

ss. 7, 8, 10-12, 17, 20, 24, 26, 34(2) **To come** into force March 1, 2021

NEWFOUNDLAND AND LABRADOR REGULATION 46/20

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

(Filed July 2, 2020)

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

Dated at St. John's, June 19, 2020

Raymond P. Whalen Chairperson, Rules Committee

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1. Rule 4.01(2) of the *Rules of the Supreme Court, 1986* is repealed.

2. Rule 4.02 of the rules is repealed and the following substituted:

Documents requirements

- **4.02** (1) Every document prepared by a party for use in a proceeding shall conform to each of the following requirements:
 - (a) the document shall be in English, unless a statute or a rule permits otherwise;

- (b) the document shall be legibly written or printed on one side of the page only; and
- (c) the document shall be on good quality, white paper that is 8 ½ inches by 11 inches in size with appropriate margins.
- (2) A transcript of evidence to be used in a proceeding shall conform with the requirements for a document to be filed and each of the following further requirements:
 - (a) notwithstanding rule 4.02(1) and (2), the transcript may be printed on two sides of the page;
 - (b) a page of transcribed testimony shall be titled with the name of the witness and indicate as part of the title whether the witness is being examined directly, by cross-examination, or by redirect examination;
 - (c) each question shall be preceded by the letter "Q", and each answer by "A";
 - (d) a transcript of something other than testimony shall be titled submission, ruling, direction, instruction, discussion, or other business:
 - (e) the title shall appear at the top of each page of a printed transcript;
 - (f) each page or question shall be numbered;
 - (g) the transcript shall be conveniently bound, and have a cover and a blank back.
- (3) Where a document prepared by a party for use in a proceeding cannot be stapled together, the document shall be bound.
- (4) Where a document described in rule 4.02(3) is bound in two or more volumes, the volumes shall be clearly numbered on the cover of the document.
- 3. The rules are amended by adding immediately after rule 4.02 the following:

Filing documents

- **4.02A** (1) The registrar may refuse to file a document that does not substantially comply with the rules and practice notes.
- (2) Notwithstanding subrule (1) the registrar shall accept a document that does not comply with the rules and practice notes where both of the following are brought to the attention of the registrar:
 - (a) the document is intended to start a proceeding or make a counterclaim, or third party claim in an action; and
 - (b) the person seeking to file the document may lose a substantive right, such as a claim to which the *Limitation Act* may apply, unless the document is filed.
- (3) The registrar may accept a document for filing conditionally, and return the document if a condition is not fulfilled or a judge so directs.
- (4) The absence of authority to file a document does not imply that it cannot be exhibited to an affidavit or admitted as evidence.
- (5) The Court may order a document that does not conform with a rule be returned to the party who prepared the document, unless the document is part of a record on which the registrar or a judge made a decision.

4. Rule 18A.04 of the rules is repealed and the following substituted:

Case management judge

- **18A.04** (1) Where a judge determines that one or more proceedings are appropriate for case management, the judge shall
 - (a) declare that the proceeding or proceedings in question shall, until further order, be conducted in accordance with this Rule;
 - (b) where the order includes a prospective proceeding not yet commenced, define the circumstances relating to parties, subject-matter, issues and procedure which will identify all prospective proceedings that will become subject to the order;

- (c) in multi-judge centres, request that the Chief Justice or a judge designated by the Chief Justice assign a judge to act as the case management judge with respect to the proceeding or proceedings;
- (d) in single-judge centres, act as the designated case management judge with respect to the proceeding or proceedings; and
- (e) make any other consequential order that the judge deems appropriate to facilitate the case management process.
- (2) Where a judge has requested that a case management judge be assigned in accordance with rule 18A.04(1)(c), the Chief Justice or a judge designated by the Chief Justice shall grant an order appointing a case management judge and an alternate case management judge.
- (3) Where a judge is assigned to act as the designated case management judge in accordance with rule 18A.04(1)(d), the alternate case management judge shall be the Chief Justice or a judge designated by the Chief Justice.
- (4) Once a case management order or designation is made, the Registrar shall cause it to be brought to the attention of the designated case management judge and the alternate.
- (5) The Registrar shall cause all subsequent applications and other steps taken in the proceeding to be brought to the attention of the case management judge.
- (6) An alternate case management judge shall only perform the role of case management judge when the case management judge is unavailable within a reasonable time to deal with the matter, or the parties otherwise consent.

5. Rule 47A.03 of the rules is repealed and the following substituted:

Appearing remotely with the permission of the Court

47A.03 (1) Where appropriate facilities are available at the Court or are provided by a party, a participant in a civil proceeding may appear remotely for any purpose if, upon request to the Registrar or a judge, application to the Court, or on the Courts own initiative, the Court so permits or orders.

- (2) A request to the Registrar pursuant to sub-rule (1) must be made
 - (a) by noon the day before the appearance where a participant wishes to appear remotely at any proceeding other than a trial; or
 - (b) prior to
 - (i) the date set for the pre-trial conference, or
 - (ii) where there is a change in circumstances necessitating a remote appearance following the pre-trial conference, 30 days before the date set for the trial,

where the participant wishes to appear remotely at a trial in a civil proceeding.

- (3) Where a participant's request to the Registrar was denied pursuant to sub-rule (1), they may bring an application to the Court pursuant to sub-rule (1) and the Court shall consider this application without regard to the prior request.
- (4) A person may appear remotely at an application pursuant to sub-rule (1) unless otherwise directed by the Court.
- (5) Where the Court directs or orders that a participant may appear remotely, the Court may direct that participant to make the necessary arrangements and to give notice of those arrangements to the other parties and to the Court.
- (6) A judge may, upon his or her own initiative, appear remotely.
- (7) A party seeking to appear remotely in a family law proceeding must make a request or an application pursuant to rule F41.
- 6. Rule 56.21(2) of the rules is repealed and the following substituted:
- (2) In lieu of a personal bond with two sureties, the Court may accept the bond of an insurer licensed under the *Insurance Companies*

Act to write surety and fidelity insurance, in which case the amount of the bond need only be for the aggregate value of the estate and no affidavit of justification or execution is required.

7. Rule F1.02(1)(b) of the rules is repealed and the following substituted:

(b) Parenting and contact;

8. Rule F1.04 of the rules is repealed and the following substituted:

Definitions

- **F1.04** (1) The following definitions apply to this Part
 - (a) "circuit location" means a Court location, other than a judicial center, designated by the Chief Justice and published in a practice note;
 - (b) "contact order" means an order providing for contact between a child and a person other than one of the parents of the child;
 - (c) "corollary relief proceeding" means a proceeding under the *Divorce Act* (Canada) in which either or both former spouses seek a child support order, a spousal support order, or a parenting order;
 - (d) "divorce proceeding" includes a proceeding in which a party seeks an order for divorce or an order for corollary relief;
 - (e) "Family Justice Services" is a division of the Supreme Court of Newfoundland and Labrador offering education and information sessions, mediation and counselling services, or any combination of these services
 - (i) to parties or their children where such services are required by the Court, or
 - (ii) to those persons who have not yet started a proceeding but wish to avail of the services in order to assist in the non-adversarial resolution of their dispute;

- (f) "guidelines" means the Federal Child Support Guidelines established under the *Divorce Act* (Canada) and the *Child Support Guidelines Regulations* established under the *Family Law Act*;
- (g) "hearing" includes a trial;
- (h) "interim application" means an application for an order of a judge in an ongoing proceeding or, for the purpose of determining a matter relating to a final order, following final judgment but does not include an application to vary a final order;
- (i) "judicial centre" means a judicial centre of the Supreme Court under the *Judicature Act* and includes the following Court locations:

Corner Brook;

Gander;

Grand Bank;

Grand Falls-Windsor;

Happy Valley-Goose Bay;

St. Johns:

- (j) "Note to Court" is a document, the form of which has been approved by the Chief Justice, filed with the Court by Family Justice Services, which indicates whether the parties participated in a parenting information session and mediation and whether the family law dispute was resolved;
- (k) "officer of the Court" includes a member of the Law Society of Newfoundland and Labrador in good standing;
- (l) "originating application" includes a joint originating application unless the context requires otherwise;

- (m) "originating application for variation" includes a joint originating application for variation unless the context requires otherwise;
- (n) "parenting order" means any order relating to decision-making and/or parenting time;
- (o) "partial recovery costs" means party and party costs or costs awarded in accordance with the scale of costs included as an appendix to rule 55 in Part I, and "on a partial recovery basis" has a corresponding meaning;
- (p) "party" means a party to a proceeding;
- (q) "pleadings" includes any document required to make, respond to, or reply to a claim in a proceeding required by these rules, including:
 - (i) an Originating Application in Form F4.03A or F4.04A,
 - (ii) an Originating Application for Variation in Form F5.05A or F5.06A,
 - (iii) a Response in Form F6.02A,
 - (iv) a Reply in Form F7.02A,
 - (v) a Financial Statement in Form F10.02A,
 - (vi) a Property Statement in Form F10.04A,
 - (vii) an Interim Application for a Procedural Order in Form F16.03A,
 - (viii) an Emergency Interim Application in Form F17.03A,
 - (ix) an Interim Application in Form F18.03A,
 - (x) an Affidavit in Response,
 - (xi) an Affidavit in Reply;

- (r) "proceeding" means a proceeding described in rule F1.02(1);
- (s) "property claim" means a claim in a proceeding for division of property by a spouse, former spouse, partner, or former partner;
- (t) "shared-decision making" means a parenting arrangement where each party exercises parenting time of a child for not less than 40 per cent of the time over the course of a year;
- (u) "special or extraordinary expenses" means those expenses set out in section 7 of the guidelines;
- (v) "split decision-making" means a parenting arrangement in which each party has sole decision-making of one or more children;
- (w) "substantial recovery costs" means costs awarded in an amount that is 1.5 times what would otherwise be awarded in accordance with the scale of costs included as an appendix to rule 55 in Part I, and "on a substantial recovery basis" has a corresponding meaning;
- (x) "support order" means an order for child, spousal, partner, dependant, or parental support;
- (y) "uncontested proceeding" means a proceeding in which
 - (i) the respondent has failed to file and serve a Response within the prescribed time,
 - (ii) the Response has been withdrawn or struck out,
 - (iii) the respondent has filed a Response stating that they are not contesting a claim in the application,
 - (iv) the applicant has failed to file a Reply in relation to a claim against them made in the Response within the prescribed time,
 - (v) the Reply has been withdrawn or struck out,

- (vi) the applicant has filed a Reply stating that they are not contesting a claim in the Response,
- (vii) the parties have applied together for the same relief, or
- (viii) each party to the proceeding has indicated their consent on a draft judgment or order;
- (z) "undue hardship" means the undue hardship that would be incurred by a person ordered to pay a support order or a person entitled to receive support payments as described in section 9 of the guidelines;
- (a) "vary" or "variation" includes rescind and suspend, or rescission and suspension.

9. The rules are amended by adding immediately after Rule F3 the following:

Rule F3A - Interpreters

Interpreters

- **F3A.01** (1) The Court may, on its own motion, appoint an interpreter on such terms and conditions that the Court deems appropriate.
- (2) A party may, at any time, apply for a procedural order to appoint an interpreter.
- 10. (1) Rule F4.07(1) of the rules is repealed and the following substituted:

Information which must be included in the Originating application

- **F4.07** (1) An Originating Application containing a claim for divorce, parenting, contact order or child support must include
 - (a) subject to subrule (2), the name, birth date, and place of residence of every child of the parties relationship whether or not the children are over the age of majority and whether or not any relief is claimed in relation to the child; or
 - (b) a statement that there are no children of the parties relationship.

- (2) Rule F4.07(3)(b)(iv) of the rules is repealed and the following substituted:
 - (iv) there is split or shared decision-making;
- 11. Rule F5.07(b)(iv) of the rules is repealed and the following substituted:
 - (iv) there is split or shared decision-making;
- 12. Rule F6.03(3)(b)(iv) of the rules is repealed and the following substituted:
 - (iv) there is split or shared decision-making;
- 13. Rule F8.03(4) of the rules is repealed and the following substituted:
- (4) To personally serve a document on a manager, as defined in the *Children, Youth and Families Act*, a copy of the document must be hand-delivered to the manager subject to rule F8.13.
- 14. Rule F8.05(1)(b) of the rules is repealed and the following substituted:
 - (b) mailing the document or a copy addressed to the party at the party's address provided in accordance with rule F8.02;
- 15. Rule F14.02(2)(a) of the rules is repealed and the following substituted:
 - (a) the proceeding has been brought under the *Children, Youth* and Families Act;
- 16. Rule F14.05(1)(a) of the rules is repealed and the following substituted:
 - (a) permits a party or lawyer to appear remotely pursuant to rule F41 ("Appearing Remotely"); or
- 17. Rule F17.02(1)(a)(ii) of the rules is repealed and the following substituted:

(ii) there is an immediate danger to the physical, emotional or psychological safety, security or well-being of a child or another person,

18. Rule F17.06(a) of the rules is repealed and the following substituted:

(a) permits a party or lawyer to appear remotely pursuant to rule F41 ("Appearing Remotely"); or

19. Rule F17.08 of the rules is repealed and the following substituted:

Where rule does not apply

F17.08 This rule does not apply to warrants under the *Children, Youth and Families Act.*

20. Rule F18.03(3)(b) of the rules is repealed and the following substituted:

(b) there is an immediate danger to the physical, emotional or psychological safety, security or well-being of a child or another person,

21. Rule F18.07(a) of the rules is repealed and the following substituted:

(a) permits a party or lawyer to appear remotely pursuant to rule F41 ("Appearing Remotely"); or

22. Rule F19.05(a) of the rules is repealed and the following substituted:

(a) permits a party or lawyer to appear remotely pursuant to rule F41 ("Appearing Remotely"); or

23. Rule F21.03(2) of the rules is repealed and the following substituted:

(2) A mediator or counselor appointed under these rules may stipulate that they are not liable for loss or damage suffered by a person by reason of an action or omission of the mediator or counselor in the discharge of the duties under these rules.

24. Rule F23.06 of the rules is repealed and the following substituted:

Cost consequences

F23.06 (1) Where only one party has made an offer to settle issues of decision-making and/or parenting time, and the offer to settle

(a) is delivered

- (i) at least two clear days before the application is to be heard, where it relates to an interim application, or
- (ii) at least seven clear days before the trial is to commence, where the offer relates to a trial;
- (b) is not accepted before the commencement of the application or trial:
- (c) is not withdrawn in accordance with rule F23.02, or deemed rejected in accordance with rule F23.03 before the start of the hearing or trial; and
- (d) is found to be as favourable or more favourable than the judicial outcome,

that party is entitled to the partial recovery costs of those portions of the proceeding to which the offer to settle related, to be assessed on Column 3 of the Scale of Costs from the commencement of the proceeding to the date before the offer to settle was delivered and on Column 5 of the Scale of Costs from the date of the offer to settle to the conclusion of the proceeding, subject to rule F33.02(3) ("Presumption").

(2) Where a party has made an offer to settle one or more claims, other than a claim relating to decision-making and/or parenting time, and the offer to settle

(a) is delivered

(i) at least two clear days before the application is to be heard, where it relates to an interim application, or

- (ii) at least seven clear days before the trial is to commence, where the offer to settle relates to a trial;
- (b) is not accepted before the commencement of the application or trial:
- (c) is not withdrawn in accordance with rule F23.02, or deemed rejected in accordance with rule F23.03 before the start of the hearing or trial; and
- (d) is found to be as favourable or more favourable than the judicial outcome,

that party is entitled to the partial recovery costs of those portions of the proceeding to which the offer to settle related to be assessed on Column 3 of the Scale of Costs from the commencement of the proceeding to the date before the offer to settle was delivered and on Column 5 of the Scale of Costs from the date of the offer to settle to the conclusion of the proceeding.

25. Rule F25.04(1)(a) of the rules is repealed and the following substituted:

(a) permits a party or lawyer to appear remotely pursuant to rule F41 ("Appearing Remotely"); or

26. Rule F26.02(2)(b) of the rules is repealed and the following substituted:

(b) the willingness of the person seeking decision-making responsibility to facilitate parenting time with each parent;

27. Rule F30.02(1)(a) of the rules is repealed and the following substituted:

(a) permits a party or lawyer to appear remotely pursuant to rule F41 ("Appearing Remotely"); or

28. Rule F32.02(1) of the rules is repealed and the following substituted:

What information may be contained in an affidavit

F32.02 (1) A person signing an affidavit must only set out facts of which they have personal knowledge, except where this rule provides otherwise.

29. Rule F37.01 of the rules is repealed and the following substituted:

Proceedings

- **F37.01** (1) To the extent that the procedure or time limits in this Part are inconsistent with the *Children, Youth and Families Act*, the provisions of the Act will apply.
- (2) Any hearing under the Children, Youth and Families Act must be
 - (a) held as informally as the circumstances of the case permit;
 - (b) scheduled as expeditiously as the schedule of the Court allows and as fairness to the parties and affected persons requires; and
 - (c) held in private unless the judge hearing the matter determines that the proper administration of justice or the interests of a child require otherwise.
- (3) A judge may make any order under rule F14.07 ("Powers of case management judge") not inconsistent with the *Children*, *Youth and Families Act* that may assist in focusing a child protection hearing on the matters in dispute.
- (4) An application for a protective intervention order and any other application under the *Children, Youth and Families Act* must be started by presenting the original and one copy of an application to the Court.
- (5) An application for another order relating to children in respect of whom a protective intervention order has already been sought or in respect of other children in the same family must be given the same file number as the original application where the application is made in the same judicial centre.
- 30. Rule F37.02(1) of the rules is repealed and the following substituted:

Summary judgment

F37.02 (1) Upon completion of a presentation hearing as required by section 31 of the *Children, Youth and Families Act* and an order being made directing that a protective intervention hearing is to take place, a party may make an application for a summary judgment for a final order without a trial on all or part of any claim made or defence to be presented in the proceeding.

31. Rule F37.03(2) of the rules is repealed and the following substituted:

(2) A judicial case conference may only occur at some time after the conclusion of the presentation hearing as required by section 31 of the *Children, Youth and Families Act* and before a full hearing occurs.

32. Rule F38.09(5) of the rules is repealed and the following substituted:

(5) Where the Court has notice of the alleged wrongful removal or retention of a child, the Court must not deal with the merits of decision-making rights in respect of the child until an application for return of the child under the *Hague Convention on International Child Abduction* has been determined, unless a return application is not filed within a reasonable time after notice is given to the Court.

33. The rules are amended by adding immediately after Rule F40 the following:

Rule F41 – Appearing Remotely

Definitions

F41.01 (1) For the purposes of this rule,

- (a) "appear remotely" means to appear at a Court appearance by teleconference, videoconference, or other means of communication acceptable to the Court; and
- (b) "participant" means a party, a lawyer for a party, or any other individual required to attend a Court proceeding.

Appearing remotely with the permission of the Court

F41.02 (1) A participant may appear remotely if, upon request to a registry clerk, the Court so permits.

- (2) Subject to the provisions of the *Children, Youth and Families Act* or another Act, a request to appear remotely at a proceeding other than a trial must be made to the registry clerk at least 3 business days before the appearance.
- (3) Subject to the provisions of the *Children, Youth and Families Act* or another Act, a request to appear remotely at a trial must be made at least 3 days before the date scheduled for the trial readiness conference.
- (4) A participant may, at any time, apply for a procedural order permitting the participant to appear remotely.
- (5) A request to appear remotely or an application for an order to appear remotely at any proceeding must include:
 - (a) the reason for the request; and
 - (b) where a videoconference is requested, the proposed arrangements and equipment for the participant's appearance by videoconference.
- (6) Where a participant has been permitted to appear remotely, the Court may:
 - (a) provide directions regarding the manner of the remote appearance; and
 - (b) require a party to make any necessary arrangements and to give notice of those arrangements to all other parties and to the Court.
- (7) A judge may, at their discretion, appear remotely or order that a participant appear remotely.

Factors to consider

- **41.03** In deciding whether to permit a participant to appear remotely, the Court may consider:
 - (a) the general principle that evidence and argument are best presented orally and in person;

- (b) the nature of the evidence to be offered during the appearance and its importance to determining the issues in the case;
- (c) the importance of observing demeanor and whether the observation might be hampered by a remote appearance;
- (d) the impact such an appearance might have on the Court's ability to make findings, including credibility assessments;
- (e) whether a party, lawyer for a party, or witness is unable to attend because of infirmity or illness;
- (f) the cost and inconvenience of requiring the participant to attend in person;
- (g) whether the other parties consent to such an appearance; and
- (h) any other relevant consideration.

Discretion of the Court

41.04 Where a participant appears remotely pursuant to rule 41.02(1) a judge may adjourn the proceeding and require the participant to appear in person.

Expense of remote appearance

- **41.05** Where the Court permits a participant to appear remotely, the actual expense of the appearance, unless otherwise ordered by the Court, must be paid by the party making the request.
- 34. (1) The rules are amended by repealing and substituting Form 56.12A.
- (2) The rules are amended by repealing and substituting the following forms: F4.03A; F4.04A; F5.05A; F5.06A; F6.02A; F8.03A; F10.02; F11.02; F16.03A; F17.03; F23.01A; F23.02A; F23.05A; F25.03A; F26.02A; F29.02A; F31.02A; F34.02B; F34.02C; F38.04A; F38.04B; and F38.06A.

Commencement

- 35. (1) Sections 1 to 6, 9, 13 to 16, 18 and 19, 21 to 23, 25, 27 to 33 and subsection 34(1) come into force on August 6, 2020.
- (2) Sections 7 and 8, 10 to 12, 17, 20, 24, 26 and subsection 34(2) come into force on March 1, 2021.

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How to Make an Originating Application

Instructions for the Applicant

An **Originating Application (Form 4.03A)** is a document you must use to start a family law court proceeding. Your Originating Application tells the Court that there are family law issues that you would like to have resolved. If you start an Originating Application, you are the *Applicant*. The other person is the *Respondent*.

If you are making an application together with the other person (ie. a joint application), you cannot use this form. You must do a **Joint Originating Application (Form F4.04A).**

Completing Your Originating Application

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

You must fill out pages 1-5 of the Originating Application and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Originating Application, attach an extra page and indicate which section is continued on the extra page.

Filing Your Originating Application

You must make **3 extra copies** of your completed and signed Originating Application (including any additional documents). To file your Originating Application, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html

Serving Your Originating Application

You must give a copy of the Originating Application to the Respondent. This is called *service*. You have **180 days** to serve the Respondent after you have filed the Application. If you do not serve the Application in 180 days, it will expire and you may have to file a new Originating Application.

If your Application involves divorce and/or parenting, an adult (who is not you) must hand-deliver the Application to the Respondent. This is called *personal service*. You will have to file an **Affidavit of Service** (Form F8.11A) with the Court.

If your Application does *not* involve divorce or parenting, you can serve the Respondent by personal service, leaving a copy with the Respondent's lawyer, leaving a copy at the Respondent's address, registered mail/courier, or regular mail. You can also serve by fax, email, or electronic document exchange, if the Respondent has provided that information. You will have to file an **Affidavit of Service (Form F8.11A)**, **Acknowledgement of Service (Form F8.04A)**, a copy of the document with the recipient's lawyer's endorsement on it, a reply email, or a delivery confirmation with the Court.

