified at another conference or a hearing to prevent injustice.

Failure to appear

- (4) A judge who conducts a pre-hearing conference may do any of the following if a party fails to appear:
 - (a) make an interim or final order, such as an order for custody, time or interaction with a child, or child support;
 - (b) order costs against the party;
 - (c) order a person who is not a party to disclose information;

- (d) dismiss the proceeding or motion, strike a claim, response or answer, or stay the proceeding;
- (e) start contempt proceedings against the party.

Family court officer may recommend

- (5) A family court officer who conducts a pre-hearing conference under a designation by the Associate Chief Judge of the Family Court may recommend to a judge that the judge do anything provided in subrule (4).

Rule 11: Settlement Conferences**Settlement conference procedure**

- 11.01 (1)** A judge or a family court officer who is satisfied that holding a settlement conference may assist in resolving an issue in the proceeding may appoint a time, date and place for a settlement conference, at any stage of a proceeding, if all of the parties agree to participate.
- (2) A judge who conducts a settlement conference may do any of the following:
 - (a) direct that a summary of facts, issues and proposals be filed by each party and exchanged before a settlement conference;
 - (b) give further directions about the conduct of the settlement conference.
 - (3) A family court officer may request that the judge provide directions on filing requirements and communicate the judge's directions to the parties before the settlement conference.

Failure to comply with directions or appearance

- (4) A judge may cancel a settlement conference and may make an order for costs against a party who, after agreeing to participate in a settlement conference, fails to comply with all of the following:
 - (a) any directions provided under this Rule;
 - (b) the requirement to appear at the settlement conference at the appointed date and time.
- (5) Following the settlement conference, the judge may make an order reciting the results and giving any directions that the judge deems advisable and, once entered, the order controls the subsequent course of the proceeding, unless or until modified at another conference or a hearing to prevent injustice.

Judge may recuse

- (6) A judge who conducts at a settlement conference may recuse himself or herself from subsequent hearings.

Rule 12: Paternity Testing**By consent**

- 12.01 (1)** A family court officer, on the consent of the parties, may make an order for paternity testing in a proceeding in which the paternity of a child is in issue, including a blood test, genetic test or other test under subsection 27(1) of the *Parenting and Support Act*, and a genetic test under Section 11B of the *Vital Statistics Act*.

- (2) An order for paternity testing made by a family court officer in accordance with this Rule must be in Form FCO 2, unless otherwise authorized by a judge.

By judge's order

12.02 A judge may make an order for paternity testing in a proceeding in which the paternity of a child is in issue, including a blood test, genetic test or other test as is considered appropriate by the court under subsection 27(1) of the *Parenting and Support Act*, and a genetic test under Section 11B of the *Vital Statistics Act*.

Rule 13: Admissions and Expert Witnesses**Voluntary admissions**

- 13.01 (1)** A party may give notice, at the hearing or otherwise in writing, that he or she admits the truth of the whole or any part of the case of any other party.
- (2) The court may at any time allow any party to withdraw any admission or denial upon any terms that are just.

Expert witnesses

- 13.02 (1)** If the court requests the filing of a report under an enactment over which the court has jurisdiction, any party may, on giving reasonable notice to the other parties, call 1 expert witness to give evidence on any question unless the court otherwise approves.
- (2) The court may order the filing of the report with the other party and the court at such times as the court deems reasonable.
 - (3) A written report of an expert witness not requested by the court is admissible only when either of the following occur:
 - (a) the report has been provided to the other parties at least 5 days before the start of the hearing; or
 - (b) the evidence is approved by the judge to be admitted on any terms that the judge deems just.

Report

- 13.03 (1)** A letter or report filed under subrule 13.02(1) from a duly qualified physician, psychologist, social worker, teacher or other professional, or from an employer respecting the income, deductions and other employment facts of an employee who is before the court, may be admitted as evidence in a hearing without calling the author of the report if a copy of the letter or report is provided to the parties at least 5 days before the hearing.
- (2) A party or the court may require, on 2 days' notice, the attendance of a person who has authored the letter or report to give evidence respecting the letter or report.

Rule 14: Hearing Procedures**Failure to attend**

- 14.01 (1)** When a proceeding is called for hearing and any party fails to appear, the judge may do any of the following:
- (a) proceed with the hearing, or any issue of the hearing, in the absence of the party;

- (b) if the applicant appears and the respondent fails to appear, allow the applicant to prove the application and dismiss the response, if any;
 - (c) if the applicant fails to appear and the respondent appears, dismiss the application and allow the respondent to prove the response, if any;
 - (d) make any other order that is just, including a warrant in the first instance if a party appears to be avoiding service or is failing to respond to an application or response that the court believes the party knows to exist.
- (2) A warrant made under clause (1)(d) must be in Form 14.01, unless otherwise authorized by a judge.
 - (3) At the time of making the warrant, a judge may order the release of the party on the condition that the party promises to attend the hearing when it resumes and on any other conditions, such as posting security or providing a surety, as the judge considers necessary.
 - (4) If a party or the parties fail to attend, the court may order costs as it deems just.

Adjournment

14.02 If a hearing cannot be conveniently heard or completed at a sitting, the judge may adjourn the hearing to another sitting.

Exclusion of witnesses, etc.

14.03 A judge, during a hearing, may do any of the following:

- (a) order any witness to be excluded from the court until called;
- (b) if a party intends to give evidence, order the party to be examined before any other witness on that party's behalf;
- (c) order any party or witness not to communicate with any other witness before the latter witness gives evidence;
- (d) if there has been an improper communication, exclude the testimony of any party or witness.

Child testimony

14.04 (1) Unless a child is a party to a proceeding or a judge permits, a child who is under the age of majority may not file an affidavit and may not testify at a hearing, and a family court officer may refuse to accept an affidavit for filing and may not issue a subpoena that requires a child to appear at a hearing.

- (2) A judge who permits a child to be a witness may give directions for the presentation of the evidence, such as directions limiting the duration of the testimony and the types of questions that may be asked and the manner in which the child is permitted to testify.
- (3) A judge may, on application of a party or on the judge's own motion, order a voice of the child assessment under Section 19 of the *Parenting and Support Act* on any terms and conditions that the court considers appropriate.
- (4) A child's participation in a voice of the child assessment will be voluntary and may be explained to the child by the family court officer, a judge or the author of the report.

Copies of document for other party

14.05 A party is entitled to a copy of relevant documents to be used in a hearing on making a written request from any other party, provided the request is not calculated to delay or otherwise interfere with due process.

Proof of fact or document subsequent to hearing

14.06 If by accident, mistake or other cause a party fails to prove any material fact or document, the judge may proceed with the hearing subject to the fact or document being subsequently proved in a manner and at a time and place that the court directs, subject to any terms that may be just.

Order for documents

14.07 (1) The court may, at any time, do any of the following:

- (a) order any party to file and serve on any opposing party to a proceeding a list of documents or affidavits;
 - (b) order any party to file or deliver any documents or affidavits related to the matters specified in the order;
 - (c) if it appears that any issue or question in the proceeding should be determined before the filing and delivery of all or any of the documents is made, order that the issue or question be determined;
 - (d) if satisfied that all or any of the documents are not necessary at that time or later, dismiss or adjourn the application, or make any other order that is just.
- (2)** If a person is compelled to produce a document at a hearing, the court may order the person to attend at any time to produce the document.

Translation

14.08 The court may appoint a translator, fix reasonable compensation and order the compensation to be paid out of funds provided by law for that purpose, or by 1 or more of the parties as costs.

Subpoena

- 14.09 (1)** A family court officer who is a justice of the peace may, in the family court officer's discretion or at the request of a party, issue a subpoena requiring the person named in the subpoena to attend the court at the time and place stated in the subpoena and, if required, to produce certain documents at the hearing.
- (2)** A person is bound to appear or give evidence under a subpoena despite that the person has not been paid or tendered witness fees as provided by the *Costs and Fees Act*.
- (3)** The subpoena must be in Form 14.09.

Service of subpoena

- 14.10 (1)** A copy of the subpoena must be served by personal service and if the witness so requests the original subpoena must be produced and shown.
- (2)** Unless otherwise ordered, a subpoena must be served no later than 2 days before the date of the hearing.
- (3)** Service of a subpoena may be proved by affidavit.

Duration of subpoena

14.11 A subpoena continues to have effect until the conclusion of the hearing at which the attendance of the witness is required.

Subpoena of opposing party

14.12 A party who desires to call an opposing party as a witness at a hearing must serve the party, or the party's counsel, at least 2 days before the date of the hearing with a subpoena and if the opposing party does not attend the hearing, the judge may pronounce judgment against the party or postpone the hearing upon any terms that the judge thinks just.

Failure to obey subpoena

14.13 (1) If a witness fails to obey a subpoena, the judge may issue a warrant or make an order as provided in Rule 14.01, or start contempt proceedings.

(2) Without starting contempt proceedings, the judge may order the witness to indemnify a party for the expenses resulting from an adjournment caused by the witness's failure to attend.

Contempt proceedings

14.14 A judge may start a contempt proceeding, grant bail or remand a party or witness, as provided in Rule 89 of the *Civil Procedure Rules*, unless the court otherwise directs.

Rule 15: Telephone and Video Conference**Hearing by attendance in courtroom**

15.01 (1) A judge may appoint a time, date and place for parties to attend before the judge in a courtroom for the hearing of an application.

(2) A party may attend the hearing in person, personally by counsel or, in the case of a corporation, personally by agent.

(3) A judge may permit a party, counsel or a corporation's agent to attend the hearing by video conference or by telephone, if the judge is satisfied on all of the following:

(a) it is impractical or unfair to require personal attendance and personal attendance is not essential to the conduct of the hearing;

(b) attendance by telephone or video conference will save significant expense;

(c) the courtroom has been equipped with a telephone or an audiovisual system of sufficient quality that the person is as good as physically present in the courtroom.

Rule 16: Affidavits**Affidavit**

16.01 (1) An affidavit used in a proceeding must be

(a) expressed in the first person and state the name in full, place of residence and occupation of the deponent, and if a party, or the counsel, agent or employee of a party, it must state that fact;

(b) divided into paragraphs numbered consecutively, with each paragraph being confined as far as possible to a distinct portion of the subject, and any dates, sum and other numbers may be expressed in figures;

- (c) signed by the deponent with the jurat completed and signed by the person before whom it is sworn or affirmed.

Contents of affidavit

- 16.02 (1)** An affidavit used on an application may contain statements as to the belief of the deponent with the sources and grounds of those beliefs.
- (2) Unless the court otherwise orders, an affidavit used on a hearing must contain only those facts that the deponent is able to prove from the deponent's own knowledge.

Exhibits

- 16.03** An exhibit referred to in an affidavit as being produced, attached or otherwise annexed must be identified with a certificate by the person before whom it is sworn or affirmed.

Scandalous, etc., matter in affidavit

- 16.04** A judge may strike all or part of an affidavit that is scandalous, vexatious, irrelevant or otherwise contains inadmissible evidence.

- 16.05** If an affidavit is to be filed in a proceeding, the deponent must be available for cross-examination at the time of hearing.

Rule 17: Counsel**Counsel of record**

- 17.01 (1)** A lawyer becomes counsel of record for a person by signing and filing 1 of the following:
- (a) the notice by which the party starts, defends, contests or responds to a proceeding, or seeks to become a party;
 - (b) a notice of new counsel;
 - (c) a court document after a party who had been acting on their own retains the counsel.
- (2) Counsel may authorize another lawyer entitled to represent parties before the court to substitute for counsel.
- (3) One counsel may start a proceeding on behalf of more than 1 person.

Ceasing to be counsel of record

- 17.02** A lawyer ceases to be counsel of record when 1 of the following events occurs:

- (a) the proceeding concludes;
- (b) the lawyer is discharged and new counsel files a notice of new counsel under Rule 17.05;
- (c) the lawyer is discharged, the party files a notice of intention to act on one's own under Rule 18.01, and no trial or hearing is scheduled;
- (d) the lawyer is discharged, no notice of new counsel is filed, and a judge removes the lawyer as counsel of record on application of the lawyer;

- (e) the lawyer finds it necessary to withdraw from being counsel, and a judge removes the lawyer on application of the lawyer.

Counsel for a non-party

17.03 Counsel who represents a person who is not a party but is entitled, or is seeking to become entitled, to be heard in a proceeding must notify the parties and the court of the representation as soon as is possible.

Discharge of counsel

- 17.04** (1) A party who discharges counsel and retains new counsel must, through the new counsel, immediately file a notice of new counsel under Rule 17.05.
- (2) A party who discharges counsel and acts on their own must file a notice of intention to act on one's own under Rule 18.01.
- (3) The designated address for delivery of documents to a party does not change until the notice of new counsel, or the notice of intention to act on one's own, is filed.

Change of counsel

- 17.05** (1) Counsel replacing the counsel of record, or taking over for a party who was acting on their own, must file a notice of new counsel immediately.
- (2) The new counsel must also provide the family court officer with information for communicating with the new counsel, such as a telephone number, fax number and e-mail address.
- (3) The notice of new counsel must be in Form 17.05.
- (4) New counsel must deliver a copy of the notice to the former counsel, and to each party entitled to notice in the proceeding.

Party acting on own after discharging counsel

17.06 A party who discharges counsel and wishes to act on their own must file a notice of intention to act on one's own, provide all required information and deliver a copy as provided under Rule 18: Acting on One's Own.