More Information

Rules of the Supreme Court, 1986

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Bank: (709) 832-1720 Happy Valley-Goose Bay: (709) 896-7892 Grand Falls-Windsor: (709) 292-4260 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788 Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SERVING THE APPLICATION ON THE RESPONDENT ---

How to Respond to an Originating Application

Instructions for the Respondent

A family law proceeding has been started against you. You are the Respondent in this proceeding.

The person who has started this family law proceeding is the *Applicant*.

Read the attached **Originating Application (Form 4.03A)** carefully. The Applicant has explained the family law issues that he/she would like to have resolved. If you want to oppose any of the Applicant's claims or if you want to make your own claims, you must file and serve a **Response (Form F6.02A)**.

You can get a Response form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

You have only **30 days** after this Originating Application has been served on you to file and serve your Response (You have 60 days if you have been served outside of Canada or the United States).

For more information on how to fill out, file, and serve a Response, read the "Instructions for the Respondent" page attached to the Response form.

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

More Information

Questions? You can go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

Form F4.03A: Originating Application (Family Law)

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

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

BETWEEN:		APPLICANT
	(Print full name)	
AND:		RESPONDENT
	(Print full name)	
AND:		☐ NOT APPLICABLE
	(Print full name)	☐ SECOND APPLICANT
		☐ SECOND RESPONDENT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If	your application is required to be heard in	then you must file your documents in
	Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
	Corner Brook	Corner Brook Supreme (Family Division)
	Gander	Gander Supreme Court
	Grand Bank	Grand Bank Supreme Court
	Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
	Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
	Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. John's	St. John's Supreme Court (Family Division)
	Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

Check the type of order(s) that you are seeking:

You must fill out the Schedule(s) that relate to your claim(s) and attach any additional forms or documents required.

Type of Order	Fill Out Schedule	Attach
Divorce	1	Original marriage certificate
Parenting (decision-making and parenting time)	2	-
Child Support	3	Financial Statement (Form F10.02A) and/or income information, if applicable
Spousal (married) Support or Partner (unmarried) Support	4	Financial Statement (Form F10.02A)
Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)	4	Financial Statement (Form F10.02A)
Division of Matrimonial (married) Property, Common Law (unmarried) Property, or Property under the FHRMIR Act	5	Property Statement (Form F10.04A)
Return of Child (within Canada)	6	Emergency Interim Application (Form 17.03A) if applicable
Consent Order or Agreement	7	Signed consent order or agreement
Contact Order (contact between a child and a person who is not a parent of the child)	7	-
Other:	7	-

Applicant Information

Fill in your information below:

If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name		Last Name at Birth:		
First Name		•		
Middle Name(s) (if any)				
Gender				
Residential Address				
	Street Address	City	Province	Postal Code
Mailing Address (if different from Residential Address)				
()	Street Address or PO Box	City	Province	Postal Code
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)	If you provide your email address, the	Court may contact you by er	nail.	
Date of Birth	Month:	Day:	Year:	

Occupation(s) or Job(s)						
Citizen / Immigration Status	☐ Canadian Citizen		☐ Permanent Resident		☐ Foreign National	
Are you a registered Indian	□ Yes	□ No	If yes, what is the name of your band?			
under the <i>Indian Act</i> ?	∐ Yes I	□ INO	Do you live on a reserve?			
Do you wish to have your matter conducted in French?	□ Yes	□No				
Do you need an interpreter?	☐ Yes You may be r interpreter fee			If yes, state the lange	uage and dialect:	
Lawyer's Name, Telephone Number, and Address (if any)						

Respondent Information

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

Current Last Name			Last I	Name at Birth:		
First Name						
Middle Name(s) (if any)						
Gender						
Residential Address	Street Address			Cit.	Province	Postal Code
	Street Address			City	Province	Postal Code
Mailing Address (if different from Residential Address)				0"		B 110 1
	Street Address or PO	Вох		City	Province	Postal Code
Telephone Number (if any)	Home:			Cell:		
Fax Number (if any)						
Email Address (if any)						
Date of Birth	Month:		Day:		Year:	
Occupation(s) or Job(s)						
Citizen / Immigration Status	☐ Canadian Citiz	zen 🗆 P	ermar	nent Resident	☐ Fore	gn National
Is the Respondent a registered Indian under the	☐ Yes ☐ No	If yes, what is the name of the Respondent's band?				
Indian Act?		Does the Respondent live on a reserve?				
Does the Respondent need an interpreter?	☐ Yes ☐ N The Respondent may own interpreter fees a	be responsible for	their	If yes, state the lan	iguage and d	ialect:
Lawyer's Name, Telephone Number, and Address (if any)						

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Fill in the information about your relationship with the Respondent:

Your relationship with	the Respondent					
Date the parties starte	Month:	Day:	Year:	OR Not applicab		
Date of marriage	Month:	Day:	Year:	OR I Not applicab		
Place of marriage				OR		
Prior to the marriage,	☐ Unmarried	☐ Divorced	☐ Widowed	OR		
Prior to the marriage,	the Respondent was	☐ Unmarried	☐ Divorced	☐ Widowed	OR	
Date of separation	Month:	Day:	Year:	OR		
Date of divorce		Month:	Day:	Year:	OR	
Check this box if you are starting a proceeding against more than one Respondent. Attach an extra page to provide the information of the other Respondent(s) and the details of your relationship with the other Respondent(s). Fill in the information for every child of your relationship (including children under and over 19 and non-dependents):						
	Chil	ld 1	Ī	Chile	d 2	
Child's Full Name						
Mother's Full Name						
Father's Full Name Date of Birth						
(month/day/year)						
Gender						
Child is Currently Living With (Name)						
Disabilities and/or Special Needs						
	Chil	ld 3		Chile	d 4	
Child's Full Name						
Mother's Full Name						
Father's Full Name						
Date of Birth (month/day/year)						
Gender						
Child is Currently Living With (Name)						
Disabilities and/or Special Needs						
☐ Check this box if the		dren Attach an e	extra nage to n	rovide the detail	ls of those children	

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July 3, 2020

If child protection services, in this province or elsewhere, have ever been involved with you, the Respondent(s), and/or the children, provide the details below.
☐ Check this box if not applicable.
Provide the details of any current or ongoing court proceedings, court orders, and/or written agreements involving you, the Respondent(s), and/or the children. Attach any written agreements and any court orders not in the Court file. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, and no-contact orders.
☐ Check this box if not applicable.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 7.)

Schedule 1 Divorce

In order to apply for a divorce, you must be able to satisfy all 4 of the requirements below:

1	☐ There has been a breakdown in our marriage and there is no likelihood that we will get back together.					
2	I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.	OR		My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.		
3	I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency. Check this box if your Certificate of Marriage is not in English or French. You must attach a translation and an Affidavit from the translator.	OR		I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.		
4	☐ There has been no collusion in relation to this application for a divorce.					

I am seeking a divorce because there has been a permanent breakdown in our marriage based upon:

Separation:
Check this box if you and your spouse currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding.
If you and your spouse have been living separate and apart for less than 1 year, you may still file an Originating Application for divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.
Adultery:
Check this box if you are seeking divorce because the Respondent has committed adultery. Attach an extra page with details of the adultery.
You may be required to present further evidence of the adultery. You do not need to name any other person involved. If you choose to name another person, you must serve this Originating Application on that person by personal service. That other person(s) will have the same rights as the Respondent in relation to the adultery claim and may file a Response.
☐ Check this box to declare that you have not condoned or connived in the adultery.
Cruelty:
Check this box if you are seeking divorce because your spouse has treated you with physical or mental cruelty that makes continued cohabitation intolerable. Attach an extra page with details of the cruelty.
You may be required to present further evidence of the physical or mental cruelty.
☐ Check this box to declare that you have not condoned or connived in the cruelty.

Schedule 2 Parenting

If you are making a parenting application (decision-making and/or parenting time), fill in the information below:

what are the <u>current</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (ie. phone or internet):
Other important issues in relation to parenting the child(ren):

what are your <u>proposed</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (eg. phone, internet, etc.):
Other important issues in relation to parenting the child(ren):

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Schedule 3 Child Support

Check all of the boxes that apply:

□ I am seeking special and/or extraordinary expenses. You must complete and attach a Financial Statement (Form F10.02A). □ I am seeking an amount of child support that is different from the Child Support Guidelines basic table amount. Depending on your reason(s) for seeking an amount different from the Child Support Guidelines, you may have to attach further documentation. List your reason(s) for seeking an amount of child support different from the Child Support Guidelines: □ The Respondent and I have agreed to child support in the amount of \$ per month. □ My parenting time with the child(ren) is 40% of the year or more. You must complete and attach a Financial Statement (Form F10.02A). □ The child(ren) is(are) 19 years of age or older. You must complete and attach a Financial Statement (Form F10.02A). □ One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A). □ I am claiming undue hardship for the following reason(s): □ Other: □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Other: □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Other: □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Other: □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Other: □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). □ Depending on your claim, you may be required to complete and attach a F					
I am seeking an amount of child support that is different from the Child Support Guidelines basic table amount. Depending on your reason(s) for seeking an amount different from the Child Support Guidelines, you may have to attach further documentation. List your reason(s) for seeking an amount of child support different from the Child Support Guidelines: The Respondent and I have agreed to child support in the amount of \$	I am seeking the basic table amount as per the <i>Child Support Guidelines</i> .				
I am seeking an amount of child support that is different from the Child Support Guidelines basic table amount. Depending on your reason(s) for seeking an amount different from the Child Support Guidelines, you may have to attach further documentation. List your reason(s) for seeking an amount of child support different from the Child Support Guidelines: The Respondent and I have agreed to child support in the amount of \$	I am seeking special and/or extraordinary expenses.				
amount: Depending on your reason(s) for seeking an amount different from the Child Support Guidelines, you may have to attach further documentation. List your reason(s) for seeking an amount of child support different from the Child Support Guidelines: The Respondent and I have agreed to child support in the amount of \$	You must complete and attach a Financial Statement (Form (F10.02A).				
List your reason(s) for seeking an amount of child support different from the Child Support Guidelines: The Respondent and I have agreed to child support in the amount of \$	* ''				
The Respondent and I have agreed to child support in the amount of \$					
My parenting time with the child(ren) is 40% of the year or more. You must complete and attach a Financial Statement (Form F10.02A). The child(ren) is(are) 19 years of age or older. You must complete and attach a Financial Statement (Form F10.02A). One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A). I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking retroactive child support. What is the amount of retroactive child support that you are seeking? \$	List you	reason(s) for seeking an amount of child support different from the Child Support Guidelines:			
The child(ren) is(are) 19 years of age or older. You must complete and attach a Financial Statement (Form F10.02A). One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A). I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking retroactive child support. What is the amount of retroactive child support that you are seeking? \$		The Respondent and I have agreed to child support in the amount of \$ per month.			
You must complete and attach a Financial Statement (Form F10.02A). One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A). I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking retroactive child support. What is the amount of retroactive child support that you are seeking? \$					
annually. You must complete and attach a Financial Statement (Form F10.02A). I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking retroactive child support. What is the amount of retroactive child support that you are seeking? \$					
I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking retroactive child support. What is the amount of retroactive child support that you are seeking? \$		annually.			
Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking retroactive child support. What is the amount of retroactive child support that you are seeking? \$					
☐ I am seeking retroactive child support. What is the amount of retroactive child support that you are seeking? \$					
What is the amount of retroactive child support that you are seeking? \$		Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).			
What is the date from which you are seeking retroactive child support? (month/day/year)	☐ I am seeking retroactive child support.				
	What is the amount of retroactive child support that you are seeking? \$				
Describe the facts and your reason(s) for seeking retroactive child support:	What is the date from which you are seeking retroactive child support? (month/day/year)				
	Describe the facts and your reason(s) for seeking retroactive child support:				

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Schedule 4 Spousal, Partner, Parental, or Dependant Support

If you are seeking spousal, partner, parental, or dependant support, you must complete and attach a Financial Statement (Form F10.02A)

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

I am see	eking:
	Spousal support Partner support Parental support Dependant support
Describ	e the facts and your reason(s) for seeking support:
I am see	eking:
	Retroactive spousal support Retroactive partner support Retroactive parental support Retroactive dependant support
What is	the amount of retroactive support that you are seeking? \$
What is	the date from which you are seeking retroactive support? (month/day/year)
Describe	e the facts and your reason(s) for seeking retroactive support:

Schedule 5 Division of Property

If you are seeking a division of matrimonial property or common law property, you must complete and attach a **Property Statement (Form F10.04)**

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

I am seeking an equal division of matrimonial property.		
I am seeking an unequal division of matrimonial property.		
Describe the facts and your reason(s) for seeking an unequal division of property:		
I am seeking exclusive possession of the matrimonial home.		
Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home:		
I am seeking a division of common law property.		
Describe your property claim, the facts, and your reason(s) for seeking the claim:		
I am making a claim under the Family Homes on Reserves and Matrimonial Interests or Rights Act.		
Describe your property claim, the facts, and your reason(s) for seeking the claim:		
Other:		
Describe your property claim, the facts, and your reason(s) for seeking the claim:		

Schedule 6 Return of Child (within Canada)

If you are seeking a court order for the return of a child or children (within Canada), answer the questions below: You may provide any additional affidavit(s) necessary.
At what address does the child(ren) habitually (normally) live?
Set out all of the available facts and information that you have relating to the whereabouts of the child(ren):
Set out all the available facts and information that you have regarding the identity of the person that the child(ren) is/are presumed to be with:
Set out your reasons for making the application:

Other Applications Schedule 7 If you are seeking a court order for something other than the claims requested in the other Schedules, state what you are seeking, describe the facts, and give reasons:

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Originating Application and the attached Schedule(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information in this Originating Application are true to the best of my knowledge and belief.				
SWORN TO or AFFIRMED at	, this ₋	day of	, 20	
Signature of Applicant		ignature of Person Authorize	ed to Administer Oaths	
Lawyer's Signature for Fee W	<i>l</i> aiver			
I am employed by the Newfoundland and Labra government department under the Executive Countries.	•			
Signature of Lawyer (if any)	ure of Lawyer (if any) Print Name of Lawyer (if any)			
Lawyer's Certificate				
☐ Check this box if you have a lawyer. Your law If you are not applying for divorce or do not he			s Certificate.	
I,, th	e Lawyer for _		,	
I,, the Lawyer for, (Print Lawyer's Name) , (Print Applicant's Name)				
the Applicant, certify to this Court that I have compl				
DATED at	, this	day of		
Signature of Lawyer Address of Lawyer				

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July 3, 2020

How to Make a Joint Originating Application

Instructions for Co-Applicants

You may use a **Joint Originating Application (Form F4.04A)** if you and the other person(s) consent to your family law issues and want to apply for a family law order together.

If you and the other person(s) disagree on any family law issues, you cannot use this form. Instead, you must do an **Originating Application (Form F4.03A)**.

Completing Your Joint Originating Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court).

You must fill out all of the pages in this Joint Originating Application and attach an agreement or a **Consent Order (Form F34.02A and/or F34.02B)**. If you need more space to fill out any section of this Joint Originating Application, attach an extra page and indicate which section is continued on the extra page.

Filing Your Joint Originating Application

You must make **2 extra copies** of your completed and signed Joint Originating Application (including any attachments). File your original Joint Originating Application with the Court. To file your Joint Originating Application, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you.

Serving Your Joint Originating Application

Since all of the Co-Applicants have signed the filed Joint Originating Application, you do NOT need to serve the Joint Originating Application on the other Co-Applicant(s). However, you should still make sure all the Co-Applicants have a copy of the Joint Originating Application and all attachments.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): $\underline{www.publiclegalinfo.com} \ \ \text{or} \ 1 \ (888) \ 660-7788$

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

Form F4.04A: Joint Originating Application (Family Law)



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

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

BETWEEN:		CO-APPLICANT
	(Print full name)	
AND:		CO-APPLICANT
	(Print full name)	
AND:		☐ NOT APPLICABLE
	(Print full name)	☐ CO-APPLICANT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If	your application is required to be heard in	then you must file your documents in
	Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
	Corner Brook	Corner Brook Supreme (Family Division)
	Gander	Gander Supreme Court
	Grand Bank	Grand Bank Supreme Court
	Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
	Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
	Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. John's	St. John's Supreme Court (Family Division)
	Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

Check the type of order(s) that you are seeking: You must fill out and file the Schedule(s) and any additional documents that relate to your claim(s).

Type of Order	Fill Out Schedule	Attachment(s)
Divorce	1	Original marriage certificate
Parenting (decision-making and parenting time)	2	Consent Order or agreement
Child Support	3	Consent Order or agreement
Spousal (married) Support or Partner (unmarried) Support	4	Consent Order or agreement
Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)	4	Consent Order or agreement
Division of Matrimonial (married) Property, Common Law (unmarried) Property, or Property under the FHRMIR Act	5	Consent Order or agreement
Contact Order (contact between a child and a person who is not a parent of the child)	6	-
Other:	6	Consent Order or agreement

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

Current Last Name		Last Name at Birth:	
First Name			
Middle Name(s) (if any)			
Gender			
Residential Address	Street Address	City	Province Postal Code
Mailing Address	Street Address	City	Flovilice Fostal Code
Mailing Address (if different from Residential Address)			
,	Street Address or PO Box	x City	Province Postal Code
Telephone Number (if any)	Home:	Cell:	
Fax Number (if any)			
Email Address (if any)	If you provide your email	address, the Court may contact you by e	mail.
Date of Birth	Month:	Year:	
Occupation(s) or Job(s)			
Citizen / Immigration Status	☐ Canadian Citizen	☐ Permanent Resident	☐ Foreign National
Are you a registered Indian	□ Yes □ No	nd?	
under the <i>Indian Act</i> ?	L 162 LINO	Do you live on a reserve?	

Do you wish to have your matter conducted in French?	□ Yes [□ No					
Do you need an interpreter?	☐ Yes [You may be resp interpreter fees a				If yes, state the	anguage and c	lialect:
Lawyer's Name, Telephone Number, and Address (if any)							
Fill in the information below for the	second Co-App	licant:					
Current Last Name			L	ast l	Name at Birth:		
First Name			1				
Middle Name(s) (if any)							
Gender							
Residential Address	Street Address				City	Province	Postal Code
Mailing Address (if different from Residential Address)	Street Address o	r PO Boy	,		City	Province	Postal Code
Telephone Number (if any)	Home:	т о дох	<u> </u>		Cell:	1 TOVINGE	1 Ostal Oode
Fax Number (if any)							
Email Address (if any)	Please note that	if you pro	ovide your email a	addre	ss, the Court may c	ontact you by en	nail.
Date of Birth	Month:		Day:	:		Year:	
Occupation(s) or Job(s)							
Citizen / Immigration Status	☐ Canadian	Citizen	□ Pe	rmaı	nent Resident	☐ Fore	ign National
Are you a registered Indian	☐ Yes [If yes, what is	the	name of your ban	d?	
under the <i>Indian Act</i> ?	☐ Yes ☐ No		Do you live on a reserve?				
Do you wish to have your matter conducted in French?	□ Yes [⊐ No					
Do you need an interpreter?	☐ Yes [You may be resp interpreter fees a				If yes, state the	language and c	lialect:
Lawyer's Name, Telephone Number, and Address (if any)							

Fill in the information about your relationship below:

Relationship of the pa	rties					
Date the parties starte	d living together	Month:	Day:	Year:	OR	☐ Not applicable
Date of marriage	Month:	Day:	Year:	OR	☐ Not applicable	
Place of marriage				OR	☐ Not applicable	
Prior to the marriage, the first Co-Applicant was		☐ Unmarried	☐ Divorced	☐ Widowed	OR	☐ Not applicable
Prior to the marriage, the second Co-Applicant was		☐ Unmarried	☐ Divorced	☐ Widowed	OR	☐ Not applicable
Date of separation		Month:	Day:	Year:	OR	☐ Not applicable
Date of divorce		Month:	Day:	Year:	OR	☐ Not applicable
☐ Check this box if the Co-Applicant(s) and Fill in the information for each	d details of your rel	ationship with the	e other Co-App	olicant(s).		
		Child 1		С	hild 2	
Child's Full Name						
Mother's Full Name						
Father's Full Name						
Date of Birth (month/day/year)						
Gender						
Child is Currently Living With (Name)						
Disabilities and/or Special Needs						
		Child 3		С	hild 4	
Child's Full Name						
Mother's Full Name						
Father's Full Name						
Date of Birth (month/day/year)						
Gender						
Child is Currently Living With (Name)						
Disabilities and/or						

☐ Check this box if there are no children.

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

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f child protection services, in this province or elsewhere, have ever been involved with you, the Respondent(s), and/or he children, provide the details below.
☐ Check this box if not applicable.
Provide the details of any current or ongoing court proceedings, court orders, and/or written agreements involving you, the Respondent(s), and/or the children. Attach any written agreements and any court orders not in the Court file. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, and no-contact orders.
☐ Check this box if not applicable.

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

1		There has been a breakdown in our marriaç	je and t	there i	is no likelihood that we will get back together.
2		I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.	OR		My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.
3		I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency. Check this box if your Certificate of Marriage is not in English or French. You must attach a translation and an Affidavit from the translator.	OR		I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.
4		There has been no collusion in relation to the	is appli	ication	ı for a divorce.
Ve a	re se	eeking a divorce because there has been	n a pe	erman d apar	ent breakdown in our marriage based upon t and will have lived separate and apart for at lea
Ve a	re se ration Che 1 y	eeking a divorce because there has been n: eck this box if the parties currently live separ rear prior to the determination of the divor	n a pe	erman d apari ceedi	ent breakdown in our marriage based upon It and will have lived separate and apart for at leading. It, you may still file an Application for divorce on the ground
Ve a sepa	re seration Che 1 y	eeking a divorce because there has been: eck this box if the parties currently live separate are prior to the determination of the divor	n a perate and ce prodess than apsed to the	erman d apari ceedi n 1 year file an A	ent breakdown in our marriage based upon It and will have lived separate and apart for at leading. It, you may still file an Application for divorce on the ground Application for Judgment for divorce.

Schedule 2 Parenting

If you are making a parenting application for a parenting order (decision-making and/or parenting time), fill in the information below:

what are the <u>current</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (ie. phone or internet):
Other important issues in relation to parenting the child(ren):

what are your <u>proposed</u> parenting arrangements for:						
Decision-making about the child(ren):						
Regular parenting schedule (daily, weekly, monthly, or other):						
Parenting schedule for holidays and special occasions:						
Schedule for other communication (eg. phone, internet, etc.):						
Other important issues in relation to parenting the child(ren):						

Schedule 3 Child Support

Check all of the boxes that apply:

We agre	ee to the basic table amount as per the <i>Child Support Guidelines</i> .						
We agre	e on special and/or extraordinary expenses.						
We agre	ee to an amount of child support that is different from the Child Support Guidelines basic table						
What ar	e your incomes?						
	Co-Applicant 1's Annual Income: \$						
	Co-Applicant 2's Annual Income: \$						
What ar	e your reason(s) for an amount of child support that is different from the Child Support Guidelines?						
	We agree to child support in the amount of \$ per month.						
	Each of us has parenting time with the child(ren) for 40% of the year or more.						
	The child(ren) is(are) 19 years of age or older.						
	One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually.						
	One or more of us is claiming undue hardship for the following reason(s):						
	Other:						
We agre	ee to an amount of retroactive child support.						
Describe	e the reason(s) for retroactive child support:						

Schedule 4 Spousal, Partner, Parental, or Dependant Support

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

	We have agreed to an amount of :						
	 □ Spousal support □ Partner support □ Parental support □ Dependent support 						
	Describe the reason(s) for support:						
	We have agreed to an amount of:						
	☐ Retroactive spousal support						
	 □ Retroactive partner support □ Retroactive parental support 						
	□ Retroactive dependent support						
	Describe the reason(s) for retroactive support:						
l	J						

Schedule 5 Division of Property

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

We agree to an equal division of matrimonial property .	
We agree to an unequal division of matrimonial property.	
Describe the reason(s) for an unequal division of property:	
We agree to a division of common law property.	
Describe the property claim and the reason(s) for the property claim:	
We agree to a division of property under the Family Homes on Reserves and Matrimonial Interests Rights Act.	s or
Describe your property claim, the facts, and your reason(s) for seeking the claim:	
Other:	
Describe the property claim and the reason(s) for the property claim:	

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Other Applications Schedule 6 If you have come to an agreement on something other than the claims listed in the other Schedules, state what you are agreeing to and give reasons:

If there are more than 2 Co-Applicants, attach an extra page with the signatures required below.

Statement of Truth

All Co-Applicants must swear or affirm that the facts and information in this Application, the attached schedules, and the attached Consent Order(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

First Co-Applicant	Second Co-Applicant					
I declare the facts and information in this Joint Originating Application are true to the best of my knowledge and belief.	I declare the facts and information in this Joint Originating Application are true to the best of my knowledge and belief.					
SWORN TO or AFFIRMED at,	SWORN TO or AFFIRMED at,					
this , 20	this , 20					
Signature of First Co-Applicant	Signature of Second Co-Applicant					
Commissioner of Oaths / Justice of the Peace	Commissioner of Oaths / Justice of the Peace					
Lawyer's Certificate If any of the Co-Applicants has a lawyer and you have	applied for a divorce, your lawyer(s) must complete this					
Certificate. If none of the Co-Applicants has a lawyer, you						
First Co-Applicant's Lawyer (if any)	Second Co-Applicant's Lawyer (if any)					
I,, the Lawyer for, the Co-Applicant, certify that I have complied with the requirements of s.7.7 of the <i>Divorce Act</i> . Dated at,	I,, the Lawyer for, the Co-Applicant, certify that I have complied with the requirements of s.7.7 of the <i>Divorce Act</i> . Dated at,					
this , 20	this day of , 20					
Signature of Lawyer	Signature of Lawyer					
orginator or Euryor	orgination of Lawyor					

How to Make an Originating Application for Variation

Instructions for the Applicant

You may use an **Originating Application for Variation (Form F5.05A)** if you want to change a final family law order. If you start an Originating Application for Variation, you are the *Applicant*. The other person is the *Respondent*.

If you are making an application together with the other person (i.e. a joint application), you cannot use this form. You must make a **Joint Originating Application for Variation (Form F5.06A).**

Completing Your Originating Application for Variation

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

You must fill out pages 1-5 of the Originating Application for Variation and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Originating Application for Variation, attach an extra page and indicate which section is continued on the extra page.

Filing Your Originating Application for Variation

You must make **3 extra copies** of your completed and signed Originating Application for Variation (including any attachments). File the original Originating Application for Variation with the Court. To file your Originating Application for Variation, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html

Serving Your Originating Application for Variation

Once you have filed your completed Originating Application for Variation with the Court, you must give a copy of the Application and the 'Instructions for the Respondent' page to the Respondent. This is called *service*. You have **180 days** to serve the Respondent after you have filed the Application. If you do not serve the Application in 180 days, it will expire and you may have to file a new Application.

If your Application involves parenting, an adult (who is not you) must hand-deliver the Application to the Respondent. This is called *personal service*. If your Application does *not* involve parenting, you can serve the Respondent by leaving a copy with the Respondent's lawyer, leaving a copy at the Respondent's address, registered mail/courier, or regular mail. You may also serve the Respondent using fax, email, or electronic document exchange, if the Respondent has provided that information.

You may have to file an **Affidavit of Service (Form F8.03A)** or **Acknowledgement of Service (Form F8.04A)** with the Court. These forms are available online: www.court.nl.ca/supreme/family/forms.html

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

--- REMOVE THIS PAGE BEFORE SERVING THE APPLICATION ---

How to Respond to an Originating Application for Variation

Instructions for the Respondent

A family law proceeding has been started against you. You are the Respondent in this proceeding.

The person who has started this family law proceeding is the Applicant.

Read the attached **Originating Application for Variation (Form F5.05A)** carefully. The Applicant has explained the family law issues that he/she would like to have resolved. If you want to oppose any of the Applicant's claims or if you want to make your own claims, you must file and serve a **Response (Form F6.02A)**.

You can find the Response form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html

You have only **30 days** after this Originating Application for Variation has been served on you to file and serve your Response (You have 60 days if you have been served outside of Canada or the United States).

For more information on how to fill out, file, and serve a Response, read the "Instructions for the Respondent" page attached to the Response form.

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

More Information

Questions? You can go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260
Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

Form F5.05A: Originating Application for Variation (Family Law)



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

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

BETWEEN:		APPLICANT
	(Print full name)	
AND:		RESPONDENT
	(Print full name)	
AND:		□ NOT APPLICABLE
	(Print full name)	☐ SECOND APPLICANT
		☐ SECOND RESPONDENT

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If your application is required to be heard in		then you must file your documents in
	Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
	Corner Brook	Corner Brook Supreme (Family Division)
	Gander	Gander Supreme Court
	Grand Bank	Grand Bank Supreme Court
	Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
	Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
	Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. John's	St. John's Supreme Court (Family Division)
	Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Wabush (Happy Valley - Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

Check the type of order(s) that you want to change:

You must fill out the Schedule(s) that relate to your claim(s) and attach any additional forms or documents required.

Type of Order	Fill Out Schedule	Attach
Parenting (decision-making and parenting time)	1	-
Child Support	2	Financial Statement (Form F10.02A) and/or income information, if applicable
Spousal (married) Support or Partner (unmarried) Support	3	Financial Statement (Form F10.02A)
Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)	3	Financial Statement (Form F10.02A)
Consent Order or Agreement	4	Signed consent order or agreement
Contact Order (contact between a child and a person who is not a parent of the child)	4	-
Other:	4	-

Fill in the details for the order that you are seeking to vary:

Date Order was Issued	Month:	Day:	Year:
Which Court?			
Place of Order	City:	Province:	Country:
Name of Justice or Judge			

☐ Check this box if you have more than 1 order that you are seeking to change. Attach an extra page at the end of this application to provide the details of those orders.

Applicant Information

Fill in your information below:

If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name		Last Name at Birth:		
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address				
	Street Address	City	Province	Postal Code
Mailing Address (if different from Residential Address)		0"		B 110 1
	Street Address or PO Box	City	Province	Postal Code

Telephone Number (if any)	Home: Cell:				
Fax Number (if any)					
Email Address (if any)	Please note that if you	u provide your email addre	ess, the Court may conta	act you by email.	
Date of Birth	Month:	Day:	Y	ear:	
Occupation(s) or Job(s)					
Citizen / Immigration Status	☐ Canadian Citiz	zen 🗆 Perma	nent Resident	☐ Foreign National	
Are you a registered Indian	☐ Yes ☐ N		If yes, what is the name of your band?		
under the <i>Indian Act</i> ?	L res Lin		Do you live on a reserve?		
Do you wish to have your matter conducted in French?	□ Yes □ N	No			
Do you need an interpreter?	Yes N You may be responsil interpreter fees and a	ble for your own	If yes, state the land	guage and dialect:	
Lawyer's Name, Telephone Number, and Address (if any)					

Respondent Information

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

Current Last Name		Last Name at Birth:		
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address				
	Street Address	City	Province Postal	Code
Mailing Address (if different from Residential Address)				
(ii amoroni nom reodaciniar readoc)	Street Address or PO Box	City	Province Postal	Code
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)				
Date of Birth	Month:	Day:	Year:	
Occupation(s) or Job(s)				
Citizen / Immigration Status	☐ Canadian Citizen	☐ Permanent Resident	☐ Foreign Natio	nal

Is the Respondent a registered Indian under the		□ Yes □] No	If yes, what is the name of the Respondent's band?							
Indian Act?	ei tiie	LI TES L	I INO	Does the Respondent live on a reserve?							
				□ No ent may be responsible for their er fees and arrangements.			If yes, state the language and dialect:				:t:
Lawyer's Name, Telephone Number, and Address (if any)											
Fill in the information abo	out your rel	ationship witl	n the F	Responden	t:						
Your relationship with	the Resp	ondent									
Date the parties starte	ed living to	gether	Mont	h:	Day:		Year:	OR		Not a	pplicable
Date of marriage			Mont	h:	Day:		Year:	OR		Not a	pplicable
Place of marriage								OR		Not a	pplicable
Prior to the marriage,	you were		ΠU	☐ Unmarried		ivorced	I □ Widowed	OR		Not a	pplicable
Prior to the marriage,	the Respo	ondent was		Unmarried [ivorced	I □ Widowed	OR		Not a	pplicable
Date of separation			Mont	h:	Day:		Year:			Not a	pplicable
Date of divorce			Mont	h:	Day:		Year:	OR		Not a	pplicable
Check this box if y this Application to the other Respond	provide th										
Fill in the information for	every child	of your relat	ionship	(including	g childi	ren und	der and over 19 a	nd nc	n-d	epend	dents):
		Chil	d 1				Child	12			
Child's Full Name											
Mother's Full Name											
Father's Full Name											
Date of Birth (month/day/year)											
Gender											
Child is Currently Living With (Name)											
Disabilities and/or Special Needs											

July 3, 2020

	Child 3	Child 4
Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		
	ere are more than 4 children. Attach an extra p	page to provide the details of those children. In involved with you, the Respondent(s), and/or
☐ Check this box if no	t applicable.	
you, the Respondent(s), a This includes all Provincia	current or ongoing court proceedings, court and/or the children. Attach any written agreem al Court matters, criminal matters, proceedings ction orders, restraining orders, and no-contac	nents and any court orders not in the Court file. s in other provinces or countries, peace
☐ Check this box if no	t applicable.	

Statement of Truth

You must swear or affirm that the facts and information you have written in this Application and the attached Schedule(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. You may also do this at the court registry.

I declare that the facts and information in this Origin and belief.	nating Application for	Variation are true to th	e best of my knowledge
SWORN TO or AFFIRMED at	, this	day of	, 20
Signature of Applicant	 Signatu	ıre of Person Authorize	ed to Administer Oaths
Lawyer's Signature for Fee V	Vaivor		
Lawyer's Signature for Fee v	vaivei		
I am employed by the Newfoundland and Labi government department under the Executive Cour	•		
Signature of Lawyer (if any)		Print Name of Law	yer (if any)

Schedule 1	Parenting
Why are you asking to have	re applying to change parenting arrangements (decision-making and/or parenting time): the parenting order changed? ince the time the parenting order was made.
What are the <u>current</u> parent	ing arrangements for:
Decision-making about the ch	ild(ren):
Regular parenting schedule (d	daily, weekly, monthly, or other):
Parenting schedule for holiday	ys and special occasions:
Schedule for other communication	ation (eg. phone, internet, etc.):
Other important issues in rela	tion to parenting the child(ren):

what are your <u>proposed</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (eg. phone, internet, etc.):
Other important issues in relation to parenting the child(ren):

Schedule 2 Child Support

Complete this section if you are applying to change child support:

		T		
	t is your current child			
supp	ort arrangement?			
Are t	here arrears or unpaid	☐ Yes ☐ No)	
supp	ort?	-	ost current Support Enfo	rcement (SED) statement and specify:
ls ch	ild support assigned to	☐ Yes ☐ No)	
	aid to someone else? epartment of Advanced	If yes, provide the o	letails of the assignment	arrangement:
	tion, Skills, and Labour)			
Check	all of the boxes that apply a	and fill in the informat	ion required:	
	I am seeking a change in	the Child Support G	uidelines basic table a	mount of child support:
	For the following child(rea	n):		
	Effective Date:	Month:	Day:	Year:
	Describe the facts and you	r reason(s) for seekir	ng a change in the amou	nt of child support
	V	t attack all af the fir	anaial daggeranta es	ived by page 4 of the
	You mus		ancial documents requ Statement (Form F10.02	
1			•	•

Effective Date: Month: Day: Year: List your reason(s) for seeking an amount of child support different from the Child Support Guidelines: Depending on your reasons for seeking an amount different from the Child Support Guidelines, you may have to file additional documentation. The Respondent and I have agreed to child support in the amount of \$	For the	e following child(ren):				
Depending on your reasons for seeking an amount different from the Child Support Guidelines, you may have to file additional documentation. The Respondent and I have agreed to child support in the amount of \$	Effecti	ve Date:	Month:	Day:	Year:	
My parenting time with the child(ren) is 40% of the year or more. You must complete and attach a Financial Statement (Form F10.02A). The child(ren) is(are) 19 years of age or older. You must complete and attach a Financial Statement (Form F10.02A). One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A). I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking a change in the amount of special and/or extraordinary expenses. You must complete and attach a Financial Statement (Form F10.02A). You must also provide the information below: For the following child(ren): Effective Date: Month: Day: Year:	Dependin	ng on your reasons for seek	•	• •		
The child(ren) is(are) 19 years of age or older. You must complete and attach a Financial Statement (Form F10.02A). One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A). I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking a change in the amount of special and/or extraordinary expenses. You must complete and attach a Financial Statement (Form F10.02A).You must also provide the information below: For the following child(ren): Effective Date: Month: Day: Year:		The Respondent and	d I have agreed to	child support in the amoun	t of \$	per mon
You must complete and attach a Financial Statement (Form F10.02A). One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A). I am claiming undue hardship for the following reason(s): You must complete and attach a Financial Statement (Form F10.02A). Other: Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking a change in the amount of special and/or extraordinary expenses. You must complete and attach a Financial Statement (Form F10.02A). You must also provide the information below: For the following child(ren): Effective Date: Month: Day: Year:						
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You must complete and attach a Financial Statement (Form F10.02A). Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking a change in the amount of special and/or extraordinary expenses. You must complete and attach a Financial Statement (Form F10.02A). You must also provide the information below: For the following child(ren): Effective Date: Month: Day: Year: Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary		\$150,000 annually.			n income that is m	ore than
Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A). I am seeking a change in the amount of special and/or extraordinary expenses. You must complete and attach a Financial Statement (Form F10.02A). You must also provide the information below: For the following child(ren): Effective Date: Month: Day: Year:		I am claiming undue	hardship for the f	ollowing reason(s):		
I am seeking a change in the amount of special and/or extraordinary expenses. You must complete and attach a Financial Statement (Form F10.02A). You must also provide the information below: For the following child(ren): Effective Date: Month: Day: Year: Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary			attach a Financial Sta	atement (Form F10.02A).		
You must complete and attach a Financial Statement (Form F10.02A) . You must also provide the information below: For the following child(ren): Effective Date: Month: Day: Year: Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary			attach a Financial St a	atement (Form F10.02A).		
For the following child(ren): Effective Date: Month: Day: Year: Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary		Other:			cial Statement (Form	F10.02A).
Effective Date: Month: Day: Year: Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary	_	Other: Depending on your claim	, you may be required	d to complete and attach a Financ	•	F10.02A).
Describe the facts and your reason(s) for seeking a change in the amount of special and/or extraordinary	I am sec	Other: Depending on your claims eking a change in the	, you may be required	d to complete and attach a Financial and/or extraordinary e	xpenses.	<u> </u>
	I am see	Other: Depending on your claim eking a change in the	e amount of spec	d to complete and attach a Financial and/or extraordinary e	xpenses.	<u> </u>
	I am see	Other: Depending on your claim eking a change in the complete and attach a Fire efollowing child(ren):	e amount of spec	d to complete and attach a Financ ial and/or extraordinary e orm F10.02A).You must also pro	xpenses. vide the information be	<u> </u>
	I am see You must For the Effecti Describ	Other: Depending on your claims eking a change in the expending and attach a Fire expension of the following child (ren): we Date: e the facts and your research	e amount of speciancial Statement (F	d to complete and attach a Financ ial and/or extraordinary e orm F10.02A). You must also pro	xpenses. vide the information be Year:	low:
	I am see You must For the Effecti Describ	Other: Depending on your claims eking a change in the expending and attach a Fire expension of the following child (ren): we Date: e the facts and your research	e amount of speciancial Statement (F	d to complete and attach a Financ ial and/or extraordinary e orm F10.02A). You must also pro	xpenses. vide the information be Year:	low:

I am seeking retroactive child	d support.		
For the following child(ren):			
Effective Date:	Month:	Day:	Year:
What is the amount of retroact	ive child suppor	t that you are seeking? \$	
Describe the facts and your re	ason(s) for seek	king retroactive child support:	
I am seeking a termination of	child support.		
For the following child(ren):			
Effective Date:	Month:	Day:	Year:
List your reason(s) for termina	ting child suppo	rt:	
I am seeking child support be and there is no child support o	_		nt(s) has given rise to child support
•		•	seeking an amount different from nd attach a Financial Statement
For the following child(ren):			
Effective Date:	Month:	Day:	Year:
What is the amount of child su	pport that you a	re seeking? \$	
Describe your claim, the facts,	and your reaso	n(s) for seeking support:	

Other changes to child support	t:			
For the following child(ren):				
Effective Date:	Month:	Day:	Year:	
What is the amount of child su	ipport that you a	re seeking? \$		
Describe your claim, the facts	, and your reaso	n(s) for seeking a change in	support:	

Schedule 3 Spousal, Partner, Parental, or Dependant Support

If you are seeking a change in spousal, partner, parental or dependant support, you must complete and attach a Financial Statement (Form F10.02A)

If you are applying to change spousal, partner, parental, and/or dependant support, fill in the information below:

Are there arrears or unpaid support? Yes	spou and/c	tis your current sal, partner, parental, or dependant support ngement?				
Is support assigned to be paid to someone else? (eg. Department of Advanced Education, Skills and Labour) Check all of the boxes that apply and fill in the information required: I am seeking a change in spousal, partner, parental, or dependant support. For the following person(s): Effective Date: Month: Day: Yes No If yes, provide the details of the assignment arrangement: Possible paid to someone else? If yes, provide the details of the assignment arrangement: Description: Description: Day: Year:			If yes, attach th	he most current Support Enfor		cify:
paid to someone else? (eg. Department of Advanced Education, Skills and Labour) Check all of the boxes that apply and fill in the information required: I am seeking a change in spousal, partner, parental, or dependant support. For the following person(s): Effective Date: Month: Day: Year:			As of (date) (m	nonth/day/year):		
Check all of the boxes that apply and fill in the information required: Lam seeking a change in spousal, partner, parental, or dependant support. For the following person(s): Effective Date: Month: Day: Year:			□ Yes □	□ No		
□ I am seeking a change in spousal, partner, parental, or dependant support. For the following person(s): Effective Date: Month: Day: Year:	eg. De	epartment of Advanced	If yes, provide	the details of the assignment	arrangement:	
For the following person(s): Effective Date: Month: Day: Year:	Check	all of the boxes that apply a	nd fill in the info	rmation required:		
Effective Date: Month: Day: Year:		I am seeking a change in	spousal, partne	er, parental, or dependant su	ipport.	
monum 23).		For the following person(s	s):			
Describe the facts and your reason(s) for seeking a change in support:		Effective Date:	Month:	Day:	Year:	
		Describe the facts and you	r reason(s) for se	eeking a change in support:		

I am seeking retroactive spou	ısal, partner, pareı	ntal, or dependant su	upport.	
For the following person(s):				
Effective Date:	Month:	Day:	Year:	
Describe the facts and your rea	ason(s) for seeking	retroactive support:		
I am seeking a termination of	spousal, partner,	parental, or dependa	ant support.	
For the following person(s):				
Effective Date:	Month:	Day:	Year:	
Describe the facts and your rea	ason(s) for terminat	ing support:		
Other change(s) to spousal, pa	artner, parental, or c	dependant support:		_
For the following person(s):				
Effective Date:	Month:	Day:	Year:	
Describe your claim, the facts,	and your reason(s)	for seeking a change	in support:	

Schedule 4 Other
If you want to change a court order for something other than what is in the other Schedules, state what you are seeking, describe the facts, and give reasons:

How to Make a Joint Originating Application for Variation

Instructions for Co-Applicants

You may use a **Joint Originating Application for Variation (Form F5.06A)** if you and the other person(s) would like to change a family law order together. You and the other person(s) are *Co-Applicants*.

If there are any issues that you do not agree on, you must use the general **Originating Application for Variation** (Form F5.05A). However, you can still do Consent Order(s) on the issues you agree on.

Completing Your Joint Originating Application for Variation

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court).

You must fill out the entire Joint Originating Application for Variation and attach an agreement or a **Consent Order (Form F34.02A** and/or **F34.02B)**. If you need more space to fill out any section of this Joint Originating Application for Variation, attach an extra page and indicate which section is continued on the extra page.

Filing Your Joint Originating Application for Variation

You must make **2 extra copies** of your completed and signed Joint Originating Application for Variation (including any additional documentation). File your original Joint Originating Application for Variation with the Court.

To file your Joint Originating Application for Variation, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you.

Serving Your Joint Originating Application for Variation

Since all of the Co-Applicants have signed the Joint Originating Application for Variation, it does NOT need to be served on the other Co-Applicant(s). However, you should still make sure all of the Co-Applicants have a copy of the Joint Originating Application for Variation and all attachments.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

Form F5.06A: Joint Originating Application for Variation (Family Law)



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

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

	CO-APPLICANT
(Print full name)	
	CO-APPLICANT
(Print full name)	
	☐ NOT APPLICABLE
(Print full name)	☐ CO-APPLICANT
	(Print full name)

You must start your application at the Court location that is closest to you or closest to the other party. However, if your family law matter involves parenting or child support, you must start your application at the Court location that is closest to where your children live. Check off where your application is required to be heard and note the location where you must file your documents:

If your application is required to be heard in		then you must file your documents in
	Clarenville (Grand Bank Circuit)	Grand Bank Supreme Court
	Corner Brook	Corner Brook Supreme (Family Division)
	Gander	Gander Supreme Court
	Grand Bank	Grand Bank Supreme Court
	Grand Falls – Windsor	Grand Falls – Windsor Supreme Court
	Happy Valley – Goose Bay	Happy Valley – Goose Bay Supreme Court
	Port aux Basques (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Rocky Harbour (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. Anthony (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	St. John's	St. John's Supreme Court (Family Division)
	Stephenville (Corner Brook Circuit)	Corner Brook Supreme Court (Family Division)
	Wabush (Happy Valley – Goose Bay Circuit)	Happy Valley – Goose Bay Supreme Court

Check the type of order(s) that you are seeking:

You must fill out and file the Schedule(s), and any additional Form(s) that relate to your claim(s).