Information provided by family court officer

17.07 The family court officer must, before accepting for filing a notice of intention to act on one's own, provide the information required to be provided by the family court officer under Rule 18: Acting on One's Own.

Counsel for limited purpose

- 17.08** (1) A judge may permit a lawyer to act as counsel for a limited purpose on behalf of a party who otherwise acts on their own.
- (2) A judge may require a party who acts on their own to retain counsel for a limited purpose, such as for discovery or cross-examination of a witness who may suffer serious emotional harm if required to communicate directly with the party.

Duty of discharged counsel

17.09 (1) A lawyer who is discharged by a party the lawyer represented as counsel must complete all tasks the lawyer undertook to perform for the court, or was directed to perform for the court, such as to draft and submit a form of order.

- (2) A lawyer who is discharged after a time and date have been appointed for the hearing of an application, proceeding for judicial review, appeal or motion must personally appear before the judge assigned to preside at the trial or hearing to be removed as counsel of record, unless a notice of new counsel is filed or the judge permits otherwise.
- (3) If a judge has not been assigned, or the assigned judge is unavailable, the lawyer may appear before any judge.

Withdrawal of counsel

- 17.10** (1) Counsel who finds it necessary to withdraw must make a motion to be removed as counsel of record.
- (2) Counsel who makes a motion for an order to be removed as counsel of record must deliver the notice of motion to the party counsel represents or represented, unless a judge orders otherwise.

New designated address for delivery

- 17.11** A lawyer who is discharged as counsel or withdraws, and whose address is the address designated for delivery to the party the lawyer represented, may make a motion for an order designating a new address for delivery.

Rule 18: Acting on One's Own**Party acting on own**

- 18.01** (1) A party may act on their own, in accordance with this Rule.
- (2) A party who wishes to act on their own must attend the office of the family court officer to file a notice of intention to act on one's own, or the family court officer may make arrangements for the notice to be filed.
 - (3) The notice of intention to act on one's own must be in Form 18.01.
 - (4) The party must also provide the family court officer with information for communicating with the party, such as a telephone number, fax number and e-mail address as the family court officer directs.
 - (5) The party must immediately deliver a copy of the notice to the former counsel, and to each party entitled to notice in the proceeding.

Information for party acting on their own

- 18.02** (1) The family court officer must inform a party acting on their own of how the party, or a person assisting the party, can find these Rules, and instruct the party on all of the following:
- (a) these Rules apply to the party and the proceeding;
 - (b) the party must make best efforts to understand these Rules and to comply with them;
 - (c) it is improper to communicate with a judge outside a trial or hearing, unless the family court officer or a member of the judge's office gives permission and every effort is made to include all parties in the communication;
 - (d) subject to Rule 18.03 the party must communicate with a represented party regarding the proceedings only through that party's counsel, unless counsel gives written

permission to contact the party directly;

- (e) each party must maintain the designated address so that everything delivered there is received by the party, and the party will be taken to have received the document even if the party fails to get it.
- (2) The family court officer may refuse to file a document from a party acting on their own until the party has received the required instructions.
- (3) The family court officer must file a statement that the required instructions were provided to the party acting on their own.

Further information

18.03 The family court officer may provide information to a party acting on their own about the Rules and practices of the court.

Party requiring counsel

18.04 Individuals represented by a litigation guardian must be represented by counsel, unless a judge allows otherwise.

Assistant

- 18.05** (1) A judge may permit a person to assist, and if necessary speak on behalf of, an individual party at a trial or hearing.
- (2) A party on behalf of whom an assistant is permitted to speak must be present when the assistant speaks, unless a judge allows otherwise.

Restrictions on agent or assistant

- 18.06** (1) A person may not speak for a party at a trial or hearing unless the person is within subsection 16(2) of the *Legal Profession Act*, is the appointed agent of a corporate party or has the permission of a judge to speak on behalf of a party.
- (2) The presiding judge may withdraw permission for a person to assist, or speak for, an individual party.

Communicate with counsel

- 18.07** (1) Counsel may direct a party acting on their own to communicate only through counsel, and not directly with the party counsel represents.
- (2) Counsel's direction may be absolute or limited to subjects or circumstances.
- (3) A party who is directed by counsel about communicating with the party represented by counsel must comply with the direction.

Communication with the court

- 18.08** (1) All communication regard[ing] a proceeding must be through a family court officer and must not be directly addressed to a judge.
- (2) A person may only communicate directly with a judge about a proceeding if the judge expressly permits the communication.

Rule 19: Withdrawal**Notice of withdrawing**

- 19.01 (1)** At any time after a proceeding is begun provided that no order has been made in the proceeding:
- (a) an applicant may withdraw the application in the proceeding, or withdraw any portion of relief sought in an application, against any respondent; and
 - (b) a respondent may withdraw the response or any portion of relief sought in the response against any applicant.
- (2)** A party who seeks to withdraw from a proceeding, or an application, response or any portion of relief sought, must file and serve a notice of withdrawing in Form 19.01.

Order for costs, continuation or subsequent proceeding

- 19.02** Upon the filing of a notice of withdrawing, the court may grant an order containing any terms as to costs, the continuation of the proceeding or bringing of any subsequent proceeding, or otherwise, that are just and within the jurisdiction of the court.

Effect of withdrawal

- 19.03** The discontinuance of a proceeding or withdrawal of an application or response does not bar a person from making a subsequent application for the same relief, or substantially the same relief, unless otherwise ordered by the court.

Rule 20: Orders**Effective date**

- 20.01** A decision of the court is effective on the date made, unless otherwise provided.

Requiring an act to be done

- 20.02** An order that requires a person to do or refrain from doing any act must specify the time within which the person is to do or refrain from doing the act.

Preparation of an order

- 20.03** An order must be drawn by the successful party, or by the court as the circumstances warrant, and entered with the family court officer provided that when an order is not entered within 10 days after the date that the judgment, decision or direction is given, any other party may draw up, settle and enter the order.

Finalizing operative terms of order

- 20.04 (1)** A judge who decides to grant a draft order filed by a party may approve the draft and cause the order to be issued.
- (2)** In the absence of directions to the contrary by a judge, all of the following procedures apply to drafting and settling an order:
- (a) the successful party must prepare a draft order with a place for each party to consent to the form of the order and submit the draft to each other party no more than 10 days after the day the judge's decision is communicated;
 - (b) the party to whom a draft order is submitted must, no more than 5 days after the day the draft is delivered, either object to the draft by delivering to the other party a concise

- statement of the objection and an alternate draft order, or sign in the place provided for consent to form;
- (c) a party who fails to object to, or sign, the draft order in the required time is taken to consent to the form;
 - (d) the applicant must deliver a draft order consented to form, or a draft order with a copy of the statement of an unresolved objection, to the judge no more than 20 days after the day the judge's decision is communicated;
 - (e) the judge may settle the terms of the order or direct that a dispute be resolved by attendance of the parties and/or counsel before the court or by correspondence as the judge directs;
 - (f) the judge who resolves a dispute about the form of order may direct that a final draft be delivered to the judge without consent.
- (3) A judge who presides at a settlement conference at which the parties reach agreement may direct a party to prepare an order that conforms with the agreement.
 - (4) A judge, other than the judge who makes the decision, may settle the form of an order and approve a draft order, if the judge who makes the decision is unable to approve the order or gives permission for another judge to do so.

Issue of order

20.05 (1) An order must contain all of the following information:

- (a) the title of the proceeding;
 - (b) the name of the judge who granted the order;
 - (c) recitals of the proceedings on which the order is based;
 - (d) the operative parts of the order divided into convenient paragraphs;
 - (e) the date the decision was rendered as well as the date the order is issued;
 - (f) the name and seal of the court and the name of the judge who authorized the order;
 - (g) the signature of the family court officer by whom it is issued.
- (2) The contents of an order are prescribed by these Rules and may be in Form FCO 3 with any variation that a judge requires or the circumstances require.

Certification of order

20.06 Subject to subrule 6.03(7) an order must be certified by a family court officer by signing a copy, certifying it is a true copy and affixing the seal of the court.

Rule 21: Costs**Award and collection**

21.01 (1) The amount of costs is awarded at the discretion of the judge.

- (2) Costs may be collected in accordance with the procedure provided for collection of support or in any other manner that the court directs.
- (3) Costs, at the discretion of the court, may be payable to the court, the party, the party's counsel or any other person that the court directs.
- (4) Costs, at the discretion of the judge, may be payable to the court, the party, the party's counsel or any other person that the judge directs.

Judgement including costs

21.02 A judgment entered under Section 39 of the *Parenting and Support Act* may be for costs and for a sum not exceeding the amount outstanding on the support order as of the date of entry of judgment.

Rule 22: Execution and Garnishee Orders**Civil Procedure Rules apply**

22.01 Subject to Rule 22.02, the *Civil Procedure Rules* respecting execution orders apply to the Family Court.

Garnishee order

- 22.02** (1) In the absence of arrears of support, an order for execution in the nature of garnishee, referred to in this Rule as a "garnishee order", must be made *inter parties*.
- (2) A garnishee order may be made *ex parte* for arrears of no more than 12 months upon application by a creditor or family court officer under a support order accompanied by an affidavit proving all of the following:
 - (a) the existence of the order for support;
 - (b) history and amount of arrears;
 - (c) name and address of the employer of the debtor.
 - (3) Unless otherwise ordered by the court, if there are arrears of support, wages must be garnished monthly in an amount equal to 125% of the support order, calculated monthly, until further order of the court.
 - (4) Unless the court otherwise directs, a garnishee order must be in Form 22.02.

Wages garnished

- (5) Wages garnished must be remitted to the court.
- (6) Wages garnished and received by the court or the Sheriff must be applied first to ongoing support and secondly to arrears, if any.

Amended garnishee order

- (7) If a garnishee order is in existence, the court must, upon the granting of an order varying the support order upon which the garnishee order is based, issue an amended garnishee order for the current amount of the support order.

Employer to answer

- (8) An employer upon whom a garnishee order is served must immediately answer any interrogatory sent to the employer by the family court officer.

**Rule 23: Transfer and Consolidation of a Proceeding
and Exercise of Jurisdiction by Another Judge**

Transfer of a proceeding

23.01 The court may at any time order a proceeding to be transferred to another office of the Family Court and when transferred the proceeding must be entitled and continued in the latter office.

Consolidation

23.02 If 2 or more proceedings are pending in the court, the court may order the proceedings to be consolidated on any terms that it thinks just, or may order them to be tried at the same time, or one immediately after another, or may order any of them to be stayed until after the determination of any other of them.

Exercise of jurisdiction

23.03 (1) If an application ought to be made to, or any jurisdiction exercised by, a judge before whom a proceeding has been heard or tried in whole or in part, and the judge dies, retires or ceases for any reason to be a judge of the court, or for any other reason it is impossible or inconvenient for the judge to act in the proceeding any judge of the court may, either by a special order in the proceeding, or by a general order applicable to any class of proceeding, nominate another judge to whom the application may be made or by whom the jurisdiction may be exercised.

(2) A judge nominated under subrule (1) may make an order or render a judgment in a proceeding on the evidence already adduced or may rehear evidence.

2 The Rules are further amended by

- (a) repealing the Personal Representation Form and Forms FC1, FC2, FC3, FC4, FC5, FC6, FC7, FCO 1, FCO 2, FCO 3, 6.02A, 6.02B, 6.02C, 6.02D, 6.11, 6.12A, 6.12B, 6.13, 6.15, 6.20 and 6.21; and
- (b) adding the Personal Representation Form and Forms FC 1, FC 2A, FC 2B, FC 3, FC 4, FC 5, FC 6, FC 7, FC 8, FCO 1, FCO 2, FCO 3, 6.02A, 6.02B, 6.02C, 6.02D, 6.11, 6.12A, 6.12B, 6.13, 6.15, 6.20, 6.21, 14.01, 14.09, 17.05, 18.01, 19.01 and 22.02, in the forms attached, immediately before Form 24.02A.

[Please note: Unless otherwise noted, square brackets in these Family Court forms do *not* indicate editorial corrections made by the Office of the Registrar of Regulations. They are part of the forms.]

Personal Representation Form

Designated Address for Delivery of Documents

| | | | |
|--------------------|------------------------------------|-------------------------------------|-------|
| Name: | _____ | | |
| Address: | _____ | | |
| | | Postal Code: | _____ |
| Telephone numbers: | Home: _____ | Work: | _____ |
| | Cell: _____ | Other: | _____ |
| E-mail: | _____ | | |
| File number(s): | _____ | | |
| I am the | <input type="checkbox"/> Applicant | <input type="checkbox"/> Respondent | |

Certificate

I certify that the above civic address is my address for receiving court documents, and any court document sent, mailed or delivered to this address will be treated by the court as though I received it personally.

Date

Signature

Change of address

If my civic address noted above changes, I undertake to immediately notify a Family Court Officer, in writing, of my new address where I can receive documents in relation to this proceeding.

If I do not do this, I understand my application, action, response or answer could be dismissed, or proceed in my absence, without further notice to me.

Date

Signature

.....
PLEASE NOTE: This information on these pages will be placed in the court file.
.....

Personal Representation

I acknowledge:

Initials

_____ I am acting on my own behalf in these legal proceedings at this time.

_____ I have been advised by Family Court staff to seek legal advice from a lawyer who is a practising member of the Nova Scotia Barristers' Society, so that I can be informed about my rights and obligations in relation to this legal proceeding.