Type of Order	Fill Out Schedule	Fill Out Form(s) or Attach Document(s)
Parenting (decision-making and parenting time)	1	Consent Order or Agreement
Child Support	2	Consent Order or Agreement
Spousal (married) Support or Partner (unmarried) Support	3	Consent Order or Agreement
Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)	3	Consent Order or Agreement
Contact Order (contact between a child and a person who is not a parent of the child)	4	Consent Order or Agreement
Other:	4	Consent Order or Agreement

Fill in the details for the order that you are seeking to vary:

Date Order was Issued	Month:	Day:	Year:
Which Court?			
Place of Order	City:	Province:	Country:
Name of Justice or Judge			

Check this box if you have more than 1 order that you are seeking to change. Attach an extra page at the end of this application to provide the details of those orders.

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

Current Last Name		Last Name at Birth:		
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address	Charted	64.	Description	Death Code
	Street Address	City	Province	Postal Code
Mailing Address (if different from Residential Address)				
	Street Address or PO Box	City	Province	Postal Code
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)	If you provide your email address, the O	Court may contact you by em	ail.	
Date of Birth	Month: D	ау:	Year:	

Occupation(s) or Job(s)					
Citizen / Immigration Status	☐ Canadian Citizen	en Permanent Resident Foreign National			
Are you a registered Indian		If yes, what is	the name of your band		
under the <i>Indian Act</i> ?	☐ Yes ☐ No	Do you live on	a reserve?		
Do you wish to have your matter conducted in French?	□ Yes □ No				
Do you need an interpreter?	☐ Yes ☐ No You may be responsible for your own interpreter fees and arrangements. If yes, state the language and dialect:			alect:	
Lawyer's Name, Telephone Number, and Address (if any)					
Fill in the information below for the	second Co-Applicant:				
Current Last Name		La	ast Name at Birth:		
First Name					
Middle Name(s) (if any)					
Gender					
Residential Address	Charles Address		04.	Description	D4-1 O- 4-
Mailing Address	Street Address		City	Province	Postal Code
(if different from Residential Address)	Street Address or PO Box	(City	Province	Postal Code
Telephone Number (if any)	Home:		Cell:		
Fax Number (if any)					
Email Address (if any)	Please note that if you pro	ovide your email a	ddress, the Court may co	ontact you by ema	ail.
Date of Birth	Month:	Day:		Year:	
Occupation(s) or Job(s)					
Citizen / Immigration Status	☐ Canadian Citizen	□ Per	manent Resident	☐ Forei	gn National
Are you a registered Indian	☐ Yes ☐ No	If yes, what is the name of your band?			
under the <i>Indian Act</i> ?	Do you live on a reserve?				
Do you wish to have your matter conducted in French?	□ Yes □ No				
Do you need an interpreter?		☐ Yes ☐ No If yes, state the language and dialect: Yes ☐ No Yes ☐ No If yes, state the language and dialect:			
Lawyer's Name, Telephone Number, and Address (if any)					

Fill in the information about your relationship below:

Relationship of the par	rties					
Date the parties started living together		Month:	Day:	Year:	OR	☐ Not applicable
Date of marriage		Month:	Day:	Year:	OR	☐ Not applicable
Place of marriage					OR	☐ Not applicable
Prior to the marriage, t Co-Applicant was	the first	☐ Unmarried	□ Divorced	□ Widowed	OR	☐ Not applicable
Prior to the marriage, t Co-Applicant was	the second	☐ Unmarried	☐ Divorced	I □ Widowed	OR	☐ Not applicable
Date of separation		Month:	Day:	Year:	OR	☐ Not applicable
Date of divorce		Month:	Day:	Year:	OR	☐ Not applicable
☐ Check this box if the other Co-Applicant((s) and details of yo	our relationship w	vith the other	Co-Applicant(s).		
Fill in the information for e	,	, ,	uding children			on-dependents):
		Child 1		(Child 2	
Child's Full Name						
Mother's Full Name						
Father's Full Name						
Date of Birth (month/day/year)						
Gender						
Child is Currently Living With (Name)						
Disabilities and/or Special Needs						
		Child 3		(Child 4	_
Child's Full Name						
Mother's Full Name						
Father's Full Name						
Date of Birth (month/day/year)						
Gender						
Child is Currently Living With (Name)						
Disabilities and/or Special Needs						
☐ Check this box if there are no children.						

Rules of the Supreme Court, 1986

☐ Check this box if there are more than 4 children. Attach an extra page to provide the details of those children. (June 2020)

If child protection services, in this province or elsewhere, have ever been involved with you, the Respondent(s), and/or the children, provide the details below.
☐ Check this box if not applicable.
Provide the details of any current or ongoing court proceedings, court orders, and/or written agreements involving you, the Respondent(s), and/or the children. Attach any written agreements and any court orders not in the Court file. This includes all Provincial Court matters, criminal matters, proceedings in other provinces or countries, peace bonds, emergency protection orders, restraining orders, and no-contact orders.
☐ Check this box if not applicable.

Schedule 1 Parenting
Complete this section if you have agreed to change parenting arrangements (decision-making and/or parenting time): Why are you asking to have the parenting order changed? Describe what has changed since the time the parenting order was made.
socials what has onaliged since the time the parenting order was made.
What are the <u>current</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (eg. phone, internet, etc.):
Other important issues in relation to parenting the child(ren)

What are your proposed parenting arrangements for: Decision-making about the child(ren): Regular parenting schedule (daily, weekly, monthly, or other): Parenting schedule for holidays and special occasions: Schedule for other communication (eg. phone, internet, etc.): Other important issues in relation to parenting the child(ren):

Schedule 2 Child Support

Complete this section if you have agreed to change child support:

Fill in the information below:

	t is your current child port arrangement?				
	there arrears or unpaid port?	Amount: \$	most current Support Enforc	cement (SED) statement and spe	
be p	nild support assigned to aid to someone else? Department of Advanced ation, Skills, and Labour)	☐ Yes ☐ If yes, provide the	No e details of the assignment a	rrangement:	
Check			-	es basic table amount but agr	ee to
	change the amount:	٠١.			
	For the following child(rer Effective Date:	Month:	Day:	Year:	
	Describe the reason(s) for	changing the amou	unt of child support:		

	e following child(ren)	:		
Effect	ive Date:	Month:	Day:	Year:
What a	re your incomes?			
	Co-Applicant 1's A	nnual Income:	\$	
	Co-Applicant 2's A	nnual Income:	\$	
Check Guideli	` '	hanging the amoun	t of child support to an am	nount different from the Child Su
Both Co-	Applicants must each file	an Affidavit regarding yo	our incomes and your ability to s	support your children.
	We agree to child s	upport in the amour	nt of \$p	er month.
	Each of us has pare	enting time with the	child(ren) for 40% of the y	ear or more.
	The child(ren) is(are	e) 19 years of age o	or older.	
	One or more of the \$150,000 annually.	persons who is obli	gated to pay support has	an income that is more than
	One or more of us i	s claiming undue ha	ardship for the following re	ason(s):
	Other:			
We agr	ee to change the am	ount of special an	d/or extraordinary expe	nses.
For th	e following child(ren)			
Effect	ive Date:	Month:	Day:	Year:
	e the reason(s) for cl	nanging the amount	of special and/or extraord	linary expenses:
Describ				

We agree to an amount of ret	roactive child supp	ort.	
For the following child(ren):			
Effective Date:	Month:	Day:	Year:
What amount of retroactive ch	ild support do you ag	ree to? \$	
Describe the reason(s) for retr	oactive child support	:	
We agree to terminate child s	support		
For the following child(ren):	учерот.		
Effective Date:	Month:	Day:	Year:
Describe the reason(s) for term		<u> </u>	1041
Describe the reason(s) for terr	Illinating critic suppor		
We agree to other changes to	child support:		
For the following child(ren):			
Effective Date:	Month:	Day:	Year:
What amount of child support	do you agree to? \$_		
Describe the reason(s) for cha	nging support:		

Schedule 3 Spousal, Partner, Parental, or Dependent Support

If you are applying to change spousal, partner, parental, and/or dependent support, fill in the information below:

parei	t is your current spousal, par ntal, and/or dependent suppo ngement?				
Are t	here arrears or unpaid suppo	ort?	and specify: Amount: \$_		nt Support Enforcement (SED) statement r):
some	pport assigned to be paid to eone else? epartment of Advanced Education, Sk r)	ills and	☐ Yes If yes, proviently your knowled		the assignment arrangement (to the best of
Check	all of the boxes that apply and	fill in the	e information i	required:	
	We agree to change spousal	, partne	er, parental, o	r dependent su	upport.
	For the following person(s):				
	Effective Date:	Month	:	Day:	Year:
	Describe the facts and your re-	ason(s)	for seeking a	change in supp	ort:

We agree to change retroacti	ve spousal, partne	r, parental, or depen	dent support.	
For the following person(s):				
Effective Date:	Month:	Day:	Year:	
Describe the facts and your re	ason(s) for seeking	retroactive support:		
We agree to terminate spous	al, partner, parenta	al, or dependent sup	pport.	
For the following person(s):				
Effective Date:	Month:	Day:	Year:	
Describe the facts and your re	ason(s) for terminat	ing support:		
We agree to other change(s) to	o spousal, partner, p	parental, or dependen	t support:	
For the following person(s):				
Effective Date:	Month:	Day:	Year:	
Describe your claim, the facts,	and your reason(s)	for seeking a change	in support:	

Schedule 4 Other	
If you are seeking a change for something other than the claims requested in the Schedules, state what you are seeking and give reasons:	

If there are more than 2 Co-Applicants, attach an extra page with the signatures required below.

Statement of Truth

All Co-Applicants must swear or affirm that the facts and information in this Application and the attached Consent Order is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

First Co-Applicant	Second Co-Applicant
I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.	I declare the facts and information in this Joint Originating Application for Variation are true to the best of my knowledge and belief.
SWORN TO or AFFIRMED at,	SWORN TO or AFFIRMED at,
this , 20	this , 20
Signature of First Co-Applicant	Signature of Second Co-Applicant
Signature of Person Authorized to Administer Oaths	Signature of Person Authorized to Administer Oaths

How to Respond to an Originating Application or Originating Application for Variation

Instructions for the Respondent

If you have been served with an Origination Application or an Originating Application for Variation, you are the *Respondent* in a family law court proceeding. The person who has started this proceeding is the *Applicant*. A **Response (Form F6.02A)** is a form you use to respond to an Application. In the Response, you set out what your position is on the family law issues. You may also make your own claims in your Response.

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

Completing Your Response

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the Applicant). You must fill out pages 1-4 of the Response and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Response, attach an extra page.

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

Filing Your Response

You must make **3 extra copies** of your completed and signed Response (including any additional documentation). File your original Response with the Court. To file your Response, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online:www.court.nl.ca/supreme/fees.html.

You have only **30 days** after the Application has been served on you to file your Response (You have 60 days if you have been served outside of Canada or the United States).

Serving Your Response

You must give a copy of the Response to the Applicant. This is called *service*. You have only **30 days** after the Application has been served on you to serve your Response (You have 60 days if you have been served outside of Canada or the United States). If you are making a new claim for parenting or divorce in your Response, an adult (who is not you) must hand-deliver the Response to the Applicant. This is called *personal service*. If you are not making a new claim for parenting or divorce, you may also serve the Applicant by personal service or by leaving a copy with the Applicant's lawyer, leaving a copy at the Applicant's address, registered mail/courier, or regular mail. You may also serve the Applicant using fax, email, or electronic document exchange, if the Applicant has provided that information.

You may have to file an **Affidavit of Service (Form F8.11A)** or **Acknowledgement of Service (Form F8.04A)** with the Court. These forms are available online: www.court.nl.ca/supreme/family/forms.html

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

--- REMOVE THIS PAGE BEFORE SERVING THE RESPONSE ---

How to Reply to a Response

Instructions for the Applicant

Read the attached **Response (Form F6.02A)** carefully. The Respondent has responded to the issues that you raised in your Originating Application or Originating Application for Variation.

The Respondent may have also made some new claims in his/her Response. If you want to respond to any of these new claims, you must file and serve a **Reply (Form F7.02A)**.

You can find the Response form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html

You have only 10 days after this Response has been served on you to file and serve your Reply.

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

For more information on how to fill out, file, and serve a Reply, read the "Instructions for the Applicant" page attached to the Reply form.

More Information

Questions? You can go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

BETWEEN:

Form F6.02A: Response (Family Law)

(Print full name)



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

	FOR COURT USE ONLY
COURT FILE NO:	
CENTRAL DIVORCE REGISTRY NO:	
Filed at day of	, Newfoundland and
Registry Clerk of the Supreme Court o	f Newfoundland and Labrador

APPLICANT

AND	<u>'</u>	RESPONDENT
	(Print full name)	
AND): (Print full name)	□ NOT APPLICABLE □ SECOND APPLICANT □ SECOND RESPONDENT
Check	c all of the boxes that apply:	
	I do not contest any of the claims made by the Applicant.	
	I disagree with some or all of the claims made by the Applicant.	
	Which claim(s) do you agree with (if any)?	
	It is helpful to indicate the page and section of the Applicant's application that you agree wi	ith.

It is he	n claim(s) do you disagree with? Ipful to indicate the page and section of the Applicant's application.	ation that you dis	agree with.
	naking my own claims.		
Origin	check this box if you are making new claims that we nating Application for Variation. You must fill out an spond with your claim(s).		
I am s	seeking:		
	Type of Order	Fill Out Schedule	Attach
	Type of Order Divorce		Attach Original marriage certificate
	•	Schedule	Original marriage certificate
	Divorce	Schedule 1	
	Divorce Parenting (decision-making and parenting time)	Schedule 1 2	Original marriage certificate - Financial Statement (Form F10.02A)
	Divorce Parenting (decision-making and parenting time) Child Support Spousal (married) Support or Partner	Schedule 1 2 3	Original marriage certificate - Financial Statement (Form F10.02A) if applicable
	Divorce Parenting (decision-making and parenting time) Child Support Spousal (married) Support or Partner (unmarried) Support Parental Support (for parents) or Dependant Support (for spouse or child of deceased	Schedule 1 2 3 4	Original marriage certificate - Financial Statement (Form F10.02A) if applicable Financial Statement (Form F10.02A)
	Divorce Parenting (decision-making and parenting time) Child Support Spousal (married) Support or Partner (unmarried) Support Parental Support (for parents) or Dependant Support (for spouse or child of deceased person) Division of Matrimonial (married) Property or	1 2 3 4 4	Original marriage certificate - Financial Statement (Form F10.02A) if applicable Financial Statement (Form F10.02A) Financial Statement (Form F10.02A)
	Divorce Parenting (decision-making and parenting time) Child Support Spousal (married) Support or Partner (unmarried) Support Parental Support (for parents) or Dependant Support (for spouse or child of deceased person) Division of Matrimonial (married) Property or Common Law (unmarried) Property	3 4 5	Original marriage certificate - Financial Statement (Form F10.02A) if applicable Financial Statement (Form F10.02A) Financial Statement (Form F10.02A) Property Statement (Form F10.02A) Emergency Temporary Relief
	Divorce Parenting (decision-making and parenting time) Child Support Spousal (married) Support or Partner (unmarried) Support Parental Support (for parents) or Dependant Support (for spouse or child of deceased person) Division of Matrimonial (married) Property or Common Law (unmarried) Property Return of Child (within Canada)	3 4 4 5 6	Original marriage certificate - Financial Statement (Form F10.02A) if applicable Financial Statement (Form F10.02A) Financial Statement (Form F10.02A) Property Statement (Form F10.02A) Emergency Temporary Relief Application (Form 17.03A) if applicable Consent Order (Form F34.02A and/or

Respondent Information

Fill in your information below:

If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name			L	_ast l	Name at Birth:		
First Name							
Middle Name(s) (if any)							
Gender							
Residential Address							
	Street Addres	SS			City	Province	Postal Code
Mailing Address (if different from Residential Address)							
	Street Addres	ss or PO Box	(City	Province	Postal Code
Telephone Number (if any)	Home:				Cell:		
Fax Number (if any)							
Email Address (if any)	If you provide your email address, the Court may contact you by email.						
Date of Birth	Month:		Day	:		Year:	
Occupation(s) or Job(s)							
Citizen / Immigration Status	☐ Canadi	an Citizen	□ Pe	erma	nent Resident	☐ Forei	gn National
Are you a registered Indian	□ Yes □ No		If yes, what is the name of your band?				
under the Indian Act?			Do you live on a reserve?				
Do you wish to have your matter conducted in French?	□ Yes	□No					
Do you need an interpreter?	☐ Yes You may be interpreter fee				If yes, state the la	anguage and d	ialect:
Lawyer's Name, Telephone Number, and Address (if any)							

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

Fill in the information about your relationship with the Applicant

Your relationship with the Applicant					
Date the parties started living together	Month:	Day:	Year:	OR	☐ Not applicable
Date of marriage	Month:	Day:	Year:	OR	☐ Not applicable
Place of marriage				OR	☐ Not applicable
Prior to the marriage, you were	☐ Unmarried	☐ Divorced	☐ Widowed	OR	☐ Not applicable
Prior to the marriage, the Applicant was	☐ Unmarried	☐ Divorced	☐ Widowed	OR	☐ Not applicable
Date of separation	Month:	Day:	Year:	OR	☐ Not applicable
Date of divorce	Month:	Day:	Year:	OR	☐ Not applicable
☐ Check this box if not applicable.					
Provide the details of any current or ongoing c you, the Respondent(s), and/or the children. Atta This includes all Provincial Court matters, crimin bonds, emergency protection orders, restraining	ach any written a nal matters, proce	greements and edings in othe	l any court orde	rs not	in the Court file.

(Note: This Schedule is intended for divorce applications under the *Divorce Act*. If you are seeking a divorce under the *Civil Marriages Act*, fill out Schedule 7.)

Schedule 1 Divorce

In order to apply for a divorce, you must be able to satisfy all 4 of the requirements below:

1	☐ There has been a breakdown in our marriage and there is no likelihood that we will get back together.						
2	I am a resident of Newfoundland and Labrador and have been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.	OR		My spouse is a resident of Newfoundland and Labrador and has been a resident of Newfoundland and Labrador for at least 1 year immediately prior to this application.			
3	I have attached the original Certificate of Marriage (or Registration of Marriage) to this Application. If you were married in Canada, you can obtain your Certificate of Marriage from the provincial Vital Statistics Agency. Check this box if your Certificate of Marriage is not in English or French. You must attach a translation.	OR		I was married outside of Canada and I am unable to attach a copy of my Certificate of Marriage (or Registration of Marriage) because it is impossible or impractical to obtain. You will have to make an Interim Application for a Procedural Order (using Form F16.03A) for an Order dispensing with the need to file a Certificate of Marriage.			
4	There has been no collusion in relation to the	nis appli	cation	n for a divorce.			

I am seeking a divorce because there has been a permanent breakdown in our marriage based upon:

Separation:
Check this box if you and your spouse currently live separate and apart and will have lived separate and apart for at least 1 year prior to the determination of the divorce proceeding.
If you and your spouse have been living separate and apart for less than 1 year, you may still claim a divorce on the ground of separation. However, you must wait until 1 year has elapsed to file an Application for Judgment for divorce.
Adultery:
Check this box if you are seeking divorce because the Applicant has committed adultery. Attach an extra page with details of the adultery.
You may be required to present further evidence of the adultery. You do not need to name any other person involved. If you choose to name another person, you must serve this Response on that person by personal service. That other person(s) will have the same rights as a Respondent in relation to the adultery claim and may file a Response.
☐ Check this box to declare that you have not condoned or connived in the adultery.
Cruelty:
Check this box if you are seeking divorce because your spouse has treated you with physical or mental cruelty that makes continued cohabitation intolerable. Attach an extra page with details of the cruelty.
You may be required to present further evidence of the physical or mental cruelty.
☐ Check this box to declare that you have not condoned or connived in the cruelty.

Schedule 2 Parenting

If you are making a parenting application for a parenting order (decision-making and/or parenting time), fill in the information below:

What are the <u>current</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (ie. phone or internet):
Other important issues in relation to parenting the child(ren):

What are your <u>proposed</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (eg. phone, internet, etc.):
Other important issues in relation to parenting the child(ren):

Schedule 3 Child Support

Check all of the boxes that apply:

	I am se	eking the basic table amount as per the <i>Child Support Guidelines</i> .				
	I am seeking special and/or extraordinary expenses.					
	You must	complete and attach a Financial Statement (Form (F10.02A).				
	I am seeking an amount of child support that is different from the Child Support Guidelines basic table amount.					
	Dependin documen	g on your reason(s) for seeking an amount different from the Child Support Guidelines, you may have to attach further tation.				
	List you	r reason(s) for seeking an amount of child support different from the Child Support Guidelines:				
		The Respondent and I have agreed to child support in the amount of \$ per month.				
		My parenting time with the child(ren) is 40% of the year or more. You must complete and attach a Financial Statement (Form F10.02A) .				
		The child(ren) is(are) 19 years of age or older. You must complete and attach a <i>Financial Statement (Form F10.02A)</i> .				
		One or more of the persons who is obligated to pay support has an income that is more than \$150,000 annually. You must complete and attach a Financial Statement (Form F10.02A).				
		I am claiming undue hardship for the following reason(s):				
		You must complete and attach a Financial Statement (Form F10.02A) .				
		Other:				
		Depending on your claim, you may be required to complete and attach a Financial Statement (Form F10.02A).				
	I am se	eking retroactive child support.				
	What is	the amount of retroactive child support that you are seeking? \$				
	What is	the date from which you are seeking retroactive child support? (month/day/year)				
	Describ	e the facts and your reason(s) for seeking retroactive child support:				
1						

Schedule 4 Spousal, Partner, Parental, or Dependant Support

If you are seeking spousal, partner, parental, or dependent support, you must complete and attach a Financial Statement (Form F10.02A)

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

I am see	king :
	Spousal support Partner support Parental support Dependant support
Describe	the facts and your reason(s) for seeking support:
I am see	
	Retroactive spousal support Retroactive partner support Retroactive parental support Retroactive dependant support
What is t	he amount of retroactive support that you are seeking? \$
What is t	he date from which you are seeking retroactive support? (month/day/year)
Describe	the facts and your reason(s) for seeking retroactive support:

Schedule 5 Division of Property

If you are seeking a division of matrimonial property or common law property, you must complete and attach a **Property Statement (Form F10.04A)**

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

I am see	eking an equal division of matrimonial property.			
I am seeking an unequal division of matrimonial property.				
	Describe the facts and your reason(s) for seeking an unequal division of property:			
I am see	eking exclusive possession of the matrimonial home.			
	Describe the facts and your reason(s) for seeking exclusive possession of the matrimonial home:			
I am see	eking a division of common law property .			
	Describe your property claim, the facts, and your reason(s) for seeking the claim:			
Other:				
	Describe your property claim, the facts, and your reason(s) for seeking the claim:			

Other Claims Schedule 6 If you are seeking a court order for something other than the claims requested in the other Schedules, state what you are seeking, describe the facts, and give reasons:

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Response and the attached Schedule(s) is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Response at the Court when you file it.

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

I declare the facts and information in this Response are	true to the best of my knowledge and belief.					
SWORN TO or AFFIRMED at	, this day of,					
20						
Signature of Respondent	Signature of Person Authorized to Administer Oaths					
Lawyer's Signature for Fee Waiv	ver					
I am employed by the Newfoundland and Labrador Legal Aid Commission or a Newfoundland and Labrador government department under the Executive Council Act and I am the lawyer of record in this matter.						
Signature of Lawyer (if any)	Print Name of Lawyer (if any)					
Lawyer's Certificate						
☐ Check this box if you have a lawyer and are apply. If you are not applying for divorce or do not have a	ring for divorce. Your lawyer must complete this Certificate. a lawyer, you do not have to fill out this Certificate.					
I,, , the Lav	wyer for, (Print Respondent's Name)					
(Print Lawyer's Name)	(Print Respondent's Name)					
the Respondent, certify to this Court that I have complie	d with the requirements of s.7.7 of the <i>Divorce Act</i> .					
Dated at, this	day of , 20					
Signature of Lawyer	Address of Lawyer					

How to Serve the Other Party

Instructions

An Affidavit of Service (Form F8.03A) is a form that you can use to prove to the Court that the other person received your document. This is called proof of service.

When to use an Affidavit of Service

You must complete an Affidavit of Service if:

- 1) You are serving one of the following documents:
 - Originating Application (Form F4.03A) involving divorce or parenting
 - Originating Application for Variation (Form F5.05A) involving parenting
 - Response (Form F6.02A) making a claim for divorce or parenting
 - Notice of Contempt Application
 - A pleading, order, or other document served on a person who is not a party (eg. subpoena)
 - Notice of Application or Notice of Default Hearing in which the person to be served faces a
 possibility of imprisonment
 - The hearing date on an Emergency Interim Application (Form F17.03A)
 - Where personal service is otherwise required by law
- 2) You are serving one of the following documents by leaving a copy at the other persons address (and mailing another copy to that address on the same day or the following day):
 - Originating Application (Form F4.03A) NOT involving divorce or parenting
 - Originating Application for Variation (Form F5.05A) NOT involving parenting
 - Response (Form F6.02A) NOT making a claim for divorce or parenting
- 3) A judge asks or orders you to prove service with an Affidavit of Service.

If none of the above applies to you, you can prove service with a delivery confirmation, a reply e-mail, a copy of the document with the recipient's lawyer's endorsement on it, or an **Acknowledgement of Service (Form F8.04A)**, signed by the person who received the document.

Personal Service (Hand Delivery)

"Personal Service" or "hand delivery" means that the documents must be handed to the other party *in person* by **an adult other than yourself**. If the other person has received your document by personal service, you must file an Affidavit of Service.

Personal Service can be done in 2 ways:

- 1) By any other person (other than yourself) who is 19 years of age or older. That other person must hand the documents to the recipient. If they will not accept the documents, the other person can put the documents down in front of him/her.
- 2) By a process server. Process servers are independent, professional servers who charge a fee for service.

If you cannot personally serve the other party for any reason, you can apply for permission to serve the documents another way. You may make an **Interim Application for a Procedural Order (Form F16.03A)** to apply for substituted service.

Completing an Affidavit of Service

The person who served the document must be the one to fill out the **Affidavit of Service**. They can do this by hand or electronically: www.court.nl.ca/supreme/family/forms.html

That person must sign the Affidavit in front of a commissioner of oaths, notary public, justice of the peace, or a lawyer. Court Registry staff are commissioners of oaths and the person who served the document may sign this application at the Court.

Filing an Affidavit of Service with the Court

It is your responsibility to make sure that the Affidavit of Service is filed with the Court. To file the Affidavit of Service, you (or the person who served the document) must bring the Affidavit to the Supreme Court location where your file is or you can mail the Affidavit to that location.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

Form F8.03A: Affidavit of Service (Family Law)



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

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

BETWEEN:			(Print full name)		Al	PPLICANT
			(Print full name)			
AND:			(Print full name)		R	ESPONDENT
			(Print full name)			
AND:						NOT APPLICABLE
			(Print full name)			I SECOND APPLICANT I SECOND RESPONDENT
						OLOGIND INEGI ONDERVI
I declare that I	,		Print your name)	, of	-	(City and Province)
		(F	Print your name)			(City and Province)
served _		me of r	erson served)	on		Pate: month/day/year)
at	(Na	ine or p	erson serveuj		•	of the following documents:
al	(Address of service)					or the following documents.
☐ Originatin	g Application		Originating Application	for Variation		Response
☐ Reply			Financial Statement			Property Statement
□ Other (Sp	ecify):					
I served this po	erson in this manner:					
	Service (hand delive	• /				
	y of the documents v		•			
•	d mail, certified mail, by of the documents a					
☐ Other (Sp			person's address			
. ,						
For personal s	ervice: to identify the perso	n in th	ie mannor:			
	now the person		They admitted to beir	na this persor	n 🗆	Other:
	anow and percent		They damited to ben	ig tillo porcor	_	
SWORN TO o	r AFFIRMED at		, this	c	lay of	, 20

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Signature

Signature of Person Authorized to Administer Oaths

How to Complete a Financial Statement

Instructions

A Financial Statement (Form F10.02A) is a sworn document that informs the Court of your financial situation.

You only need to fill out a Financial Statement if at least one of these situations applies to you:

- Your matter involves a claim for spousal, partner, parental, or dependant support (made by either party)
- Your matter involves child support and the amount claimed is different from (or in addition to) the table amount in the Child Support Guidelines because of one or more of the following:
 - Your matter involves support for at least one child over the age of 19;
 - Your matter involves a claim for special and/or extraordinary expenses;
 - You have shared parenting time (the child spends at least 40% of their time with each parent);
 - You have split decision-making (each parent has sole decision-making responsibility of at least one of the children);
 - Your matter involves a child support claim involving a payor who is not the child's/children's biological or adoptive parent but has acted as a parent to the child/children;
 - Your matter involves support and one or more of the payors makes more than \$150,000/year;
 - You are making an undue hardship claim.

Completing Your Financial Statement

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person). You must fill out Parts A, B, and C of the Financial Statement and attach any schedules and additional forms that apply to you. If you need more space to fill out any section of this Financial Statement, attach an extra page.

Filing and Serving Your Financial Statement

You may file and serve your Financial Statement together with your Application, Response, or Reply. You must make **3 extra copies** of your completed and signed Financial Statement (including any additional documents). File your original Financial Statement with the Court. To file the Financial Statement, you must bring the Financial Statement to the Supreme Court location where your file is or you can mail it to that location.

You must give a copy of the Financial Statement to the other person. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

--- REMOVE THIS PAGE BEFORE SERVING OR FILING THIS FORM --

July 3, 2020

Form F10.02A: Financial Statement (Family Law)



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

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

BETWEEN:		APPLICANT
_	(Print full name)	
AND:		RESPONDENT
_	(Print full name)	
AND:		□ NOT APPLICABLE
_	(Print full name)	☐ SECOND APPLICANT☐ SECOND RESPONDENT

You must swear or affirm that the facts and information you have written in this Financial Statement and the attached Schedule(s) is the truth. You must swear or affirm and sign this Financial Statement in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Statement at the Court when you file it.

iviy name is				
			(Print your name)	
I am the	☐ Applicant	☐ Respondent	☐ Other:	
My address is				
	(Street Address)			

I declare that the facts and information set out in this Financial Statement and all attached Schedules are true and complete to the best of my knowledge as of the date of this document.

	I do not anticipate any significant changes in the information set out in this Financial Statement; OR I anticipate the following changes in the information set out in this Financial Statement: (Specify)				
-					
SWOF	RN TO or AFFIRMED at	, this	day of	, 20	

Signature Signature of Person Authorized to Administer Oaths

If you are required to complete a Financial Statement, you must complete Parts A, B, and C. The Schedules you will have to fill out are dependent on your situation and what applies to you.

I have completed and attached the following Parts:
□ Part A: Employment Information
□ Part B: Income Statement
□ Part C: Monthly Expense Statement
I have completed and attached the following Schedules and/or Forms that apply to me:
□ Schedule 1: Adjustments to Annual Income for Child Support Purposes
□ Schedule 2: Special or Extraordinary Expenses
□ Schedule 3: Undue Hardship
□ Schedule 4: Undertaking to Provide Financial Information
I am currently: □ Employed:
My job (or occupation) is: (Job or Occupation)
My employer's name and address is:
I am paid: ☐ Every 2 weeks ☐ Every month ☐ Other:
I have been working for this employer since: (Date: month/day/year)
□ Self-employed:
The name of my business, professional practice, or farm is:

	Unemployed:	
	I have been unemployed since:	
		(Date: month/day/year)
	My most recent job (or occupation) was:	
	My most recent employer's name and address was:	(Job or Occupation)
	my most recent employers name and address was.	
	letired:	
	I have been retired since:	
	Thave been realled since.	(Date: month/day/year)
	My most recent job (or occupation) was:	
	inty most recent job (of occupation) was.	(Job or Occupation)
	My most recent employer's name and address was:	
□ A	shareholder, director, or officer of a corporation:	
	The name of the corporation is:	
	My interest in the corporation is:	
	beneficiary under a trust:	
	The trust settlement agreement is:	

You	You must select at least 1 of the following 4 attachment options:				
	1) Copies of my personal Income Tax Returns and copies of my Notices of Assessment (and any Notices of Reassessment) for each of the 3 most recent taxation years.				
	2) Proof of Income Statements ("Option C" or "Income and Deduction" printouts) from the Canadian Revenue Agency for the 3 most recent taxation years. If you do not have copies of your Returns/Notices of Assessment, you may print your "Option C" printouts online or contact the CRA at 1-800-267-6999 or 1-800-959-8281 to have your "Option C" printouts sent to you.				
	3) A statement from the Canadian Revenue Agency that I have not filed income tax returns for one or more of the 3 most recent taxation years. If you have not filed your taxes for the past 3 years, you may contact the CRA at 1-800-959-8281 to obtain a statement. You may still be required to file your income taxes to continue your family law proceedings.				
	4) I am a registered Indian within the meaning of the <i>Indian Act</i> (Canada) and I am exempt from payment of taxes to the Canadian Revenue Agency. I am attaching the following proof of income for the 3 most recent years:				
 If you are an employee, you must also attach: ☐ My 3 most recent statements of earnings (including overtime). If these statements are not available, you may attach a letter from your employer with your annual income information. If you are self-employed, you must also attach: ☐ The financial statements of my business/professional practice (other than partnership) or farm for the 3 most recent taxation years; and 					
	A statement showing all amounts I paid to (or on behalf of) any person with whom I did not deal at arm's length (ie. salaries, wages, management fees, or other payments/benefits).				
If you	are a partner in a partnership, you must also attach: Confirmation of my income, draws from, and capital in the partnership for the 3 most recent taxation years.				
	The financial statements of the corporation and its subsidiaries for the past 3 most recent taxation years; and A statement showing all amounts the corporation paid to (or on behalf of) any person with whom the corporation does not deal at arm's length (ie. salaries, wages, management fees, or other payments/benefits).				
If you □ □	The trust's 3 most recent financial statements.				
-	are receiving employment insurance (EI) benefits, social assistance, pension, workers' compensation, will assistance, or any other type of income assistance, you must attach: The most recent statement of income (stub) showing the total amount of income from that income assistance source. If this statement is not available, you may attach a letter from the authority with the required information.				

Rules of the Supreme Court, 1986

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Check this box if you are unable to provide some or all of the information required. You must attach an

Undertaking (Financial Statement Schedule 4) to provide the information.

Part B Annual Income Statement

Income Source

Amount Received Annually

1	Employment Income (before deductions)	Annual: \$
2	Commissions, Tips, and Bonuses	Annual: \$
3	Other Employment Income	Annual: \$
4	Pension Income	Annual: \$
5	Universal Child Care Benefit (UCCB)	Annual: \$
6	UCCB amount designated to a dependent	Annual: \$
7	Employment Insurance (EI)	Annual: \$
8	Taxable amount of dividends (eligible and other than eligible) from taxable Canadian corporations	Annual: \$
9	Interest and other investment income	Annual: \$
10	Partnership Income (limited or non-active partners only)	Annual Net: \$
11	Registered disability savings plan income	Annual: \$
12	Rental Income (Gross: \$)	Annual Net: \$
13	Taxable Capital Gains	Annual: \$
14	Child Support received (Total: \$)	Annual Taxable: \$
15	Spousal Support received (Total: \$)	Annual Taxable: \$
16	RRSP Income	Annual: \$
17	Other Income (specify):	Annual: \$
18	Self-Employment Income (Gross: \$)	Annual Net: \$
19	Workers Compensation Benefits	Annual: \$
20	Social assistance payments	Annual: \$
21	Net Federal Supplements	Annual: \$

TOTAL ANNUAL INCO	ME
(Line 150):	

\$

Monthly Expense Statement

Part C Mo	onthly Expe	nse Statement	
Housing and Util	ities	Personal Expenses	
Rent / Mortgage	\$	Hair care and toiletries	\$
Property Taxes	\$	Clothing and footwear	\$
Property / Rent insurance	\$	Entertainment / Hobbies	\$
Condominium fees	\$	Alcohol / Tobacco	\$
Repairs / Maintenance	\$	Vacation(s)	\$
Heat / Fuel	\$	Education / School expenses	\$
Electricity	\$	Medical / Medication expenses	\$
Water / Sewer	\$	Dental / Eye care expenses	\$
Telephone	\$	Cell phone	\$
Cable / Internet	\$	Other (specify):	\$
Lawn care / Snow removal	\$	Childcare Expenses	
Other (specify):	\$	School fees / supplies / tuition	\$
Household Expe	nses	School lunches	\$
Groceries / Household supplies	\$	Activities and related expenses	\$
Meals outside the home	\$	Daycare / Babysitter / Summer camps	\$
Dry cleaning / laundry	\$	Clothing and footwear	\$
Pet care	\$	Hair care and toiletries	\$
Other (specify):	\$	Entertainment / Hobbies	\$
Insurance Exper	nses	Transportation	\$
Medical insurance premiums	\$	Books / Toys / Gifts (birthday, holiday, etc.)	\$
Dental insurance premiums	\$	Medical / Medication expenses	\$
Life insurance premiums	\$	Dental expenses	\$
Disability insurance premiums	\$	Eye care expenses	\$
Other (specify):	\$	Other (specify):	\$
Transportation Exp	penses	Savings and Debts	
Public transit / Taxis	\$	RRSP contributions	\$
Gas / Oil	\$	RESP contributions	\$
Car loan / lease payments	\$	Credit card payments	\$
Car Insurance	\$	Payments on loans / lines of credit	\$
License(s)	\$	Other (specify):	\$
Parking	\$	Other	
Repairs / Maintenance	\$	Support paid in any other case(s)	\$
Other (specify):	\$	Banking / Legal / Accounting expenses	\$

TOTAL MONTHLY EXPENSES:	\$
-------------------------	----

312

\$ \$

Charitable donations (eg. church)

Other (specify): _

Fill out Schedule 1 if there is a claim for child support and also a claim for special and/or extraordinary expenses.

Schedule 1 Adjustments to Income for Child Support

Annual Income (to determine basic child support):

(A) Total Annual Income

Total Annual Income or Line 150 Income (from Part B of this form):	\$

(B) Replacements in Income

1	Replace the taxable amount of dividends from Canadian corporations with the actual amount of dividends	Annual: \$
2	Replace the taxable capital gains with the actual amount of capital gains realized in excess of the actual capital losses	Annual: \$

(C) Deductions from Income

3	Union, professional, and association dues	Annual: \$
4	Other employment expenses (Schedule III of the Child Support Guidelines) Specify:	Annual: \$
5	Taxable amount of child support I receive	Annual: \$
6	Spousal support I receive from the other party	Annual: \$
7	Income support or social assistance I receive for other members of the family	Annual: \$
8	Actual amount of business investment losses	Annual: \$
9	Carrying charges and interest expenses deductible under the <i>Income Tax Act</i>	Annual: \$
10	Prior period earnings included in self-employment income, net of reserves	Annual: \$
11	Portion of partnership or sole proprietorship properly required for capitalization	Annual: \$
12	Other deductions Specify:	Annual: \$

Total Deductions to Adjusted Income: \$

(D) Additions to Income

13	Payments to family members and other non-arm's length persons (eg. salaries, wages, or other payments)	Annual: \$
14	Other employment expenses (Schedule III of the Child Support Guidelines) Specify:	Annual: \$
15	Value of exercised employee stock options in a Canadian-controlled corporation	Annual: \$
16	Allowable capital cost allowance for real property	Annual: \$

Total Additions to Adjusted Income:

TOTAL ADJUSTED ANNUAL INCOME FOR BASIC CHILD SUPPORT:	\$
---	----

Fill out Schedule 2 if there is a claim for special and/or extraordinary expenses.

Schedule 2 Special or Extraordinary Expenses

I am claiming an amount of special or extraordinary expenses for the following reason(s):

The child spends most of the time with me and I have child care expenses because of my employment, illness, disability, or education requirements for employment.
A portion of my medical and dental insurance premiums provides coverage for the child
The child's health-related expenses that are not covered by insurance are \$100 or more annually (including orthodontics, counselling, physiotherapy, occupational therapy, speech therapy, prescription drugs, hearing aids, glasses, and contact lenses)
The child has extraordinary expenses for primary or secondary school education and/or other educational programs for the child's particular needs
The child has expenses for post-secondary education
The child has extraordinary expenses for extracurricular activities

The details of the expenses I am claiming are:

Child's Name	Description of Expense	Expense Amount (per year)	Contributions, Subsidies, Benefits, Tax Deductions, or Reimbursements (if any)	Amount after Contributions, Subsidies, Benefits, Tax Deductions, or Reimbursements (per year)	Receipt Attached
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	
		\$	\$	\$	

TOTAL AMOUNT OF SPECIAL OR EXTRAORDINARY EXPENSES (per year):	\$
If you are unable to ottook receipts for any of the appeid or autroprelinary and	need you have listed about the how

If you are unable to attach receipts for any of the special or extraordinary expenses you have listed, check the box:

☐ I am unable to obtain receipts to show the amount of the expense(s) I am claiming because:		

Fill out Schedule 3 if you are claiming undue hardship.

Schedule 3 Undue Hardship

I am claiming undue hardship in respect of a child support claim for the following reason(s):

	I am responsible for unusually high debts that are/were reasonably incurred to support the family (prior to separation) or to earn a living:					
	Date Incurred (month/day/year)	Owed to	Terms of Debt	Annual Amount		
				\$		
				\$		
				\$		
				\$		
Spe	ending time with my child(ren) (parenting time e	raccess) is unusually expensive for me	(eg. travel expenses):		
		Description of I	Expense	Annual Amount		
				\$		
				\$		
I have a legal duty to support: □ another person (under a judgment, order, or written separation agreement) □ a child, other than a child for whom support is claimed in this application □ a person who is unable to support themself because of illness or disability						
	Name of Person	Relationship	Nature of Duty	Annual Amount		
				\$		
				\$		
				\$		
Othe	er undue hardship circums	stances (Describe):				
		Description	on	Annual Amount		
				\$		
				\$		

I am claiming undue hardship and one or more of the following applies to me:

I live alone				
I am living with (Name of the person you are married to / cohabiting with)				
☐ My spouse's/partner's occupation is: OR ☐ My spouse/partner does not work outside the home				
☐ My spouses'/partner's annual income is: OR ☐ My spouse/partner does not earn any income. \$				
My spouse/partner annual contributes: \$ per year towards the home.				
☐ I have attached the current income tax returns, notices of assessment, and proof of earnings for my spouse / partner.				
I / We live with the following other adult(s)				
☐ I have attached the current income tax returns, notices of assessment, and proof of earnings for the adults I am living with.				
I / We live with the following children				

Schedule 4	Undertaking t	to Pro	ovide Fina	ncial Information	on
l, (Print y	our name)	_ , the	☐ Respondent	☐ Applicant (in Reply)	□ Other:
in the within matter have file	ed a:	e 🗆	Reply		
with which I am required to this document, I undertake 60 days from today's date.				•	, , ,
I understand that the Cou adequate explanation for		gainst m	e if I do not prov	de the required informa	ation or an
You must swear or affirm that of a commissioner of oaths, oaths and you may sign this	notary public, justice of t	the peace	e, or lawyer. Court		
SWORN TO or AFFIRMED	at	, t	his da	y of	_ , 20
Signa	nture		Signature of Pe	rson Authorized to Admir	nister Oaths
Signature of L	awyer (if any)		Prin	t Name of Lawyer (if any)	

How to Demand Disclosure

Instructions

A **Demand to Disclose (Form F11.02A)** is a form that you can use to request specific documents or information from the other person that they have not provided to you. You can only demand information from the other person if you have an ongoing family law matter.

Completing Your Demand to Disclose

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

Select the documents from the list provided or add your own. If you require more space to request additional documents, attach an extra page and indicate that you have attached an extra page.

Filing Your Demand to Disclose

You must make 3 extra copies of your completed and signed Demand to Disclose.

To file the Demand to Disclose, you must bring the Demand to Disclose to the Supreme Court location where your file is or you can mail it to that location. You must file your original Demand to Disclose with the Court **before the trial date** is set by the Court.

Serving Your Demand to Disclose

You must give a copy of the Demand to Disclose to the other person. This is called *service*. You may serve the Demand to Disclose together with your Originating Application, Originating Application to Vary, or Response. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

You must serve the other person **before the trial date is set** by the Court. The other person has 30 days (from the date of service) to respond.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

--- REMOVE THIS PAGE BEFORE SERVING THE DEMAND ---

How to Respond to a Demand to Disclose

Instructions

The other person in your family law matter has demanded that you provide certain documents and information. The specific documents and information the other person has asked for are listed in the attached Demand to Disclose (Form F11.02A).

You have only 30 days (from the date that you received this Demand to Disclose) to provide the other person and the Court with a Response to a Demand to Disclose (Form F11.02B). You can find the Response to Demand to Disclose form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

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

- Make assumptions about your financial situation
- Order you to pay support
- Order that you provide the requested documents within a specified time
- Order your employer or someone else to provide the documents and information
- Order you to pay costs, including compensation to the other person

Providing Disclosure

If you want to provide some or all of the documents and information requested, you must file a Response to Demand to Disclose. You can attach the documents or information to Demand to Disclose.

You must give a copy of the Demand to Disclose and the documents to the other person. This is called service. You can serve the other person by: personal service (an adult who is not you hand-delivers the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You may also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

If You Cannot Provide Disclosure

If you cannot provide the requested documents and information for any reason, you may be able to give authorization to a person or institution (eg. your employer) to provide the information. Otherwise, you will have to explain why you cannot provide the documents on the Response to Demand to Disclose.