_____ I understand that there are risks involved if I do not obtain legal advice or if I represent myself in this legal proceeding.

_____ I do not hold the Family Court staff responsible for the form or content of any of the documentation I have signed, prepared or filed as I am acting on my own behalf and I am responsible for the documentation that I have signed, prepared or filed.

_____ I understand that Family Court staff cannot provide me with legal advice.

_____ I have been provided with a list of legal services which gives me information on some of the ways in which I may be able to obtain legal advice or representation.

Form FC 1: Statement of Contact Information and Circumstances

Form FC 1

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Statement of Contact Information and Circumstances

Please complete all sections regarding your case. Please print in blue ink.

You may discuss the shaded sections for contact information and service directions with a court officer before completing these sections.

| Section A | Information about you. (APPLICANT) | Information about the person against whom you are making this application. (RESPONDENT) |
|-----------|--|--|
| Name | Last Name: First Name: Middle Name: Other/Previous Names: | Last Name: First Name: Middle Name: Other/Previous Names: |
| Gender | <input type="checkbox"/> Male <input type="checkbox"/> Female | <input type="checkbox"/> Male <input type="checkbox"/> Female |

| | | |
|------------------------|---|---|
| Birth Date | Day___ Month ___ Year ___ | Day___ Month ___ Year ___ |
| Telephone | Home: | Home: |
| E-mail | Business: | Business: |
| Fax | Message: | Message: |
| | Other: | Other: |
| | E-mail: | E-mail: |
| | Fax: | Fax: |
| Address | P.O. Box: | P.O. Box: |
| | Apt. No.: | Apt. No.: |
| | Street: | Street: |
| | City/Town: | City/Town: |
| | Province: | Province: |
| | Postal Code: | Postal Code: |
| | Special directions to accommodate service of documents: | Special directions to accommodate service of documents: |
| Legal Counsel | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Maybe |
| | If yes: | If yes: |
| | Lawyer's Name: | Lawyer's Name: |
| | Firm Name: | Firm Name: |
| | Address: | Address: |
| | Phone: | Phone: |
| | E-mail: | E-mail: |
| | Fax: | Fax: |
| Current Marital Status | <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Spousal/Common Law Relationship <input type="checkbox"/> Single | <input type="checkbox"/> Married <input type="checkbox"/> Separated <input type="checkbox"/> Spousal/Common Law Relationship <input type="checkbox"/> Single |
| Income | <input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust | <input type="checkbox"/> Employment Income (salary/wages) <input type="checkbox"/> Commission/Bonuses/Overtime <input type="checkbox"/> Self-employed <input type="checkbox"/> Income from a Partnership/Corporation <input type="checkbox"/> Employment Insurance <input type="checkbox"/> Social Assistance/Family Benefits <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Pension Income <input type="checkbox"/> Income from a Trust |
| | <input type="checkbox"/> Other Explain: | <input type="checkbox"/> Other Explain: |

| | | |
|------------|---|---|
| Occupation | Occupation: Employer Information Name: Address: Phone Number: E-mail: Fax: <input type="checkbox"/> Other Places of Employment: | Occupation: Employer Information Name: Address: Phone Number: E-mail: Fax: <input type="checkbox"/> Other Places of Employment: |
|------------|---|---|

| Section B | Relationship Between Applicant and Respondent |
|--|---|
| <input type="checkbox"/> Married Date of Marriage: Date of Separation: <input type="checkbox"/> Spousal/Common Law Date Spousal/Common-Law Relationship began: Date of Separation: <input type="checkbox"/> Single <input type="checkbox"/> Parent of Applicant's Child <input type="checkbox"/> Other Explain: | |

| Section C | List below the full names and dates of birth of all children who are the subject of this Application. | | | |
|-----------|---|---------------|-----------------|-----------------------|
| Last Name | Given Names (underline name used) | Date of Birth | Gender (M/F) | Presently Living With |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| | |
|---|---|
| Section D | Most Recent Court Order or Written Agreement |
| Most Recent Court Order (if any): Date Issued: Court: File Number: Most Recent Written Agreement (if any): Date: | |

Form FC 2A: Parenting Statement

Form FC 2A

20

No.

Family Court for the Province of Nova Scotia

Between:

and

Applicant

Respondent

Parenting Statement

Completed by: _____
 [first and last name of person]

Completed on: _____
 [day/month/year]

You are advised to seek legal advice if you need help in completing this form.

[The term “child/children” in this document means the child or any of the children who are the subject of the court application.]

[If you do not have enough room to give information in any section, please attach extra page(s) and mark with the section number.]

Section 1: CHILD’S CURRENT LIVING ARRANGEMENTS

Please describe who each child lives with at present:

| Child’s Last Name | Child’s First and Middle Names | Date of Birth (d/m/y) | Presently Living With (e.g., mother, father, etc.) |
|-------------------|--------------------------------|-----------------------|--|
| | | | |
| | | | |
| | | | |
| | | | |

Section 2: PARENTING HISTORY

My relationship to the child/children:

- Parent
- Step-parent or guardian
- Other:

Relationship between the parties:

- Have not lived together
- Lived together from _____ to _____
- Married:
Date of marriage: _____ Date of separation: _____
- Other [describe circumstances]:

Section 3: CURRENT PARENTING TIME AVAILABILITY

- I am a stay-at-home parent/guardian.
- I work regular days and hours from _____ [day] to _____ [day] and from _____ [hour] to _____ [hour].
- I work shift work, and my regular pattern of days and hours is as follows: [describe]

- I work part-time, with irregular days and hours as follows: [describe]

- I am not working because:
 - I am unemployed.
 - I am on maternity or paternity leave.
 - I am disabled.
 - I am financially supported by: [describe person or circumstances]

- other: [describe circumstances]

Section 4: CHILD CARE REQUIREMENTS

- I do not require child care.
- I do require child care for [names] _____

- Child care is provided by:
 - a child care facility: [describe] _____
 - a person: [give name] _____
 - an after-school program: [describe] _____
 - other: [describe] _____
- My child attends special programming because of special needs or disabilities: [when applicable, name each child and describe]

PARENTING ARRANGEMENTS PROPOSAL

I propose the following parenting arrangements for the child/children of the relationship.

Section 5: DECISION-MAKING

[Please mark one option with an X to show the arrangement you are proposing and fill in the name.]

- Sole decision-making responsibility for the child/children:

_____ [name of parent/guardian] will make the parenting decisions.
- Shared decision-making responsibility for the child/children:

_____ [name of parent/guardian] and I will make the parenting decisions together.

Specific shared decision-making responsibility for the child/children:

I will make decisions about:

- health care
- education
- religion
- culture
- extracurricular activities
- other: [describe]

and _____ [name of parent/guardian] will make decisions about:

- health care
- education
- religion
- culture
- extracurricular activities
- other: [describe]

and together we will make decisions about:

- health care
- education
- religion
- culture
- extracurricular activities
- other: [describe]

Section 6: LIVING ARRANGEMENTS

[Must choose only one]

I propose the following living arrangements for the child/children:

- The child/children will live with me most of the time.
[Go to Regular Schedule 7A for Parenting Time proposal and complete.]
- The child/children will live with _____ [name of parent/guardian] most of the time.
[Go to Regular Schedule 7A for Parenting Time proposal and complete.]
- The child/children will live with both me and _____ [name of parent/guardian] for an equal or almost equal amount of the time.
[Go to Regular Schedule 7B for Parenting Time proposal and complete.]
- At least one child will live with me and at least one child will live with _____ [name of parent/guardian] most of the time.
[Go to Regular Schedule 7C for Parenting Time proposal and complete.]
- Arrangements with other households: [describe and provide separate schedule]

Section 7: PARENTING TIME—REGULAR SCHEDULE

[Must choose only one of 7A, 7B or 7C or provide separate schedule]

Regular Schedule 7A

I propose the following schedule for the child/children: [select one]

- The child/children will live with me most of the time and will be cared for by _____ [name of other parent/guardian] for the parenting time that I propose below.
- The child/children will live with _____ [name of other parent/guardian] most of the time and will be cared for by me for the parenting time that I propose below.

The parenting time I propose is:

- Every second weekend beginning _____ [day] at _____ [a.m./p.m.] until _____ [day] at _____ [a.m./p.m.].
- Every second weekend from the end of the child/children's school day at _____ [a.m./p.m.] until Monday morning when the child/children are to be returned to school.
- On the week that the other parent/guardian does not have weekend time, every _____ [day or days] at _____ [a.m./p.m.] until _____ [day] at _____ [a.m./p.m.].
- On days and times we have agreed upon, based on reasonable requests for reasonable times.
- At times and places I have agreed upon, or the court orders, with supervision of _____ parenting time. [Use "my" or name of parent/guardian.]

- At times determined with and supervised through a Supervised Access and Exchange (SAE) program (may not be available in all areas).
- Other regular schedule: [describe in detail when the child/children will be living in your home and in the other parent/guardian’s home]

Section 7: PARENTING TIME—REGULAR SCHEDULE
 [Must choose only one of 7A, 7B or 7C or provide separate schedule]

Regular Schedule 7B

The child/children will live with both me and _____ [name of parent/guardian] for an equal or almost equal amount of time.

I propose the following schedule for the child/children:

- Starting on _____ [date: day/month/year] the child/children will be cared for in my home every second week:
 from: _____ [day of the week] at _____ [a.m./p.m.]
 until: _____ [day of the week] at _____ [a.m./p.m.]
 and on the other weeks, they will be cared for by the person named above.
- Other regular schedule: [describe in detail when the child/children will be living in your home and when they will be in the other parent’s/guardian’s home]

Section 7: PARENTING TIME—REGULAR SCHEDULE
 [Must choose only one of 7A, 7B or 7C or provide separate schedule]

Regular Schedule 7C

I propose that _____ [name(s) of child/children to live with me] will live with me most of the time and _____ [name(s) of child/children to live with other parent/guardian] will live with _____ [name of other parent/guardian] most of the time.

The child/children who will live in my home will be cared for by the other parent/guardian:

- On days and times that we have agreed upon, based on reasonable requests for reasonable times.
- Other regular schedule: [describe in detail when the child/children will be living in your home and when they will be in the other parent’s/guardian’s home]

The child/children who will live in the other parent's/guardian's home will be cared for by me:

- On days and times that we have agreed upon, based on reasonable requests for reasonable times
- Other regular schedule: [describe in detail when the child/children will be living in the other parent's/guardian's home and when they will be in your home]

Section 8: PARENTING TIME—ADDITIONAL SCHEDULES

8a. Long Weekends

If a holiday falls on a Monday or Friday, will the child/children remain with the parent/guardian who has them on the weekend?

- Yes
The parent/guardian who has the child/children on the weekend under the regular schedule will keep the child/children until
 - Monday evening
 - Tuesday morning
 - Other: _____
- No

Long Weekends are to be shared alternating year by year.

To begin this year _____ [date] I will care for the child/children for the weekends I have marked and the other parent/guardian will have the weekends I have not marked:

- Heritage Day weekend
- Victoria Day weekend
- Canada Day weekend when it occurs
- August holiday weekend
- Labour Day weekend
- Thanksgiving weekend
- Remembrance Day weekend when it occurs
- Other: [describe]

8b. Christmas or December to January Break

The child/children will:

- Alternate and split time on Christmas Day:* between homes in even and odd years with one parent/guardian caring for the child/children from _____ [date and time] until _____ [time] on Christmas Day and the other parent/guardian caring for the child/children from that time on Christmas Day until _____ [date and time].
- Alternate and split time between Christmas Eve and Boxing Day:* between homes in even and odd years with one parent/guardian caring for the child/children from _____ [time] on Christmas Eve until _____ [time] on Christmas Day and the other parent/guardian caring for the child/children from that time on Christmas Day until _____ [time] on Boxing Day.
- Alternate and split time over full Christmas/New Year holiday:* between homes in even and odd years with one parent/guardian caring for the child/children from after school at the beginning of the school break until _____ [time] on Christmas Day and the other parent/guardian caring for the child/children from that time on Christmas Day until _____ [time] on the day before they must return to school.
- Alternate between homes in even and odd years with one parent/guardian caring for the child/children from after school at the beginning of the school break until _____ [time] on Christmas Day and the other parent/guardian caring for the child/children from that time on Christmas Day until that parent/guardian returns them to school the morning of the day they must return to school.
- Other:

I request the alternating schedule above and request I have all _____ [choose “even” or “odd”] years.

8c. Easter Break

The child/children will:

- Alternate and split time on Easter Saturday:* between homes in even and odd years with one parent/guardian caring for the child/children from after school at the beginning of the school break until _____ [time] on Easter Saturday and the other parent/guardian caring for the child/children from that time on Easter Saturday until that parent/guardian returns them to school the morning of the day they must return to school.
- Alternate and split time on weekend:* between homes in even and odd years with one parent/guardian caring for the child/children from _____ [day and time] until _____ [day and time] and the other parent/guardian caring for the child/children from that time until _____ [day and time].
- Other:

I request the alternating schedule above and request I have all _____ [choose “even” or “odd”] years.