If You Object to Providing Disclosure

If you want to object to any or all of the demands, you must still file and serve a Response to Demand to Disclose. You will have to explain why you object to providing that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892 Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788 Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

Form F11.02A: Demand to Disclose (Family Law)



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

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

BETWEEN:					APPLICANT
		(Print full name)	(Print full name)		
AND)٠				RESPONDENT
7 (1 1)	,	(Print full name)			KEOI ONDENI
AND	١.				□ NOT APPLICABLE
AINL).	(Print full name)			☐ NOT APPLICABLE ☐ SECOND APPLICANT
		,			☐ SECOND RESPONDENT
ı		, the	г	Applicant	☐ Respondent ☐ Other:
I,		(Print your name)	_	2 лерности	E Noopondon E outer.
dom	and t	that	tha	□ Annlico	ot Doonandant Dothar
uem	ianu i	(Print the other party's name)	, the	☐ Applica	nt ☐ Respondent ☐ Other:
		, , ,			
prov	ride c	opies of the following documents to all parties within	30 da	ys of service	of this form:
1	1 Copy of the most recent pension plan statement (and all plans in which you have/will have an interest).				
2		Confirmation of your entitlement and valuation of a			ce benefits, annual leave benefits,
		and other monetary benefits in which you have an i	interes	St.	
		Copy of any health and dental insurance coverage			
3		whether coverage is available for your spouse and premiums/employee costs for single person coverage.			
		promising of provide the different person covered	.go, oc	Japio oovorag	o, and or family obvorage.
4		Conv of your most recent assessment for any appr	aisals	of the propert	v/nronerties that you own
_	4 Copy of your most recent assessment for any appraisals of the property/properties that you own.				

5		Copy of every cheque issued to you from any business/corporation in which you have an interest (or to which you have rendered a service) for the period:		
6		Copy of every bank account statement in your name for the period:		
7		Copy of the most recent statement for all RRSP's, TFSA's, RESP's, term deposit certificates, guaranteed investment certificates, stock accounts, and other investments in your name (or in which you have an interest).		
8		Copy of every insurance policy (all whole life, term life, disability, etc.) in your name (or in which you have an interest). Include the cash surrender value for every policy.		
9		Copy of every credit card statement for all credit cards in your name for the period:		
		Other (Specify):		
10				
DAT	ED a	t, this day of , 20		
		Signature		

How to Make an Interim Application for a Procedural Order Instructions

You can make an **Interim Application for a Procedural Order (Form 16.03A)** in your family law proceeding if you need an order that does not directly deal with your family law issues (for divorce, parenting, support, etc.). For example, if you cannot serve the other person with court documents, you can make an application for substituted service.

When You Can Make an Interim Application for a Procedural Order

You can make an Interim Application for a Procedural Order at any time. You can make an Interim Application for a Procedural for a number of reasons. For example:

- 1) You are seeking access to a court file;
- 2) You cannot obtain your marriage certificate (or registration of marriage);
- 3) You are seeking an extension of time to file financial information;
- 4) You are seeking a renewal of an Application;
- 5) You are seeking an order relating to the manner or timing of service of a document;
- 6) A rule in the *Supreme Court Family Rules* allows you to make an Interim Application for a Procedural Order;
- 7) A judge has given you permission to make an Interim Application for a Procedural Order.

Completing Your Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire form. If you require more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Application

To file your Interim Application, you can either bring it to a Supreme Court location near you or you can mail it to a Supreme Court location near you (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html. You do not need to give a copy of this Application to the other person unless a judge orders you to do so.

The Court will contact you to let you know if your procedural order is granted or not. Sometimes a judge will ask that you attend a court hearing to hear your application. If you need to attend a hearing, the Court will contact you with a date and time. If your procedural order is granted, you will need to give a copy of the order to the other person immediately.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260
Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

--- REMOVE THIS PAGE BEFORE FILING THIS APPLICATION ---

Form F16.03A: Interim Application for a Procedural Order (Family Law)



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

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

BETWEEN:		APPLICANT
	(Print full name)	
AND:		RESPONDENT
	(Print full name)	
AND:		□ NOT APPLICABLE
	(Print full name)	☐ SECOND APPLICANT☐ SECOND RESPONDENT

HEARING DATE	FOR COURT USE ONLY
The hearing for this application is scheduled to be heard in the Supreme Coul Labrador:	rt of Newfoundland and
Location: Supreme Court in	, Newfoundland and Labrador
Address:	
Date:	
Time: am / pm	

	-Interim Application for a Procedural Order (Family Law) Supreme Court of Newfoundland and
I,	, the ☐ Applicant ☐ Respondent ☐ Other:
am	seeking an procedural order without providing notice to any other party.
Pá	Basis of application
Ched	ck the box that applies to you:
	I am an officer of the Court and I am seeking access to a Court file. (If you are not an officer of the Court and you are seeking access to a Court file, you must file an Interim Application (Form F18.03A)
	I cannot obtain my original marriage certificate (or registration of marriage).
	I am seeking an extension of time to file financial information which must accompany an Originating Application or Originating Application for Variation.
	I am seeking an order to renew an Originating Application or Originating Application for Variation.
	I am seeking an order relating to the manner or timing of service of a document. (eg. substituted service, dispensing with service, etc.)
	Rule (specify rule number) permits this application to be made.
	Other:
	Procedural order(s) sought n what you are seeking:

Reasons for seeking procedural order(s) (Affidavit) Part C Fill in the reasons why you are seeking the procedural order(s):

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Interim Application for a Procedural Order and any attachments is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information in this Interim A and belief.	Application for a Proced	ural Order are true to t	he best of my knowledge
SWORN TO or AFFIRMED at	, this	day of	, 20
Signature	Signatu	ıre of Person Authoriz	ed to Administer Oaths
Lawyer's Signature for Fee	Waiver		
I am employed by the Newfoundland and La government department under the Executive Co	•		
Signature of Lawyer (if any)		Print Name of Lav	vyer (if any)

How to Make an Emergency Interim Application Instructions

You can make an **Emergency Interim Application (Form F17.03A)** if your family law issue requires urgent attention. This application can be made at any time, but you can ONLY make this applicant in a true emergency.

When You Can Make an Emergency Interim Application

You can ONLY make an Emergency Interim Application if at least one of these situations applies to you:

- There is an immediate danger of a child's removal from the jurisdiction;
- There is an immediate danger to the health, safety, security, or well-being of a child or another person; or
- Not granting an order would have immediate and irreversible consequences;

AND a judge is satisfied that notice to the other person is NOT required for one of the following reasons:

- The delay caused by providing notice would (or might) cause serious harm to you or your child(ren);
- There is urgency for another reason; or
- The circumstances make notice unnecessary.

Completing Your Application

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire form. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Application

You must file your completed and signed Emergency Interim Application with the Court (including any additional documents). To file the Emergency Interim Application, you must bring it to the Supreme Court location where your file is or you can mail it to that location (with the filing fee attached). You can look up the fees online: www.court.nl.ca/supreme/fees.html

Serving Your Application

You do not need to give a copy of this application to the other person (unless the Court orders otherwise). However, if your Emergency Interim order is granted, the Court will contact you with a hearing date within 7 days. You will need to give a copy of the application (with the hearing date), the Instructions on "How to Respond to an Emergency Interim Application" and a copy of the order to the other person immediately by *personal service*. This means that an adult (who is not you) must hand-deliver the documents to the other person.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260
Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

--- It is highly recommended that you get professional legal advice ---

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

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

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

--- REMOVE THIS PAGE BEFORE FILING THE APPLICATION ---

July 3, 2020

How to Respond to an Emergency Interim Application Instructions

You have been served with an Emergency Interim Order.

This means that the other person in your family law proceeding is asked the Court to grant an emergency interim order and this order was granted by the Court.

Read the attached Court Order (or Endorsement) and the Emergency Interim Application carefully.

If you want to oppose the Order (or Endorsement), you must file ONE affidavit in response. You can find an Affidavit template form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

Your affidavit should set out your position on the issues in the Emergency Interim Application and any important details or information.

You must give a copy of your Affidavit to the other person at least 2 days before the hearing date indicated on the front page of the Emergency Interim Application.

If you do not respond or do not appear at the scheduled court hearing, the Court may proceed and make another Order (or Endorsement) without hearing from you.

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or (709) 722-2643

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

Form (F17.03A): Emergency Interim Application – For a Temporary Order (Family Law)



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

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

BETWEEN:		APPLICANT
	(Print full name)	
AND:		RESPONDENT
	(Print full name)	
AND:		□ NOT APPLICABLE
	(Print full name)	☐ SECOND APPLICANT☐ SECOND RESPONDENT

FOR COURT USE ON HEARING DATE	LY
The hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:	
Location: Supreme Court in, Newfoundland and Labrad	lor
Address:	
Date:	_
Time: am / pm	

Form F17.03A – Emergency Interim Application (Family Law)

330

Supreme Court of Newfoundland and Labrador

Part C	Reasons for seeking emergency order (Affidavit)					
Fill in the facts and reasons why you are seeking an emergency order:						

Part D Steps to r	ninimizo n	roiudio	•	
Fail D Steps to I	minimize p	ejuuic	C	
hat have you done (and/or what will you mediately notified of this application?	do) so that the otl	ner party wil	ll not be disadvantaged	by not being
Statement of Truth				
y attachments is the truth. You must sw ths, notary public, justice of the peace, of s application at the Court when you file declare the facts and information in th	or lawyer. Court Re it.	egistry staff	are commissioners of o	aths and you may sign
pelief.				
SWORN TO or AFFIRMED at		_, this	day of	, 20
Signature		Signat	ure of Person Authorize	ed to Administer Oaths
ourraria Cianatura far	Foo Waive			
_awyer's Signature for	ree waive			
am employed by the Newfoundland	and Labrador Le	gal Aid Co	ommission or a Newfo	oundland and Labrado
government department under the Execu	utive Council Act a	nd I am the	lawyer of record in this	matter.
Signature of Lawyer (if any)	1		Print Name of Law	wor (if any)

How to Make an Offer to Settle

Instructions

You can use this Offer to Settle (Form F23.01A) form to settle your family law issues outside of court.

Completing Your Offer to Settle

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and give a copy to the other person).

Make sure to fill out the first page of this form and attach any Schedules that apply to you. If you need more space to fill out any section of this Offer to Settle, attach an extra page and indicate which section is continued on the extra page.

After You Have Completed Your Offer to Settle

DO NOT file your Offer to Settle with the Court. DO NOT disclose any information about the Offer to Settle to the Court.

You can only tell the Court that you made an Offer to Settle AFTER the judge has made a decision on all the issues in dispute (except costs).

Delivering Your Offer to Settle

You will need to give the completed and signed Offer to Settle to the other person. You do not have to formally serve the Offer to Settle. Remember to make a copy of the Offer to Settle for yourself.

Acceptance or Refusal of Offer to Settle

Once you have made your Offer to Settle, the other person may respond to your offer with an **Acceptance** of Offer (Form F23.05A). If the other person accepts your offer, you and other person may draft and sign an agreement or a **Consent Order (Form F34.02A and/or F34.02B)**. You can then file the agreement or Consent Order with the Court.

If you change your mind before the other person responds, you can withdraw your offer with a **Withdrawal** of Offer to Settle (Form F23.02A).

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788 Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SENDING THE OFFER TO SETTLE ---

How to Respond to an Offer to Settle

Instructions

You have received an Offer to Settle from the other person in your current family law proceeding.

DO NOT file any forms related to the Offer to Settle with the Court.

DO NOT disclose any information about the Offer to Settle to the Court.

Read the attached Offer to Settle (Form F23.01A) carefully.

To respond to the offer, you can send the other person an **Acceptance of Offer to Settle (Form F23.05A).** You can find the Acceptance of Offer to Settle form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

On page 1 of the Offer to Settle, you may find that there is a time limit to accept the offer. If you plan to accept the offer, be sure to send the other person a written and signed acceptance by that deadline. If you do not accept the offer by the deadline, the offer will be deemed to be rejected.

If the other person has indicated on page 1 that the offer may be accepted in part, you do not have to accept all of the terms of the offer. You may be able to negotiate some of the terms of the offer.

If you accept the offer or come up with terms that both you agree to, you and other person can draft and sign an agreement or a **Consent Order (Form F34.02A and/or F34.02B)**. You can then file the agreement or Consent Order with the Court.

You can also make your own Offer to Settle, using the Offer to Settle form (Form F23.01A). Please see the instructions on the form for more information on how to make an Offer to Settle.

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

Form F23.01A: Offer to Settle (Family Law)

\$ ata >			FOR COURT USE ONLY
	COURT FILE NO:		
	CENTRAL DIVORC	E REGISTRY NO:	
In the Supreme Court of Newfoundland and Labrador	Filed atLabrador, this	day of	, Newfoundland and 20
(General/Family)	Registry Clerk	of the Supreme Cour	t of Newfoundland and Labrador
BETWEEN:			APPLICANT
	(Print full name)		
AND:			RESPONDENT
	(Print full name)		
AND:	(Print full name)		☐ NOT APPLICABLE ☐ SECOND APPLICANT
	(i fint fail flame)		☐ SECOND RESPONDENT
Check the issues that are in your Offer to Sett date this page of the Offer to Settle: Parenting (Decision-making and/or Parenting (Decision-making and/or Parenting (Decision-making and/or Parenting (Decision-making and			Schedule 1
☐ Child Support	riang amo)		Schedule 2
☐ Spousal, Partner, Parental, or Depender	nt Support		Schedule 3
☐ Division of (Matrimonial or Common Lav			Schedule 4
☐ Other Offers (eg. contact with a person of	other than a parent)		Schedule 5
Check whether this offer may be accepted in p	part:		
☐ This offer can be accepted in part.			
☐ This offer cannot be accepted in part; all	terms of this offer mus	t be accepted.	
Provide the details on any time limits for this of	offer:		
☐ Acceptance of this offer must be made o	n or before (date: month/	day/year):	at (time)
Other:			
DATED at	, this	day of	. 20 .

--- THIS OFFER CAN NOT BE FILED WITH OR DISCLOSED TO THE COURT UNTIL ALL ISSUES IN THIS OFFER (other than costs) HAVE BEEN DETERMINED ---

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Signature

Signature of Lawyer (if any)

Schedule 1 Parenting

If you are making an Offer to Settle with regards to parenting (decision-making and/or parenting time), fill in the details of your parenting proposal below:

Your <u>proposed</u> parenting arrangements for:
Decision-making about the child(ren):
Regular parenting schedule (daily, weekly, monthly, or other):
Parenting schedule for holidays and special occasions:
Schedule for other communication (eg. phone, internet, etc.):
Other important issues in relation to parenting the child(ren):

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July 3, 2020

Schedule 2 Child Support

If you are making an offer for child support, fill in the details of your child support proposal:

The basic Child Support Guidelines table amount of \$				per month,	
paid by the payor,			, to the recipient,		
(Name of payor,		vor)			(Name of recipient)
commencing		•			
	(Date: month/day/ye	ear)	_		
Contri	bution to special and extraordinary e	expenses:			
	Child care	\$	per month	or	% of expense
	Medical and dental insurance premiums for the child(ren)	\$	per month	or	% of expense
	Health related expenses (that exceed insurance reimbursement by at least \$100 annually)	\$	per month	or	% of expense
	Extra-ordinary expenses for primary or secondary school education or for any other educational programs that meet the child(ren)'s particular needs	\$	per month	or	% of expense
	Expenses for post-secondary education	\$	per month	or	% of expense
	Extraordinary expenses for extracurricular activities	\$	per month	or	% of expense
	Other:	\$	per month	or	% of expense
paid by the payor,			, to the recipient,		
J.	(Name of pay	vor)			(Name of recipient)
, comr	mencing(Date: month/day/year)	·			
Child	support not in accordance with the C	hild Support (Guidelines table amount	of \$_	,
paid b	y the payor,		, to the recipient,		
(Name of payo		vor)			(Name of recipient)
, comr	mencing	<u> </u>			
	(2010)				
Other child support amount of \$			per month (eg. arrears or retroactive support),		
paid b	y the payor,		, to the recipient,		
	(Name of pay	vor)			(Name of recipient)
, comr	mencing (Date: month/day/year)	·			
(Bate. Montes day) year)					

Schedule 3 Spousal, Partner, Parental, or Dependent Support

If you are making an offer to settle with regards to spousal, partner, parental, or dependent support, fill in the applicable details of your support proposal below:

Your	<u>proposed</u> support arra	angements are for:			
	Spousal support Partner support Parental support Dependent support				
Your	proposed support arra	angements:			
	Support amount of \$_	to b	e paid monthly (or	□ other:),	
	by the payor,		, to the recipier	nt,	
		(Name of payor)	·	(Name of recipient)	
	☐ for a duration of		months ,commencin	g	
		(Number of months)	- '	(Date: month/day/year)	
	☐ for an indefinite	period.			
		<u>'</u>			_
	Support amount of \$_	to b	e paid in lump sum ,		
	by the payor,		, to the recipier	nt,	
		(Name of payor)		(Name of recipient)	
	, on or before				
		(Date: month/day/year)			
					_
	Other support (eg. arre	ears/retroactive) amount of	\$ to b	e paid monthly (or □ other:),	
	by the payor,		, to the recipier	nt,	
		(Name of payor)		(Name of recipient)	
	, for a duration of	m	nonths, commencing		
	<u> </u>	(Number of months)	, <u> </u>	(Date: month/day/year)	
					_
	Other support (eg. arre	ears/retroactive) amount of	\$	to be paid in lump sum ,	
	paid by the payor,		, to the recipie	ent,	
		(Name of payor)		(Name of recipient)	
	, on or before				
		(Date: month/day/year)			

Schedule 4 Division of Property

If you are making an offer to settle with regards to division of property, fill in the details of your proposal below:					
Check all of the boxes that apply and fill in any information required:					
What type of property are you making an offer for:					
 □ Matrimonial property (where the parties are/were married) □ Common law property (where the parties were never married, but cohabitated in a conjugal relationship) 					
Your proposed division of property arrangement for:					
Assets (eg. houses, land, cabins, vehicles, pensions, investments, RRSPs, etc.):					
Dabte (as most acres avadit acres dabt lacra lines of avadit atal).					
Debts (eg. mortgages, credit card debt, loans, lines of credit, etc.):					
Other (eg. business assets, etc.):					

Schedule 5	Other Offers
If your offer involves other	r issues, provide the details below:

How to Withdraw an Offer to Settle

Instructions

A Withdrawal of Offer to Settle (Form F23.02A) is a document that you can fill out if you want to withdraw certain terms or all of the terms in your Offer to Settle.

Completing Your Withdrawal of Offer to Settle

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and give a copy to the other person).

To complete a Withdrawal of Offer to Settle, make sure to fill out the sections of the form that apply to you. If you need more space to fill out any section of this Withdrawal of Offer to Settle, attach an extra page and indicate which section is continued on the extra page.

After You Have Completed Your Withdrawal of Offer to Settle

DO NOT file your Withdrawal of Offer to Settle with the Court. DO NOT disclose any information about the Withdrawal of Offer to Settle to the Court.

You can only tell the Court that you withdrew your Offer to Settle AFTER the judge has made a decision on all the issues in dispute (except costs).

Serving Your Withdrawal of Offer to Settle

You will need to give the completed and signed Withdrawal of Offer to Settle to the other person. You do not have to formally serve the Withdrawal of Offer to Settle. Remember to make a copy of the Withdrawal of Offer to Settle for yourself.

Remaining Offer Terms

If your Withdrawal of Offer to Settle only partially withdraws your offer, the other person can respond to the remaining offer terms with an Acceptance of Offer (Form F23.05A) or they can refuse your offer.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

If you need help finding or getting a lawyer, you can get more information from:

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

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

--- REMOVE THIS PAGE BEFORE SENDING THE WITHDRAWAL ---

How to Respond to a Withdrawal of Offer to Settle Instructions

The Offer to Settle that you received from the other person has been withdrawn.

DO NOT file any forms related to the Offer to Settle or Withdrawal with the Court.

DO NOT disclose any information about the Offer to Settle or Withdrawal to the Court.

Read the attached Withdrawal of Offer to Settle (Form F23.02A) carefully.

You may find that only some of the terms of Offer to Settle were withdrawn, while others are still open for you to accept or refuse. The time limits of the Offer to Settle may still apply.

If you want to accept the remaining terms of the offer (if applicable), you can send the other person an **Acceptance** of Offer (Form F23.05A).

You may also make your own Offer to Settle, using the **Offer to Settle form (Form F23.01A)**. Please see the instructions on the form for more information on how to make an Offer to Settle. You can get the Offer to Settle form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

If you need help finding or getting a lawyer, you can get more information from:

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

Form F23.02A: Withdrawal of Offer to Settle (Family Law)



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

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

BETWEEN:	(Print full na	nme)		APPLICAN	Т		
` ,				RESPOND	RESPONDENT		
AND:	(Print full na	nme)		□ SECON	PPLICABLE ID APPLICANT ID RESPONDENT		
l,	(Print your name)	_ the	☐ Applicant	□ Respondent	☐ Other:		
withdraw my O	ffer to Settle, dated	o: month	/day/year)	in relation to t	he following:		
Where you wish	to withdraw the Offer to Settle in its EN		,	e following section:			
☐ All terms a	and issues						
•	Where you wish to withdraw ONE OR MORE OF THE TERMS of the Offer to Settle, please indicate which terms you withdraw below:						
□ Parenting (Decision-making and Parenting time) List the term(s) of the Offer to Settle that you are withdrawing:							
	,		J				

	Child Support List the term(s) of the Offer to Settle that you are with	ithdrawing:		
	Spousal, Partner, Parental, or Dependent Supportion List the term(s) of the Offer to Settle that you are with			
	Division of (Matrimonial or Common Law) Properties the term(s) of the Offer to Settle that you are with			
	Other Offers List the term(s) of the Offer to Settle that you are wi	ithdrawina:		
D 4.7				00
DAT	TED at, this	s day of __	,	20
	Signature	Si	gnature of Lawyer (if any)	

--- DO NOT FILE THIS WITHDRAWAL WITH THE COURT ----- DO NOT DISCLOSE THIS WITHDRAWAL TO THE COURT UNTIL ALL ISSUES IN THE
OFFER (other than costs) HAVE BEEN RESOLVED ---

How to Accept an Offer to Settle

Instructions

An **Acceptance of Offer to Settle (Form F23.05A)** is a document that you can fill out if you want to accept the terms of an Offer to Settle (or, where permitted, certain terms of the offer).

If you wish to accept the Offer to Settle (or part of it) and there is a time limit in the Offer to Settle, you must send your Acceptance of Offer to Settle form to the other person before the time limit expires. If you do not send anything, the Offer to Settle will be deemed rejected.

Completing Your Acceptance of Offer to Settle

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and give a copy to the other person).

To complete an Acceptance of Offer to Settle, fill out the sections of the form that apply to you and remember to sign and date the last page. If you need more space to fill out any section of this Acceptance of Offer to Settle, attach an extra page and indicate which section is continued on the extra page.

Delivering Your Acceptance of Offer to Settle

You will need to give a copy of your completed and signed Acceptance of Offer to Settle to the other person. You do not have to formally serve the Acceptance of Offer to Settle and you do not have to provide proof of service to the Court.

Remember to make a copy of the Acceptance of Offer to Settle for yourself.

After You Have Completed and Delivered Your Acceptance of Offer to Settle

DO NOT file your Acceptance of Offer to Settle with the Court.

If you and the other person come to an agreement on some or all of the issues, you can draft either a agreement or a consent order. You can draft a consent order using the Consent Order template form. You can get the form from any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html. File the agreement or consent order with the Court.

Further Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788 Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE SENDING THE ACCEPTANCE ---

What to Do When Your Offer to Settle Is Accepted Instructions

Your Offer to Settle has been accepted (in whole or in part).

DO NOT file any forms related to the Offer to Settle or Acceptance with the Court.

DO NOT disclose any information about the Offer to Settle or Acceptance to the Court.

Read the attached **Acceptance of Offer to Settle (Form F23.05A)** carefully. You may find that some of the terms in your Offer to Settle were accepted, while others were not accepted. You may have to do some further negotiation with the other person if this is the case.

If you and the other person come to an agreement on some or all of the issues, you can draft either an agreement or a consent order. You can draft a consent order using the Consent Order template form. You can get the form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html. File the agreement or consent order with the Court.

Questions? Contact a Court near you:

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or (709) 722-2643

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

Form F23.05A: Acceptance of Offer to Settle (Family Law)



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

	FOR COURT USE ONLY
COURT FILE NO:	
CENTRAL DIVORCE REGISTRY NO:	
Filed at day of	
Registry Clerk of the Supreme Court of N	lewfoundland and Labrador
	APPLICANT

					I
BETWEEN:	(Print fu	ıll name)		APPLICAN	Т
AND:	(Print fu	ıll name)		RESPOND	ENT
AND:	(Print fu	ull name)		□ SECON	PPLICABLE ID APPLICANT ID RESPONDENT
l,	rint Name)	the	☐ Applicant	☐ Respondent	☐ Other:
accept the formal Offer to	Settle, dated	(Date: mo	nth/day/year)	in relation to t	he following:
If you wish to accept the offe	ering party's Offer to Sett	le in its EN	TIRETY, check th	e following section:	
☐ All terms of the Offer	to Settle				
If you wish to accept ONE Coffer to may be accepted in			•	Offer to Settle has sp	pecified that the

	ng (decision-making and parenting time) term(s) of the Offer to Settle that you accept:

	Child Support			
	List the term(s) of the Offer to Settle that you accept:			
	Spousal, Partner, Parental, or Dependent Support			
	List the term(s) of the Offer to Settle that you accept:			
	Division of (Matrimonial or Common Law) Property			
	List the term(s) of the Offer to Settle that you accept:			
	Other Offers			
	List the term(s) of the Offer to Settle that you accept:			
DAT	ED at, this day of, 20			
	Signature Signature of Lawyer (if any)			

--- THIS ACCEPTANCE CAN NOT BE FILED WITH OR DISCLOSED TO THE COURT UNTIL ALL ISSUES IN THE OFFER (other than costs) HAVE BEEN DETERMINED ---

How to Request a Settlement Conference

Instructions

A **settlement conference** is an informal meeting where you and the other person meet to hear each other's proposals and look for solutions that are acceptable to everyone. A judge will assist you. You can request a settlement conference if you want to negotiate a resolution and have more control over the outcome of your case. If your settlement conference is unsuccessful, you can go to trial.

Any discussions that take place in a settlement conference cannot be brought up or used against you if you go to trial. If you go to trial, your trial judge will be different from your settlement conference judge, unless you and the other person agree otherwise.

A binding settlement conference is similar to a settlement conference, except that you both agree that the settlement conference judge can make a decision. This decision becomes a final order and is binding.

Before you can file a **Request for a Settlement Conference (Form F25.03A)**, you must already have a scheduled date for a case management hearing. A judge will consider your request at that case management hearing.

Completing a Request for a Settlement Conference

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

You must fill out pages 1-3 of the form. If you are requesting a binding settlement conference, you must also fill out and attach Schedule 1. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing a Request for a Settlement Conference

You must make **2 extra copies** of your signed Request for a Settlement Conference. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Settlement Conference

You must give a copy of this Request form to the other person at least 7 days before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information. The other person can respond by filing their own Request for a Settlement Conference form.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

--- REMOVE THIS PAGE BEFORE SERVING AND FILING YOUR REQUEST ---

How to Respond to a Request for a Settlement Conference

Instructions

You have been served with a **Request for a Settlement Conference (Form 25.03A).** This means that the other person wants to schedule a settlement conference or binding settlement conference. At your next case management hearing, the judge will decide whether you should go to a settlement conference.

A **settlement conference** is an informal meeting where you and the other person meet to hear each other's proposals and look for solutions that are acceptable to everyone. A judge will assist you. You can request a settlement conference if you want to negotiate a resolution and have more control over the outcome of your case. If your settlement conference is unsuccessful, you can go to trial.

Any discussions that take place in a settlement conference cannot be brought up or used against you if you go to trial. If you go to trial, your trial judge will be different from your settlement conference judge, unless you and the other person agree otherwise.

A binding settlement conference is similar to a settlement conference, except that you both agree that the settlement conference judge can make a decision. This decision becomes a final order and is binding.

Responding to a Request for a Settlement Conference

To respond to the other person's request, you must fill out your own **Request for a Settlement Conference** form. You can get this form at any Supreme Court location or online:

<u>www.court.nl.ca/supreme/family/forms.html</u>. Even if you do not agree to a settlement conference, you must still fill out your own Request form. You can check off the option on the form to indicate that you do not agree to a settlement conference. A judge may still order you to attend a settlement conference.

Filing a Request for a Settlement Conference

You must make **2 extra copies** of your signed Request for a Settlement Conference. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Settlement Conference

You must give a copy of this Request form to the other person at least 2 days before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

Form 25.03A: Request for a Settlement Conference (Family Law)



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

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

BETWEEN:	APPLICANT (Print full name)
AND:	RESPONDENT (Print full name)
AND:	☐ NOT APPLICABLE (Print full name) ☐ SECOND APPLICANT ☐ SECOND RESPONDENT
l,	the ☐ Applicant ☐ Respondent ☐ Other:
□ am re	equesting a settlement conference. (Fill out Parts A, B, C, D, and E)
	equesting a binding settlement conference. (Fill out Parts A, B, C, D, E, and Schedule 1)
	esponding to a request for a settlement conference.
	☐ I agree to the request for a settlement conference. (Fill out Parts A, B, C, D, and E)
	☐ I reject the request for a settlement conference because:
□amre	esponding to a request for a binding settlement conference.

Rules of the Supreme Court, 1986

☐ I reject the request for a binding settlement conference.

Schedule 1)

□ I agree to the request for a binding settlement conference. (Fill out Parts A, B, C, D, E, and

P	art A Resolved Issues							
Che	ck the issues that have already been resolved (by court order, agreement, consent, or otherwise):							
	Divorce							
	Parenting (decision-making and parenting time)							
	Child Support							
	Spousal (married) Support or Partner (unmarried) Support							
	Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)							
	Division of Matrimonial (married) Property or Common Law (unmarried) Property							
	Other:							
P	art B Issues for Settlement Conference							
	ck the issues that you would like to address at the settlement conference and provide a brief description:							
	Divorce:							
	Parenting (decision-making and parenting time):							
	Child Support:							
	Spousal (married) Support or Partner (unmarried) Support:							
	Parental Support (for parents) or Dependant Support (for spouse or child of deceased person):							
	Division of Matrimonial (married) Property or Common Law (unmarried) Property:							
	Other:							
D	art C Time Required for Settlement Conference							
	much time do you estimate the settlement conference will require?							
	Half day Full day Other:							
P	art D Undertakings							
You	must indicate that you will do all of the following:							
	I will serve and file a settlement conference brief at least 7 days before the settlement conference date.							
	I will keep my financial information current by filing with the Court and delivering to the opposing party the updated financial information at least 7 days before the settlement conference date.							
	I will promptly advise the Court if a settlement has been reached prior to the settlement conference date.							
	I will provide the Court and the other party with all documents I intend to rely on in the settlement conference.							

Part E	Legal Representation							
Fill in the det	ails of your legal representation below:							
□ I am cu	rrently represented by (Name of lawyer)							
	☐ The above named lawyer will represent me at the settlement conference.							
	☐ I will be represented by a different lawyer at the settlement conference: (Name of lawyer)							
	I will be representing myself at the settlement co	onference.						
□ lam no	ot currently represented by a lawyer.							
	☐ I anticipate having a lawyer for the settlement conference: (Name of lawyer)							
	☐ I will be representing myself at the settlement conference.							
Signat	ure and Date							
DATED at _	, this	day of	, 20					
	Signature	Signature of Law	wyer (if any)					
		Print Name of La	wyer (if any)					

Schedule 1 Agreement to Binding Settlement Conference

Outstanding Issues for Binding Settlement Conference: Check the issues that you would like to address at the binding settlement conference: Divorce: Parenting (decision-making and parenting time): Child Support: Spousal (married) Support or Partner (unmarried) Support: П Parental Support (for parents) or Dependant Support (for spouse or child of deceased person): Division of Matrimonial (married) Property or Common Law (unmarried) Property: Other: Preference of Judge If you prefer to have a particular judge for your binding settlement conference, please indicate the judge's (or judges') name(s): **Consent and Waiver** the ☐ Applicant ☐ Respondent ☐ Other: (Print vour name) consent to a binding settlement conference to resolve the outstanding issue(s). I understand the binding settlement conference process. I have chosen a binding settlement conference to resolve the outstanding issue(s) instead of a trial of the issue(s). I agree to be bound by the decision of the settlement conference judge should the judge find it appropriate to decide the issue(s). I understand that the settlement conference judge is not bound by the strict rules of evidence, but may receive and use any information submitted to the Court.

I understand that the settlement conference judge has full power and authority to rule on any questions of law and/or fact applying to the admission of evidence or determination of the issues in the same manner as a judge at trial.

I understand that a decision of the settlement conference judge is enforceable in the same manner as any other Judgment of the Court.					
I understand that having a binding settlement conference will impact any right of appeal following the binding settlement conference.					
I agree to keep all communications and discussions from the confidential.	entire binding settlement conference process				
I understand that my participation in this binding settlement consent to proceed with a binding settlement conference at a					
I have not been coerced or threatened in any way to agree to not been promised anything to get me to agree to this binding	•				
I understand that I can seek independent legal advice from a lawyer before consenting to this binding settlement conference process, and I have received independent legal advice; or I have chosen not to seek independent legal advice.					
DATED at, this	day of , 20				
Signature Signature of Lawyer (if any)					
	Print Name of Lawyer (if any)				

How to Make an Application for Judgment

Instructions

An **Application for Judgment (Form F26.02A)** is a form that you may use to apply for judgment in an uncontested proceeding. If any of the following applies to your situation, your matter is an uncontested proceeding:

- The Respondent failed to file and serve a Response within the prescribed time (and a Notice of Default (Form F6.06A) has been filed);
- The Response has been withdrawn or struck out;
- The Respondent filed a Response stating that they are not contesting a claim in the Application;
- The Applicant failed to file a Reply in relation to a claim against them made in the Response within the prescribed time (and a Notice of Default (Form F6.06A) has been filed);
- The Reply has been withdrawn or struck out;
- The Applicant filed a Reply stating that they are not contesting a claim in the Response;
- The parties have applied together for the same relief; or
- Each party to the proceeding consents to a draft judgment or order.

Completing Your Application for Judgment

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court). You must fill out the entire Application for Judgment form. If you need more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing Your Application for Judgment

To file your Application for Judgment, bring it to the Supreme Court location where your family law file is or mail the Application to that Supreme Court location. Before you file it, you should make an extra copy of your completed and signed Application for Judgment for your own records.

If you are applying for a divorce, you must also file: 1) a draft **Divorce Judgment (Form F26.03A)** along with 2 extra copies of that Divorce Judgment. You can get a Divorce Judgment form from any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html and 2) a **Notice of Default (Form F6.06A)** if the other party failed to file a Response or Reply within the prescribed time.

Serving Your Application for Judgment

You do not have to give a copy of this Application to the other person unless he/she has filed a **Demand for Notice** (Form F6.04A).

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260
Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788 Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

--- REMOVE THIS PAGE BEFORE FILING THIS APPLICATION --

Form F26.02A: Application for Judgment (Family Law)

(for uncontested family law proceedings)



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

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

	APPLICANT or CO-APPLICANT
(Print full name)	
	RESPONDENT or CO-APPLICAN
(Print full name)	
	□ NOT APPLICABLE
(Print full name)	☐ SECOND APPLICANT
	☐ SECOND RESPONDENT
	☐ CO-APPLICANT
	(Print full name)

Part A The Order(s) Sought

Check the type of order(s) that you are seeking and provide a brief description:

Divorce:
Parenting (decision-making and/or parenting time):
Child Support:
Spousal (married) Support or Partner (unmarried) Support:
Parental Support (for parents) or Dependant Support (for someone other than parents or child):
Division of Matrimonial (married) Property or Common Law (unmarried) Property:
Consent Order:
Other:

Part B Basis for Application for Judgment

Check the box that applies to your situation:

The Respondent failed to file and serve a Response within the prescribed time.
The Response has been withdrawn or struck out.
The Respondent filed a Response stating that they are not contesting the claim(s) made in the Application.
The Applicant failed to file a Reply in relation to a claim against them made in the Response within the prescribed time.
The Reply has been withdrawn or struck out.
The Applicant filed a Reply stating that they are not contesting the claim(s) made in the Response.
The Co-Applicants filed a Joint Originating Application for the same relief.
The Applicant and the Respondent have consented to the draft judgment or draft order.

Part C Relevant Documents

Check the following documents that support your claims as they relate to the order that you are seeking: (Attach any documents that you have not already filed with the court)

Originating Application	Property Statement of the Applicant
Originating Application for Variation	Property Statement of the Respondent
Joint Originating Application	Affidavit of Service
Joint Originating Application for Variation	Previous Court Order(s)
Response	Domestic Contract (eg. Separation Agreement)
Demand for Notice	Certificate (or Registration) of Marriage
Notice of Default	Order dispensing with Certificate of Marriage
Reply	1 self-addressed, stamped envelope with the Applicant's address
Financial Statement of the Applicant	1 self-addressed, stamped envelope with the Respondent's address
Financial Statement of the Respondent	Draft Divorce Judgment and/or other draft orders
Other:	

☐ Check this box if you are Co-Applicants (filed a Joint Originating Application or Joint Originating Application for Variation). If you are Co-Applicants, you do not need to fill in Part D.

Part D Service of Originating Application or Response

Fill in the details of the service of the Originating Application, Originating Application for Variation, or Response.

Name of person served:						
Date of service:	Month:		Day:	Yea	ar:	
Address of service:	Street Ad	drace		City	Province	Postal Code
	For Originating Application or Response (involving divorce and/or parenting): Personal service Leaving a copy with the Respondent's lawyer Substituted service as ordered by the Court					
For Originating Application or Response (involving claims other than divergarenting): Method of service: Personal service Leaving a copy with the Respondent's lawyer Leaving a copy at the Respondent's address (and mailing a copy to address that day or the following day) Regular mail Registered mail/Courier Email Fax Electronic document exchange or other electronic form of communications of the court		to the same				

	for Var		nust fi	(filed a Joint Originating Application or Jo Il out Part E. Make a copy of pages 4-6 for or Judgment.			
P	art E	Affidavit		·			
_							
I,		(Print your name)		, of(City/Town and	l Provin	ce)	
S۱	swear or affirm and say as follows:						
1.		•		this affidavit, except where stated to be eve the information to be true.	inforn	nation learned from	
2.		egal proceedings have been		menced by me or the other party with referenced, except as follows:	eferen	ce to the marriage,	
3.		ts or Contracts box that applies to your situa	tion:				
С	There a	are no agreements or contrac	cts be	tween me and the other party.			
		are agreements or contracts				and a star this forms	
	_			d with the Court, attach a copy of the agreeme following issues (eg. parenting, child sup			
	Tile agi	reement or contract deals wi		lollowing issues (eg. parenting, child sup)	σοι, ρ	Toperty, etc.).	
4.	•	o Pleadings box that applies to your situa	tion:				
	There ha	ave been no changes to the	conte	nts in my:			
		Originating Application		Originating Application for Variation		Interim Application	
		Response		Other:			
	There ha	ave been changes to the cor	ntents	in my:			
		Originating Application		Originating Application for Variation		Interim Application	
		Response		Other:			

	Fill in the details of the changes to the contents:	
	If there is a change in your financial circumstances since the filing of the Originating Application, Originating Application for Variation, Interim Application, Response, Financial Statement, and/or Property Statement, you must file and serve updated documents.	
	vorce (if applicable) order to apply for a divorce, you must be able to satisfy ALL of the requirements below:	
	There is no prospect of reconciliation of the marriage between the other party and myself.	
	The other party and I have remained living separate and apart from the date of our separation to the date of this Affidavit.	
lf y	ou have a child or children:	
	Applicant or Co-Applicant's Annual Income: \$	
	Respondent or Co-Applicant's Annual Income: \$	
	Reasonable arrangements have been made for the support of the child(ren). Provide details:	
	Check this box if you are If you are seeking an earlier date of effect for a divorce judgment. You must fill out a Request for Earlier Date for a Divorce Judgment form.	
	apport (if applicable) neck the box that applies to your situation:	
	I am claiming support.	
	I know/believe the other party's income to be: \$ per year.	
	If you are seeking child support and the other party has not filed income information, you must provide sufficient information of the other party's income.	
	I am not claiming support.	
	☐ Sufficient financial arrangements have been made for the care of the child(ren).	

7.	Costs	(if	app	lica	ble

	Costs are claimed in the amount of \$	for the following reasons:	
3. S	Service of Judgment:		
	The present address of the other party where service	of the judgment may be made is:	
	I know/believe that this is the address of the other par	ty because:	
	Service of the judgment upon the other party should b	e dispensed with for the following reasons:	

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Application for Judgment and Affidavit is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information of this Application for June 2015 and belief.	udgment and	Affidavit are true to the	ne best of my knowledge
SWORN TO or AFFIRMED at	, this	day of	, 20
Signature	Signatu	ıre of Person Authoriz	red to Administer Oaths

How to Request a Trial Date

Instructions

You can request a trial date by using this **Request for a Trial (Form F29.02A)**.

Before you can file a **Request for a Trial**, you must already have a scheduled date for a case management hearing. A judge will consider your request at that case management hearing.

Completing a Request for a Trial

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

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

Filing a Request for a Trial

You must make **2 extra copies** of your signed Request for a Trial. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Trial

You must give a copy of this Request form to the other person at least 7 days before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

The other person can respond by filing their own Request for a Trial form.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

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

--- REMOVE THIS PAGE BEFORE FILING YOUR REQUEST ---

How to Respond to a Request for a Trial Date

Instructions

You have been served with a Request for a Trial (Form F29.02A).

This means that the other party is seeking to go to trial and get a scheduled trial date. At your next case management hearing, the judge will decide whether you should go to trial.

Responding to a Request for a Trial

To respond to the other person's request, you must fill out your own **Request for a Trial** form. Even if you do not agree that your matter should go to trial, you must still fill out your own Request form. You can get this form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

Filing a Request for a Trial

You must make **2 extra copies** of your signed Request for a Trial. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for a Trial

You must give a copy of this Request form to the other person at least 2 days before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

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

Form F29.02A: Request for a Trial (Family Law)



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

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

	(General/Family)	Registry Clerk of the Supreme Court of Newfoundland and Labrador
BE	TWEEN:	Print full name)
AN	D:	rint full name)
AN		□ NOT APPLICABLE □ SECOND APPLICANT □ SECOND RESPONDEN
l,	(Print your name)	the □ Applicant □ Respondent □ Other (<i>specify</i>)
	am requesting a trial. am responding to a request for a trial.	
	art A Pre-requisites ck all of the boxes that apply to you:	
	All relevant parties are before the Court.	
	All sworn Financial Statements and/or Pro	perty Statements have been filed with the Court.
	All appropriate pretrial applications have b	een made.
	No amendments to the pleadings are con	emplated.
	No further disclosure is required or reques	ted.
	The parties have participated in or have h	en excused by a judge from participation in a dispute resolution

program or process.

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Part B Issues for Trial

Check the issues to be addressed at trial: Divorce Parenting (decision-making and/or parenting time) Child Support Spousal (married) Support or Partner (unmarried) Support Parental Support (for parents) or Dependant Support (for spouse or child of deceased person) Division of Matrimonial (married) Property or Common Law (unmarried) Property Other: Part C Witnesses If you have requested a formal trial, fill in the information for all of the witnesses you intend to call at trial: Witness 1 Witness 2 **Full Name** Subject of **Testimony Estimated Time** Required for **Testimony** Witness 3 Witness 4 **Full Name** Subject of **Testimony Estimated Time** Required for **Testimony** ☐ Check this box if you do not intend to call any witnesses at trial.

Officery this box if you do not intend to call arry withesses at that

□ Check this box if you intend to call more than 4 witnesses. Attach an extra page to provide the details of those witnesses.

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Fill in the information for all of the **expert witnesses** you intend to call at trial:

		Expert Witness 1	Expert Witness 2		
Fu	II Name				
	bject of stimony				
Re	timated Time quired for stimony				
	 □ In the event of an expert witness testifying at the trial, I will provide the other party with a copy of the expert's report(s) and resume or curriculum vitae at least 30 days before the trial date. □ Check this box if you do not intend to call any expert witnesses at trial. □ Check this box if you intend to call more than 2 expert witnesses. Attach an extra page to provide the details of those witnesses. 				
Pa	art D	Documents for Trial			
Che	ck any of the foll	lowing that apply:			
	A joint book of	documents will be filed prior to the trial.			
	A trial brief will be filed in this matter.				
	Part E Special requirements Check any of the following that apply:				
		s required. Specify language and dialect: onsible for your own interpreter fees, with the exception for F	rench interpreters.		
	Audio recordings may be entered/played in evidence. Specify:				
	Video recordin	gs may be entered/played in evidence. Specify:			
	A party or witne Name of party	ess requests the opportunity to give evidence by or witness:	teleconference or videoconference.		
	Other. Specify:				
Part F Time Required for Trial					
How	How much time do you estimate the trial (including summations) will require?				
		day(s)			

Undertakings			
You must indicate that you will do all of the following:			
☐ I will participate in a Trial Readiness Conference if requested by the Court.			
I will keep my financial information current by filing updated financial information with the Court and serving the other party with updated financial information at least 7 days before the trial.			
☐ I will promptly advise the Court if a settlement has been reached prior to the trial date.			
I will promptly advise the Court if, after the case management hearing, it is anticipated that the duration of the trial will differ from the estimated trial time.			
☐ I will provide the Court and the other party with all documents I intend to rely on in the trial.			
Legal Representation			
Fill in the details of your legal representation below:			
□ I am currently represented by (Name of lawyer)			
☐ The above named lawyer will represent me at trial.			
☐ I will be represented by a different lawyer at trial:			
(Name of lawyer)			
☐ I will be representing myself at trial.			
☐ I am not currently represented by a lawyer.			
☐ I anticipate having a lawyer at trial:			
(Name of lawyer)			
☐ I will be representing myself at trial.			
Signature and Date			
DATED at, this day of, 20			
Signature Signature of Lawyer (if any)			

Print Name of Lawyer (if any)

How to Request an Informal Trial

Instructions

In an **informal trial**, the strict rules of evidence may not apply. Both you and the other person can speak directly to the judge and the judge can ask you questions directly. Your ability to present witnesses is limited.

You may request a trial date by using a **Request for an Informal Trial (Form F31.02A)**. Before you can file a **Request for an Informal Trial**, you must already have a scheduled date for a case management hearing.

You can only have an informal trial if both you and the other person agree to the process. The judge at your case management hearing must also agree that your matter should proceed to an informal trial.