8d. March Break

The child/children will:

- Alternate and split time during week:* between homes in even and odd years with one parent/guardian caring for the child/children from after school at the beginning of the school break until Wednesday at _____ [time] and the other parent/guardian caring for the child/children from that time until that parent/guardian returns them to school the morning of the day they must return to school.
- Alternate entire week and both weekends annually:* between homes in even and odd years with one parent/guardian caring for the child/children for the entire March break including the weekends at the beginning and at the end of the break.
- Alternate entire week annually:* between homes in even and odd years with one parent/guardian caring for the child/children for the entire March break starting at _____ [time] on Sunday at the start of the break until _____ [time] on Sunday at the end of the break.
- Other:

I request the alternating schedule above and request I have all _____ [choose "even" or "odd"] years.

8e. Summer Holiday/School Break

Describe in detail when the child/children will be in your home and when they will be in the other parent's/guardian's home:

8f. Notice Requirements for Vacations/Holidays

Describe in detail the amount of advance notice you require to schedule vacation times and holidays each year:

8g. Child's/Children's Birthdays

- I will share parenting time on the child's/children's birthdays when I receive reasonable requests for a reasonable sharing of time and transportation.
- The child's/children's birthdays can be celebrated in the home of the parent/guardian who has the child/children in their care on that day.

8h. Other parenting time

- I will agree to additional parenting time when I receive reasonable requests for reasonable times.
- I will not agree to any additional parenting time.

- I will change parenting times when I receive a reasonable request to make a change with reasonable changes detailed.
- I will not agree to any changes to parenting times.

Section 9: TRANSPORTATION BETWEEN HOMES

- The other parent/guardian will pick up the child/children from my home and I will go to their home to pick up the child/children and return them to my home.
- I will take child/children to other parent/guardian home and the other parent/guardian will return the child/children to my home.
- The other parent/guardian will pick up the child/children from my home and return the child/children to my home.
- I will take the child/children to the other parent's/guardian's home and I will go to their home to pick up the child/children and return them to my home.
- The other parent/guardian will pick up and return the child/children from and to school for the regular parenting schedule and from and to my home when the child/children are not in school.
- The other parent/guardian will pick up and return the child/children from and to the child care provider.
- I will meet the other parent/guardian at _____ [name the location].
- I will meet the other parent/guardian at a neutral location that we select and agree upon from time to time.
- I will make this decision with the other parent/guardian depending on what is required by us and the child/children from time to time.
- Other: [describe]

Section 10: INTERACTION PROPOSAL

In addition to my parenting time, I propose the following interaction with the child/children:

- Attend the following activities: [describe, for example: school events, extracurricular activities, religious and cultural events]
- Communicate with each child in writing by: [describe, for example: letters, e-mails, texts]

With the following frequency: [describe frequency: number of times per week or month]

Communicate with each child verbally by: [describe, for example: telephone, Internet conferencing]

With the following frequency: [describe frequency: number of times per week or month]

Other: [describe]

I declare that the above information is accurate to the best of my knowledge.

Date

Signature

Full name [please print]

Form FC 2B: Statement of Contact Time and Interaction

Form FC 2B

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Statement of Contact Time and Interaction

Completed by: _____
[first and last name of person]

Completed on: _____
[day/month/year]

You are advised to seek legal advice if you need help in completing this form.

[The term "child/children" in this document means the child or any of the children who are the subject of the court application.]

[If you do not have enough room to give information in any section, please attach extra page(s) and mark with the section number.]

Section 1: RELATIONSHIP TO CHILD

Please describe your relationship to each child:

| Child's Last Name | Child's First and Middle Names | Date of Birth (d/m/y) | Relationship (e.g. grandmother, grandfather, aunt, uncle, etc.) |
|-------------------|--------------------------------|-----------------------|---|
| | | | |
| | | | |
| | | | |
| | | | |

Section 2: RELATIONSHIP BETWEEN PARTIES

Relationship between the parties:

- I am a parent of _____ [name of parent/guardian of child/children].
- I am a relative of _____ [name of parent/guardian of child/children].
- Other: [describe relationship] _____

Section 3: CURRENT CONTACT TIME/INTERACTION AVAILABILITY

- I work from home.
- I am retired and not working.
- I work regular days and hours from _____ [day] to _____ [day] and from _____ [hour] to _____ [hour].
- I work shift work, and my regular pattern of days and hours is as follows: [describe]

- I work part-time, with irregular days and hours as follows: [describe]

- I am not working because:
 - I am unemployed.
 - I am on maternity or paternity leave.
 - I am disabled.
 - I am financially supported by: [describe person or circumstances]

- Other: [describe circumstances]

Section 4: REASONS FOR REQUESTING AN ORDER

- I have asked for contact or interaction with the child/children and all of my requests have been refused.
- I have not had any contact or interaction with the child/children since _____ [date].
- Other: [describe circumstances]

Section 5: CONTACT TIME PROPOSAL

I propose the following regular schedule for contact time with the child/children:

- A weekend visit once every _____ [describe time period: week/month/number of weeks/months] beginning _____ [day] at _____ [a.m./p.m.] until _____ [day] at _____ [a.m./p.m.].
- A weekday visit once every _____ [describe time period: week/month/number of weeks/months] beginning _____ [day] at _____ [a.m./p.m.] until _____ [day] at _____ [a.m./p.m.].
- At times and places I have agreed upon, or the court orders, with supervision of my contact time by _____ [name].
- At times determined with and supervised through a Supervised Access and Exchange (SAE) program (may not be available in all areas).
- Other: [describe when the child/children will be in your care]

I propose the following contact time with the child/children during holidays:

- No additional time beyond the regular schedule for contact time.
- Additional contact time: [describe each holiday and time request in detail]

Section 6: TRANSPORTATION BETWEEN HOMES

- I will pick up the child/children from the home of the parent/guardian _____ [name] and return the child/children to the parent’s/guardian’s home.
- I will go to the home of the parent/guardian _____ [name] to pick up the child/children and the parent/guardian will pick up the child/children from my home.
- I will meet the parent/guardian _____ [name] at _____ [name the location] to pick up and drop off the child/children.
- I will pick up and return the child/children to and from the child care provider or school.
- Other: [describe]

Section 7: INTERACTION PROPOSAL

I propose the following interaction with the child/children:

- Attend the following activities: [describe, for example: school events, extracurricular activities, religious and cultural events]

- Send cards or gifts: [describe when, for example: birthday, holidays, special events]

- Receive cards or gifts: [describe when, for example: birthday, holidays, special events]

- Communicate with each child in writing by: [describe, for example: letters, e-mails, texts]

With the following frequency: [describe frequency: number of times per week or month]

- Communicate with each child verbally by: [describe, for example: telephone, Internet conferencing]

With the following frequency: [describe frequency: number of times per week or month]

- Receive photographs of each child from a person named in the order
- Receive information regarding the health, education and well-being of each child from a person named in the order
- Other: [describe]

I declare that the above information is accurate to the best of my knowledge.

Date

Signature

Full name [please print]

Form FC 3: Statement of Income

Form FC 3

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Statement of Income

of _____
prepared on _____, 20__

I [*make oath/affirm*] and give evidence as follows:

- The following chart converts my gross income as stated on my filed or attached [*pay stub*]/[description of document]] to a monthly figure.

[If you have two income sources, use one chart for each source.]

First income source: _____ [name of source]

| GROSS INCOME - MONTHLY CONVERSION CHART | | |
|---|--------------------|----------------|
| MY PAY PERIOD | CONVERSION FORMULA | MONTHLY INCOME |
| Weekly | \$ _____ × 4.33 | \$ _____ |
| Every second week | \$ _____ × 2.17 | \$ _____ |
| Twice per month | \$ _____ × 2 | \$ _____ |
| Monthly | | \$ _____ |

Second income source: _____ [name of source]

| GROSS INCOME - MONTHLY CONVERSION CHART | | |
|--|--------------------|----------------|
| MY PAY PERIOD | CONVERSION FORMULA | MONTHLY INCOME |
| Weekly | \$ _____ × 4.33 | \$ _____ |
| Every second week | \$ _____ × 2.17 | \$ _____ |
| Twice per month | \$ _____ × 2 | \$ _____ |
| Monthly | | \$ _____ |

2. The following is a statement of my current **monthly** income from all sources:

| GROSS MONTHLY INCOME | | AMOUNT | COMMENTS |
|-----------------------------|--|---------------|-----------------|
| A) | Gross Salary or Wages or Net Professional Income | | |
| B) | Overtime/Commissions/Bonuses | | |
| C) | Employment Insurance Benefits | | |
| D) | Social Assistance/Family Benefits | | |
| E) | Pension Income | | |
| F) | Actual Dividends Received Before Gross-up | | |
| G) | Income From Trust | | |
| H) | Investment Income | | |
| I) | Other: | | |
| J) | Other: | | |
| K) | Other: | | |
| L) | SUBTOTAL | | |
| M) | Deduct Union Dues | | |
| N) | Deduct Other Schedule III Adjustments | | |
| O) | TOTAL MONTHLY INCOME (FOR TABLE AMOUNT CHILD SUPPORT) | | |
| P) | Canada Child Benefit | | |
| Q) | GST credit | | |
| R) | TOTAL MONTHLY INCOME | | |

| | | |
|---|----------|------|
| Total Monthly Income for table amount: (Line O, above) | \$ _____ | × 12 |
| Total Annual Income for table amount: | \$ _____ | |

3. Attached are true copies of my personal income tax returns filed with the Canada Revenue Agency for the 3 most recent taxation years.

4. Attached are true copies of Notices of Assessment (or Re-assessment) issued by the Canada Revenue Agency for each of the 3 most recent taxation years.

5. **THE FOLLOWING ITEMS MARKED WITH AN 'X' APPLY TO ME:**

I AM AN EMPLOYEE:

Attached is a true copy of my 2 most consecutive recent statements of earnings or pay stubs indicating my total earnings paid in the year to date, including overtime [or instead, a letter from my employer setting out my annual salary or remuneration, my earnings to date for this year, including overtime].

I AM UNEMPLOYED:

Attached is a statement of my income to date this year from:

[Include particulars of all income received by way of employment insurance benefits, social assistance, pension income, Workers' Compensation, disability or such other benefits or income that may apply. If a statement of income is not available, provide a letter from the applicable source of income stating the required information.]

I AM SELF-EMPLOYED:

I am self-employed and attached are:

- (i) true copies of the financial statements of my [*business/professional* practice (other than a partnership)] for the 3 most recent taxation years; and
- (ii) a statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom I do not deal at arm's length.

I AM A MEMBER OF A PARTNERSHIP:

I am a partner in the partnership known as [name of partnership] and attached is confirmation of my current income and draw from that partnership and my capital in the partnership for the 3 most recent taxation years.

I CONTROL A CORPORATION:

- (i) Attached are true copies of the financial statements for the corporation [name of corporation], in which I have a controlling interest, for the 3 most recent taxation years. [Where a party controls a corporation, the financial statements for the 3 most recent taxation years for that corporation must be provided as well as the financial statements for that company's subsidiaries.]
- (ii) Attached is a statement showing a breakdown of all salaries, wages, management fees and other payments or benefits paid to, or on behalf of, persons or corporations with whom the corporation, and every related corporation, does not deal at arm's length.

I AM A BENEFICIARY UNDER A TRUST:

Attached is a true copy of the trust settlement agreement of which I am a beneficiary as well as true copies of the 3 most recent financial statements of the trust.

I AM AN ADMINISTRATOR OR A TRUSTEE OF A TRUST.

Sworn to/Affirmed before me)
on _____, 20__)
at _____)
_____)
Signature of Authority)
Print name:)
Official capacity:)

_____) Signature of:

Form FC 4: Statement of Special or Extraordinary Expenses

Form FC 4

20

No.

Family Court for the Province of Nova Scotia

Between:

_____ Applicant

and

_____ Respondent

Statement of Special or Extraordinary Expenses

of _____

prepared on _____, 20__

I [make oath/affirm] and give evidence as follows:

1. I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons: [indicate which of the following you are claiming]

- (a) child care expenses incurred as a result of my employment, illness, disability or education or training for employment;
- (b) that portion of the medical and dental insurance premiums attributable to the child;
- (c) health-related expenses that exceed insurance reimbursement by at least \$100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;

- (d) extraordinary expenses for primary or secondary school education or for any educational programs that meet the child’s particular needs;
- (e) expenses for post-secondary education;
- (f) extraordinary expenses for extracurricular activities.