Completing a Request for an Informal Trial

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person). You must fill out the entire form. If you require more space to fill out any section of this form, attach an extra page and indicate which section is continued on the extra page.

Filing a Request for an Informal Trial

You must make **2 extra copies** of your signed Request for an Informal Trial. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for an Informal Trial

You must give a copy of this Request form to the other person at least 7 days before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

If the other person agrees to an informal trial, they must file their own Request for Informal Trial form and give you a copy. If the other person does not agree to the informal trial and instead wants a formal trial, he/she must file a **Request for Trial (Form F29.02A)** and give you a copy.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

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

--- REMOVE THIS PAGE BEFORE FILING AND SERVING YOUR REQUEST ---

How to Respond to a Request an Informal Trial Instructions

You have been served with a Request for an Informal Trial (Form F31.02A).

This means that the other person is asking the Court to decide your family law matter with an **informal trial**. In an informal trial, the strict rules of evidence may not apply. Both you and the other person can speak directly to the judge and the judge can ask you questions directly. Your ability to present witnesses is limited.

You can only have an informal trial if both you and the other person agree to the process. The judge at your case management hearing must also agree that your matter should proceed to an informal trial.

Responding to a Request for Informal Trial

If you consent to an informal trial, you must complete your own Request for an Informal Trial form, file it with the Court, and give a copy to the other person. You can get this form at any Supreme Court location or online: www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form, file it with the Court, and serve a copy on the other person).

If you do not consent to an informal trial and want to request a formal trial, you must indicate that you do not consent on a Request for an Informal Trial form. You must also file a **Request for Trial (Form 29.02A)**. You can get this form at any Supreme Court location or online:

www.court.nl.ca/supreme/family/forms.html (If you fill out the form online, you must still print the form, file it with the Court, and give a copy to the other person).

Filing a Request for an Informal Trial

You must make **2 extra copies** of your signed Request for an Informal Trial. To file your Request, bring the original Request form to the Supreme Court location where your family law file is or mail the Request to that Supreme Court location.

Serving a Request for an Informal Trial

You must give a copy of this Request form to the other person at least 2 days before your case management hearing date. This is called *service*. You can serve the other person by: personal service (an adult, who is not you, can hand-deliver the document), leaving a copy with the other person's lawyer, leaving a copy at the other person's address, registered mail/courier, or regular mail. You can also serve the other person using fax, email, or electronic document exchange, if the other person has provided that information.

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

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

Form F31.02A: Request for an Informal Trial (Family Law)



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

BETWEEN:

AND:

AND:

In the Supreme Court of Newfoundland and Labra	CENTRAL DIVORCE REGISTRY NO: Filed at day of	FOR COURT USE ONLY
(General/Family)	Registry Clerk of the Supreme Court	t of Newfoundland and Labrador
WEEN:	(Print full name)	APPLICANT
: <u> </u>	(Print full name)	RESPONDENT
:	(Print full name)	☐ NOT APPLICABLE☐ SECOND APPLICANT☐ SECOND RESPONDENT
(Print your nam	the □ Applicant □	I Respondent □ Other:
am requesting an informal tria am responding to a request for		
nsent and Waiver		
	the ☐ Applicant ☐ Re	spondent

Consent and Waiver

(Print your name)

- consent to an informal trial. (Fill out the Consent and Waiver, and Parts A, B, C, D, and E)
- do not consent to an informal trial. (Fill out a Request for a Trial (Form F29.02A))

I agree to place responsibility for the conduct of the informal trial with the judge.

I agree that the strict application of the rules of evidence in this informal trial will not apply.

I agree that both parties may submit any document or other evidence to the judge and that copies of any submitted documents or evidence will be provided to the other party.

I agree that both parties may advise the Court of anything they feel is relevant to the issue(s).

I agree that the normal question-and-answer manner of trial will not apply.

I agree that the judge may ask me, the other party, and witnesses (if any) questions about the case.

I understand that the judge will determine the relevance of all evidence (including documents, physical evidence, and testimony) that is provided as evidence during the informal trial process.

I understand that having an informal trial may impact any appeal following the informal trial hearing.

I understand the informal trial process.

I understand that my participation in this informal trial process is strictly voluntary and that I can withdraw consent to proceed with an informal trial at any time prior to the informal trial hearing.

I have not been coerced or threatened in any way to agree to this informal trial process and I have not been promised anything to get me to agree to this informal trial process.

Part A Resolved Issues

Check the issues that have already been resolved (by court order, agreement, consent, or otherwise):

Divorce
Parenting (decision-making and parenting time)
Child Support
Spousal (married) Support or Partner (unmarried) Support
Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)
Division of Matrimonial (married) Property or Common Law (unmarried) Property
Other:

Part B Issue(s) for the Informal Trial

Check the issues that you would like to address in the informal trial:

Divorce
Parenting (decision-making and parenting time)
Child Support
Spousal (married) Support or Partner (unmarried) Support
Parental Support (for parents) or Dependant Support (for spouse or child of deceased person)
Division of Matrimonial (married) Property or Common Law (unmarried) Property
Other:

Part C Time Required for the Informal Trial			
How much time do you estimate the informal trial (including summations) will require?			
day(s)			
Part D Undertakings			
You must indicate that you will do all of the following:			
I will keep my financial information current by filing with the updated financial information at least 7 days before the info			
☐ I will promptly advise the Court if a settlement has been re	ached prior to the informal trial date.		
I will promptly advise the Court if, after the case managem duration of the informal trial will differ from the estimated till			
☐ I will provide the Court and the other party with all docume	nts I intend to rely on in the informal trial.		
Part E Legal Representation Fill in the details of your legal representation below:			
I am currently represented by (Name of lawyer)			
☐ The above named lawyer will represent me at the	ne informal trial.		
☐ I will be represented by a different lawyer at the informal trial: (Name of lawyer)			
☐ I will be representing myself at the informal trial.			
☐ I am not currently represented by a lawyer.			
☐ I anticipate having a lawyer at the informal trial: (Name of lawyer)			
☐ I will be representing myself at the informal trial.			
Signature and Date			
DATED at, this	day of , 20		
Signature	Signature Signature of Lawyer (if any)		
_	Print Name of Lawyer (if any)		

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How to do a Consent Order

Instructions

If you and the other person have come to an agreement on all of your family law issues, you can do a Consent Order. You can use this **Consent Order** template to draft the agreement between you and the other person.

By signing a Consent Order, you acknowledge that the terms of the Order will be enforced. Before you sign a Consent Order, both you and the other person should get advice from separate lawyers.

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

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

Completing Your Consent Order

You can fill out this form by hand or you can download and fill out this form electronically at www.court.nl.ca/supreme/family/forms.html (If you fill out the form electronically, you must still print the form and file it with the Court).

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

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

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

Filing Your Consent Order

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

More Information

Questions? Go to www.court.nl.ca/supreme/family or contact a Court near you:

Corner Brook: (709) 637-2227 Grand Falls-Windsor: (709) 292-4260 Gander: (709) 256-1115 Happy Valley-Goose Bay: (709) 896-7892

Grand Bank: (709) 832-1720 St. John's: (709) 729-2258

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

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

Public Legal Information Association of NL (PLIAN): www.publiclegalinfo.com or 1 (888) 660-7788 Legal Aid: www.legalaid.nl.ca or 1(800) 563-9911

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

F34.02B: Consent Order - Other than Support (Family Law)



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

BETWEEN:

AND:

AND:

	COURT FILE NO:		FOR COURT USE O	NLY
	CENTRAL DIVORCE	REGISTRY NO:		
reme Court of d and Labrador			, Newfoundland , 20	and
al/Family)	Registry Clerk of	the Supreme Court o	of Newfoundland and Labrador	
(Pr	int full name)		□ APPLICANT □ CO-APPLICANT	
(Pr	int full name)		☐ RESPONDENT☐ CO-APPLICANT	
(Pr	int full name)		□ NOT APPLICABLE □ SECOND APPLICAN □ SECOND RESPOND □ CO-APPLICANT	
rable Justice	(Print Name)	, on _	(Date: month/day/year)	
	(Fillit Name)		(Басе. Пюпилиаугуеаг)	
☐ Final Order on Cons	ent □ Int	erim Order on Co	onsent	
AT under the:				
ily Law Act (Newfoundla	nd and Labrador):			
rce Act (Canada):				
dren's Law Act (Newfour	ndland and Labrado	r):		

IT IS ORDERED THAT under the:

BEFORE the Honourable Justice

- ☐ Family Law Act (Newfound
- ☐ Divorce Act (Canada):
- ☐ Children's Law Act (Newfor

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Parenting

Decision-Making Responsibility

	One parent makes all the decisions (Sole Decision-Making Responsibility)
	The parties agree that
	(Print name)
	shall make all of the major decisions regarding the following children: (Name(s) and date(s) of birth of children)
	Other details (decision-making and information):
	Carlot dotaine (accioni maining and announce).
OR	
	Both parents make the decisions together (Joint Decision-Making Responsibility)
	The parties agree that
	The parties agree that (Names of Co-Applicants or parties)
	shall make all of the major decisions jointly for the following children: (Name(s) and dates(s) of birth of children)
OR	
	Other (Qualified Joint Decision-Making Responsibility)
	The parties agree that
	(Names of Co-Applicants or parties)
	shall make the decisions for the following children: (Name(s) and dates(s) of birth of children)
	as follows:

Parenting Time

The partie	s agree that there shall be:	
	Shared parenting. (Fill in the details of your arrangement below)	
	Primary residence with (name) arrangements. (Fill in the details of your arrangement below)	and parenting time
	Primary residence with (name)	and no parenting time.
	Split parenting. (Fill in the details of your arrangement below)	
Details:		
	Regular parenting schedule (daily, weekly, monthly or other):	
	Parenting schedule for holidays and special occasions:	
	Schedule for other communication (ie. phone, internet, etc.):	
	Other important issues in relation to parenting the child(ren):	

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Division of Property

The partie	s agree that there shall be:
	Equal division of matrimonial property. (Fill in the details of your arrangement below)
	Unequal division of matrimonial property. (Fill in the details of your arrangement below)
	Division of common law property. (Fill in the details of your arrangement below)
	Property arrangement. (Fill in the details of your arrangement below)
Details:	

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Other		
If you are consenting to something other than the orders provided for in this Form, fill in the details below:		

Consent Signatures (if applicable)

If applicable, both parties must sign the Consent Order in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this Consent Order at the Court when you file it.

Applicant (or Co-Applicant)	Respondent (or Co-Applicant)
DATE (month/day/year):	DATE (month/day/year):
Signature of Applicant (or Co-Applicant)	Signature of Respondent (or Co-Applicant)
Address of Applicant (or Co-Applicant)	Address of Respondent (or Co-Applicant)
Signature of Person Authorized to Administer Oaths	Signature of Person Authorized to Administer Oaths
Applicant's (or Co-Applicant's) Lawyer (if any)	Respondent's (or Co-Applicant's) Lawyer (if any
DATE (month/day/year):	DATE (month/day/year):
Signature of Lawyer	Signature of Lawyer
Print name of Lawyer	Print name of Lawyer
Order Issued at:	FOR COURT USE ONLY
Location: Supreme Court in	, Newfoundland and Labrador
Date:	
Justice or Registry Clerk of	the Supreme Court of Newfoundland and Labrador

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July 3, 2020

Form F34.02C: Affidavit of Execution (Family Law)

In the Supreme Court of Newfoundland and Labrador (General/Family)	Filed at day of	RY NO:
BETWEEN:	(Print full name)	APPLICANT
AND:	(Print full name)	RESPONDENT
AND:	(Print full name)	□ NOT APPLICABLE □ SECOND APPLICANT □ SECOND RESPONDENT
I swear or affirm that I,(Print	your name) of, _	(City and Province)
did see(Print name)	sign their nan	ne to the Order/Agreement attached
on (Date: month/day/year)		
SWORN TO or AFFIRMED at	, this	day of , 20

Signature

Signature of Person Authorized to Administer Oaths

Form F38.06A: Notice of Application to the Central Authority and Contact Judge for the Return of a Child (Family Law)

O TEMOR

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

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

BETWEEN:		APPLICANT
	(Print full name)	
AND:		RESPONDENT
	(Print full name)	
AND:		□ NOT APPLICABLE
	(Print full name)	☐ SECOND APPLICANT☐ SECOND RESPONDENT

TAKE NOTICE that an application for the return of a child pursuant to the *Hague Convention on International Child Abduction* has been made in the above noted proceeding.

FOR COURT USE ONLY HEARING DATE
A hearing for this application is scheduled to be heard in the Supreme Court of Newfoundland and Labrador:
Location: Supreme Court in, Newfoundland and Labrador
Address:
Date:
Time: am / pm

Form F38.04A: Originating Application for the Return of a Child (Family Law)



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

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

BETWEEN:		APPLICANT
	(Print full name)	
AND:		RESPONDENT
	(Print full name)	
AND:		■ NOT APPLICABLE
	(Print full name)	☐ SECOND APPLICANT☐ SECOND RESPONDEN

Notice to the Respondent

An application for the return of a child pursuant to the *Hague Convention on International Child Abduction* has been made against you. The details are set out in the attached Originating Application for the Return of a Child.

You have **7 days** to file a Response (Form F6.02A) and file it at the Supreme Court of Newfoundland and Labrador, Trial Division. You must also attend the hearing (details below). If you do not file a Response or attend the scheduled hearing, the Court may proceed and make an order without hearing from you.

FOR COURT USE ONLY HEARING DATE
A return date to schedule the hearing for this application will be heard in the Supreme Court of Newfoundland and Labrador:
Location: Supreme Court in, Newfoundland and Labrador
Address:
Date:
Time: am / pm

The Order(s) Sought

I hereby seek an order for the return of the following child(ren) under the Hague Convention on International Child Abduction.

	Child 1	Child 2
Child's Full Name		
Mother's Full Name		
Father's Full Name		
Date of Birth (month/day/year)		
Gender		
Child is Currently Living With (Name)		
Disabilities and/or Special Needs		

☐ Check this box if there are more than 2 children. Attach an extra page to provide the details of those children.

Details of the Parties

Applicant Information

Fill in your information below:

If you have safety concerns and do not want to provide your contact information, you may provide alternate contact information below. You must still provide the Court with your actual contact information in a sealed envelope. This envelope will not be available to the other party.

Current Last Name		Last Name at Birth:		
First Name				
Middle Name(s) (if any)				
Gender				
Residential Address	Street Address	City	Province	Postal Code
Mailing Address (if different from Residential Address)		,		
Talanhana Numban (# ana)	Street Address or PO Box	City	Province	Postal Code
Telephone Number (if any)	Home:	Cell:		
Fax Number (if any)				
Email Address (if any)	If you provide your email address, the 0	Court may contact you by em	ıail.	
Date of Birth	Month: D	ay:	Year:	

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Occupation(s) or Job(s)					
Citizen / Immigration Status	☐ Canadian Citizen ☐ Perma		nent Resident	☐ Foreign National	
Are you a registered Indian	□ Yes	□ No	If yes, what is the name of your band?		
under the <i>Indian Act</i> ?	□ 162		Do you live on a re	eserve?	
Do you wish to have your matter conducted in French?	□ Yes	□No			
Do you need an interpreter?	☐ Yes ☐ No You may be responsible for your own interpreter fees and arrangements.		If yes, state the lange	uage and dialect:	
Lawyer's Name, Telephone Number, and Address (if any)					

Respondent Information

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

Current Last Name			Last I	Name at Birth:		
First Name						
Middle Name(s) (if any)						
Gender						
Residential Address	Street Address			City	Province	Postal Code
	Street Address			City	Province	Postal Code
Mailing Address (if different from Residential Address)				0"		B 110 1
	Street Address or PO	Вох		City	Province	Postal Code
Telephone Number (if any)	Home:			Cell:		
Fax Number (if any)						
Email Address (if any)						
Date of Birth	Month:		Day:		Year:	
Occupation(s) or Job(s)						
Citizen / Immigration Status	☐ Canadian Citiz	zen 🗆 P	ermar	nent Resident	☐ Fore	gn National
Is the Respondent a registered Indian under the	☐ Yes ☐ No	If yes, what is the name of the Respondent's band?				
Indian Act?		Does the Respondent live on a reserve?		live on a reserve?		
Does the Respondent need an interpreter?	☐ Yes ☐ N The Respondent may own interpreter fees a	be responsible for	their	If yes, state the lan	iguage and d	ialect:
Lawyer's Name, Telephone Number, and Address (if any)						

Statement of Truth

You must swear or affirm that the facts and information that you have written in this Originating Application for the Return of a Child and the attachments is the truth. You must swear or affirm and sign this Statement of Truth in front of a commissioner of oaths, notary public, justice of the peace, or lawyer. Court Registry staff are commissioners of oaths and you may sign this application at the Court when you file it.

I declare the facts and information of this Origination knowledge and belief.	ng Application for the	he Return of a Child ar	e true to the best of my
SWORN TO or AFFIRMED at	, this	day of	, 20
Signature of Applicant	Signat	ure of Person Authorize	ed to Administer Oaths
Lawyer's Signature for Fee W	loivor		
Lawyer 5 Signature for Fee W	laivei		
I am employed by the Newfoundland and Labra	•		
government department under the Executive Council	cii Act and I am the	lawyer of record in this	matter.

Form F38.04B: Affidavit in Support of Originating Application for the Return of a Child (Family Law)



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

BETWEEN:

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

APPLICANT

LICABLE APPLICANT RESPONDEN
APPLICANT RESPONDEN
□ Other
_ Outor.
ue Convention
_

Form F38.04B – Affidavit in Support of Originating Application for the Return of a Child (Family Law)

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Supreme Court of Newfoundland and Labrador

Provide the details of any ongoing court proceed	edinas court orders writt	en agreements, and/or la	ows relating to the
decision-making and/or parenting time of the cl	hild(ren). This includes al	l Provincial Court matters	s, criminal matters,
proceedings in other provinces or countries, pe	eace bonds, emergency p	protection orders, restrain	ing orders, and no-
contact orders.			
contact orders.			
contact orders.			
□ Check this box if not applicable. Statement of Truth			
□ Check this box if not applicable. Statement of Truth You must swear or affirm that the facts and info			
□ Check this box if not applicable. Statement of Truth You must swear or affirm that the facts and info the truth. You must swear or affirm and sign thi	's Statement of Truth in fr	ront of a commissioner of	oaths, notary public,
□ Check this box if not applicable. Statement of Truth You must swear or affirm that the facts and info	's Statement of Truth in fr	ront of a commissioner of	oaths, notary public,
□ Check this box if not applicable. Statement of Truth You must swear or affirm that the facts and info the truth. You must swear or affirm and sign thi justice of the peace, or lawyer. Court Registry s	's Statement of Truth in fr	ront of a commissioner of	oaths, notary public,
□ Check this box if not applicable. Statement of Truth You must swear or affirm that the facts and info the truth. You must swear or affirm and sign thi justice of the peace, or lawyer. Court Registry s	is Statement of Truth in fr staff are commissioners o	ront of a commissioner of of oaths and you may sig	foaths, notary public, n this application at
Check this box if not applicable. Statement of Truth You must swear or affirm that the facts and information of the peace, or lawyer. Court Registry sthe Court when you file it. I declare the facts and information of this Affice.	is Statement of Truth in fr staff are commissioners of davit are true to the best of	ront of a commissioner of oaths and you may sign	foaths, notary public, n this application at ief.
Check this box if not applicable. Statement of Truth You must swear or affirm that the facts and info the truth. You must swear or affirm and sign thi justice of the peace, or lawyer. Court Registry sthe Court when you file it.	is Statement of Truth in fr staff are commissioners of davit are true to the best of	ront of a commissioner of oaths and you may sign	foaths, notary public, n this application at ief.

Court F	ile	No.	

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR GENERAL DIVISION

IN THE ESTATE OF		DECEASED
	ADMINISTRATION BOND	
The principal in this bond is	Print name	·
The sureties in this bond are	and Print name	Print name
_	Registrar of the Supreme Court of N benefit of creditors and persons enti	
	bind themselves, their heirs, executor egistrar of the Supreme Court of No. of:	•
\$Print amount of bond	·	

The principal as a personal representative is required to:

- a) make and file with the court and full and true inventory of the property of the deceased that has, or may come into the knowledge and/or possession of the principal;
- b) administer all such property according to law;
- c) pay the debts of the deceased;
- d) when lawfully required, render a proper and full account of the administration of the estate; and
- e) distribute to the persons entitled, all property remaining after payment of the debts of the deceased and the costs of administration of the estate.

The primary obligation under this bond belongs to the principal. The principal is liable under this bond for any amount found by the court to be owing to any creditors of the estate and persons entitled to share in the estate to whom proper payment has not been made.

The sureties, provided they have been given reasonable notice of any proceeding in which judgment may be given against the principal for failure to perform the obligations of this bond shall, on order of the court, and on default of the principal to pay any final judgment made against the principal in the proceeding, pay to the obligee the amount of any deficiency in the payment by the principal, but the surety shall not be liable to pay more than the amount of the bond.

The amount of this bond shall be reduced by and to the extent of any payment made under the bond pursuant to an order of the court.

The sureties are entitled to an assignment of the rights of any person who receives payment or benefit from the proceeds of this bond, to the extent of such payment or benefit received.

DATED at	_, this _	day of	, 20
Signature of Person Authorized to Administer Oat	ths	Signature of Applica	nt / Applicant's Lawyer
	-	Signature	of 1st Surety
		Olgriature	or rai durely
	-	Signature	of 2nd Surety

Court File	No.		
------------	-----	--	--

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR GENERAL DIVISION

IN T	HE ESTATE OF	DECEASED				
	AFFIDAVIT OF JUSITIFICATION					
I,	of					
_	Surety's Name City/Town	and Province				
swear	/affirm and say as follows:					
1.	I am the proposed surety on behalf of the principal in this bond of deceased, named in this bond, for the faithful administration of the deceased.					
2.	I am a resident of Newfoundland and Labrador and I have prope the amount of \$ over and above all encumbra above what will pay my debts and every sum for which I am now liable as surety or endorser or otherwise.	ances and over and				
3.	I am 19 years of age or older.					
	DRN to or AFFIRMED at, 20	, this day of				
Signa	ature of Person Authorized to Administer Oaths Signat	ure of Surety				

Rules of the Supreme Court, 1986

(March 2020)

Page 3 of 4

Court	Eila	No		
Court	riie	INO.		

IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR GENERAL DIVISION

IN TI	HE ESTATE OF	DECEASED
	AFFIDAVIT OF JUSITIFICATION	
l,	of	
	Surety's Name City/Tow	n and Province
swear	/affirm and say as follows:	
1.	I am the proposed surety on behalf of the principal in this bond deceased, named in this bond, for the faithful administration of deceased.	
1.	I am a resident of Newfoundland and Labrador and I have properties amount of \$ over and above all encume above what will pay my debts and every sum for which I am no liable as surety or endorser or otherwise.	brances and over and
2.	I am 19 years of age or older.	
SWC	DRN to or AFFIRMED at	, this day of
	, 20	
Signa	ature of Person Authorized to Administer Oaths Sign	ature of Surety

Rules of the Supreme Court, 1986

(March 2020)

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