2. The child’s name that each expense relates to, the details of each type of expense I am claiming, and the total amount of each expense per month are:

| | <u>Child’s Name</u> | <u>Details of Each Expense</u> | <u>Total Amount of Expense</u> |
|---|---------------------|--------------------------------|--------------------------------|
| 1 | _____ | _____ | \$_____ per month |
| 2 | _____ | _____ | \$_____ per month |
| 3 | _____ | _____ | \$_____ per month |
| 4 | _____ | _____ | \$_____ per month |
| 5 | _____ | _____ | \$_____ per month |

3. I attach receipts or other documentation which show the amount of the expenses I am claiming for each child.

4. I am unable to obtain receipts or other documentation, for the following reasons:

5. I am eligible to claim or I receive the following subsidies, benefits or income tax deductions or credits relating to the above expenses: [provide details]

Sworn to/Affirmed before me)
 on _____, 20__)
 at _____)
)
)
 _____)
 Signature of Authority)
 Print name:)
 Official capacity:)

Signature of:

Form FC 5: Statement of Undue Hardship Circumstances

Form FC 5

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Statement of Undue Hardship Circumstances

of _____
prepared on _____, 20__

I [*make oath/affirm*] and give evidence as follows:

1. I am claiming undue hardship on the basis of one or more of the following circumstances: [indicate which of the following you are claiming]
 - (a) I am responsible for an unusually high level of debts, which I had reasonably incurred to support myself, the other party and our child or children prior to our separation;
 - (b) I am responsible for an unusually high level of debts, which I have reasonably incurred to earn a living;
 - (c) I have unusually high expenses in relation to exercising parenting time with my child;
 - (d) I have a legal duty under a judgment, order or written separation agreement to support any person (other than the child(ren) to whom this proceeding relates);
 - (e) I have a legal duty to support a dependent child in my household (other than the child(ren) to whom this proceeding relates);
 - (f) I have a legal duty to support an adult person who is unable, by reason of illness, disability or other cause, to obtain the necessities of life;
 - (g) I have some other undue hardship circumstance: [be as specific as possible]

2. Residing with me as part of my household are the following individuals: [in the case of the adults, also include their gross annual incomes for the past year]
 - (a) Spouse or Partner:

Name _____ Gross annual income: _____
 - (b) Any person (including a child the age of majority or over) who shares living expenses with me or from whom I otherwise receive an economic benefit as a result of living together:

Name _____ Gross annual income: _____

Name _____ Gross annual income: _____

(c) Any child or children who reside(s) with me:

Child's full name: _____ Date of birth: _____

Child's full name: _____ Date of birth: _____

3. Attached are true copies of the notice of assessment and income tax return for the preceding year _____ [year] for each of the individuals listed in paragraph 2 above.

4. Attached are true copies of the last 2 consecutive income statements (for example, pay stubs, employment insurance stubs, social assistance stub) [or, instead, a letter from the employer (or income provider) confirming gross income year-to-date for the current year _____ [year]] for each of the individuals listed in paragraph 2 above.

5. I would suffer undue hardship in paying the required amount of child support because:

6. I request that the court deduct the following **annual** amount(s) which I am relying upon as a factor that has caused my undue hardship: [Note: Do not list any amount attributable to the support of any member (including any child) of the household that is not incurred due to a disability or serious illness of that member and do not list any amount listed in paragraph 7.]

Factor: _____ Annual amount: _____

Factor: _____ Annual amount: _____

7. (a) I request that the court deduct the following **annual** amount(s) which I pay as support pursuant to a judgment, order or written separation agreement: [Note: Do not list any amount already listed in paragraph 6.]

Annual amount: _____ Date of judgment, order or agreement: _____

Annual amount: _____ Date of judgment, order or agreement: _____

(b) Attached is a certified copy of each of the judgments, orders or written separation agreements listed in paragraph 7(a) above.

8. (a) I receive the following **annual** amount of child support for any child under a judgment, order or written separation agreement:

Annual amount: _____ Date of judgment, order or agreement: _____

Annual amount: _____ Date of judgment, order or agreement: _____

(b) Attached is a certified copy of each of the judgments, orders or written separation agreements listed in paragraph 8(a) above.

9. I understand that my claim of undue hardship must be denied by the court if my household standard of living is higher than the household standard of living of the other party, and my calculations of the

comparison of household standards of living in accordance with Schedule II of the *Guidelines* [mark the one that applies]

- are attached.
- will be filed in accordance with the rules of the court on receipt of the other party's financial information.

Sworn to/Affirmed before me)
 on _____, 20__)
 at _____)
 _____)
 Signature of Authority) Signature of: _____
 Print name:)
 Official capacity:)

Form FC 6: Statement of Expenses

Form FC 6

20

No.

Family Court for the Province of Nova Scotia

Between:

_____ Applicant
 and
 _____ Respondent

Statement of Expenses
 of _____
 prepared on _____, 20__

I [make oath/affirm] and give evidence as follows:

1. The following are my current budgeted monthly expenses: [If you reside with another person with whom you share living expenses, list only your expenses, not the expenses paid by the person with whom you reside.]

NOTE: ALL ITEMS ARE TO BE CONVERTED TO A MONTHLY AMOUNT

| | EXPENSES | MONTHLY BUDGETED EXPENSES | COMMENTS |
|----|---------------|---------------------------|----------|
| 1. | Rent/Mortgage | | |

| | | | |
|-----|---|--|--|
| 2. | Municipal Taxes | | |
| 3. | Property–Fire Insurance | | |
| 4. | Heat | | |
| 5. | Electricity | | |
| 6. | Water | | |
| 7. | Telephone, Postage | | |
| 8. | Cable | | |
| 9. | House Repairs, Maintenance, Appliance and Furniture Repairs and Replacement | | |
| 10. | Food | | |
| 11. | Toiletries, Household Supplies | | |
| 12. | Clothing | | |
| 13. | Laundry and Dry Cleaning | | |
| 14. | Motor vehicle: | | |
| | (a) Payment | | |
| | (b) Gas | | |
| | (c) Maintenance/repair | | |
| | (d) Insurance, Licence, Registration and Inspection | | |
| | (e) Parking and Tolls | | |
| 15. | Taxis, Public Transportation | | |
| 16. | Section 7 Child-Related Expenses: | | |
| | (a) Child Care Expenses (day care or babysitting) | | |
| | (b) Children’s Medical or Dental Insurance Premiums | | |
| | (c) Health-Related Expenses | | |
| | (d) Primary or Secondary School Expense | | |
| | (e) Post-Secondary School Expense | | |
| | (f) Extracurricular Activities | | |
| 17. | School Supplies, Tuition, Books | | |
| 18. | Children’s Allowances and Activities | | |

| | | | |
|-----------------|--|--|--|
| 19. | Costs related to having time or interaction with a child or children (for example, travel costs) | | |
| 20. | Hair and Grooming | | |
| 21. | Life Insurance/Medical Insurance | | |
| 22. | Drugs | | |
| 23. | Dental | | |
| 24. | Glasses | | |
| 25. | Christmas, Birthdays, Events and Gifts | | |
| 26. | Newspapers and Magazines | | |
| 27. | Charitable Donations | | |
| 28. | Holidays | | |
| 29. | Entertainment | | |
| 30. | Savings | | |
| 31. | Child Support (paid for a child other than the child(ren) to whom this proceeding relates) | | |
| 32. | Spousal Support (for a spouse other than a party to this proceeding) | | |
| 33. | Miscellaneous | | |
| 34. | Other | | |
| 35. | Other | | |
| SUBTOTAL | | | |
| Debt Payments: | | | |
| 36. | | | |
| 37. | | | |
| 38. | | | |
| SUBTOTAL | | | |
| 39. | Income Source Deductions, excluding Income Tax | | |
| | (1) CPP | | |
| | (2) EI | | |
| | (3) Pension | | |
| | (4) Union Dues | | |
| | (5) Medical Plan | | |

| | | |
|--|--|--|
| (6) Other | | |
| TOTAL EXPENSES | | |
| | | |
| SUMMARY | | |
| Total Income Before Tax (from Statement of Income) | | |
| Less: Total Expenses (from above) | | |
| Surplus (Deficit) Before Tax | | |
| Less: Income Tax (Attach Calculations) | | |
| SURPLUS (DEFICIT) | | |

[To be completed if either party is making a claim for undue hardship pursuant to Section 10 of the *Child Support Guidelines* or spousal support.]

2. The following are the names, occupations or sources of income of all persons with whom I currently reside or with whom I share living expenses or from whom I receive an economic benefit as a result of living with that person:

[If you are making a claim for undue hardship, you must provide the following information. If you do not provide the following information your application for undue hardship may not be considered.]

| NAME | OCCUPATION OR SOURCE OF INCOME |
|------|--------------------------------|
| | |
| | |
| | |

Sworn to/Affirmed before me)
 on _____, 20__)
 at _____)
)
)
 _____)
 Signature of Authority)
 Print name:)
 Official capacity:)

 Signature of:

Form FC 7: Statement of Property

Form FC 7

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Statement of Property

of _____
 prepared on _____, 20__

I [*make oath/affirm*] and give evidence as follows:

The particulars of all my property and debts, and of all my property and debts that I hold jointly with _____
 _____ [name], are accurately set out below, to the best of my knowledge, information and belief.

Real Estate

| Ownership | Nature and Address of Real Estate | Value as of _____ |
|-----------|-----------------------------------|-------------------|
|-----------|-----------------------------------|-------------------|

Household items

[Show items by major category; e.g., appliances, furniture and household effects, jewellery, etc. List major items in each category and identify which party currently has possession of the item.]

| Category | Possession | Major Items | Value as of _____ |
|----------|------------|-------------|-------------------|
|----------|------------|-------------|-------------------|

Vehicles

[Give make, model and year for automobiles, boats and other vehicles and identify which party currently has possession of the vehicle and current market value.]

| Make, Model and Year | Possession | Value as of _____ |
|----------------------|------------|-------------------|
|----------------------|------------|-------------------|

Pensions

[If you have a pension, attach your most recent annual pension statement and any further information you have explaining your pension plan.]

| Category | Institution | Value as of _____ |
|-----------------|--------------------|--------------------------|
|-----------------|--------------------|--------------------------|

R.R.S.P.s

[If you have a registered retirement savings plan, specify the institution where it is held, the account number and the present amount. Attach any recent statements from the institution where your RRSP is held.]

| Category | Institution | Account Number | Value as of _____ |
|-----------------|--------------------|-----------------------|--------------------------|
|-----------------|--------------------|-----------------------|--------------------------|

Savings and other accounts

[Show all accounts, setting out the type of account, in what names it is held, the financial institution where it is held, the account number and the present amount in the account. Even if there is no current balance in the account, provide the particulars and indicate a zero balance. Any other savings or cash holdings, other than securities, should be shown here.]

| Category | Institution | Account Number | Value as of _____ |
|-----------------|--------------------|-----------------------|--------------------------|
|-----------------|--------------------|-----------------------|--------------------------|

Securities

[Show items by category, e.g., shares, bonds, mutual funds, warrants, options, debentures, notes and any other securities, and identify if it is held in your name or jointly. Set out category, description, number, and estimated market value.]

| Category | Number | Description | Estimated Value as of _____ |
|-----------------|---------------|--------------------|------------------------------------|
|-----------------|---------------|--------------------|------------------------------------|

Life and Disability Insurance

[Set out company, policy number, owner, beneficiary, face amount and cash surrender value, if any.]

| Company | Policy No. | Owner Beneficiary | Face Amount | Cash Surrender Value as of _____ |
|----------------|-------------------|--------------------------|--------------------|---|
|----------------|-------------------|--------------------------|--------------------|---|

Accounts Receivable

[Give particulars of all debts owing to you.]

| Particulars | Amount as of _____ |
|--------------------|---------------------------|
|--------------------|---------------------------|

Business Interests

[Show any interest in a business, whether incorporated or unincorporated, not set out above. Set out the nature of the firm or company, your interest and its current estimated value.]

| Nature of Firm or Company | Interest | Estimated Value as of _____ |
|----------------------------------|-----------------|------------------------------------|
|----------------------------------|-----------------|------------------------------------|

Other

[Show any other property not included in the above categories.]

| Category | Estimated Value as of _____ |
|-----------------|------------------------------------|
|-----------------|------------------------------------|

Debts

[Show debts by category, e.g., mortgages, loans, credit cards, charges, liens and notes payable. Include any contingent liabilities such as guarantees. Show the identity of any property affected by any mortgages or charges. Set out category, particulars of the debt (including whether a joint debt or not, interest rate, term or number of payments remaining, any property affected and present amount).]

| Category | Institution | Particulars | Amount Owing as of _____ |
|-----------------|--------------------|--------------------|---------------------------------|
|-----------------|--------------------|--------------------|---------------------------------|

Sworn to/Affirmed before me)
 on _____, 20__)
 at _____)
 _____)
 Signature of Authority) Signature of: _____
 Print name:)
 Official capacity:)

Form FC 8: Waiver of Financial Statements

Form FC 8

20

No.

Family Court for the Province of Nova Scotia

Between:

_____ Applicant
 and
 _____ Respondent

Waiver of Financial Statements

Entitlement to full disclosure

The applicant and the respondent understand that they are entitled to full disclosure of the other party's financial circumstances in accordance with the *Family Court Rules*.

Waiver

The applicant and the respondent agree that they are satisfied with the disclosure provided by the other party and waive the filing and serving of financial statements as required by the Rules.

Signature

Signed _____ [month/day], 20__.

 Signature of applicant
 Print name:

 Signature of respondent
 Print name:

Form FCO 1: Interim Order for Child Support**Form FCO 1**

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Interim Order for Child SupportBefore the [*Honourable Judge/Family Court Officer*]: [name or blank]An application was made on _____ [month/day], 20____, by _____ [name of applicant], for an interim order for child support at the table amount under the *Child Support Guidelines*.The parties have ____ [number] [*child/children*]:
[Provide full name and birth date of each child.]

And upon it appearing that _____ [name of party paying support] has an income of \$ _____ [amount] for the purpose of determining the table amount of child support;

And upon the [*Honourable Judge/Family Court Officer*] being satisfied that it would be appropriate to grant an Order in accordance with Family Court Rule 6;

The following is ordered:

Payment of child support1 _____ [name of party paying support] must pay child support to _____ [name of party receiving support] pursuant to the *Child Support Guidelines* and in accordance with the Nova Scotia table, the amount of \$ _____ [amount] per month, payable on the first day of each month, and commencing _____ [month/day/year].**Method of payment**

2 All support payments must be made payable to _____ [name of party receiving support].

The payments must be sent by _____ [name of party paying support] to the Office of the Director of Maintenance Enforcement, P.O. Box 803, Halifax, Nova Scotia, B3J 2V2, while the order is filed for enforcement with the Director.

A court officer must send the current designated addresses of the parties, and a copy of this order, to the Office of the Director of Maintenance Enforcement in accordance with Section 9 of the *Maintenance Enforcement Act*.

Both parties must advise the Office of the Director of Maintenance Enforcement of any change to their address, within 10 days of the date of the change, under subsection 42(1) of the *Maintenance Enforcement Act*.

_____ [name of party paying support] must advise the Office of the Director of Maintenance Enforcement of a change in location, address and place of employment, including the commencement or cessation of employment, within 10 days of the date of the change, under subsection 42(2) of the *Maintenance Enforcement Act*.

Issued _____ [month/day], 20__.

Family Court Officer

[Add the following when the order is made by a Family Court Officer:]

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.

Form FCO 2: Order for Paternity Testing

Form FCO 2

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Order for Paternity Testing

Before the [*Honourable Judge/Family Court Officer*]: [name or blank]

An application was made on _____ [month/day], 20__, by _____ [name of applicant], for an order for a paternity test.

_____ [name of possible father] has been identified as a possible father of the child, _____ [name and birthdate];

On the application of _____ [name of applicant], the following is ordered:

Testing

1 The mother, _____ [name], possible father, _____ [name], and the dependent child, _____ [name and birthdate], must submit to one or more blood grouping tests or DNA profile comparison tests to be made by a duly-qualified

medical practitioner or other qualified person, to determine whether or not the possible father can be excluded as being the father of the child.

Responsibility for arrangements and costs

2 _____ [name of applicant] is responsible for all arrangements, and all costs associated with the testing, including costs incurred by the other party and the dependent child, _____ [name and birthdate], are to be paid by the applicant in accordance with subsection 27(3) of the *Parenting and Support Act*.

[OR]

2 The parties agree that they will be equally responsible for all arrangements and further agree that all costs associated with the testing, including costs incurred by the dependent child, _____ [name and birthdate], will be paid by [describe how the costs are to be paid].

Return to Family Court Officer meeting

3 The parties must return to the courthouse at _____ [address], Nova Scotia, to attend a meeting with a Family Court Officer, _____ [name], at _____ [a.m./p.m.] on _____ [month/day], 20__.

Issued _____ [month/day], 20__.

Family Court Officer

[Add the following when the order is made by a Family Court Officer:]

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.

Form FCO 3: Order

Form FCO 3

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Order

Before the Honourable Judge _____

This proceeding is before the court for determination [*following a hearing*]/[describe circumstances including when the parties agree with the terms as a consent order].

Proof of service of the notice has been established and the [*application/application and response*], and the evidence presented by [*affidavit/testimony/affidavit and testimony*], have been considered.

[Add the following clause(s) if applicable.]

The parties have the following [*child/children*]:

| | |
|---------------|---------------|
| Name of Child | Date of Birth |
|---------------|---------------|

_____ [name] acknowledges that he is [*the father/a possible father*] of the [*child/children*]:

| | |
|---------------|---------------|
| Name of Child | Date of Birth |
|---------------|---------------|

[Add the following applicable income clause(s) if child support is to be paid.]

_____ [name of party paying child support] is found to have an annual income of \$ _____ [amount] for the purpose of making an order for child support.

For the purpose of making an order for payment of special or extraordinary expenses, _____ [name of party receiving child support] is found to have an annual income of \$ _____ [amount].

[OR]

[Replace the two income clauses with the following, if applicable.]

For the purpose of making an order for payment of child support in an amount other than the table amount and special or extraordinary expenses, _____ [name of party paying child support] is found to have an annual income of \$ _____ [amount], and _____ [name of party receiving child support] is found to have an annual income of \$ _____ [amount].

On application of _____ [name of moving party, parties or counsel], the following is ordered under the [*Parenting and Support Act/Parenting and Support Act and*] [name of applicable legislation]/[name of applicable legislation].

[A selection from paragraphs 1 to 10, as applicable, is required.]

[Delete paragraphs 1 to 6 if there are no children.]

Custody

1 Custody of the following [*child/children*] is granted to [_____ [name]/*both parties jointly*]:

| | |
|---------------|---------------|
| Name of Child | Date of Birth |
|---------------|---------------|

[OR]

Parenting Arrangements

1 The parenting arrangements for the following [child/children] are as follows: [provide details of custodial parenting arrangements]

Name of Child

Date of Birth

Terms for parenting time

2 _____ [name] has primary care and residence for the [child/children], and _____ [name] has care and residence at the following times, according to the following terms:

[OR]

2 The parties share care and residence for the [child/children] according to the following terms:

[OR]

2 _____ [name] has reasonable parenting time with the [child/children] at the following times, and according to the following terms:

[OR]

2 _____ [name] has parenting time with the [child/children] on reasonable notice to _____ [name] or at times agreed to by the parties.

[OR]

2 [Provide details and specific schedule of parenting times for each of the children and the parties.]

Child support payments

3 _____ [name of party paying support] must pay child support to _____ [name of party receiving support] in the amount of \$ _____ [amount] each month, based on the applicable table amount of the *Child Support Guidelines*.

[Add the following if an amount for special or extraordinary expenses is to be paid:]

In addition to the table amount, _____ [name of party paying support] must pay child support to _____ [name] in the amount of \$ _____ [amount] each month for [her/his] share of the following special or extraordinary [expense/expenses]:

[Use the following list for each child’s expense or create a chart providing this information.]

Child’s name:

Description of expense:

Total monthly net expense: \$ _____

Monthly amount to be paid: \$ _____

Percentage: %

In total, _____ [name of party paying support] must pay child support to _____ [name of party receiving support] in the amount of \$ _____ [amount] each month, consisting of the table amount of \$ _____ [amount] per month, plus special or extraordinary expenses of \$ _____ [amount] per month.

When child support payments are due

4 Child support payments are due on the first day of each month starting on _____ [month/day], 20__ .

[OR]

4 [Provide payment schedule, for example, weekly, biweekly, or twice per month on specified dates.]

Child support through health plan

5 _____ [name of party] must [continue/acquire and continue] medical, dental and drug plan coverage for the [child/children] available through [his/her] present or subsequent employer and _____ [name of other party] must see that the other party is reimbursed without delay after a receipt is delivered by the other party for submission to the insurer.

[OR]

5 [Set out specific terms.]

Ongoing disclosure for child support

6 No later than June 1 of each year, both parties must provide each other with a copy of his or her income tax return, completed and with all attachments, even if the return is not filed with the Canada Revenue Agency, and also provide each other with all notices of assessment from the Canada Revenue Agency, immediately after they are received.

Spousal support

7 Neither party is required to pay spousal support to the other.

[OR]

7 _____ [name of party paying support] must pay spousal support to _____ [name of party receiving support] in the amount of \$ _____ [amount] each month.

When spousal support payments are due

[Delete this section if neither party is to pay spousal support.]

8 Spousal support payments are due on the first day of each month starting on _____ [month/day], 20__ .

OR

8 [Provide payment schedule, for example, weekly, biweekly, or twice per month on specified dates.]

Director of Maintenance Enforcement

[Delete this section if neither party is to pay support.]

9 All support payments must be made payable to _____ [name of party receiving support].

The payments must be sent by _____ [name of party paying support] to the Office of the Director of Maintenance Enforcement, P.O. Box 803, Halifax, Nova Scotia B3J 2V2, while the order is filed for enforcement with the Director.

A Family Court Officer must send the current designated addresses of the parties, and a copy of this order, to the Office of the Director of Maintenance Enforcement in accordance with Section 9 of the *Maintenance Enforcement Act*.

Both parties must advise the Office of the Director of Maintenance Enforcement of any change to their address, within 10 days of the date of the change, under subsection 42(1) of the *Maintenance Enforcement Act*.

_____ [name of party paying support] must advise the Office of the Director of Maintenance Enforcement of a change in location, address and place of employment, including the commencement or cessation of employment, within 10 days of the date of the change, under subsection 42(2) of the *Maintenance Enforcement Act*.

Enforcement

10 A requirement to pay money under this order, that is not enforced under the *Maintenance Enforcement Act*, may be enforced by execution order, or periodic execution order.

The sheriff must do such things as are necessary to enforce this order and, to do so, may exercise any power of a sheriff permitted in a recovery order or an execution order.

All constables and peace officers are to do all such acts as may be necessary to enforce the terms of this order and they have full power and authority to enter upon any lands and premises to enforce this order.

Issued _____ [month/day], 20__.

Family Court Officer

Form 6.02A: Notice of Application

Form 6.02A

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Notice of Application

To: _____ [name(s) of respondent or respondents]

The applicant requests an order

The applicant, _____ [name], is applying for an order that would affect the following child or children: [may delete if there are no children affected]

| Child's Last Name | First and Middle Names | Date of Birth (d/m/y) |
|-------------------|------------------------|-----------------------|
| | | |
| | | |
| | | |
| | | |

The applicant is applying for an order for the following:

- Under the *Parenting and Support Act*, including the following Section numbers as referenced in parentheses:
 - Custody and parenting arrangements (s. 18)
 - Leave to apply by person who is not a parent or guardian (s. 18)
 - Parenting time (s. 18)
 - Leave to apply by person who is not a parent or guardian (s. 18)
 - Grandparent contact time (s. 18) Grandparent interaction (s. 18)
 - Contact time (s. 18)
 - Leave to apply by person who is not a parent, grandparent or guardian (s. 18)
 - Interaction (s. 18)
 - Leave to apply by person who is not a parent, grandparent or guardian (s. 18)
 - Administrative recalculation of child support (*Administrative Recalculation of Child Support Regulations*, s. 8)
 - Child support involving parents or guardians (s. 9)
 - Payable from _____ [date] forward
 - Table amount
 - Special or extraordinary expenses
 - Child support involving finding of paternity (s. 11)
 - Payable from _____ [date] forward
 - Table amount
 - Special expenses

- Spousal support (s. 3)
 - Payable from _____ [date] forward
- Exclusive occupation of residence (s. 7)
- Medical insurance (s. 9 or 11)
- Paternity testing (s. 27)
- Determining or waiving notice for relocation (s. 18F)
- Authorizing relocation of a child (s. 18G)
- Preventing relocation of a child (s. 18G)
- Addressing denial of time or interaction with a child (s. 40)
- Addressing failure to exercise time or interaction with a child (s. 40A)
- Requiring the respondent's appearance to explain failure to comply with an order (s. 41)
- Registering an agreement or parenting plan (s. 52)

- Under the *Maintenance Enforcement Act*:
 - Enforcing arrears incurred before the support order was filed with the Maintenance Enforcement Program and after receiving the Director's written confirmation of _____ [date] stating that those arrears will not be enforced (s. 15)
 - Addressing a dispute between the parties about the amount of arrears (s. 15)

- Costs
- Other: [give specifics, including legislation or other legal authority for relief sought]

The applicant filed this notice on the date certified by the Family Court Officer.

Documents in support of application

The applicant files the following documents in support of the application:

- Parenting statement
- Statement of contact time or interaction
- Statement of income
- Statement of special or extraordinary expenses
- Statement of undue hardship circumstances
- Statement of expenses
- Statement of property
- Pre-hearing brief
- Affidavit of _____ [name]

Other affidavits and documents: [give specifics]

A copy of each document is to be delivered to you with this notice.

Response to Application

To respond to the application, or to make your own application, you or your counsel may file a response to application. A judge or court officer will direct you regarding the deadline for filing a response to application.

Required to file documents

There are requirements in the *Family Court Rules* for parties to file documents and these requirements depend on the type of relief sought. A judge or family court officer may direct you to file documents and provide information by a specific date in response to this application.

Possible order against you

A judge may grant a final order on the application without further notice to you if you fail to appear at the court when directed or fail to file documents as directed.

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at _____
[location], Nova Scotia, telephone number _____.

Designated address for service

The applicant designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the applicant on delivery.

Signature

Signed _____, 20__.

Signature of applicant

Print name:

[or if represented by legal counsel, replace with the following:]

Signature of counsel

_____ [name] as counsel for

_____ [name of party]

I, counsel for the applicant, certify that I have complied with the requirements of [sub]*section 54C(2) of the *Parenting and Support Act*.

[*editorial correction]

Signature of counsel

Family Court Officer's Certificate

I certify that this notice of application was filed with the court on _____, 20__.

Family Court Officer

For delivery with supporting documents to each respondent:
[full name and address of each]

Form 6.02B: Notice of Variation Application

Form 6.02B

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Notice of Variation Application

To: _____ [name(s) of respondent or respondents]

The applicant requests an order or orders be changed

The applicant, _____ [name], is applying to change an order or orders, which is permitted by Section 37 of the *Parenting and Support Act*.

The changes would affect the following order or orders: [include the title and date of each order]

The changes would affect the following child or children: [may delete if there are no children affected]

| Child's Last Name | First and Middle Names | Date of Birth (d/m/y) |
|-------------------|------------------------|-----------------------|
| | | |
| | | |
| | | |

The requested changes are as a result of a change in circumstances, which is described in the applicant's affidavit provided with this application.

The requested changes concern the following: [check only those that apply]

- Custody
- Parenting arrangements for the child
- Parenting time
- Contact time or interaction
- Grandparent contact time or interaction

- Child support:
 - Table amount
 - Special or extraordinary expenses
 - Change in number of dependent children
 - Retroactive variation
 - Termination of child support
 - Other: [give specifics]

- Spousal support
 - Retroactive variation
 - Termination of spousal support
 - Other: [give specifics]

- Arrears of support: [give specifics]

- Other: [give specifics]

As part of the variation application, the applicant is applying: [check only those that apply]

- Under Section 15 of the *Maintenance Enforcement Act* to address a dispute between the parties about the amount of arrears.
- Under subsection 46(4) of the *Maintenance Enforcement Act* for relief from payment of arrears.

The applicant requests that the changes take effect as of _____ [date] and the applicant must present evidence in support of this date.
[may specify for each change if necessary]

The applicant filed this notice on the date certified by the Family Court Officer.

Documents in support of application

The applicant files the following documents in support of the application:

- Parenting statement
- Statement of contact time or interaction
- Statement of income
- Statement of special or extraordinary expenses
- Statement of undue hardship circumstances
- Statement of expenses
- Statement of property
- Pre-hearing brief
- Affidavit of _____ [name of applicant], which includes evidence establishing change in circumstances
- Other affidavits and documents: [give specifics]

- certified copy of each order that the applicant seeks to vary

A copy of each document is to be delivered to you with this notice.

Response to variation application

To respond to the variation application, or to make your own variation application, you or your counsel may file a response to variation application. A judge or court officer will direct you regarding the deadline for filing a response to variation application.

Required to file documents

There are requirements in the *Family Court Rules* for parties to file documents, and these requirements depend on the type of relief sought. A judge or court officer may direct you to file documents and provide information by a specific date in response to this application.

Possible order against you

A judge may grant a final order on the variation application without further notice to you if you fail to appear at the court when directed or fail to file documents as directed.

Filing and delivering documents

Any documents you file with the court must be filed at the courthouse at _____
[location], Nova Scotia, telephone number _____.

Designated address for service

The applicant designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the applicant on delivery.

Signature

Signed _____, 20__.

Signature of applicant
Print name:

[or if represented by legal counsel, replace with the following:]

Signature of counsel
_____ [name] as counsel for
_____ [name of party]

I[,]* counsel for the applicant, certify that I have complied with the requirements of [sub]*section 54C(2) of the *Parenting and Support Act*.

[*editorial correction]

Signature of counsel

Family Court Officer's Certificate

I certify that this notice of application was filed with the court on _____, 20__.

Family Court Officer

For delivery with supporting documents to each respondent:
[full name and address of each]

Form 6.02C: Response to Application

Form 6.02C

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Response to Application

To: _____ [name(s) of applicant or applicants]

The respondent requests an order

The respondent, _____ [name], is applying for an order that would affect the following child or children: [may delete if there are no children affected]

| Child's Last Name | First and Middle Names | Date of Birth (d/m/y) |
|-------------------|------------------------|-----------------------|
| | | |
| | | |
| | | |
| | | |

The respondent is applying for an order for the following:

- Under the *Parenting and Support Act*, including the following Section numbers as referenced in parentheses:
 - Custody and parenting arrangements (s. 18)
 - Leave to apply by person who is not a parent or guardian (s. 18)
 - Parenting time (s. 18)
 - Leave to apply by person who is not a parent or guardian (s. 18)
 - Grandparent contact time (s. 18) Grandparent interaction (s. 18)
 - Contact time (s. 18)
 - Leave to apply by person who is not a parent, grandparent or guardian (s. 18)
 - Interaction (s. 18)
 - Leave to apply by person who is not a parent, grandparent or guardian (s. 18)

- Administrative recalculation of child support (*Administrative Recalculation of Child Support Regulations*, s. 8)
- Child support involving parents or guardians (s. 9)
 - Payable from _____ [date] forward
 - Table amount
 - Special or extraordinary expenses
- Child support involving finding of paternity (s. 11)
 - Payable from _____ [date] forward
 - Table amount
 - Special expenses
- Spousal support (s. 3)
 - Payable from _____ [date] forward
- Exclusive occupation of residence (s. 7)
- Medical insurance (s. 9 or 11)
- Paternity testing (s. 27)
- Determining or waiving notice for relocation (s. 18F)
- Authorizing relocation of a child (s. 18G)
- Preventing relocation of a child (s. 18G)
- Addressing denial of time or interaction with a child (s. 40)
- Addressing failure to exercise time or interaction with a child (s. 40A)
- Requiring the respondent's appearance to explain failure to comply with an order (s. 41)
- Registering an agreement or parenting plan (s. 52)

- Under the *Maintenance Enforcement Act*:
 - Enforcing arrears incurred before the support order was filed with the Maintenance Enforcement Program and after receiving the Director's written confirmation of _____ [date] stating that those arrears will not be enforced (s. 15)
 - Addressing a dispute between the parties about the amount of arrears (s. 15)

- Costs
- Other: [give specifics, including legislation or other legal authority for relief sought]

Documents in support of response

The respondent files the following documents in support of the response:

- Parenting statement
- Statement of contact time or interaction
- Statement of income
- Statement of special or extraordinary expenses
- Statement of undue hardship circumstances
- Statement of expenses
- Statement of property
- Pre-hearing brief
- Affidavit of _____ [name]
- Other affidavits and documents: [give specifics]

A copy of each document is to be delivered to you with this notice.

Designated address for service

The respondent designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the respondent on delivery.

Signature

Signed _____, 20__.

Signature of respondent

Print name:

[or if represented by legal counsel, replace with the following:]

Signature of counsel

_____ [name] as counsel for
 _____ [name of party]

For delivery with supporting documents to each applicant:
[full name and address of each]

Form 6.02D: Response to Variation Application

Form 6.02D

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Response to Variation Application

To: _____ [name(s) of applicant or applicants]

The respondent requests an order or orders be varied

The respondent, _____ [name], is applying to change an order or orders, which is permitted by Section 37 of the *Parenting and Support Act*.

The changes would affect the following order or orders: [include the title and date of each order]

The changes would affect the following child or children: [may delete if there are no children affected]

| Child's Last Name | First and Middle Names | Date of Birth (d/m/y) |
|-------------------|------------------------|-----------------------|
| | | |
| | | |
| | | |
| | | |

The requested changes are as a result of a change in circumstances, which is described in the respondent's affidavit provided with this application.

The requested changes concern the following: [check only those that apply]

- Custody
- Parenting arrangements for the child
- Parenting time
- Contact time or interaction
- Grandparent contact time or interaction

- Child support:
 - Table amount

- Special or extraordinary expenses
- Change in number of dependent children
- Retroactive variation
- Termination of child support
- Other: [give specifics]

- Spousal support
 - Retroactive variation
 - Termination of spousal support
 - Other: [give specifics]

- Arrears of support: [give specifics]

- Other: [give specifics]

As part of the response to variation application, the respondent is applying: [check only those that apply]

- Under Section 15 of the *Maintenance Enforcement Act* to address a dispute between the parties about the amount of arrears.
- Under subsection 46(4) of the *Maintenance Enforcement Act* for relief from payment of arrears.

The respondent requests that the changes take effect as of _____ [date] and must present evidence in support of this date.

[may specify for each change if necessary]

Documents in support of response

The respondent files the following documents in support of the response:

- Parenting statement
- Statement of contact time or interaction
- Statement of income
- Statement of special or extraordinary expenses
- Statement of undue hardship circumstances
- Statement of expenses
- Statement of property
- Pre-hearing brief
- Affidavit of _____ [name of respondent] which includes evidence establishing change in circumstances

- Other affidavits and documents: [give specifics]

- Certified copy of each order that the respondent seeks to vary

A copy of each document is to be delivered to you with this notice.

Designated address for service

The respondent designates the following address for delivery of documents:

Documents delivered to this address will be considered to be received by the respondent on delivery.

Signature

Signed _____, 20__.

Signature of respondent

Print name:

[or if represented by legal counsel, replace with the following:]

Signature of counsel

_____ [name] as counsel for

_____ [name of party]

For delivery with supporting documents to each applicant:

[full name and address of each]

Form 6.11: Direction to Disclose

Form 6.11

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Direction to Disclose

To:

You must complete and file the following documents:

- A parenting statement;
- Statement of contact time or interaction;
- A sworn statement of income, including all of the following attachments:
 - (a) copies of your last 2 consecutive income statements (for example, pay stubs, employment insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from the Canada Revenue Agency for [20 __, 20 __, and 20 __ /the last 3 years];
(you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at www.cra.gc.ca/myaccount)
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20 __, 20 __, and 20 __ /the last 3 years];
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, a statement of income, and you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), a letter detailing why you cannot provide them;
- A sworn statement of special or extraordinary expenses; [if you intend to make a claim for special or extraordinary expenses]
- A sworn statement of undue hardship circumstances; [if you intend to make a claim of undue hardship]
- A sworn statement of expenses;
- A sworn statement of property;
- Other: [give specifics]

Deadline for filing documents

[Bring these documents with you to the meeting scheduled to be held at _____ [a.m./p.m.] on _____ [month/day], 20 __, at _____ [location]/Mail or deliver the documents to the court at the courthouse at _____ [location], Nova Scotia, telephone number _____, no later than _____ [month/day], 20 __.]

Copies for other parties

[Also, bring two copies of each required statement, including attachments, with you to the meeting./Mail or deliver a copy of each statement, including attachments, to _____ [name] at _____]

_____ [designated address/updated address] at the same time you mail or deliver it to the court.]

Possible order against you if you do not disclose as required

If you fail to disclose at the required time, a Family Court Officer may:

- (1) make an interim order for child support;
- (2) dismiss an application, or claim, or any part of it, or stay a proceeding started by you.

In addition, a judge may make an order for costs against you.

Legal counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Issued _____ [month/day], 20__.

Family Court Officer
 telephone:
 fax:

Form 6.12A: Order to Appear and Disclose

Form 6.12A

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Order to Appear and Disclose

Before:

A _____ was mailed to you on _____ [month/day], 20__;

And you, _____ [name], failed to appear or disclose as directed;

You must appear in court

You are ordered to come to the courthouse at _____ [address], Nova Scotia, and appear before a [Judge/Family Court Officer] at [a.m./p.m.] on _____ [month/day], 20__.

You must bring documents

You are also ordered to bring with you 3 copies of each of the following:

- A parenting statement;
- Statement of contact time or interaction;
- A sworn statement of income, including all of the following attachments:
 - (a) copies of your last 2 consecutive income statements (for example, pay stubs, employment insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from the Canada Revenue Agency for [20__, 20__, and 20__ /the last 3 years];
(you can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at www.cra.gc.ca/myaccount.)
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20__, 20__, and 20__ /, the last 3 years];
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, a statement of income, and you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), a letter detailing why you cannot provide them;
- A sworn statement of special or extraordinary expenses;
- A sworn statement of undue hardship circumstances;
- A sworn statement of expenses;
- A sworn statement of property;
- Other: [give specifics]

Possible order against you if you fail to obey

If you fail to obey this order, a judge or Family Court Officer may do any of the following without further notice to you:

- (1) Make an order directing a person, such as your employer, to disclose financial or other information about you;
- (2) Dismiss an application or claim, or any part of it, or stay a proceeding started by you;
- (3) Make an interim order for child support;
- (4) Make any other interim order, including an order for spousal support, or any other order sought;

In addition, a judge may:

- (1) Make a final order for custody, time or interaction with a child, or about parenting;
- (2) Make a final order for child support;
- (3) Make any other interim or final order, including an order for spousal support, or any other order sought;
- (4) Make an order for costs against you;
- (5) Make an order for contempt against you.

Issued _____ [month/day], 20__.

Family Court Officer
 telephone:
 fax:

[Add the following when order made by Family Court Officer:]

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you, or your counsel, to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.

Form 6.12B: Order to Disclose

Form 6.12B

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Order to Disclose

Before:

A direction to disclose was mailed to you on _____ [month/day], 20__;

And you, _____ [name], failed to disclose as directed;

You must file documents

You are ordered to file 3 copies of each of the following:

- A parenting statement;
- Statement of contact time or interaction;
- A sworn statement of income, including all of the following attachments:
 - (a) copies of your last 2 consecutive income statements (for example, pay stubs, Employment Insurance stubs, social assistance stubs) or a letter from your employer or income provider stating your gross income so far this year;
 - (b) copies of all notices of assessment from Canada Revenue Agency for [20__, 20__, and 20__ /the last 3 years];
(You can obtain copies from the Canada Revenue Agency by calling 1-800-959-8281 or going online at www.cra.gc.ca/myaccount.)
 - (c) copies of all income tax returns, whether filed with the Canada Revenue Agency or not, completed with all schedules, attachments, and information slips (also available from the Canada Revenue Agency), for [20__, 20__, and 20__ /the last 3 years];
 - (d) if you are self-employed, or a member of a partnership, or a trustee, administrator or beneficiary of a trust, or you control a corporation, a statement of income, and you must comply with the directions in the statement of income;
 - (e) if you are unable to provide the applicable attachments listed from (a) to (d), a letter detailing why you cannot provide them;
- A sworn statement of special or extraordinary expenses;
- A sworn statement of undue hardship circumstances;
- A sworn statement of expenses;
- A sworn statement of property;
- Other: [give specifics]

Filing documents instead of appearing in court

You may file all of the information listed above with the court no later than _____ [month/day], 20__, to avoid the need to appear in court.

Otherwise, you are ordered to come to the courthouse at _____ [address], Nova Scotia, and appear before a [judge/family court officer] at _____ [a.m./p.m.] on _____ [month/day], 20__.

Possible order against you if you fail to obey

If you fail to obey this order, a judge or family court officer may do any of the following without further notice to you:

- (1) Make an order directing a person, such as your employer, to disclose financial or other information about you;
- (2) Dismiss an application or claim, or any part of it, or stay a proceeding started by you;

- (3) Make an interim order for child support;
- (4) Make any other interim order, including an order for spousal support, or any other order sought;

In addition, a judge may:

- (1) Make a final order for custody, for time or interaction with a child, or about parenting;
- (2) Make a final order for child support;
- (3) Make any other interim or final order, including an order for spousal support, or any other order sought;
- (4) Make an order for costs against you;
- (5) Make an order for contempt against you.

Issued _____ [month/day], 20__.

Family Court Officer
 telephone:
 fax:

[Add the following when order made by Family Court Officer:]

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you, or your counsel, to apply to the Family Court Officer to terminate or change the order, or appeal the order to a judge. The application must be made, or the appeal started, no more than 10 days after a copy of the order is delivered to you.

Form 6.13: Order for Disclosure by a Non-Party

Form 6.13

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Order for Disclosure by a Non-Party

Before [*The Honourable Judge* [name]/*Family Court Officer* [name]]:

The [*Applicant/Respondent*], _____ [name], has made an application for an order [briefly describe the relief sought in the main application].

The [*Respondent/Applicant*], _____ [name of party who has failed to make disclosure], after being personally served with an order to do so, failed to file required financial statements or supporting documents before the deadlines in the order.

The [*Applicant/Respondent*], has shown that _____ [name of non-party] is [describe nature of relationship of the non-party to the party who has failed to make disclosure].

It appears that _____ [name of non-party] has relevant information about _____ [name of party who has failed to make disclosure].

It is ordered under *Family Court Rule* 6.14 as follows:

- (1) _____ [name of non-party] is to provide the following information concerning the _____ [name of party who has failed to make disclosure] no more than [15/[other number]] days after the day a copy of this order is delivered to _____ [name of non-party]:
 - (a) [details of required information and how it is to be disclosed];
 - (b)
- (2) A copy of this order is to be served personally to _____ [name of non-party] by providing it to _____ [name and office] at _____ [address].

Issued _____ [month/day], 20__.

Family Court Officer
 telephone:
 fax:

[Add the following when order made by Family Court Officer:]

Note that when an order is made by a Family Court Officer, the Family Court Rules permit you, or your counsel, or anyone affected by the order, to apply to the Family Court Officer to terminate or change the order, or make an application for a review of the order by a judge. The application must be made no more than 10 days after a copy of the order is delivered to you.

Form 6.15: Direction to Appear

Form 6.15

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Direction to Appear

To:

You must appear in court

You are required to appear before a court officer of the Family Court for a court-based assisted dispute resolution (court-based ADR) meeting.

Time and place

The court-based ADR meeting will occur on _____ [month/day], 20____, at _____ [a.m./p.m.], at the courthouse located at _____ [address], Nova Scotia.

Disclosure and court-based ADR

When you appear, you and the [Respondent/Applicant] will each be required to make full disclosure as required by the court of the relevant parenting and financial information, and to take part in discussions, which may include negotiations, to clarify and try to resolve the issues.

Legal counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Issued _____ [month/day], 20____.

Family Court Officer
telephone:
fax:

Form 6.20: Court-Based ADR Record

Form 6.20

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Court-Based ADR Record

1. Issues in proceeding

The Applicant raises the following issues:

The Respondent raises the following issues:

[See section 7—Issues to be resolved.]

2. Steps taken

Application and Intake filed on _____ [month/day], 20__

Referral to Parent Information: Applicant on _____ [month/day], 20__

Respondent on _____ [month/day], 20__

Attendance at Parent Information: Applicant on _____ [month/day], 20__

Respondent on _____ [month/day], 20__

Meetings: [date or dates, and names of parties participating]

3. Documents filed

By the Applicant:

[list forms and documents filed; for example:
notice of application filed on [month/day], 20__;
parenting statement filed on [month/day], 20__;
statement of income filed on [month/day], 20__]

By the Respondent:

[list forms and documents filed, for example:
response to application filed on [month/day], 20__;
parenting statement filed on [month/day], 20__]

statement of income filed on [month/day], 20__]

4. Orders and written agreements

[list documents; for example:

consent order respecting custody, time or interaction with a child, or parenting arrangements, issued on [month/day], 20__;

interim order for child support, issued on [month/day], 20__;

order to disclose to (name), by family court officer, issued on [month/day], 20__]

5. Representation by counsel

Applicant:

Respondent:

6. Subjects never disputed or now agreed

[See section 7—Issues to be resolved.]

7. Issues to be resolved [delete any that do not apply]

- Custody/parenting arrangements/time or interaction
 - Custody: custody to one party or joint custody
 - Custodial or residential parent
 - Parenting arrangements
 - Parenting time
 - Contact time
 - Interaction
 - Paternity
 - Relocation
 - Other: [detail]

- Child support
 - Paternity
 - Determination of income
 - Special or extraordinary expenses
 - Undue hardship
 - Shared custody
 - Child 19 or over
 - Person in place of a parent

- Retroactive claim: [detail]
- Other: [detail]

- Spousal support
 - Entitlement or need
 - Ability to pay
 - Amount
 - Other: [detail]

- Other: [detail]

8. Next steps taken by Family Court Officer or recommended [delete any that do not apply]

- Provide draft consent order for approval
- Refer to mediation
- Order to non-party to disclose information
- Interim order for child support
- Recommend that order for child support be varied
- Schedule a conference before a judge
- Recommend that a parenting assessment report be prepared
- Schedule a hearing before a judge
- Other: [detail]

Court-based ADR record as evidence

This court-based ADR record may be considered as evidence by the judge, subject to an objection to any part of the court-based ADR record filed by a party or counsel no more than two days after the day a copy of this record is delivered to the party.

Issued _____ [month/day], 20__.

Family Court Officer
telephone:
fax:

To:

Form 6.21: Notice to Appear in Court

Form 6.21

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Notice to Appear in Court

You must appear in court

You must appear in court at the courthouse at _____ [address], Nova Scotia, and appear before a [judge/family court officer] on _____ [month/day], 20___, at [a.m./p.m.] for a [conference/hearing/trial].

_____ [specify amount of time] has been set aside for the [conference/hearing/trial].

Legal counsel

You have the right to be represented by counsel and it is recommended that you seek legal advice as soon as possible.

Possible order against you if you fail to obey

If you fail to obey this order, a judge or family court officer may do any of the following without further notice to you:

- (1) make an order directing a person, such as your employer, to disclose financial or other information about you;
- (2) Dismiss an application or claim, or any part of it, or stay a proceeding started by you;
- (3) Make an interim order for child support;
- (4) Make any other interim order, including an order for spousal support, or any other order sought;

In addition, a judge may:

- (1) Make a final order for custody, for time or interaction with a child, or about parenting;
- (2) Make a final order for child support;
- (3) Require you to appear before a judge to explain your failure to comply with a court order and determine the issue, including any additional order the judge considers necessary to ensure compliance, under Section 41 of the *Parenting and Support Act*;

- (4) Make any other interim or final order, including an order for spousal support, or any other order sought;
- (5) Make an order for costs against you;
- (6) Make an order for contempt against you.

Issued _____ [month/day], 20 __.

Family Court Officer
 telephone:
 fax:

To:

Form 14.01: Warrant

Form 14.01

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Warrant

WHEREAS an Application was issued on _____ [month/day], 20 __, between the parties herein;

AND WHEREAS _____ [name] did not appear at the time and place appointed in and by a Notice issued herein, and it has now been proven to me upon oath that the Notice was duly served upon _____; [name]

[initial appropriate paragraph]

[OR]

AND WHEREAS I have been satisfied by evidence on oath that the said _____ [name] will not appear without being compelled to;

THESE ARE THEREFORE TO COMMAND you, in Her Majesty's name, forthwith to apprehend the said _____ and to bring before the judge presiding at the Family Court at _____, Nova Scotia, to answer to the said Application and to be further dealt with according to law; provided,

however, if after 3:30 p.m. or on a weekend or on a holiday, this warrant is executed, remand the person herein named to a provincial correctional facility, to be arraigned at the first session of the Family Court.

GIVEN UNDER MY HAND at _____, Nova Scotia, _____ [month/day], 20__.

Judge of the Family Court
for the Province of Nova Scotia

TO: All or any of the Constables
and other Peace Officers in
the Province of Nova Scotia

Form 14.09: Subpoena

Form 14.09

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Subpoena

TO: [name and address in full]

You are required to attend at a hearing in the Family Court for the Province of Nova Scotia to be held at _____ in _____, Nova Scotia, on _____ [month/day], 20__, at _____ [a.m./p.m.] and so on from day to day until the end of the hearing to give evidence on behalf of the _____.

[disregard if not filled in]

You are also required to bring with you and to produce at the hearing the following documents or things:
[describe them]

Failure by you without adequate excuse to obey this Summons may render you liable to arrest and imprisonment.

Issued at _____, Nova Scotia, _____, 20__.

[Family Court Officer/Justice of the Peace]

Form 17.05: Notice of New Counsel

Form 17.05

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Notice of New Counsel

New counsel

The [applicant/respondent], _____ [name], who was [acting on their own/represented by _____ [name of former counsel]], is now represented by _____ [name of new counsel].

Contact information

The party designates the following address:

Documents delivered to this address are considered received by the party on delivery. Further contact information is available from the court.

Signature

Signed _____, 20__.

Signature of New Counsel

Print Name:

Form 18.01: Notice of Intention to Act on One's Own

Form 18.01

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Notice of Intention to Act on One's Own

Discharge of counsel

I discharged _____ [name of counsel] on _____ [date].

Acting on my own

I have not retained new counsel and have decided to act on my own in this proceeding.

Contact with Family Court Officer [check applicable box]

I have arranged to deliver this notice personally to a family court officer so that the officer may provide required information to me.

[OR]

The family court officer gave me written permission not to deliver this notice personally for filing and provided me with information about my obligation to comply with the Family Court Rules and to maintain my address for delivery.

Provision of Contact Information

I have provided my contact information and any required information regarding my circumstances to the family court officer to their satisfaction.

Designated address

I confirm that I will receive documents delivered to the following address:

Documents delivered to this address are considered received by the undersigned on delivery. Further contact information may be available from the family court officer.

Signature

Signed _____ [month/day], 20__.

Signature

Print Name:

Form 19.01: Notice of Withdrawing

Form 19.01

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Notice of Withdrawing

Party withdrawing [check applicable box]

- I am an applicant and filed my application on _____ [date].
- I am a respondent and filed my response on _____ [date].

Withdrawal of application or response or portion [check applicable box]

- I withdraw my whole application or my whole response.
- I will continue my application or my response except for the following claims, which I withdraw:
[describe the claims you do *not* want to proceed with]

Proceeding may continue

I understand that the proceeding may continue as directed by the court and the court may make an order in relation to this proceeding.

I confirm that my contact information and address for delivery of documents provided to a family court officer is current and correct.

Signature

Signed _____ [month/day], 20__.

Signature

Print Name:

Form 22.02: Garnishee Order

Form 22.02

20

No.

Family Court for the Province of Nova Scotia

Between:

Applicant

and

Respondent

Garnishee Order

Before the Honourable Judge _____

An Application and Summons was issued on _____ [month/day], 20__, between the parties herein;

An Order was made on _____ [month/day], 20__, requiring _____ (herein called "the Debtor") to pay the sum of \$ _____ per _____, and the Debtor has been found to be in default;

The Debtor has failed to satisfy the Court that [he or she] has reasonable excuse for the default;

The Debtor is employed by _____ [name] of _____ [address in full], (herein called "the Garnishee");

IT IS ORDERED that all debts, obligations and liabilities owing, payable or accruing due from the Garnishee to the Debtor be, and the same are hereby attached to answer the said Order for payment, and that service upon the Garnishee of the Garnishee Order shall from the time of service thereof, bind all such debts, obligations or liabilities in the hands of the Garnishee;

IT IS FURTHER ORDERED that the Garnishee shall withhold the amount of \$ _____ per _____ out of all debts, obligations and liabilities he owes to the Debtor, and that he remit this amount to the Maintenance Enforcement Office at New Waterford, Nova Scotia, until further order of this Court, and that the said Enforcement Office designate amounts payable to _____ [name].

IT IS FURTHER ORDERED that this Garnishee Order must remain in effect at the sum of \$ _____ per _____ as long as any arrears as aforesaid remain, and after the arrears are expunged then the Garnishee

Order shall attach, instead, the sum of \$_____ per _____, subject always to these terms being varied or rescinded by further order of the Court;

IT IS FURTHER ORDERED that a certified true copy of this Garnishee Order may be served by a Family Court Officer on the Garnishee and the Debtor by mailing to each of them such copy by prepaid registered mail and it shall be deemed good and sufficient service.

Issued at _____, Nova Scotia, _____, 20__.

Family Court Officer